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F I L E D

Clerk of the Superior Court

DEC 09 2016

By: P. ASHWORTH, Deputy

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

BRANDON FELCZER, individually,
RYAN GOLDMAN, individually,
RAMSEY HAWKINS, individually, and
JOSEPH LANE CARCO, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation,

Defendant.

Case No. 37-2011-00102593 CU-OE-CTL

Assigned For All Purposes To:
Hon. Eddie C. Sturgeon

SPECIAL VERDICT FORM

Trial Date: October 14, 2016

1 **SPECIAL VERDICT FORM**

2 We, the jury in the case filed by Brandon Felczer, Ryan Goldman, and Ramsey Hawkins, on
3 behalf of the subclasses of employees described below and against Apple Inc., find the following
4 Special Verdict on the questions submitted to us:

5
6 **I. MISSED MEAL PERIOD CLAIM**

7 **QUESTION 1:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
8 Apple had uniform company-wide meal period policies that failed to authorize and permit the
9 subclass of all California non-exempt, non-managerial Retail employees to take a first meal period
10 when they worked more than five hours?

11 Yes No

12
13 If you answered "Yes" to Question 1, proceed to Question 2. If you answered "No" to Question 1,
14 please proceed to Question 3.

15
16 **QUESTION 2:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012,
17 Apple consistently applied its meal period policies in a manner that resulted in the subclass of all
18 California non-exempt, non-managerial Retail employees missing a first meal period when they
19 worked more than five hours?

20 Yes No

21
22 Proceed to Question 3.

23
24 **QUESTION 3:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
25 Apple had uniform company-wide meal period policies that failed to authorize and permit the
26 subclass of all California non-exempt, non-managerial employees to take a second meal period when
27 they worked more than ten hours?

28 Yes No

1 If you answered "Yes" to Question 3, please proceed to Question 4.

2 If you answered "No" to Question 3, AND answered "Yes" to Question 2, please proceed to
3 Question 5.

4 If you answered "No" to Question 3 AND answered "No" to either Question 1 or Question 2, please
5 proceed to Question 6.

6
7 **QUESTION 4:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012,
8 Apple consistently applied its meal period policies in a manner that resulted in the subclass of all
9 California non-exempt, non-managerial Retail employees who worked more than 10 hours to miss a
10 second meal period?

11 Yes No

12
13 If you answered "Yes" to Question 4 and/or Question 2, please proceed to Question 5.

14 If you answered "No" to Question 4, AND answered "No" to either Question 1 or Question 2, please
15 proceed to Question 6.

16
17 **QUESTION 5:** What amount of first and second meal period premiums, if any, do you find
18 Apple should pay to the subclass of all California non-exempt, non-managerial Retail employees?
19 (You may not award a second meal period premium for any workday where you already awarded a
20 first meal period premium.) \$ _____

21
22 Proceed to Question 6. _____

1 **II. LATE MEAL PERIOD CLAIM**

2 **QUESTION 6:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
3 Apple had uniform company-wide meal period policies that failed to authorize and permit the
4 subclass of all California non-exempt, non-managerial Retail employees the opportunity to take a
5 first meal period by the start of the sixth hour of work?

6 Yes No

7
8 If you answered "Yes" to Question 6, then proceed to Question 7. If you answered "No" to
9 Question 6, proceed to Question 8.

10
11 **QUESTION 7:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
12 Apple consistently applied its meal period policies in a manner that resulted in the subclass of all
13 non-exempt, non-managerial Retail employees who worked more than five hours to miss the
14 opportunity to take a first meal period by the start of the sixth hour of work?

15 Yes No

16
17 Proceed to Question 8.

18
19 **QUESTION 8:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
20 Apple Retail stores consistently applied a uniform scheduling practice that resulted in the subclass of
21 all California non-exempt, non-managerial Retail employees who worked more than five hours to
22 miss the opportunity to take their first meal period by the start of the sixth hour of work?

23 Yes No

24
25 Proceed to Question 9.

1 **QUESTION 9:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
2 Apple had uniform company-wide meal period policies that failed to authorize and permit the
3 subclass of all California non-exempt, non-managerial Retail employees who worked more than 10
4 hours the opportunity to take a second meal period beginning by the start of the eleventh hour of
5 work?

6 Yes

 No

7
8 If you answered "Yes" to Question 9, then proceed to Question 10. If you answered "No" to
9 Question 9, proceed to Question 11.

10
11 **QUESTION 10:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
12 Apple consistently applied its meal period policies in a manner that resulted in the subclass of all
13 non-exempt, non-managerial Retail employees who worked more than 10 hours to miss the
14 opportunity to take their second meal period by the start of the eleventh hour of work?

15 Yes

 No

16
17 Proceed to Question 11.

18
19 **QUESTION 11:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
20 Apple Retail stores consistently applied a uniform scheduling practice that resulted in the subclass of
21 all California non-exempt, non-managerial Retail employees who worked more than ten hours to
22 miss the opportunity to take their second meal period by the start of the eleventh hour of work?

23 Yes

 No

24
25 If you answered "Yes" to Question 11, Question 7, Question 8, or Question 10, please proceed to
26 Question 12. If you did NOT answer "Yes" to any of those questions, please proceed to Question
27 13.

1 **QUESTION 12:** What amount of first and second meal period premiums, if any, do you
2 find Apple should pay to the subclass of all California non-exempt, non-managerial Retail
3 employees? (You may not award a second meal period premium for any workday where you already
4 awarded a first meal period premium.) \$ 2,000,000.00
5

6 Proceed to Question 13.
7

8 **III. REST BREAK CLAIM**

9 **QUESTION 13:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
10 Apple had uniform company-wide rest break policies that failed to authorize and permit the subclass
11 of all California non-exempt Retail employees to take the appropriate number of rest breaks?

