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**SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO**

MEGAN DONOVAN and JOSEPH
RAMELLI,

Plaintiffs,

v.

POWAY UNIFIED SCHOOL DISTRICT,
by and through its Board of Education;
DONALD A. PHILLIPS, Superintendent;
SCOTT FISHER, Principal; ED GILES,
Assistant Principal;

Defendants.

CASE NO.: GIC 823157

SPECIAL VERDICT FORM

We, the Jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Education Code § 220 - Megan Donovan:

1. Was Plaintiff Megan Donovan subjected to harassment on the basis of her sexual orientation by other students or Poway Unified School District employees that was severe or pervasive and about which defendant Poway Unified School District knew or should have known ? (Answer "Yes" or "No")

Answer: __YES__

If "yes," please proceed to next question. If "no," proceed to question 3.

1 2. Did Defendant Poway Unified School District fail to take immediate and
2 appropriate corrective action? (Answer "Yes" or "No")

3 **Answer:** ___ YES _____

4 Please proceed to next question.

5 3. Was Megan Donovan’s sexual orientation a motivating factor in Defendant
6 Poway Unified School District’s decision not to include her on the Poway High School girls’
7 softball team in 2003? (Answer "Yes" or "No")

8 **Answer:** ___ NO _____

9 If you answered “Yes” to either Question No. 2 or Question No. 3, please
10 proceed to the next question. Otherwise, proceed to Question No. 5.

11 4. Did Defendant Poway Unified School District’s conduct cause harm to Plaintiff
12 Megan Donovan? (Answer "Yes" or "No")

13 **Answer:** ___ YES _____

14 Please proceed to the next question.

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16 **Education Code § 220 - Joseph Ramelli:**

17 5. Was Plaintiff Joseph Ramelli subjected to harassment on the basis of his sexual
18 orientation by other students that was severe or pervasive and about which defendant Poway
19 Unified School District knew or should have known? (Answer "Yes" or "No")

20 **Answer:** ___ YES _____

21 If “yes,” please proceed to next question. If “no,” proceed to Question No. 8.

22 6. Did Defendant Poway Unified School District fail to take immediate and
23 appropriate corrective action ? (Answer "Yes" or "No")

24 **Answer:** ___ YES _____

25 If “yes,” please proceed to next question. If “no,” proceed to Question No. 8.

26 7. Did Defendant Poway Unified School District’s conduct cause harm to Plaintiff
27 Joseph Ramelli ? (Answer "Yes" or "No")

28 **Answer:** ___ YES _____

 Please proceed to the next question.

1 **42 U.S.C. § 1983/Constitutional Claims/ Equal Protection: Megan Donovan**

2 8. Was Megan Donovan subjected to harassment by other students because of her
3 sexual orientation? (Answer "Yes" or "No")

4 **Answer:** YES

5 If "yes," please proceed to next question. If "no," proceed to Question No. 12.

6 9. Was this harassment so severe, pervasive, and offensive to a reasonable person
7 of the same sexual orientation that it effectively deprived her of equal access to educational
8 opportunities or benefits at Poway High School? (Answer "Yes" or "No")

9 **Answer:** YES

10 If "yes," please proceed to next question. If "no," proceed to Question No. 12.

11 10. Did Defendants Scott Fisher, Ed Giles and/or Don Phillips have actual
12 knowledge of the harassment? (Answer "Yes" or "No" as to each Defendant)

13 Fisher YES

14 Giles YES

15 Phillips YES

16 If "yes" as to any Defendant, please proceed to next question. If "no" as to all
17 Defendants, proceed to Question No. 12.

18 11. Of the Defendants you responded "Yes" to in question Number 10, did the
19 Defendant act with deliberate indifference to the known acts of harassment? (Answer "Yes"
20 or "No" as to the applicable Defendant)

21 Fisher YES

22 Giles NO

23 Phillips NO

24 Please proceed to the next question

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1 12. Did Defendants Scott Fisher, Ed Giles and/or Don Phillips discriminate against
2 Megan Donovan because of her sexual orientation? (Answer "Yes" or "No" as to each
3 Defendant)

4 Fisher __NO____

5 Giles __NO____

6 Phillips __NO____

7 If you answered "yes" as to any of the Defendants for Questions Nos. 11 or 12,
8 please proceed to the next question. If not, proceed to Question No. 14.

