

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 19 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: J. SALAZAR, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE COUNTY

MICHELLE MCKINNEY an individual,

Plaintiff.

v.

PIECEMAKERS, a general partnership;
DOUGLAS FOLLETTE, an individual;
BRENDA STANFIELD an individual,

Defendants.

) Case No. 30-2018-00983085-CU-OE-CJC

)
) Assigned for All Purposes to Honorable Judge John
) Gastelum

) **REVISED**
) **SPECIAL VERDICT FORM**

) Complaint Filed: April 2, 2018
) Trial Date: August 3, 2022

1 We answer the questions submitted to us as follows:

2 1. Did Michelle McKinney perform work for Piecemakers?

3 Answer: Yes No

4 If your answer to question 1 is yes, then answer question 2. If you answered no,
5 stop here, proceed to question 6.

6
7 2. Was Michelle McKinney paid less than the minimum wage by Piecemakers for
8 some or all hours worked?

9 Answer: Yes No

10 If your answer to question 2 is yes, then answer question 3. If you answered no,
11 proceed to question 6.

12
13 3. Did any of the hours for which Michelle McKinney received less than the
14 minimum wage occur after April 2, 2015?

15 Answer: Yes No

16 If your answer to question 3 is yes, then answer question 4. If you answered no,
17 proceed to question 6.

18
19 4. How many total number of hours did Michelle McKinney work for Piecemakers,
20 but was paid less than the minimum wage?

21 Total hours paid less than minimum wage after April 2, 2015 1500

22 Total hours paid less than minimum wage in 2016 2000

23 Total hours paid less than minimum wage in 2017 480

1 4a. Did Michelle McKinney prove that she did not discover and did not know of facts
2 until after April 2, 2015 that would have caused a reasonable person to suspect, that she
3 had suffered harm from a nonpayment of minimum wage that was caused by someone's
4 wrongful conduct?

5 Answer: Yes No

6 If your answer to question 4a is yes, then answer question 4b. If you answered no,
7 proceed to question 5.

8
9 4b. How many total number of hours did Michelle McKinney work for Piecemakers,
10 but was paid less than the minimum wage?

11		
12	Total hours paid less than minimum wage in 1997	<u>640</u>
13	Total hours paid less than minimum wage in 1998	<u>2080</u>
14	Total hours paid less than minimum wage in 1999	<u>2080</u>
15	Total hours paid less than minimum wage in 2000	<u>2080</u>
16	Total hours paid less than minimum wage in 2001	<u>2080</u>
17	Total hours paid less than minimum wage in 2002	<u>2080</u>
18	Total hours paid less than minimum wage in 2003	<u>2080</u>
19	Total hours paid less than minimum wage in 2004	<u>2080</u>
20	Total hours paid less than minimum wage in 2005	<u>2080</u>
21	Total hours paid less than minimum wage in 2006	<u>2080</u>
22	Total hours paid less than minimum wage in 2007	<u>2080</u>
23	Total hours paid less than minimum wage in 2008	<u>2080</u>
24	Total hours paid less than minimum wage in 2009	<u>2080</u>
25	Total hours paid less than minimum wage in 2010	<u>2080</u>
26	Total hours paid less than minimum wage in 2011	<u>2080</u>
27	Total hours paid less than minimum wage in 2012	<u>2080</u>
28	Total hours paid less than minimum wage in 2013	<u>2080</u>

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Total hours paid less than minimum wage in 2014 2080

Total hours paid less than minimum wage in 2015 (before Apr. 2) 520

5. What is the total amount of minimum wage owed to Michelle McKinney?
\$ 299,064.00

6. Was Douglas Follette a partner of Piecemakers?
Answer: Yes No

7. Was Brenda Stanfield a partner of Piecemakers?
Answer: Yes No

Proceed to question 8.

1 If your answer to question 1 was yes, then answer question 8. If you answered no to
2 question 1, stop here, proceed to question 13.

3
4 8. Did Michelle McKinney work overtime?

5 Answer: Yes No _____

6 If your answer to question 8 is yes, then answer question 9. If you answered no,
7 stop here, proceed to question 13.

8
9 9. Did any of the overtime hours that Michelle McKinney worked occur after April 2,
10 2015?

11 Answer: Yes No _____

12 If your answer to question 9 is yes, then answer question 10. If you answered no,
13 stop here, proceed to question 13.

14
15 10. Did Piecemakers know, or should Piecemakers have known, that Michelle
16 McKinney had worked overtime?

17 Answer: Yes No _____

18 If your answer to question 10 is yes, then answer question 11. If you answered no,
19 stop here, proceed to question 13.

