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8	SUPERIOR COURT OF T	HE STATE OF CALIFORNIA
9	FOR THE COUNTY	OF SANTA BARBARA
10	JAN HENRIC BUETTNER, et al) Case No.: 1038215
11	Plaintiffs,) SPECIAL VERDICT
12	vs.	
13	BERTELSMANN AG, et al	
14	Defendants.	
15		
16		
17		
18		_)
19	We, the jury in the above-entitled action	n, find the following special verdict on the
20	following questions submitted to us:	
21	Jan Buettner v. Bertelsi	mann AG and Thomas Middelhoff
22	Please answer the following questions i	in the order they appear. After each question the
23	form will give you directions what to do next.	
24	If you find in favor of plaintiff Jan Buer	ttner on one or more claims, you will be asked to
25	provide a separate award of damages for each s	separate claim. In some cases, depending on your
26	verdict, you may award the same damages on r	more than one claim. However, you should not
27	concern yourself with any duplication of damage	ges. Simply enter the amount of damages
28		

1	attributable to each separate claim, and the Court will determine the total amount of damages
2	based on your answers and the applicable law.
3	Jan Buettner v. Bertelsmann AG and Thomas Middelhoff
4	Breach of Written Contract
5	
6	1) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for breach of
7	written contract, we find in favor of:
8	Jan Buettner NINE
9	Bertelsmann AG THREE
10	If you find in favor of Jan Buettner, please proceed to Question No. 2.
11	If you find in favor of Bertelsmann AG, please proceed to Question No. 3.
12	2) What is the total amount of damages Jan Buettner suffered as a result of the
13	breach of contract by Bertelsmann AG?
14	104,655,000 euros
15	Please proceed to Question No. 3.
16	Breach of Oral Contract
17	3) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for breach of
18	oral contract, we find in favor of:
19	Jan Buettner ELEVEN
20	Bertelsmann AG ONE
21	If you find in favor of Jan Buettner, please proceed to Question No. 4.
22	If you find in favor of Bertelsmann AG, please proceed to Question No. 5.
23	4) What is the total amount of damages Jan Buettner suffered as a result of the
24	breach of contract by Bertelsmann AG?
25	104,655,000 euros
26	
27	Please proceed to Question No. 5.
28	

1	5) On plaintiff Jan Buettner's claim against defendant Thomas Middelhoff for breach
2	of oral contract, we find in favor of:
3	Jan Buettner ELEVEN
4	Thomas Middelhoff ONE
5	If you find in favor of Jan Buettner, please proceed to Question No. 6.
6	If you find in favor of Thomas Middelhoff, please proceed to Question No. 7.
7	6) What is the total amount of damages Jan Buettner suffered as a result of the
8	breach of contract by Thomas Middelhoff?
9	
10	10,000,000 euros
11	
12	Please proceed to Question No. 7.
13	Breach of Partnership Agreement
14	
15	7) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for breach of
16	partnership agreement, we find in favor of:
17	Jan Buettner TEN
18	Bertelsmann AG TWO
19	
20	If you find in favor of Jan Buettner, please proceed to Question No. 8.
21	If you find in favor of Bertelsmann AG, please proceed to Question No. 9.
22	
23	8) What is the total amount of damages Jan Buettner suffered as a result of the
24	breach of partnership agreement by Bertelsmann AG?
25	
26	104,655,000 euros
27	
28	Please proceed to Question No. 9.

1	Quantum Meruit
2	
3	9) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for quantum
4	meruit, we find in favor of:
5	Jan Buettner THREE
6	Bertelsmann AG NINE
7	If you find in favor of Jan Buettner, please proceed to Question No. 10.
8	If you find in favor of Bertelsmann AG, please proceed to Question No. 11.
9	What is the total amount of compensation Jan Buettner is entitled to receive from
10	Bertelsmann AG under quantum meruit?
11	
12	euros
13	
14	Please proceed to Question No. 11.
15	On plaintiff Jan Buettner's claim against defendant Thomas Middelhoff for
16	quantum meruit, we find in favor of:
17	Jan Buettner TWO
18	Thomas Middelhoff TEN
19	
20	If you find in favor of Jan Buettner, please proceed to Question No. 12.
21	If you find in favor of Thomas Middelhoff, please proceed to Question No. 13.
22	
23	12) What is the total amount of compensation Jan Buettner is entitled to receive from
24	Thomas Middelhoff under quantum meruit?
25	
26	euros
27	
28	Please proceed to Question No. 13.

