

Schedule (6)(2)

Plaintiff's Demonstrative Evidence

Plaintiff's Exhibit No.	Description	Defendants' Basis for Objection	Plaintiff's Response to Objection
A	Courtboard - General Time Line		Plaintiff reserves the right to respond to Defendants' objections when raised.
B	Courtboard - Prong 1 of Fuentes, Pretext, weaknesses, inconsistencies, etc.	Object on the grounds that it seeks to improperly instruct the jury on the law, which is the sole province of the judge	Exhibits will contain only facts, not statements of law.
C	Courtboard - Prong 2 Fuentes, Indirect Evidence that Retaliation was the Real Reason for Discharge	Object on the grounds that it seeks to improperly instruct the jury on the law, which is the sole province of the judge	Exhibits will contain only facts, not statements of law.
D	Courtboard - Prong 2 Fuentes, Indirect Evidence that Age was the Real Reason for Discharge	Object on the grounds that it seeks to improperly instruct the jury on the law, which is the sole province of the judge	Exhibits will contain only facts, not statements of law.

<p>E</p>	<p>Courtboard - Comparison of Older Employees Eliminated and Younger Employees Hired by Brendan Gilmore</p>	<p>Argumentative; some information may be barred by the statute of limitations</p>	<p>“[C]onsideration of the entire scope of a hostile work environment claim, including behavior alleged outside the statutory time period, is permissible for the purpose of assessing liability, so long as an act contributing to the hostile work environment takes place within the statutory time period.” <u>National Railroad Passenger Corp. v. Morgan</u>, 536 U.S. 101, 105 (2002)(holding that a Title VII plaintiff raising claims of discrete discriminatory or retaliatory acts must file his charge within the appropriate 190 or 300 day period, but a charge alleging a hostile work environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period); accord <u>Zipes v. TransWorld Airline, Inc.</u>, 455 U.S. 385, 394 (1982)(ADEA).</p> <p>Defendants have waived statute of limitations defense by not briefing it at summary judgment.</p>
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F	Courtboard - Double Standard for 57 Year Old Plaintiff and 23 Year Old Maria Dunlop: Praise, Assistance, Bonus, and Vacation	Argumentative; some information may be barred by the statute of limitations	<p>“[C]onsideration of the entire scope of a hostile work environment claim, including behavior alleged outside the statutory time period, is permissible for the purpose of assessing liability, so long as an act contributing to the hostile work environment takes place within the statutory time period.” <u>National Railroad Passenger Corp. v. Morgan</u>, 536 U.S. 101, 105 (2002)(holding that a Title VII plaintiff raising claims of discrete discriminatory or retaliatory acts must file his charge within the appropriate 190 or 300 day period, but a charge alleging a hostile work environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period); accord <u>Zipes v. TransWorld Airline, Inc.</u>, 455 U.S. 385, 394 (1982)(ADEA).</p> <p>Defendants have waived statute of limitations defense by not briefing it at summary judgment.</p>
G	Courtboard - Code Words by the Decisionmaker	Argumentative; improperly seeks to instruct jury on the law	Exhibits will contain only facts, not statements of law.

<p>H</p>	<p>Courtboard - Discrimination in the Terms and Conditions of Plaintiff's Employment Because of Her Age</p>	<p>Argumentative; improperly seeks to instruct the jury on the law; some of the information may be barred by the statute of limitations</p>	<p>"[C]onsideration of the entire scope of a hostile work environment claim, including behavior alleged outside the statutory time period, is permissible for the purpose of assessing liability, so long as an act contributing to the hostile work environment takes place within the statutory time period." <u>National Railroad Passenger Corp. v. Morgan</u>, 536 U.S. 101, 105 (2002)(holding that a Title VII plaintiff raising claims of discrete discriminatory or retaliatory acts must file his charge within the appropriate 190 or 300 day period, but a charge alleging a hostile work environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period); accord <u>Zipes v. TransWorld Airline, Inc.</u>, 455 U.S. 385, 394 (1982)(ADEA).</p> <p>Defendants have waived statute of limitations defense by not briefing it at summary judgment.</p>
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I	Courtboards - Discrimination in the Terms and Conditions of Plaintiff's Employment Because of Her Sex	Argumentative; improperly seeks to instruct the jury on the law; some of the information may be barred by the statute of limitations; object on the grounds that sex discrimination claim was never pled by Plaintiff	<p>“[C]onsideration of the entire scope of a hostile work environment claim, including behavior alleged outside the statutory time period, is permissible for the purpose of assessing liability, so long as an act contributing to the hostile work environment takes place within the statutory time period.” <u>National Railroad Passenger Corp. v. Morgan</u>, 536 U.S. 101, 105 (2002)(holding that a Title VII plaintiff raising claims of discrete discriminatory or retaliatory acts must file his charge within the appropriate 190 or 300 day period, but a charge alleging a hostile work environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period).</p> <p>Defendants have waived statute of limitations defense by not briefing it at summary judgment.</p> <p>Sex discrimination claim has been pled by Plaintiff and briefed by both parties at summary judgment.</p>
J	Courtboard - Plaintiff's Lost Earnings	Object to the extent information is subject to motion in limine	Plaintiff incorporates by reference herein her Memorandums in Opposition to Defendants' Motions in Limine.

K	Courtboard - Plaintiff's Lost Pension and 401(k) Benefits	Object to the extent information is subject to motion in limine	Plaintiff incorporates by reference herein her Memorandums in Opposition to Defendants' Motions in Limine.
L	Courtboard - Plaintiff's Other Damages: Medical Expenses and Damages from Forced Sale of Home	Object to the extent information is subject to motion in limine	Plaintiff incorporates by reference herein her Memorandums in Opposition to Defendants' Motions in Limine.
M	Courtboard - Summary of All of Plaintiff's Damages	Object to the extent information is subject to motion in limine	Plaintiff incorporates by reference herein her Memorandums in Opposition to Defendants' Motions in Limine.
N	Blow-up of any admitted exhibit	Reserve the right to object once they are made available	Plaintiff reserves the right to respond to Defendants' objections when raised.
O	Any other courtboards	Reserve the right to object once they are made available	Plaintiff reserves the right to respond to Defendants' objections when raised.

Plaintiff reserves the right to use any of Defendants' Demonstrative Exhibits.