20
21 11. Was Michelle McKinney paid at a rate lower than the legal overtime compensation
22 rate for any overtime hours that she worked for Piecemakers in the following years?

23 2015(after April 2) Answer: Yes No _____

24 2016 Answer: Yes No _____

25 2017 Answer: Yes No _____

26 If your answered yes to any of the years identified in question 11, then answer
27 question 12. If you answered no, proceed to question 13.

1 11a. Did Michelle McKinney prove that she did not discover and did not know of facts
2 until after April 2, 2015 that would have caused a reasonable person to suspect, that she
3 had suffered harm from a nonpayment of overtime that was caused by someone's
4 wrongful conduct?

5 Answer: Yes No

6 If your answer to question 11a is yes, then answer question 11b. If you answered
7 no, proceed to question 12.

8
9 11b. Was Michelle McKinney paid at a rate lower than the legal overtime compensation
10 rate for any overtime hours that she worked for Piecemakers in the following years?

11
12 1997 Answer: Yes No

13 1998 Answer: Yes No

14 1999 Answer: Yes No

15 2000 Answer: Yes No

16 2001 Answer: Yes No

17 2002 Answer: Yes No

18 2003 Answer: Yes No

19 2004 Answer: Yes No

20 2005 Answer: Yes No

21 2006 Answer: Yes No

22 2007 Answer: Yes No

23 2008 Answer: Yes No

24 2009 Answer: Yes No

25 2010 Answer: Yes No

26 2011 Answer: Yes No

27 2012 Answer: Yes No

28 2013 Answer: Yes No

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2014 Answer: Yes Y No _____

2015(before April 2) Answer: Yes Y No _____

12. What is the amount of overtime wages owed?

\$ 297,919.40

Proceed to question 13.

1 If your answer to question 1 was yes, then answer question 13. If you answered no to
2 question 1, stop here, proceed to question 17.

3
4 13. Did Michelle McKinney's work with Piecemakers end?

5 Answer: Yes Y No _____

6 If your answer to question 13 is yes, then answer question 14. If you answered no,
7 stop here, proceed to question 17.

8
9 14. Did Piecemakers willfully fail to pay the full amount of wages earned by Michelle
10 McKinney within three days of her last day of employment?

11 Answer: Yes Y No _____

12 If your answer to question 14 is yes, then answer question 15. If you answered no,
13 stop here, proceed to question 17.

14
15 15. Did Piecemakers willfully fail to pay the full amount of Michelle McKinney's
16 wages for more than 33 calendar days after her last day of employment?

17 Answer: Yes Y No _____

18 If your answer to question 15 is yes, then answer question 16. If you answered no,
19 stop here, proceed to question 17.

20
21 16. What was Michelle McKinney's daily wage rate at the time that her employment
22 ended?

23 \$ 84 per day

24 Proceed to question 17.

1 If your answer to question 1 was yes, then answer question 17. If you answered no to
2 question 1, stop here, proceed to question 21.

3
4 17. Did Piecemakers fail to provide Michelle McKinney with one or more 30-minute
5 meal periods for each day she worked when required by law?

6 Answer: Yes X No _____

7 If your answer to question 17 is yes, then answer question 18. If you answered no,
8 stop here, proceed to question 21.

9
10 18. Did any of the meal periods that Michelle McKinney was not provided occur after
11 April 2, 2015?

12 Answer: Yes X No _____

13 If your answer to question 18 is yes, then answer question 19. If you answered no,
14 stop here, proceed to question 21.

15
16 19. On how many days did Piecemakers fail to provide Michelle McKinney with at
17 least one legally required meal period?

18 10064 days

19 Proceed to question 20.

20 20. What is the amount of wages owed?

21 \$ 44,859.00

22 Proceed to question 21.

1 If your answer to question 1 was yes, then answer question 21. If you answered no to
2 question 1, stop here, proceed to question 25.

3
4 21. Did Piecemakers fail to authorize or permit Michelle McKinney to take 10-minute
5 rest breaks for each day she worked when required by law?

6 Answer: Yes ✓ No _____

7 If your answer to question 21 is yes, then answer question 22. If you answered no,
8 stop here, proceed to question 25.

9
10 22. Did any of the rest breaks that Michelle McKinney was not authorized or permitted
11 to take occur after April 2, 2015?

12 Answer: Yes ✓ No _____

13 If your answer to question 22 is yes, then answer question 23. If you answered no,
14 stop here, proceed to question 25.

15
16 23. On how many days did Piecemakers fail to authorize or permit Michelle
17 McKinney to take all 10-minute rest breaks as required by law?

18
19 6084 days

20 Proceed to question 24.

21 24. What is the amount of wages owed?

