

JKB
5/18/16

JURY VERDICT SHEET

1. Do you find that Plaintiff Markim Shakur-Purvis, has proven by a preponderance of the credible evidence, that it is more likely than not that Defendant, Rutgers University, engaged in intentional discrimination against him by terminating Plaintiff's employment because of his Muslim religion?

Yes _____ No ☒ Vote: 5-1

If your answer to question 1 is "No", stop your deliberations and return your verdict for the

~~defendant~~. If your answer to question 1 is "Yes," ~~go to~~ question 2.

proceed

2. What amount of economic loss damages do you award to Plaintiff, after having deducted any amount of money that you have determined Plaintiff earned, or should have earned, from other employment?

\$ _____ Vote: _____

Please proceed to Question 3.

3. What amount of damages do you award to Plaintiff as compensation for emotional distress arising from the unlawful discrimination you have found that Defendant engaged in?

\$ _____ Vote: _____

CEASE DELIBERATIONS AND RETURN YOUR VERDICT

Dated

Jury Foreperson

OCB
5/18/26
1:30PM

FINAL CHARGE

1.12 A. PURPOSE OF CHARGE ✓

I am now going to tell you about the principles of law governing this case. You are required to accept my instruction as the law. (You should consider these instructions as a whole, and do not pick out any particular instruction and place undue emphasis upon it). (Any ideas you have of what the law is or what the law should be or any statements by the attorneys as to what the law may be, must be disregarded by you, if they are in conflict with my charge.)

1.12 B. ROLE OF THE JUDGE ✓

I sit here as the judge of the law. As part of this responsibility, I have made various rulings and statements throughout this trial. Do not view these rulings and statements as clues about how I think this case should be decided. They are not. They are based solely on my understanding of the law and rules of evidence and they do not reflect any opinions of mine about the merits of this case. Even if they did, you should disregard them, because it is your role to decide this case, not mine.

1.12 C. ROLE OF THE ATTORNEYS ✓

The lawyers are here as advocates for their clients. In their opening statements and in their summations, they have given you their views of the evidence and their arguments in favor of their clients' position. While you may consider their comments, nothing that the attorneys say is evidence and their comments are not binding upon you.

1.12 D. ROLE OF THE JURY ✓

You sit here as judges of the facts. You alone have the responsibility of deciding the factual issues in this case. It is your recollection and evaluation of the evidence that controls. If the attorneys or I say anything about the facts in this case that disagrees with your recollection of the evidence, it is your recollection that you should rely on. Your decision in this case must be based solely on the evidence presented and my instructions on the law.

1.12.F. **E. GENERAL PROVISIONS AND STANDARD CHARGE**

1. Plaintiff, Markin Shakur-Purvis, Rutgers University, *claims that Defendant,* denied his request for a religious exemption from Rutgers' influenza vaccine mandate in its Immunization Policy, and terminated his employment for non-compliance with the Immunization Policy, because of his Muslim religion, in violation of the New Jersey Law Against Discrimination. Rutgers University denies Plaintiffs claim, and states that its denial of Plaintiffs' request for a religious exemption from the vaccination mandate was based on its determination that Plaintiffs' opposition to getting the flu vaccine was more of a personal choice than a sincerely held religious belief, and that Plaintiff's employment termination was based on his noncompliance with the flu vaccination mandate under Rutgers' Immunization Policy, and was not because of Muslim religion.

1.12.G. 2. The burden [of proof] is on the Plaintiff, Mr. Shakur-Purvis, to establish by a preponderance of the credible evidence that Rutgers unlawfully discriminated against him because him because of his Muslim religion. In other words, the Plaintiff, Mr. Shakur-Purvis, must prove the claim of discrimination based on his Muslim religion that he has made. We will discuss the particularities of the NJLAD requirements in a few moments.

F. THE EVIDENCE ✓

The evidence in this case consists of:

1. The testimony that you heard from the witness;
2. The exhibits that have been marked into evidence;
3. The deposition testimony that was read into the record;

1.12 **G. CREDIBILITY** ✓

In deciding the facts of this case, you will have to decide which witnesses to believe and which witnesses not to believe. You may believe everything a witness says, or only part of it, or none of it.

In deciding what to believe, here are some factors you may want to consider:

1. Does the witness have an interest in the outcome of this case?
2. How good and accurate is the witness' recollection?
3. What was the witness' ability to know what he/she was talking about?
4. Were there any contradictions or changes in the witness' testimony? Did the witness say one thing at one time and something different at ~~some~~ ^{another} other time?
If so, you may consider whether or not the discrepancy involves a matter of importance, or whether it results from an innocent mistake or willful lie. You may consider any explanation that the witness gave explaining the inconsistency.
5. You may consider the demeanor of the witness. By that I mean the way the witness acted, the way the witness talked, or the way the witness reacted to certain questions.

6. Use your common sense when evaluating the testimony of a witness. If a witness told you something that did not make sense, you have a right to reject that testimony. On the other hand, if what the witness said seemed reasonable and logical, you have a right to accept that testimony.
7. Is the witness' testimony reasonable when considered in the light of other evidence that you believe?

1.12 ^M H. FALSE IN ONE – FALSE IN ALL ✓

If you believe that any witness deliberately lied to you, on any fact significant to your decision in this case, you have the right to reject all of that witness's testimony. However, in your discretion, you may believe some of the testimony and not believe other parts of the testimony.

I. DIRECT AND CIRCUMSTANTIAL EVIDENCE ✓

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as the testimony of an eyewitness. Circumstantial evidence (sometimes called inferences) consists of a chain of circumstances pointing to the existence of certain facts. Circumstantial evidence is based upon deductions or logical conclusions that you reach from the direct evidence.

✓ Let me give you an example of direct and circumstantial evidence. If a witness testified that he/she observed snow falling last night, that would be an example of direct evidence. On the other hand, if a witness testified that there was no snow on the ground before going to sleep and that when he/she arose in the morning the ground was snow covered, you could infer from these facts that it snowed during the night. That would be an example of circumstantial evidence. ✓

You may consider both direct and circumstantial evidence in deciding this case. The law permits you to give equal weight to both, but it is for you to decide how much weight to give to any evidence.

J. PREPONDERANCE OF THE EVIDENCE

The term "preponderance of the evidence" means that amount of evidence that causes you to conclude that the allegation is probably true. To prove an allegation by the preponderance of the evidence, a party must convince you that the allegation is more likely true than not true.

If the evidence on a particular issue is equally balanced, that issue has not been proven by a preponderance of the evidence. Therefore, the party having the burden of proving that issue has failed with respect to that particular issue.

K. CREDIBILITY – PRIOR CONVICTION

You have heard evidence that Plaintiff has previously been convicted of crimes. This evidence may only be used in determining the credibility or believability of Plaintiff's testimony.

You as the jury have the right to consider whether a person who has previously failed to comply with society's rules as demonstrated through criminal convictions would be more likely to ignore the oath requiring truthfulness on the witness stand than a person who has never been convicted of a crime. You may consider in determining this issue the nature and degree of the prior convictions and when they occurred.

L. STATUTORY EMPLOYMENT DISCRIMINATION CLAIM

2,21
NJLAD

The Plaintiff, Mr. Shakur-Purvis, claims that the Defendant, Rutgers, unlawfully discriminated against him because of his Muslim religion by denying his request for a religious exemption from the influenza ~~vaccination~~^{vaccine} requirement of Rutgers Immunization Policy, and by terminating his employment for his non-compliance with that vaccination requirement. The Defendant, Rutgers, denies these allegations and instead maintains that it denied Plaintiffs' request for a religious exemption because the information provided by the Plaintiff did not support his stated religious belief, and subsequently terminated his employment for not complying with the vaccination requirement of Rutgers' Immunization Policy. If the Defendant, Rutgers, did, in fact, discriminate against the Plaintiff, Mr. Shakur-Purvis, based on his Muslim religion, that would be unlawful under the New Jersey Law Against Discrimination.

The Plaintiff, Mr. Shakur-Purvis, has the burden to prove that it is more likely than not that the Rutgers engaged in intentional discrimination because of his Muslim religion. That is the ultimate issue that you must decide: Did the Defendant, Rutgers, deny Plaintiffs' request for a religious exemption from the influenza vaccination requirement of Rutgers' Immunization Policy, and subsequently terminate his employment for non-compliance with the Immunization Policy, because of the Plaintiff's Muslim religion? The Plaintiff, Mr. Shakur-Purvis, may do this directly, by proving that a discriminatory reason more likely than not motivated Rutgers' action, or indirectly, by proving that Rutgers' stated reasons for its action are not the real reason for its actions.

