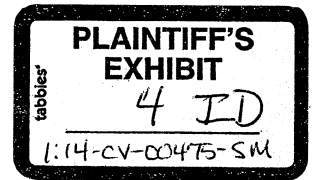


## NAMES AND TITLES

1. Maureen McPadden                      Staff Pharmacist
2. Josh Varieur                              Pharmacy Manager
3. Joe Certo                                  Market Manager
4. Heather McCaffrey                      Regional Manager
5. Barbara Kulwicki                        Division Senior HR Manager

①



Ph 501.01 Standards of Conduct.

(a) The ethical standards set forth in this part shall bind all licensees, and violation of any such standard shall be a basis for the imposition of disciplinary sanctions.

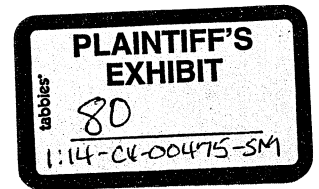
(b) A licensed pharmacist shall:

(1) Hold the health and safety of patients to be of first consideration and render to each patient the full measure of his/her ability as an essential health practitioner;

(4) Utilize and make available his/her knowledge as might be required in accordance with his/her best professional judgment;

(10) Not agree to practice under terms or conditions which tend to interfere with or impair the proper exercise of professional judgment and skill, which could cause a deterioration of the quality of his/her service or which require him/her to consent to unethical conduct;

## PRESCRIPTION FILLING STEPS



Prescription Drop Off

Technician

- Patient information
- Insurance information
- Data input

Four Point Check

**Pharmacist**

- New prescriptions only
- Patient name correct
- Drug correct
- Strength correct
- Directions correct

(Drug Utilization Review – DUR)

Fill Prescription

Technician

- Pull product
- Count
- Label

Visual Verification

**Pharmacist**

- Refill and new prescriptions
- Verify prescription label
- Verify bottle contents

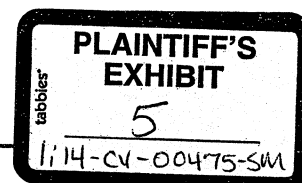
Bag and Bin

Technician

Pick Up

Technician

- Offer to counsel
- Must counsel on all new prescriptions
- Counseling by **pharmacist** only



Message

**From:** Joseph Certo [/O=WAL-MART/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=J1CERTO]  
**Sent:** 8/29/2012 10:31:55 AM  
**To:** Maureen McPadden - mcmcpad.s01762 [/O=WAL-MART/OU=STOREMSG/cn=US Recipients/cn=MMCPADD.s01762633981176832167781]  
**Subject:** RE: 1762

Josh is working on hiring the proper staffing. The reqs have already been made available.

---

**From:** Maureen McPadden - mcmcpad.s01762  
**Sent:** Wednesday, August 29, 2012 10:01 AM  
**To:** Joseph Certo  
**Subject:** 1762  
Hello Joe,

I have no cashier this morning until 10am. I have one technician. It is next to impossible to open this pharmacy and do everything required and be safe for our customers.

We are going to run into the same situation that occurred last summer here unless we are staffed properly.

Yesterday we had no cashier at all. I overlapped with Josh, but he went out back about 2pm. I was left with 3 techs, one that left at 3pm, one that left at 6:30 and then one tech until 9pm.

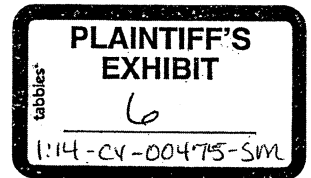
I 4 pointed 74 rx's, filled 70 rx's, and visualized 157 rx's out of a total rx day of 268. Everything was completed at end of day, but I am very concerned at the lack of support in this store to continue working like this.

I do not want to make a mistake, I want to be compliant, but if this situation continues I am very concerned for the safety of the customers here.  
I am documenting everything. I am not going to fill Rx's. I have to focus on 4 pointing, visualizing and counseling.

We need more help before this situation gets out of hand.

Thank you,  
Maureen Mcpadden

(4)



**Subject:** FW: 1762

**From:** Maureen McPadden - mcmcpad.s01762  
**Sent:** Friday, November 16, 2012 2:49 PM  
**To:** Joseph Certo  
**Subject:** RE: 1762

Joe,  
It is very very bad here. Vikki may leave as well. Pam and Debbie are barely holding together. This is a very bad situation in this pharmacy right now.

---

**From:** Joseph Certo  
**Sent:** Friday, November 16, 2012 1:23 PM  
**To:** Maureen McPadden - mcmcpad.s01762  
**Subject:** RE: 1762

Sent out some communication to Rochester, Portsmouth, and Epping. Please reach out to them.

Thanks!

**From:** Maureen McPadden - mcmcpad.s01762  
**Sent:** Friday, November 16, 2012 1:49 PM  
**To:** Joseph Certo  
**Subject:** 1762

Hi Joe,

I'm trying to fill Jeff's hours. Jayme can work 6 hours Monday, if that's ok. Heather can work 5 hours Sunday. We will desperately need someone for Wednesday, 8:30-5:30. I expect that day to be busy. We also need someone for Friday, 8:30-5:30.

A handwritten number "5" enclosed in a circle.

As you can expect, I am very upset about the loss of Jeffrey as well as Heather leaving on the 26th. This is especially true in regard to my current status. I am very concerned how we will be able to safely fill prescriptions this upcoming week. I hope you can help us out with additional support.

