

1 Verdict Form 1

2 Intentional Misrepresentation

3
4 We answer the questions submitted to us as follows:

5
6 **1. Did Defendants, or either of them, make a false representation of an**
7 **important fact to Leslie Whiteley?**

8
9 Philip Morris: YES 12 NO ∅

10
11 R. J. Reynolds: YES 12 NO ∅

12
13 ▪ If your answer to Question 1 is YES as to a defendant, then answer
14 Question 2 as to that defendant.

15
16 ▪ If you answered NO as to a defendant, do not answer any further
17 questions on Verdict Form 1 as to that defendant.

18
19 ▪ If you have no further questions to answer on this form for either
20 defendant, stop here and proceed to Verdict Form 2.

21
22 **2. Did Defendants, or either of them, know that the representation was**
23 **false, or make the representation recklessly and without regard for its truth?**

24
25 Philip Morris: YES 12 NO ∅

26
27 R. J. Reynolds: YES 12 NO ∅

1 ▪ If your answer to Question 2 is YES as to a defendant, then answer
2 Question 3 as to that defendant.

3
4 ▪ If you answered NO as to a defendant, do not answer any further
5 questions on Verdict Form 1 as to that defendant.

6
7 ▪ If you have no further questions to answer on this form for either
8 defendant, stop here and proceed to Verdict Form 2.

9
10 **3. Did Defendants, or either of them, intend that Leslie Whiteley rely on**
11 **the representation?**

12
13 Philip Morris: YES 12 NO Ø

14
15 R. J. Reynolds: YES 12 NO Ø

16
17 ▪ If your answer to Question 3 is YES as to a defendant, then answer
18 Question 4 as to that defendant.

19
20 ▪ If you answered NO as to a defendant, do not answer any further
21 questions on Verdict Form 1 as to that defendant.

22
23 ▪ If you have no further questions to answer on this form for either
24 defendant, stop here and proceed to Verdict Form 2.

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4. Did Leslie Whiteley reasonably rely on the representation?

Philip Morris: YES 8 NO 4

R. J. Reynolds: YES 8 NO 4

▪ If your answer to Question 4 is YES as to a defendant, then answer Question 5 as to that defendant.

▪ If you answered NO as to a defendant, do not answer any further questions on Verdict Form 1 as to that defendant.

▪ If you have no further questions to answer on this form for either defendant, stop here and proceed to Verdict Form 2.

5. Was Leslie Whiteley's reliance on Defendants' representation a substantial factor in causing harm to Leslie Whiteley?

Philip Morris: YES _____ NO _____

R. J. Reynolds: YES _____ NO _____

Proceed to Verdict Form 2

Verdict Form 2

False Promise

We answer the questions submitted to us as follows:

1. Did the Defendants, or either of them, make a promise to Leslie Whiteley that was important to the transaction?

Philip Morris: YES 12 NO 0

R. J. Reynolds: YES 12 NO 0

▪ If your answer to Question 1 is YES as to a defendant, then answer Question 2 as to that defendant.

▪ If you answered NO as to a defendant, do not answer any further questions on Verdict Form 2 as to that defendant.

▪ If you have no further questions to answer on this form for either defendant, stop here and proceed to Verdict Form 3.

2. Did Defendants, or either of them, intend to perform this promise when they made it?

Philip Morris: YES ~~12~~ ⁰ NO ~~0~~ ¹²

R. J. Reynolds: YES ~~12~~ ⁰ NO ~~0~~ ¹²

1 ▪ If your answer to Question 2 is NO as to a defendant, then answer
2 Question 3 as to that defendant.

3
4 ▪ If you answered YES as to a defendant, do not answer any further
5 questions on Verdict Form 2 as to that defendant.

6
7 ▪ If you have no further questions to answer on this form for either
8 defendant, stop here and proceed to Verdict Form 3.

9
10 **3. Did Defendants, or either of them, intend that Leslie Whiteley rely on**
11 **this promise?**

12
13 Philip Morris: YES 12 NO 0

14
15 R. J. Reynolds: YES 12 NO 0

16
17 ▪ If your answer to Question 3 is YES as to a defendant, then answer
18 Question 4 as to that defendant.

19
20 ▪ If you answered NO as to a defendant, do not answer any further
21 questions on Verdict Form 2 as to that defendant.

22
23 ▪ If you have no further questions to answer on this form for either
24 defendant, stop here and proceed to Verdict Form 3.

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4. Did Leslie Whiteley reasonably rely on this promise?

	(2) ka		(2) ka
Philip Morris:	YES 10 10	NO	2 2
	(2) ka		(2) ka
R. J. Reynolds:	YES 10 10	NO	2 2

▪ If your answer to Question 4 is YES as to a defendant, then answer Question 5 as to that defendant.

▪ If you answered NO as to a defendant, do not answer any further questions on Verdict Form 2 as to that defendant.

▪ If you have no further questions to answer on this form for either defendant, stop here and proceed to Verdict Form 3.

5. Did Defendants, or either of them, perform the promised act?

	(2) ka		(2) ka
Philip Morris:	YES 0 0	NO	12 12
	(2) ka		(2) ka
R. J. Reynolds:	YES 0 0	NO	12 12

▪ If your answer to Question 5 is NO as to a defendant, then answer Question 6 as to that defendant.

