

United States District Court  
for the  
Southern District of Florida

Equal Employment Opportunity	)	
Commission, Plaintiff,	)	
	)	
&	)	
	)	
Louise Davidson-Schmich,	)	Civil Action No. 19-23131-Civ-
Plaintiff Intervenor,	)	Scola
	)	
v.	)	
	)	
University of Miami, Defendant.	)	

**Verdict Form**

**COUNT I: EQUAL PAY ACT CLAIM**

**Do you find from a preponderance of the evidence:**

1. That Dr. Davidson-Schmich and Dr. Koger have been employed by the University of Miami in jobs requiring substantially equal skill, effort and responsibility?

Answer Yes or No: YES

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7.  
IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

2. That the two jobs are performed under similar working conditions?

Answer Yes or No: YES

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7.  
IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

3. That Dr. Davidson-Schmich was paid a lower wage than Dr. Koger for doing equal work?

Answer Yes or No: NO

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7. IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

4. That as to the affirmative defense upon which the University of Miami relies, sex played no part in the differential in pay between the Dr. Davidson-Schmich and Dr. Koger but was the result of one or more of the following factors: market forces, experience, reputation, impact in their respective fields and/or job performance?

Answer Yes or No: \_\_\_\_\_

[IF YOUR ANSWER IS "YES," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7. IF YOUR ANSWER IS "NO," GO TO THE NEXT QUESTION.]

5. That the University of Miami either knew or showed reckless disregard for whether its conduct was prohibited by the Equal Pay Act?

Answer Yes or No: \_\_\_\_\_

[GO TO THE NEXT QUESTION.]

6. That Dr. Davidson-Schmich should be awarded damages for lost compensation?

Answer Yes or No: \_\_\_\_\_

If your answer is "Yes," in what amount? \$\_\_\_\_\_

**[GO TO THE NEXT QUESTION ON THE NEXT PAGE.]**

**COUNT II: TITLE VII CLAIM**

**Do you find from a preponderance of the evidence:**

7. That Dr. Davidson-Schmich's sex was a motivating factor that prompted the University of Miami to pay her less money than Dr. Koger?

Answer Yes or No: NO

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS, AND YOUR FOREPERSON SHOULD SIGN AND DATE THE LAST PAGE OF THIS VERDICT FORM. IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

8. That Dr. Davidson-Schmich should be awarded backpay to compensate for a net loss of wages and benefits to the date of your verdict?

Answer Yes or No: \_\_\_\_\_

If your answer is "Yes," in what amount? \$\_\_\_\_\_

9. That Dr. Davidson-Schmich should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No: \_\_\_\_\_

If your answer is "Yes," in what amount? \$\_\_\_\_\_

10. That the University of Miami acted with either malice or reckless indifference to Dr. Davidson-Schmich's federally protected rights under Title VII?

Answer Yes or No: \_\_\_\_\_

SO SAY WE ALL

Dated: March 11, 2022.

[Signature]  
Foreperson Signature

#2  
Foreperson Juror Number

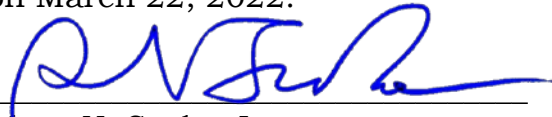
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University of Miami, Defendant. )

**Judgment**

A jury rendered a verdict in favor of Defendant University of Miami in this action on March 11, 2022. (ECF No. 190.) Accordingly, the Court now enters judgment in favor of the Defendant and against the Plaintiffs, as required by Federal Rule of Civil Procedure 58. The Court directs the Clerk to **close** this case. All pending motions are **denied as moot**.

**Done and ordered** in Miami, Florida, on March 22, 2022.

  
\_\_\_\_\_  
Robert N. Scola, Jr.  
United States District Judge

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	)	
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Intervenor-Plaintiff,	)	
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	)	
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**Order Taxing Costs**

This cause came before the Court upon the Motion to Tax Costs filed by Defendant, University of Miami (the “University”). (ECF No. 204). By its Motion, the University seeks taxable costs against Plaintiff, Equal Employment Opportunity Commission (the “EEOC”), in the amount of \$25,647.71 and post-judgment interest on that amount pursuant to 28 U.S.C. § 1961, calculated from March 23, 2022 – the date of the final judgment was entered in favor of the University. (ECF No. 203). The EEOC does not oppose the University’s request. Accordingly, it is hereby **ordered and adjudged** as follows:

1. The University’s motion (**ECF No. 204**) is **granted**;
2. On the final judgment that was previously entered in favor of Defendant, University of Miami (ECF No. 203) (whose address is 1320 S. Dixie Highway, Suite 1230, Coral Gables, Florida 33146), and against Plaintiff, Equal Employment Opportunity Commission (whose address is 131 M Street, NE, Washington, DC 20507), the Court now orders that costs be taxed in the amount of \$25,647.71 in favor of the University of Miami and against the Equal Employment Opportunity Commission, for which let execution issue forthwith. That amount shall bear interest at the applicable post-judgment interest rate of 1.30% per annum until fully-satisfied.
3. The Court retains jurisdiction to enforce this order.

**Done and ordered** in Miami, Florida, on April 20, 2022.

Robert N. Scola, Jr.  
United States District Judge