9 13. Of the Defendants you answered "Yes" to in either Question No. 11 or Question
10 No. 12, did the Defendant cause harm to Plaintiff Megan Donovan? (Answer "Yes" or "No")

11 Donald Phillips: __N/A____

12 Scott Fisher: __YES____

13 Ed Giles: __N/A____

14 Please proceed to next question.

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16 **42 U.S.C. § 1983/Constitutional Claims/ Equal Protection: Joseph Ramelli**

17 14. Was Joseph Ramelli subjected to harassment by other students because of his
18 sexual orientation? (Answer "Yes" or "No")

19 **Answer: __YES____**

20 If "yes," please proceed to next question. If "no," proceed to Question No. 18.

21 15. Was this harassment so severe, pervasive, and offensive to a reasonable person
22 of the same sexual orientation that it effectively deprived him of equal access to educational
23 opportunities or benefits at Poway High School? (Answer "Yes" or "No")

24 **Answer: __YES____**

25 If "yes," please proceed to next question. If "no," proceed to Question No. 18.

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1 16. Did Defendants Scott Fisher, Ed Giles and/or Don Phillips have actual
2 knowledge of the harassment? (Answer "Yes" or "No" as to each Defendant)

3 Fisher ___ YES _____

4 Giles ___ YES _____

5 Phillips ___ YES _____

6 If "yes" as to any Defendant, please proceed to next question. If "no" as to all
7 Defendants, proceed to Question No. 18.

8 17. Of the Defendants you responded "Yes" to in question Number 16, did the
9 Defendant act with deliberate indifference to the known acts of harassment? (Answer "Yes"
10 or "No" as to the applicable Defendant)

11 Fisher ___ YES _____

12 Giles ___ YES _____

13 Phillips ___ NO _____

14 Please proceed to the next question.

15 18. Did Defendants Scott Fisher, Ed Giles and/or Don Phillips discriminate against
16 Joseph Ramelli because of his sexual orientation? (Answer "Yes" or "No" as to each
17 Defendant)

18 Fisher ___ NO _____

19 Giles ___ NO _____

20 Phillips ___ NO _____

21 If you answered "Yes" as to any of the Defendants for Questions Nos. 17 or 18,
22 please proceed to the next question. If not, please proceed to the instruction immediately
23 before Number 20.

24 19. Of the Defendants you responded "Yes" to in either Question No. 17 or Question
25 No. 18, did the Defendant cause harm to Plaintiff Joseph Ramelli? (Answer "Yes" or "No")

26 Donald Phillips: ___ N/A _____

27 Scott Fisher: ___ YES _____

28 Ed Giles: ___ YES _____

1 If you answered "yes" to either Question No. 4 or Question No. 13 , then answer
2 Question No. 20. If you answered "no" to both Question No. 4 and Question No. 13, then go
3 Question Number 21 only if you answered "yes" to either Question No. 7 or Question No. 19.
4 Otherwise, stop here, answer no further questions, and have the presiding juror sign and date
5 this form.

6 **Damages**

7 20 . What are Plaintiff Megan Donovan's damages?

8 **Answer:** \$ 125,000 _____

9 Proceed to the next question.

10 If you answered "yes" to either Question No. 7 or any Defendant in Question No. 19,
11 then answer Question No. 21. If not, then stop here, answer no further questions, and have the
12 presiding juror sign and date this form.

13 21 . What are Plaintiff Joseph Ramelli's damages?

14 **Answer:** \$ 175,000 _____

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16 **Please date, sign and return this Verdict.**

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18 DATED: _____

SIGNED: _____
PRESIDING JUROR

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