

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

PEG BOUAPHAKEO, MARIO  
MARTINEZ, JAVIER FRAYRE,  
HERIBENTO RENTERIA, JESUS A.  
MONTES, and JOSE A. GARCIA,  
individually and on behalf of others  
similarly situated,

Plaintiffs,

vs.

TYSON FOODS, INC.,

Defendant.

No. 5:07cv04009-JAJ

**VERDICT FORM**

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**Question No. 1**

Did the plaintiffs prove that the time spent donning and doffing hard hats, work boots, hair nets, frocks, aprons, gloves, whites, and ear plugs is “work” within the meaning of the FLSA? (See Instruction No. 5, page 10.)

YES                       NO

(If your answer to Question No. 1 is “NO,” do not award damages for donning and doffing these items and proceed to Question No. 3.)

**Question No. 2**

Did the plaintiffs prove that donning and doffing the items in Question No. 1 is “integral and indispensable” to the employees’ gang-time work? (See Instruction No. 5, page 10.)

YES                       NO

(If your answer to Question No. 2 is “NO,” do not award damages for donning and doffing these items.)

**Question No. 3**

Is the meal break a bona fide meal period? (See Instruction No. 5, pages 11-12.)

YES                       NO

(If your answer to Question No. 3 is "YES," do not award damages for activity occurring during the meal period.)

**Question No. 4**

Are the donning and doffing activities at issue in this case "de minimis" as that term is defined in Instruction No. 6? (See Instruction No. 6, page 13.)

YES                       NO

(If your answer to Question No. 4 is "YES," do not answer Question No. 5.)

**Question No. 5**

Did the plaintiffs prove that they are entitled to additional compensation for any of the donning and doffing activities at issue in this case?

YES                       NO

If the answer to question No. 5 is "YES," indicate how much you award for each activity:

Before and After Shift	\$ <u>2,892,378.70</u>
During the Meal Period	\$ <u>∅</u>
Total	\$ <u>2,892,378.70</u>

Date: Sept. 28, 2011

/s/  
Foreperson

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror