

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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VICTOR BODDIE, )

Plaintiff, )

v. )

THE CHEMOURS COMPANY, a/k/a THE )  
CHEMOURS COMPANY FC, LLC, )

Defendant. )

Case No. 2:19-cv-02423-JPM-atc

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**VERDICT FORM**

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We, the jury, unanimously answer the questions submitted by the Court as follows:

ADEA Discrimination

1. Has the Plaintiff proven by a preponderance of the evidence that Chemours terminated him because of his age?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has the burden of proof.)

**If you answered “Yes,” proceed to Question 2. Otherwise, proceed to Question 3.**

2. A. If the Plaintiff was terminated because of his age, state the amount, if any, of back pay he would have received from Defendant if the age discrimination had not occurred:

\$ \_\_\_\_\_ (Plaintiff has the burden of proof.)

- B. If the Plaintiff was terminated because of his age, state the amount, if any, of additional future pay he would have received from Defendant from the present until the date he would have otherwise stopped working for Chemours:

\$ \_\_\_\_\_ (Plaintiff has the burden of proof.)

Pretext

3. Did Chemours offer evidence of a legitimate, non-discriminatory reason for the adverse employment action taken against Plaintiff?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Defendant need only state a legitimate, non-discriminatory reason for you to answer “yes” to this question.)

**If you answered “Yes,” proceed to Question 4, otherwise proceed to Question 5.**

4. Did Plaintiff prove by a preponderance of the evidence that the reasons advanced by Defendant were a pretext?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has the burden of proof.)

Title VII and Section 1981: Racial Discrimination

5. Has the Plaintiff proven by a preponderance of the evidence that Chemours terminated him because of his race?

- a. Under Title VII?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has the burden of proof.)

- b. Under Section 1981?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has the burden of proof.)

**If you have answered “No” to Questions 1, 5(a), AND 5(b), sign the verdict form and return it to the Court. If you answered “Yes” to 5(a) and/or 5(b), proceed to Question 6. Otherwise, proceed to Question 7.**

6. A. If the Plaintiff was terminated because of his race, state the amount, if any, of back pay he would have received from Defendant if the racial discrimination had not occurred:

\$ \_\_\_\_\_ (Plaintiff has the burden of proof.)

B. If the Plaintiff was terminated because of his race, state the amount, if any, of additional future pay he would have received from Defendant from the present until the date he would have otherwise stopped working for Chemours:

\$ \_\_\_\_\_ (Plaintiff has the burden of proof.)

Mitigation of Damages

7. Has Defendant proven by a preponderance of the evidence that Plaintiff failed to mitigate his damages?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Defendant has the burden of proof.)

**If you answered “Yes,” proceed to Question 8. Otherwise, proceed to Question 9.**

8. A. If you found that the Plaintiff failed to mitigate his damages, state the date from which he failed to mitigate his damages?

Day: \_\_\_\_\_ Month: \_\_\_\_\_ Year: \_\_\_\_\_ (Defendant has burden of proof.)

B. If you found that the Plaintiff failed to mitigate his damages, state the amount he could have earned per year at a new job:

\$ \_\_\_\_\_ per year. (Defendant has burden of proof.)

After-Acquired Evidence

9. Did Defendant prove by a preponderance of the evidence that it would have terminated Plaintiff anyway because of the after-acquired evidence?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Defendant has the burden of proof.)

Compensatory Damages

10. Has Plaintiff proven by a preponderance of the evidence that he is owed compensatory damages for emotional pain and suffering as a result of his termination?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has burden of proof.)

**If you answered “Yes,” proceed to Question 11. Otherwise, proceed to Question 12.**

11. If you found that Plaintiff has suffered emotional pain and suffering as a result of his termination, what amount, if any, do you award in compensatory damages?

\$ \_\_\_\_\_ (Plaintiff has burden of proof.)

Nominal Damages

12. If you found that Plaintiff’s federally protected rights were violated, but he suffered no actual damages as a result, what amount, not greater than \$1, do you award in nominal damages?

\$ \_\_\_\_\_ (Plaintiff has burden of proof.)

Willful Violation

13. If you answered “Yes” to Question 1, that is, that Defendant discriminated against Mr. Boddie based on his age: Has Mr. Boddie proven by a preponderance of the evidence that Chemours’s age discrimination was “willful,” meaning it was done voluntarily, deliberately, and intentionally, and not by accident, inadvertence, or ordinary negligence.

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has burden of proof.)

14. If you answered “Yes” to 5(a) and/or 5(b), that is, you found that Defendant discriminated against Plaintiff based on his race: Did the Plaintiff prove by a preponderance of the evidence that the authorized management personnel that acted discriminatorily acted with malice or reckless indifference toward the Plaintiff’s federally protected rights?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Plaintiff has burden of proof)

**If you answered “Yes” to Question 14, proceed to Question 15. Otherwise, sign the jury verdict form and return it to the Court.**

15. Did Defendant show it engaged in good-faith efforts to comply with Title VII or 42 U.S.C. § 1981?

**Answer:** Yes \_\_\_\_\_ or No \_\_\_\_\_ (Defendant has burden of proof.)

**Please sign the jury verdict form and return it to the Court.**

**SO SAY WE ALL.**

\_\_\_\_\_  
JURY FOREPERSON

Dated: \_\_\_\_\_