You may find that the Defendant, Rutgers, had more than one reason or motivation for its actions. For example, you may find that Rutgers was motivated both by Mr. Shakur-Purvis' Muslim religion and by other, nondiscriminatory factors,

such as the Plaintiff's job performance. To prevail, the Plaintiff, Mr. Shakur-Purvis, is not required to prove that his religion was the only reason or motivation for Rutgers' actions. Rather, Mr. Shakur-Purvis must prove only that his religion played a role in the Defendant Rutgers' decisions and that it made an actual difference in Rutgers' decisions. If you find that the Plaintiff Mr. Shakur-Purvis' Muslim religion did make an actual difference in Rutgers' decisions, then you must enter judgment for the Plaintiff, Mr. Shakur-Purvis. If, however, you find that the defendant, Rutgers, would have made the same decision regardless of Mr. Shakur-Purvis' religion, then you must enter judgment for Rutgers.

Because direct proof of intentional discrimination is often not available, the Plaintiff, Mr. Shakur-Purvis, is allowed to ~~prove~~ ^{demonstrate} discrimination by circumstantial evidence. In that regard, you are to evaluate all of the indirect evidence of discrimination that you find was presented during the trial.

In particular, you should consider whether the explanations given by the Defendant, Rutgers, for its actions were the real reason for its actions. If you do not believe the reasons given by Rutgers were the real reasons Rutgers denied Plaintiffs' request for an exemption from its vaccination requirement and subsequently terminated his employment for non-compliance with its Immunization Policy, you may, but are not required to, find that the Plaintiff, Mr. Shakur-Purvis, has proven his case of discrimination. You are permitted to do so because, if you find that the employer, Rutgers, has not told the truth about why it acted, you may conclude that it is hiding the discrimination. However, while you are permitted to find discrimination based upon your disbelief of the employer's stated reasons, you are not required to do so. This is because you may conclude that the employer's stated

reason is not the real reason, but that the real reason is something other than illegal discrimination.

Let me give you an example of what I am talking about. Assume that a plaintiff employee claims he or she was discharged because of his or her age and the employer claims the employee was discharged because of excessive absenteeism. If you were to conclude that the employer's explanation is false, and that it did not really discharge the employee because of excessive absenteeism, you would be permitted to find that the real reason was because of the employee's age. However, you would not be required to find that the real reason was because of the employee's age, because you might find that the real reason had nothing to do with illegal discrimination. For example, you might find that the real reason was because the employer simply did not like the employee.

The Plaintiff, Mr. Shakur-Purvis, at all times bears the ultimate burden of convincing you that it is more likely than not that the Defendant, Rutgers, engaged in intentional discrimination. To decide whether the plaintiff has proved intentional discrimination, you should consider all of the evidence presented by the parties, using the guidelines I gave you in the beginning of my instructions regarding evaluating evidence generally, such as weighing the credibility of witnesses.

Keep in mind that in reaching your determination of whether the Defendant, Rutgers, engaged in intentional discrimination, you are instructed that Rutgers' actions and business practices need not be fair, wise, reasonable, moral or even right, so long as the Plaintiffs religion was not a motivating factor for Rutgers' denial of his request for an exemption from its vaccination requirement and the subsequent termination of his employment.

I remind you that the ultimate issue you must decide is whether Rutgers engaged in illegal discrimination based on Plaintiff's Muslim religion by denying his request for an exemption from its influenza vaccination requirement and subsequently terminating his employment for non-compliance with its Immunization Policy, and the Plaintiff, Mr. Shakur-Purvis, has the burden to prove that discrimination occurred.

1. Discriminatory treatment in Terms, Conditions or Privileges of Employment

② (The Plaintiff must show that he is a member of a protected class, which his Muslim religion is, and that he was treated less favorably with respect to the approval or denial of requests for religious exemptions from Rutgers' vaccination requirements under its Immunization Policy than employees who were similarly situated but who were not of the Muslim religion.