12 Yes No
13

14 If you answered "Yes" to Question 13, then proceed to Question 14. If you answered "No" to
15 Question 13, proceed to Question 16.
16

17 **QUESTION 14:** Did Plaintiffs prove that from December 16, 2008 through July 31, 2012
18 Apple consistently applied its rest break policies in a manner that resulted in the subclass of all
19 California non-exempt Retail employees to miss the opportunity to take the appropriate number of
20 rest breaks?

21 Yes No
22

23 If you answered "Yes" to Question 14, then proceed to Question 15. If you answered "No" to
24 Question 14, proceed to Question 16.
25
26
27
28

1 **QUESTION 15:** What rest break premiums, if any, do you find Apple should pay to the
2 subclass of all California non-exempt Retail employees? \$_____.

3
4 Please go to Question 16.

5
6 **IV. DIRECT FINAL WAGE PAYMENT CLAIM**

7
8 **QUESTION 16:** Did Plaintiffs prove that because Apple's Payroll Department is located in
9 Austin, Texas and is informally staffed on weekends, Apple willfully failed to timely provide final
10 wages to the subclass of all California non-exempt, non-managerial Retail employees who
11 terminated their employment between December 16, 2008 and December 16, 2011?

12 Yes No

13
14 If you answered "Yes" to Question 16, then proceed to Question 17. If you answered "No" to
15 Question 16, and you did not provide a damage calculation in response to Question 5, Question 12,
16 or Question 15, please have the presiding juror sign and date this Special Verdict Form and return it
17 to the Bailiff, or as directed by the Court.

18
19 **QUESTION 17:** Did Apple willfully fail to pay the full amount of wages earned by each
20 subclass member within the appropriate timeframe?

21
22 Yes No

23
24 If your answer to Question 17 is "Yes", then proceed to question 18. If you answered "No" to
25 Question 17, and you did not provide a damage calculation in response to Question 5, Question 12,
26 or Question 15, please have the presiding juror sign and date this Special Verdict Form and return it
27 to the Bailiff, or as directed by the Court.

1 **QUESTION 18.** For each subclass, do you find either:

2 A. That those subclass members who voluntarily terminated their employment gave
3 at least 72 hours notice; or

4 B. That those subclass members who voluntarily terminated their employment gave
5 no notice.

6 Check the appropriate one: A: _____ B: _____ Both: _____

7 **QUESTION 19:** What waiting time penalties, if any, do you find Apple should pay to the
8 subclass of California non-exempt, non-managerial Retail employees who terminated their
9 employment between December 16, 2008 and December 16, 2011? \$ _____.

10
11 If you provided a damage calculation in response to Question 5, Question 12, or Question 15, please
12 proceed to Question 20.

13
14 **V. DERIVATIVE FINAL WAGE PAYMENT CLAIM**

15
16 **QUESTION 20:** Did Plaintiffs prove that Apple failed to pay meal period and/or rest break
17 premiums to those meal period and/or rest break subclass members who terminated their
18 employment between December 16, 2008 and December 16, 2011?

19 Yes No

20
21 If you answered "Yes" to Question 20, then proceed to Question 21. If you answered "No" to
22 Question 20, then please have the presiding juror sign and date this Special Verdict Form and return
23 it to the Bailiff, or as directed by the Court.

24
25 **QUESTION 21:** Did Apple willfully fail to pay the full amount of meal period and/or rest
26 break premiums to each subclass member upon termination?

27
28 Yes No

1
2 If you answered "Yes" to question 21, then proceed to Question 22. If you answered "No" to
3 Question 21, then proceed to Question 23.

4 **QUESTION 22:** What waiting time penalties, if any, do you find Apple should pay to the
5 subclass of California non-exempt, non-managerial Retail employees who terminated their
6 employment between December 16, 2008 and December 16, 2011? \$ _____.

7
8 Proceed to Question 23.

9
10 **VI. DERIVATIVE WAGE STATEMENT CLAIM**

11
12 **QUESTION 23:** Did Plaintiffs prove that Apple knowingly and intentionally failed to report
13 the amount of meal period and/or rest break premiums on the wage statements of meal period and
14 rest break subclass members who worked between December 16, 2010 and July 31, 2012?

15 Yes No

16
17 If you answered "Yes" to Question 23, then proceed to Question 24. If you answered "No" to
18 Question 23, then please have the presiding juror sign and date this Special Verdict Form and return
19 it to the Bailiff, or as directed by the Court.

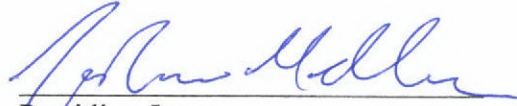
20
21 **QUESTION 24:** For the Class, identify the number of pay periods the meal period or rest
22 break premiums were due and Apple knowingly and intentionally failed to include the meal period
23 or rest break premiums on the Class' wage statements.

24 _____
25 Proceed to Question 25.

1 **QUESTION 25:** What wage statement penalties, if any, do you find Apple should pay to the
2 subclass of California non-exempt, non-managerial Retail employees from December 16, 2010
3 through July 31, 2012? \$ _____.

4
5 Please have the presiding juror sign and date this Special Verdict Form and return it to the
6 Bailiff, or as directed by the Court.

7
8 Dated: 12/9/16


9 Presiding Juror