

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DYLAN J. THENO,

Plaintiff,

v.

Case No. 04-2195-JWL

**TONGANOXIE UNIFIED SCHOOL
DISTRICT NO. 464,**

Defendant.

VERDICT

We, the jury, duly impaneled and sworn, upon our oaths, present the following answer to the questions submitted by the court:

1. Do you find that Mr. Theno has proved, by a preponderance of the evidence, that he was harassed by other students based on his gender?

Yes ✓ No

(If your answer to this question is "yes," proceed to Question 2. If your answer to this question is "no," your deliberations are complete and your foreperson should sign and date this verdict form and notify the court that you have reached a verdict.)

2. Do you find that Mr. Theno has proved, by a preponderance of the evidence, that the school district had actual knowledge of gender-based harassment that was so severe, pervasive, and objectively offensive as to deprive him of educational opportunities and benefits provided by the school district?

Yes No

(If your answer to this question is "yes," proceed to Question 3. If your answer to this question is "no," your deliberations are complete and your foreperson should sign and date this verdict form and notify the court that you have reached a verdict.)

3. Do you find that Mr. Theno has proved, by a preponderance of the evidence, that the school district was deliberately indifferent to the harassment?

Yes No

(If your answer to this question is "yes," proceed to Question 4. If your answer to this question is "no," your deliberations are complete and your foreperson should sign and date this verdict form and notify the court that you have reached a verdict.)

4. What amount of damages do you find that Mr. Theno sustained as a result of the school district's deliberate indifference to the harassment?

\$ 250,000

Your deliberations are complete. Please have the foreperson sign and date this verdict form and notify the court that you have reached a verdict.

8-11-05
Date

Ellen M. Rusker
Foreperson