

b. By the promotion of Deputy Slack rather than plaintiff to a GS-12 position in 1986?

YES ___ NO

c. By the failure to take timely action on plaintiff's 1985 EEO complaint?

YES NO ___

d. By the failure to give plaintiff annual performance ratings for the two year period beginning in April 1990?

YES NO ___

e. By the promotion of Deputy Earp rather than plaintiff in May 1990?

Jury Found BIAS by Former Director Michael K. Moore (White) and today, Chief Judge For The Southern District of Miami, FL. promoted Earp (White, Number 14 - last ranking on best qualified BQ list) over Inspector Matthew Fogg (Black) who was ranked #2 on BQ list. Earp Retired an SES.

YES NO ___

f. By the alleged failure to promote plaintiff to a GM-13 position while he was on the Metropolitan Area Task Force?

YES NO ___

g. By the failure to promote plaintiff to a GM-14 position while he was on the Metropolitan Area Task Force?

YES NO ___

h. By limiting plaintiff's supervisory duties on the Metropolitan Area Task Force in March 1992?

YES NO ___

i. By inquiring about plaintiff's Equal Employment Opportunity activities during his working hours in 1993?

YES NO

j. By ordering plaintiff back to work in September 1994?

YES NO

k. By returning plaintiff to the GM-12 level in December 1994?

YES NO

l. By ordering plaintiff to report for a fitness-for-duty examination in 1995?

YES NO

m. By dismissing plaintiff from the U.S. Marshals Service on grounds of insubordination in September 1995?

YES NO

4. If the answer to number 2 and/or any of questions 3(f) through (m) above is YES, please indicate in the space below the amount of damages that plaintiff should be awarded for his pecuniary losses (property losses and credit damage) as well as for his emotional pain and suffering, inconvenience, embarrassment, humiliation, mental anguish and loss of enjoyment of life caused by the hostile racial environment and/or discrimination since November 21, 1991.

\$ four million (4,000,000.-)

5. Had defendant U.S. Marshals Service not maintained a working environment racially hostile to African-American Deputy U.S. Marshals, and had defendant not engaged in acts of discrimination against plaintiff Matthew Fogg, please indicate below the pay level that Matthew Fogg would have risen to in the U.S. Marshals Service by today:

- Senior Executive Service _____
- GS-15 (Chief Deputy) _____
- GS-14 (Supervisor) _____
- GS-13 _____
- GS-12 _____