2. Discriminatory Discharge

② (The Plaintiff must show: (a) that he is a member of protected class, which is Muslim religion is; (b) that he was performing his job prior to his termination, which it is not disputed that he was; (c) that his employment was terminated, which is also not disputed; and (d) that his employment was terminated under circumstances that would give rise to an inference of discrimination based on his religion. ②

M. Damages

1.12.0 I shall now instruction you on the law governing damages in the event you decide the discrimination issue in favor of the Plaintiff, Mr. Shakur-Purvis.

The fact that I ~~instruction~~ you on damages should not be considered as suggesting any view of mine about which party is entitled to prevail in this case. Instructions on damages are given for your guidance in the event you find that the Plaintiff, Mr. Shakur-Purvis, is entitled to a verdict. I am required to provide instructions on damages in all cases where the trial includes a claim for damages. ✓

The Plaintiff, Mr. Shakur-Purvis, has the burden of establishing by a preponderance of the evidence each item of damages that he/she claims. The plaintiff must also prove that the damages were the natural and probable consequences of the ~~defendant's negligence~~ ^{conduct}. The accident must have been a proximate cause of the damages. Damages may not be based on conjecture or speculation.

In this case the Plaintiff, Mr. Shakur-Purvis, is seeking the following types of damages:

8.11.C.1 **1. Past Lost Earnings** (✓)

Plaintiff has a right to be compensated for any earnings lost as a result of Defendant's discrimination.

Any award for lost earnings must be based on net (take-home) pay, not on gross income. This is because only take-home pay - the amount left after taking out taxes, would have been received by Plaintiff and the amount you award is not subject to Federal and New Jersey income taxes. *Just close to leave this is*

So first, you must decide whether Plaintiff proved that he lost income due to Rutgers' discrimination. If so, you must then decide and fix the amount of lost earnings. Plaintiff is claiming lost wages from the date of his termination, January

4, 2023, to March 18, 2024, when he was able to secure other employment in a position that paid him the same salary that he had at Rutgers.

2.33A-C
N. GENERAL MITIGATION PRINCIPLES ✓

1. If, in accordance with the principles of law previously given to you, you find that the Defendant, Rutgers, is liable to the Plaintiff, Mr. Shakur-Purvis, for damages which include back pay, you are to reduce the amount awarded by all income which the Plaintiff either earned or could have earned from comparable employment if he had used reasonable and diligent efforts to obtain such a position.

2. The back pay damages are to be reduced by earnings that Plaintiff either earned or could have earned, because the law requires that the Plaintiff use reasonable and diligent efforts to mitigate or minimize the amount of damages he has sustained.

3. In this case, the Defendant, Rutgers, asserts that the Plaintiff, Mr. Shakur-Purvis, failed to mitigate his damages by failing to properly seek comparable employment. The burden of persuasion on this point is on the Defendant. This means that the Defendant was required to present credible evidence which leads you to believe that it is more likely than not that the Plaintiff failed to mitigate or minimize his/her damages.

4. The Defendant may establish this by introducing evidence that: (1) Plaintiff did not make reasonable effort to secure comparable employment; and (2) other employment opportunities were available that were comparable to the position Plaintiff lost.

5. The Plaintiff may refute the Defendant's allegations by showing that: (1) he used reasonable and diligent efforts and was still unable to secure a

comparable job; (2) comparable employment did not exist; or (3) his particular circumstances did not justify the acceptance of a dissimilar job.

6. In deciding whether a job is comparable, in general you are to consider the nature of the responsibilities and skills required, the rate of pay, and the location. The Plaintiff need not accept employment which is unsuitable and demeaning when compared with the job Plaintiff lost.

7. In determining whether jobs are comparable, you may consider the following other factors:

1. The degree of risk involved to the Plaintiff's health and safety;
2. The Plaintiff's physical fitness and prior training;
3. The Plaintiff's work experience and prior earnings;
4. The Plaintiff's length of unemployment;
5. The Plaintiff's prospects for securing local work in Plaintiff's customary occupation; and
6. The distance of the unavailable work from Plaintiff's residence.

8. Although the back pay award should be reduced by any actual earnings, it should not be reduced by any unemployment benefits or other unearned income the Plaintiff may have received. This means that the Plaintiff had an obligation to use reasonable and diligent efforts to seek other comparable employment, and to accept it, if it were offered.

B. Lowered Sights Doctrine ✓

1. You are to bear in mind that the concept of job comparability is not a static or stationary one. Instead, it may change with the passage of time and the state of the job market.

2. This means that if the Plaintiff has used diligent efforts over a reasonable period of time and has still been unable to obtain a position which is comparable, then he is required to lower his sights.

3. Lowering one's sights means that with the passage of time and the lack of success in finding a comparable job, the Plaintiff must begin considering jobs that offer lower pay, or require different types of skills and responsibilities, or are in a more distant location.

4. However, the doctrine of lowering one's sights should not be automatically applied, and, in addition to the passage of time, you should consider the Plaintiff's individual circumstances, including, but not limited to: other skills or qualifications of the person; whether the person's family status reasonably justifies enlarging the geographic area wherein work is sought; the amount of salary reduction; the type of alternate employment; and the impact of these factors on the Plaintiff's future.

5. If you find that Plaintiff has lowered his sights and still cannot find a job, no reduction in back pay is warranted.

6. If you conclude the award of back pay to Plaintiff should be reduced, the amount of the reduction must be the greater of either: (1) Plaintiff's actual earnings; or (2) the earnings Plaintiff should have earned if he had obtained employment after lowering his sights

Missed: → (Court does change on the missing section)
Effect of Voluntary Termination Subject to Employer
O. PAST EMOTIONAL DISTRESS IN AN EMPLOYMENT LAW CASE *(Model 2.35)*

If you find for Plaintiff, he is entitled to recover fair and reasonable money damages for the full extend of the harm caused, no more and no less.

A Plaintiff who is awarded a verdict is entitled to fair and reasonable compensation for any emotional distress he has suffered that was the proximate result of the Defendant's unlawful conduct. The Plaintiff here is not seeking damages for emotional distress continuing into the future; rather he is seeking damages only for the emotional distress he has suffered from the date of the Defendant's unlawful conduct through the date of your verdict. Emotional distress includes embarrassment, humiliation, indignity, and other mental anguish. The measure of damages is what a reasonable person would consider to be adequate and just under all the circumstances of the case to compensate Plaintiff for his emotional distress.

You should consider the nature, character, and seriousness of any emotional distress. You must also consider the duration of the emotional distress, as any award you make must cover the damages suffered by Plaintiff to the present time. Plaintiff has the burden of proving his damages through credible, competent evidence, although he does not have to offer any witnesses to corroborate his emotional distress; the distress need not be permanent; physical or psychological symptoms are not necessary; and Plaintiff need not have obtained any type of professional treatment. The Plaintiff's testimony standing alone is enough to support an award of emotional distress damages. On the other hand, you are free to disbelieve all or part of the Plaintiff's testimony, and if you do, you should act accordingly by either reducing the amount of damages you award for emotional distress or by not awarding any emotional distress damages at all.

The law does not provide you with any table, schedule or formula by which a person's emotional distress may be measured in terms of money. The amount is left to your sound discretion. You are to use your discretion to attempt to make Plaintiff whole, so far as money can do so, based upon reason and sound judgment, without

any passion, prejudice, bias or sympathy. You each know from your common experience the nature of emotional distress and you also know the nature and function of money. The task of equating the two so as to arrive at a fair and reasonable award of damages requires a high order of human judgment. For this reason, the law can provide no better yardstick for your guidance than your own impartial judgment and experience.

You are to exercise sound judgment as to what is fair, just and reasonable under all the circumstances. You should consider all the evidence presented by the parties on the subject of Plaintiff's emotional distress. After considering the evidence, you shall award a lump sum of money that will fairly and reasonably compensate Plaintiff for any emotional distress you find he has proven.

P. NO PREJUDICE, PASSION, BIAS OR SYMPATHY ✓

Your oath as jurors requires you to decide this case fairly and impartially, without sympathy, passion, bias or prejudice. You are to decide this case based solely upon the evidence that you find believable and in accordance with the rules of law that I give you.

As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Any influence caused by these emotions has the potential to deprive both the plaintiff(s) and the defendant(s) of what you promised them -- a fair and impartial trial by fair and impartial jurors. Also, speculation, conjecture and other forms of guessing play no role in the performance of your duty. As jurors, your oath requires that you not be affected or influenced by any personal likes or dislikes, opinions, prejudices, sympathy, or biases, including implicit, or unconscious, bias. During your deliberations if you think unconscious bias is

affecting your evaluation, think about the evidence again with the video and this instruction in mind.