Thank you,

Maureen

6

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Maureen McPadden,  
Plaintiff

v.

Case No. 14-cv-475-SM

Wal-Mart Stores East, L.P.,  
Defendant

JURY VERDICT FORM

**Claim One - Gender Discrimination**

1. As to Ms. McPadden's claim that Walmart unlawfully discriminated against her on the basis of gender in violation of Title VII of the Civil Rights Act, we, the jury, find in favor of:

The Plaintiff, Maureen McPadden

The Defendant, Walmart Stores East

**Claim Two - N.H. Law Against Discrimination**

2. As to Ms. McPadden's claim that Walmart unlawfully discriminated against her on the basis of gender in violation of New Hampshire's Law Against Discrimination, we, the jury, find in favor of:

The Plaintiff, Maureen McPadden

The Defendant, Walmart Stores East

(5)

**Claim Three - Retaliation Claims**

3. As to Ms. McPadden's claim that Walmart unlawfully retaliated against her on the basis of:

a. her having requested and taken FMLA leave, and indicating that she might need leave in the future, we, the jury, find in favor of:

- The Plaintiff, Maureen McPadden  
 The Defendant, Walmart Stores East

and/or

b. her having reported alleged violations of HIPAA and/or safety rules relating to pharmacies under New Hampshire's Whistleblower Protection Act, we, the jury, find in favor of:

- The Plaintiff, Maureen McPadden  
 The Defendant, Walmart Stores East

**Claim Four - Wrongful Termination**

4. As to Ms. McPadden's claim that Walmart wrongfully terminated her employment, in violation of New Hampshire law, we, the jury, find in favor of:

- The Plaintiff, Maureen McPadden  
 The Defendant, Walmart Stores East



DAMAGES

If you found in favor of Ms. McPadden on one or more of her claims against Walmart, please proceed to question 5.

If you found in favor of Walmart on all of plaintiff's claims, your deliberations are complete. Please leave questions 5 through 10 blank and have the Jury Foreperson sign and date this verdict form.

Back Pay - Title VII Claim (Federal Gender Discrimination); FMLA Retaliation Claim; New Hampshire Law Against Discrimination (State Gender Discrimination) Claim; Wrongful Termination Claim; Whistleblower Protection Act Claim.

5. Having found in favor of Ms. McPadden as to one or more of her claims against Walmart described above, we, the jury, find that Ms. McPadden suffered lost wages as a result of the Walmart's unlawful termination of her employment, and award her the following sum in back pay.

\$ 164,093.00  
one hundred sixty four thousand Dollars  
and ninety three

Please write the amount using both numbers and words, as if you were writing out a check.

Front Pay - Title VII Claim (Federal Gender Discrimination); New Hampshire Law Against Discrimination (State Gender Discrimination) Claim; Wrongful Termination Claim; Whistleblower Protection Act Claim.

6. Having found in favor of Ms. McPadden as to one or more of her claims against Walmart described above, we, the jury, find that Ms. McPadden suffered lost wages as a result of the Walmart's termination of her employment, and award her the following sum in front pay.

\$ 558,392.87

*five hundred fifty eight thousand three hundred ~~Dollars~~  
ninety two and 87/100 cents  
dollars*

Compensatory Damages - Title VII Claim (Federal Gender Discrimination); New Hampshire Law Against Discrimination (State Gender Discrimination) Claim; Wrongful Termination Claim.

7. Having found in favor of Ms. McPadden as to one or more of her claims against Walmart described above, we, the jury, award her the following sum as compensatory damages.

\$ 500,000.00

*five hundred thousand \_\_\_\_\_ Dollars*

**Liquidated Damages - FMLA Claim**

If you found in favor of Ms. McPadden on her FMLA retaliation claim (question number 3a), please proceed to question 8.

If you found in favor of Walmart on plaintiff's FMLA retaliation claim, please leave question 8 blank and move on to question 9.

8. Having found in favor of Ms. McPadden on her FMLA retaliation claim, we, the jury, award her the following sum (if any) as Liquidated Damages.

\$ \_\_\_\_\_  
\_\_\_\_\_ Dollars

**Punitive Damages - Title VII Claim (Federal Gender Discrimination)**

If you found in favor of Ms. McPadden on her gender discrimination claim under Title VII (question number 1), please proceed to question 9.

If you found in favor of Walmart on plaintiff's Title VII claim, please leave question 9 blank and move on to question 10.

9. Having found in favor of Ms. McPadden as to her Title VII claim, we, the jury, award her the following sum (if any) as Punitive Damages.

\$ 15,000,000.00  
Fifteen million Dollars

**Enhanced Compensatory Damages - New Hampshire Law Against  
Discrimination (State Gender Discrimination) Claim**

If you found in favor of Ms. McPadden on her state gender discrimination claim under New Hampshire's Law Against Discrimination (question number 2), please proceed to question 10.

If you found in favor of Walmart as to plaintiff's state gender discrimination claim, please leave question 10 blank.

10. Having found in favor of Ms. McPadden as to her state gender discrimination claim under New Hampshire's Law Against Discrimination, we, the jury, award her the following sum (if any) as Enhanced Compensatory damages.

\$ 15,000,000  
fifteen million Dollars

Once you have completed this verdict form, your deliberations are complete. Please have the Jury Foreperson sign and date it. Then, notify the Court Security Officer that you have reached a verdict.

\_\_\_\_\_  
Jury Foreperson

Date: January 27, 2016