1	Culpa in Contrahendo
2	
3	13) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for culpa in
4	contrahendo, we find in favor of:
5	Jan Buettner TWELVE
6	Bertelsmann AG ZERO
7	If you find in favor of Jan Buettner, please proceed to Question No. 14.
8	If you find in favor of Bertelsmann AG, please proceed to Question No. 15.
9	
10	14) What is the total amount of damages Jan Buettner suffered as a result of <i>culpa in</i>
11	contrahendo by Bertelsmann AG?
12	
13	6,000,000 euros
14	
15	Please proceed to Question No. 15.
16	15) On plaintiff Jan Buettner's claim against defendant Thomas Middelhoff for <i>culpa</i>
17	in contrahendo, we find in favor of:
18	Jan Buettner TWELVE
19	Thomas Middelhoff ZERO
20	If you find in favor of Jan Buettner, please proceed to Question No. 16.
21	If you find in favor of Thomas Middelhoff, please proceed to Question No. 17.
22	
23	16) What is the total amount of damages Jan Buettner suffered as a result of <i>culpa in</i>
24	contrahendo by Thomas Middelhoff?
25	
26	6,000,000 euros
27	
28	Please proceed to Question No. 17.

1	Breach of Fiduciary Duty
2	
3	17) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for breach of
4	fiduciary duty, we find in favor of:
5	Jan Buettner TEN
6	Bertelsmann AG TWO
7	If you find in favor of Jan Buettner, please proceed to Question No. 18.
8	If you find in favor of Bertelsmann AG, please proceed to Question No. 19.
9	18) What is the total amount of damages Jan Buettner suffered as a result of the
10	breach of fiduciary duty by Bertelsmann AG?
11	104,655,000 euros
12	Please proceed to Question No. 19.
13	Misappropriation of Proprietary Information
14	
15	19) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for
16	misappropriation of proprietary information, we find in favor of:
17	Jan Buettner ZERO
18	Bertelsmann AG TWELVE
19	If you find in favor of Jan Buettner, please proceed to Question No. 20.
20	If you find in favor of Bertelsmann AG, please proceed to Question No. 22.
21	What is the total value of the benefit that Bertelsmann AG obtained through
22	misappropriation of plaintiffs' proprietary information?
23	euros
24	What is the total amount of actual damages Jan Buettner suffered as a result of the
25	misappropriation of proprietary information by Bertelsmann AG?
26	euros
27	
28	Please proceed to Question No. 22.

1	On plaintiff Jan Buettner's claim against defendant Thomas Middelhoff for
2	misappropriation of proprietary information, we find in favor of:
3	Jan Buettner ZERO
4	Thomas Middelhoff TWELVE
5	If you find in favor of Jan Buettner, please proceed to Question No. 23.
6	If you find in favor of Thomas Middelhoff, please proceed to Question No. 25.
7	What is the total value of the benefit that Thomas Middelhoff obtained through
8	misappropriation of plaintiffs' proprietary information?
9	euros
10	What is the total amount of actual damages Jan Buettner suffered as a result of the
11	misappropriation of proprietary information by Thomas Middelhoff?
12	euros
13	
14	Please proceed to Question No. 25.
15	<u>Fraud</u>
16	25) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for fraud, we
17	find in favor of:
18	Jan Buettner ONE
19	Bertelsmann AG ELEVEN
20	If you find in favor of Jan Buettner, please proceed to Question No. 26.
21	If you find in favor of Bertelsmann AG, please proceed to Question No. 27.
22	
23	What is the total amount of damages Jan Buettner suffered as a result of the fraud
24	by Bertelsmann AG?
25	
26	euros
27	
28	Please proceed to Question No. 27.

1	27) On plaintiff Jan Buettner's claim against defendant Thomas Middelhoff for fraud,
2	we find in favor of:
3	Jan Buettner TWO
4	Thomas Middelhoff TEN
5	
6	If you find in favor of Jan Buettner, please proceed to Question No. 28.
7	If you find in favor of Thomas Middelhoff, please proceed to Question No. 29.
8	
9	28) What is the total amount of damages Jan Buettner suffered as a result of the fraud
10	by Thomas Middelhoff?
11	
12	euros
13	
14	Please proceed to Question No. 29.
15	Accounting
16	
17	29) On plaintiff Jan Buettner's claim against defendant Bertelsmann AG for
18	accounting, we find in favor of:
19	Jan Buettner TEN
20	Bertelsmann AG TWO
21	
22	
23	
24	
25	
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27	
28	