(that you saw)

Sympathy is an emotion which is normal for human beings. No one can be critical of you for feeling some degree of sympathy in this matter. However, that sympathy must play no part in your thinking and in the decision you reach in the jury room.

Similarly, your decision must not be based upon bias or prejudice which you might have developed during the trial, for or against any party.

Your duty is to decide this case impartially and a decision based on sympathy, passion, bias or prejudice would violate that duty.

Q. DELIBERATIONS

You are not advocates for either party. You are judges of the facts. Your sole interest is to determine the truth from the evidence in the case.

It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without compromising your individual judgment. Each of you must decide the case for yourself, but do so only after an impartial consideration of the evidence with the other jurors.

R. ALTERNATES

There are now ~~seven~~ eight of you in the jury box. Six of you will make up the jury which will deliberate and decide the case. The other ~~2~~ will be alternate jurors who will participate if one of the other jurors is unable to continue for some reason. Then the alternate will serve as a replacement. [See R. 1 :8-2(d).]

(Clerk → Randomly select alternates → #3 (Gill) #5 (Shen) → Our 2 best jurors)

S. VERDICT

Since this is a civil case, any verdict of 5-1 or 6-0 is a legal verdict. Therefore, it is not necessary that all six jurors agree on each question. An agreement of any five jurors is sufficient. All six jurors must deliberate fully and fairly on each and every question, and all six jurors must determine and vote upon each question. It is not necessary that the same five jurors agree upon the answers to all questions. Whenever at least five jurors have agreed to any answer, that question has been decided, and you may move on to consider the remaining questions in the case if it is appropriate to do so. All six jurors must participate fully in deliberating on the remaining questions. A juror who has been outvoted on any question shall continue to deliberate with the other jurors fairly, impartially, honestly and conscientiously to decide the remaining questions. Each juror must consider each question with an open mind.

When at least five of you have agreed upon a verdict, knock on the jury room door. Indicate to the attendant that you have reached a verdict and say nothing more. The attendant will escort you back to the jury box so that the court may receive your verdict.

T. JURY VERDICT SHEET

I have prepared a jury verdict sheet which I believe should make your task simpler. I will be sending that sheet with you to the jury room. The sheet has questions that you must consider and answer within the framework of the instructions that I have given you. I will now review these questions with you.

U. COMMUNICATIONS WITH THE COURT

If during your deliberations you wish to communicate with the court, or you would like me to repeat any part of the jury instruction, please write your request or question and give the note to the attendant. I will respond as quickly as I can by having you in the courtroom on the record. I should caution you, however, that at no point until you reach your final verdict should you indicate to the attendant or anyone else what your vote has been on any question before you. That is a matter that only members of the jury should know until you have reached a verdict.

U. THANKING THE JURY

Let me take this opportunity to thank you for your service on this jury. We realize this case has interfered with your daily lives and probably caused you some inconvenience. However, our judicial system could not function without people like you willing to serve on juries. It is a job that has to be done in order that people can resolve their differences by jury trial. We are extremely grateful for the time you have spent here.

V. SEND JURY TO DELIBERATE

"Ladies and Gentlemen: You may now retire to the jury room for your deliberations. Thank you."

Deliberate *3:20 PM*

W. THANKING AND DISCHARGING THE JURY

**Markim Shakur-Purvis v. Rutgers University Behavioral
Health Care at Newark, John Does 1-10, ABC CORPS. 1-10
ESX-L-7390-23**

Ladies and gentlemen of the jury, the function that you have performed is one of the most important tasks that you will ever be called upon to fulfill. With the return of your verdict, your service in this case is complete.

I know that your stay with us has involved sacrifice on your part. I trust you leave here knowing that you have made a meaningful contribution to the judicial process and hope that you have enjoyed the experience.

You have been a serious, attentive and extremely diligent jury. It has been my pleasure to have worked with you. On behalf of everyone in the court room, the citizens of Essex County and the entire judicial system, I thank you each and every one of you. We greatly appreciate your willingness to serve and your service.

You are now discharged. Thank you very much!