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3 IN THE CIRCUIT COURT OF THE STATE OF OREGON
4 FOR THE COUNTY OF MULTNOMAH
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6 MARK STRAWN, On His Own Behalf, and
7 as Representative of a Class of Similarly
8 Situated Persons,

9 Plaintiff,

10 v.

11 FARMERS INSURANCE COMPANY OF
12 OREGON, a Stock Insurance Company;
13 MID-CENTURY INSURANCE
14 COMPANY, a foreign corporation; and
15 TRUCK INSURANCE EXCHANGE, a
16 foreign corporation,

17 Defendants.

Case No. 9908-09080

**VERDICT AND SPECIAL
INTERROGATORY**

18 We, the jury, find:

19 1. Did defendants breach the insurance contract as claimed by plaintiff? At least nine of
20 you must agree on your answer.

21 ANSWER: yes (Insert "Yes" or "No")

22 If your answer to question 1 was "Yes," proceed to answer question 2. If your answer to
23 question 1 was "No," proceed to answer question 3.

24 2. Did the class members sustain damage as a result of defendants' breach of contract?
25 At least nine of you who answered "Yes" to question 1 must agree on your answer.

26 ANSWER: yes (Insert "Yes" or "No")

Proceed to answer question 3.

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1 3. Did the defendants breach the implied covenant of good faith and fair dealing in one
2 or more of the ways claimed by plaintiff? At least nine of you must agree on your answer.

3 ANSWER: Yes (Insert "Yes" or "No")

4 If your answer to question 3 was "Yes," proceed to answer question 4. If your answer to
5 question 3 was "No," proceed to answer question 5.

6 4. Did the class members sustain damage as a result of defendants' breach of the implied
7 covenant of good faith and fair dealing? At least nine of you who answered "Yes" to question 3
8 must agree on your answer.

9 ANSWER: Yes (Insert "Yes" or "No")

10 Proceed to answer question 5.

11 5. Did defendants commit fraud in one or more of the ways claimed by plaintiff? At
12 least nine of you must agree on your answer.

13 ANSWER: Yes (Insert "Yes" or "No")

14 If your answer to question 5 was "yes," proceed to answer question 6. If your answer to
15 question 5 was "no," omit question 6.

16 6. Did the class members sustain damage as a result of defendants' fraud? At least nine
17 of you who answered "Yes" to question 5 must agree on your answer.

18 ANSWER: Yes (Insert "Yes" or "No")

19 If your answers to both questions 1 and 2, or both questions 3 and 4, or both questions 5
20 and 6 are "Yes," proceed to answer question 7. If your answer to questions 1, 3, and 5 are all
21 "No," your deliberations are complete. Your Presiding Juror should sign and date this form
22 omitting the following questions: 7, 8, 9, and 10.

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1 7. What is the amount of compensatory damages and prejudgment interest you award to
2 the class members? In order to answer this question 7, at least nine of you who agreed on "Yes"
3 to both questions 1 and 2, or at least nine of you who agreed on "Yes" to both questions 3 and 4,
4 or at least nine of you who agreed on "Yes" on both questions 5 and 6 must agree on the
5 answers.

6 ANSWER: \$ 757,051.33 (compensatory damages)

7 ANSWER: \$ 742,948.67 (prejudgment interest)

8 If your answer to both questions 5 and 6 are "Yes," proceed to answer question 8. If your
9 answer to question 5 or to question 6 is "No," proceed to answer question No. 10 (Special
10 Interrogatory), omitting questions 8 and 9.

11 8. Should punitive damages be awarded against defendants as to the Third Claim for
12 fraud? At least nine of you who answered "Yes" to both questions 5 and 6 must agree on your
13 answer.

14 ANSWER: Yes (Insert "Yes" or "No")

15 If your answer to question 8 is "Yes," proceed to answer question No. 9. If your answer
16 to question No. 8 is "No," proceed to answer question No. 10 (Special Interrogatory), omitting
17 question 9.

18 9. What is the amount of punitive damages you assess against the defendants? In order
19 for you to answer question 9, at least nine of you who answered "Yes" to question 8 must agree
20 on the answer.

21 ANSWER: \$ 8,000,000.00

22 Proceed to answer question No. 10.

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10. **Special Interrogatory.** Was defendants' use of the 80th and later the 90th percentiles for reduction of medical expenses, in conjunction with its review and appeal process, arbitrary and unreasonable? At least nine of you must agree on your answer.

ANSWER: Yes (Insert "Yes" or "No")

Your Presiding Juror should sign and date this form.

Dated: 12.5, 2003.

William A. Rausler
Presiding Juror