1	Andreas von Blottnitz v. Bertelsmann AG and Thomas Middelhoff
2	
3	Please answer the following questions in the order they appear. After each question the
4	form will give you directions what to do next.
5	If you find in favor of plaintiff Andreas von Blottnitz on one or more claims, you will be
6	asked to provide a separate award of damages for each separate claim. In some cases, depending
7	on your verdict, you may award the same damages on more than one claim. However, you
8	should not concern yourself with any duplication of damages. Simply enter the amount of
9	damages attributable to each separate claim, and the Court will determine the total amount of
10	damages based on your answers and the applicable law.
11	Breach of Written Contract
12	
13	1) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
14	breach of written contract, we find in favor of:
15	Andreas von Blottnitz NINE
16	Bertelsmann AG THREE
17	
18	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 2.
19	If you find in favor of Bertelsmann AG, please proceed to Question No. 3.
20	
21	2) What is the total amount of damages Andreas von Blottnitz suffered as a result of
22	the breach of contract by Bertelsmann AG?
23	
24	104,655,000 euros
25	
26	Please proceed to Question No. 3.
27	
28	

1	Breach of Oral Contract
2	
3	3) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
4	breach of oral contract, we find in favor of:
5	Andreas von Blottnitz ELEVEN
6	Bertelsmann AG ONE
7	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 4.
8	If you find in favor of Bertelsmann AG, please proceed to Question No. 5.
9	
10	4) What is the total amount of damages Andreas von Blottnitz suffered as a result of
11	the breach of contract by Bertelsmann AG?
12	104,655,000 euros
13	
14	Please proceed to Question No. 5.
15	
16	5) On plaintiff Andreas von Blottnitz's claim against defendant Thomas Middelhoff
17	for breach of oral contract, we find in favor of:
18	Andreas von Blottnitz TEN
19	Thomas Middelhoff TWO
20	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 6.
21	If you find in favor of Thomas Middelhoff, please proceed to Question No. 7.
22	
23	6) What is the total amount of damages Andreas von Blottnitz suffered as a result of
24	the breach of contract by Thomas Middelhoff?
25	
26	10,000,000 euros
27	
28	Please proceed to Question No. 7.

1	Proced of Dortnership Agreement
2	Breach of Partnership Agreement
3	7) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
4	breach of partnership agreement, we find in favor of:
5	Andreas von Blottnitz TEN
6	Bertelsmann AG TWO
7	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 8.
8	If you find in favor of Bertelsmann AG, please proceed to Question No. 9.
9	if you find in favor of Berteismann AO, please proceed to Question No. 9.
10	8) What is the total amount of damages Andreas von Blottnitz suffered as a result o
11	the breach of partnership agreement by Bertelsmann AG?
12	
13	104,655,000 euros
14	
	Please proceed to Question No. 9.
15	Quantum Meruit
16	
17	9) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
18	quantum meruit, we find in favor of:
19	Andreas von Blottnitz THREE
19 20	Andreas von Blottnitz THREE Bertelsmann AG NINE
20	Bertelsmann AG NINE
20 21	Bertelsmann AG NINE If you find in favor of Andreas von Blottnitz, please proceed to Question No. 10.
20 21 22	Bertelsmann AG NINE If you find in favor of Andreas von Blottnitz, please proceed to Question No. 10.
20 21 22 23	Bertelsmann AG NINE If you find in favor of Andreas von Blottnitz, please proceed to Question No. 10. If you find in favor of Bertelsmann AG, please proceed to Question No. 11.
20 21 22 23 24	Bertelsmann AG NINE If you find in favor of Andreas von Blottnitz, please proceed to Question No. 10. If you find in favor of Bertelsmann AG, please proceed to Question No. 11. 10) What is the total amount of compensation Andreas von Blottnitz is entitled to
20 21 22 23 24 25	Bertelsmann AG NINE If you find in favor of Andreas von Blottnitz, please proceed to Question No. 10. If you find in favor of Bertelsmann AG, please proceed to Question No. 11. 10) What is the total amount of compensation Andreas von Blottnitz is entitled to receive from Bertelsmann AG under <i>quantum meruit</i> ?