22 \$ 44,859.60

23 Proceed to question 25.
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1 25. Did Michelle McKinney perform work for Piecemakers?

2 Answer: Yes No

3 If your answer to question 25 is yes, then answer question 26. If you answered no,
4 stop here, proceed to question 29.

5
6 26. Did Piecemakers fail to provide paystubs with the required information?

7 Answer: Yes No

8 If your answer to question 26 is yes, then answer question 27. If you answered no,
9 stop here, proceed to question 29.

10
11 27. Was the failure by Piecemakers knowing and intentional?

12 Answer: Yes No

13 If your answer to question 27 is yes, then answer question 28. If you answered no,
14 stop here, proceed to question 29.

15
16 28. What are Michelle McKinney's damages?

17 \$ 4,000.00

18 Proceed to question 29.

1 29. Was Michelle McKinney a dependent adult at the time of the conduct?

2 Answer: Yes No _____

3 If your answer to question 29 is yes, then answer question 30. If you answered no,
4 stop here, proceed to question 34.

5
6 30. Did Piecemakers, Douglas Follette, and/or Brenda Stanfield take, appropriate, or
7 retain Michelle McKinney's property with the intent to defraud or by undue influence?

8 Answer: Yes No _____

9 If your answer to question 30 is yes, then answer question 31. If you answered no,
10 stop here, proceed to question 34.

11
12 31. Did any of the conduct constituting taking, appropriating, or retaining Michelle
13 McKinney's property occur after April 2, 2015?

14 Answer: Yes No _____

15 If your answer to question 31 is yes, then answer question 32. If you answered no,
16 stop here, proceed to question 34.

17
18 32. Was Piecemakers, Douglas Follette, and/or Brenda Stanfield's conduct a substantial
19 factor in causing harm to Michelle McKinney?

20 Answer: Yes No _____

21 If your answer to question 32 is yes, then answer question 33. If you answered no,
22 stop here, proceed to question 34.

1
2 33. What are Michelle McKinney's damages?

3 a. Past economic loss \$ 594,983.40

4 b. Past noneconomic loss, including physical pain/mental suffering:
5 \$ 1,244,000.00

6 c. Future noneconomic loss, including physical pain/mental suffering:
7 \$ 500,000.00

8 TOTAL \$ 2,340,983.40

9 d. What percentage of responsibility do you assign to each Defendant:

10 Piecemakers 70 %

11 Brenda Stanfield 2 %

12 Douglas Follette 28 %

13 Proceed to question 34.
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1 34. Was Piecemakers, Douglas Follette, and/or Brenda Stanfield's conduct outrageous?

2 Answer: Yes No _____

3 If your answer to question 34 is yes, then answer question 35. If you answered no,
4 stop here, proceed to question 40.

5
6 35. Did any of the outrageous conduct occur after April 2, 2015?

7 Answer: Yes No _____

8 If your answer to question 35 is yes, then answer question 36. If you answered no,
9 stop here, proceed to question 40.

10
11 36. Did Piecemakers, Douglas Follette, and/or Brenda Stanfield intend to cause Michelle
12 McKinney emotional distress?

13 Answer: Yes No _____

14 If your answer to question 36 is yes, then answer question 37. If you answered no,
15 stop here, proceed to question 40.

16
17 37. Did Michelle McKinney suffer severe emotional distress?

18 Answer: Yes No _____

19 If your answer to question 37 is yes, then answer question 38. If you answered no,
20 stop here, proceed to question 40.

21
22 38. Was Piecemakers, Douglas Follette, and/or Brenda Stanfield's conduct a substantial
23 factor in causing Michelle McKinney's severe emotional distress?

24 Answer: Yes No _____

25 If your answer to question 38 is yes, then answer question 39. If you answered no,
26 stop here, proceed to question 40.

1 39. What are Michelle McKinney's damages?

2 a. Past noneconomic loss, including physical pain/mental suffering:

3 \$ 1,244,000.00

4 b. Future noneconomic loss, including physical pain/mental suffering:

5 \$ 500,000.00

6 TOTAL \$ 1,744,000.00

7 c. What percentage of responsibility do you assign to each Defendant:

8 Piecemakers 70 %

9 Brenda Stanfield 2 %

10 Douglas Follette 28 %

11 Proceed to question 40.

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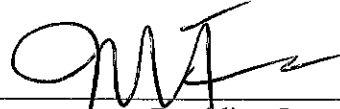
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1 40. Did Piecemakers, Douglas Follette, and/or Brenda Stanfield engage in the conduct
2 with malice, oppression, or fraud?

3 Answer: Yes X No _____

4 Please sign and date the form.

5
6 Dated: 8/19/22

7
8 
9 _____
10 Presiding Juror