1	On plaintiff Andreas von Blottnitz's claim against defendant Thomas Middelhoff
2	for quantum meruit, we find in favor of:
3	Andreas von Blottnitz TWO
4	Thomas Middelhoff TEN
5	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 12.
6	If you find in favor of Thomas Middelhoff, please proceed to Question No. 13.
7	
8	12) What is the total amount of compensation Andreas von Blottnitz is entitled to
9	receive from Thomas Middelhoff under quantum meruit?
10	
11	euros
12	
13	Please proceed to Question No. 13.
14	<u>Culpa in Contrahendo</u>
15	
16	13) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
17	culpa in contrahendo, we find in favor of:
18	Andreas von Blottnitz TWELVE
19	Bertelsmann AG ZERO
20	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 14.
21	If you find in favor of Bertelsmann AG, please proceed to Question No. 15.
22	
23	14) What is the total amount of damages Andreas von Blottnitz suffered as a result of
24	culpa in contrahendo by Bertelsmann AG?
25	
26	6,000,000 euros
27	
28	Please proceed to Question No. 15.

1	15) On plaintiff Andreas von Blottnitz's claim against defendant Thomas Middelhoff
2	for culpa in contrahendo, we find in favor of:
3	Andreas von Blottnitz TWELVE
4	Thomas Middelhoff ZERO
5	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 16.
6	If you find in favor of Thomas Middelhoff, please proceed to Question No. 17.
7	
8	What is the total amount of damages Andreas von Blottnitz suffered as a result of
9	culpa in contrahendo by Thomas Middelhoff?
10	
11	6,000,000 euros
12	
13	Please proceed to Question No. 17.
14	Breach of Fiduciary Duty
15	
16	17) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
17	breach of fiduciary duty, we find in favor of:
18	Andreas von Blottnitz TEN
19	Bertelsmann AG TWO
20	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 18.
21	If you find in favor of Bertelsmann AG, please proceed to Question No. 19.
22	
23	18) What is the total amount of damages Andreas von Blottnitz suffered as a result of
24	the breach of fiduciary duty by Bertelsmann AG?
25	
26	104,655,000 euros
27	
28	Please proceed to Question No. 19.

1	Misappropriation of Proprietary Information
2	
3	19) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG fo
4	misappropriation of proprietary information, we find in favor of:
5	Andreas von Blottnitz ZERO
6	Bertelsmann AG TWELVE
7	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 20.
8	If you find in favor of Bertelsmann AG, please proceed to Question No. 22.
9	20) What is the total value of the benefit that Bertelsmann AG obtained through
10	misappropriation of plaintiffs' proprietary information?
11	euros
12	21) What is the total amount of actual damages Andreas von Blottnitz suffered as a
13	result of the misappropriation of proprietary information by Bertelsmann AG?
14	euros
15	Please proceed to Question No. 22.
16	22) On plaintiff Andreas von Blottnitz's claim against defendant Thomas Middelhoff
17	for misappropriation of proprietary information, we find in favor of:
18	Andreas von Blottnitz ZERO
19	Thomas Middelhoff TWELVE
20	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 23.
21	If you find in favor of Thomas Middelhoff, please proceed to Question No. 25.
22	What is the total value of the benefit that Thomas Middelhoff obtained through
23	misappropriation of plaintiffs' proprietary information?
24	euros
25	24) What is the total amount of actual damages Andreas von Blottnitz suffered as a
26	result of the misappropriation of proprietary information by Thomas Middelhoff?
27	euros
28	Please proceed to Question No. 25.

1	<u>Fraud</u>
2	25) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
3	fraud, we find in favor of:
4	Andreas von Blottnitz ONE
5	Bertelsmann AG ELEVEN
6	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 26.
7	If you find in favor of Bertelsmann AG, please proceed to Question No. 27.
8	26) What is the total amount of damages Andreas von Blottnitz suffered as a result of
9	the fraud by Bertelsmann AG?
10	euros
11	Please proceed to Question No. 27.
12	27) On plaintiff Andreas von Blottnitz's claim against defendant Thomas Middelhoff
13	for fraud, we find in favor of:
14	Andreas von Blottnitz TWO
15	Thomas Middelhoff TEN
16	If you find in favor of Andreas von Blottnitz, please proceed to Question No. 28.
17	If you find in favor of Thomas Middelhoff, please proceed to Question No. 29.
18	28) What is the total amount of damages Andreas von Blottnitz suffered as a result of
19	the fraud by Thomas Middelhoff?
20	euros
21	Please proceed to Question No. 29.
22	
23	
24	
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1	
2	Accounting
3	29) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
4	accounting, we find in favor of:
5	Andreas von Blottnitz TEN
6	Bertelsmann AG TWO
7	
8	
9	Please sign, date and return this verdict form.
10	
11	
12	Dated: 12/11/03
13	<u>SS/</u>
14	Foreperson
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