▪ If you answered YES as to a defendant, do not answer any further questions on Verdict Form 2 as to that defendant.

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▪ If you have no further questions to answer on this form for either defendant, stop here and proceed to Verdict Form 3.

6. Was Leslie Whiteley's reliance on Defendants' promise a substantial factor in causing harm to Leslie Whiteley?

Philip Morris: YES ~~12~~ 12 NO 0

R. J. Reynolds: YES 12 NO 0

Proceed to Verdict Form 3

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Verdict Form 3
Negligent Misrepresentation

We answer the questions submitted to us as follows:

1. Did Defendants, or either of them, make a false representation of an important fact to Leslie Whiteley?

Philip Morris: YES 12 NO 0

R. J. Reynolds: YES 12 NO 0

▪ If your answer to Question 1 is YES as to a defendant, then answer Question 2 as to that defendant.

▪ If you answered NO as to a defendant, do not answer any further questions on Verdict Form 3 as to that defendant.

▪ If you have no further questions to answer on this form for either defendant, stop here and answer no further questions on Verdict Form 3, and proceed to the instructions that appear after Question 5, on page 11.

2. Did Defendants, or either of them, have reasonable grounds for believing the representation was true when they made it?

Philip Morris: YES ^{KG} 0 NO 12

R. J. Reynolds: YES 0 NO 12

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▪ If your answer to Question 2 is NO as to a defendant, then answer Question 3 as to that defendant.

▪ If you answered YES as to a defendant, do not answer any further questions on Verdict Form 3 as to that defendant.

▪ If you have no further questions to answer on this form for either defendant, stop here and answer no further questions on Verdict Form 3, and proceed to the instructions that appear after Question 5, on page 11.

3. Did Defendants, or either of them, intend that Leslie Whiteley rely on the representation?

Philip Morris: YES 12 NO 0

R. J. Reynolds: YES 12 NO 0

▪ If your answer to Question 3 is YES as to a defendant, then answer Question 4 as to that defendant.

▪ If you answered NO as to a defendant, do not answer any further questions on Verdict Form 3 as to that defendant.

▪ If you have no further questions to answer on this form for either defendant, stop here and answer no further questions on Verdict Form 3, and proceed to the instructions that appear after Question 5, on page 11.

1 **4. Did Leslie Whiteley reasonably rely on the representation?**

2

3 Philip Morris: YES 11 NO 1

4

5 R. J. Reynolds: YES 11 NO 1

6

7 ▪ If your answer to Question 4 is YES as to a defendant, then answer
8 Question 5 as to that defendant.

9

10 ▪ If you answered NO as to a defendant, do not answer any further
11 questions on Verdict Form 3 as to that defendant.

12

13 ▪ If you have no further questions to answer on this form for either
14 defendant, stop here and answer no further questions on Verdict Form 3, and
15 proceed to the instructions that appear after Question 5, on page 11.

16

17

18 **5. Was Leslie Whiteley's reliance on Defendants' representation a**
19 **substantial factor in causing harm to Leslie Whiteley?**

20

21 Philip Morris: YES 11 NO 1

22

23 R. J. Reynolds: YES 11 NO 1

24

25 If you answered YES as to at least one Defendant on Verdict Form 1,
26 Question 5; Verdict Form 2, Question 6; or Verdict Form 3, Question 5; then
27 proceed to Verdict Form 4. If not, then stop here, have the Presiding Juror sign
28 and date this form, return the form to the clerk, and await further instructions.

1 Verdict Form 4

2 Damages

3 Answer all of the questions on Verdict Form 4.

4
5 **1. What are the Estate of Leslie Whiteley's damages?**

6 Past economic loss (medical expenses, funeral expenses):

7
8 \$ 90,640

9
10 **2. What are Leonard Whiteley's damages for loss of his wife's love,**
11 **companionship, comfort, care, assistance, protection, affection, society, moral**
12 **support, and enjoyment of sexual relations or the ability to have children,**
13 **measured from the date his wife Leslie Whiteley was diagnosed with lung**
14 **cancer until the date she died?**

15
16 \$ 30,000.

17
18 **3. What are the heirs of Leslie Whiteley's (children Troy Whiteley, Trevor**
19 **Whiteley, Elizabeth Whiteley, Carl Whiteley, and husband Leonard Whiteley)**
20 **damages?**

21
22 **Economic Damages:**

23 Past financial support that Leslie Whiteley would have contributed to the
24 family:

25 \$ 0

1 Future financial support that Leslie Whiteley would have contributed to the
2 family:

3 \$ Ø

4
5 Past household services that Leslie Whiteley would have provided:

6
7 \$ 180,000

8
9 Future household services that Leslie Whiteley would have provided:

10
11 \$ 344,614

12
13 **Non-Economic Damages:**

14 The loss of Leslie Whiteley's love, companionship, comfort, care,
15 assistance, protection, affection, society, moral support, the enjoyment of sexual
16 relations, and Leslie Whiteley's training and guidance:

17
18 \$ 1,821,350

19
20
21
22 If you answered YES to Question 5 on Verdict Form 1 or Question 6 on Verdict
23 Form 2, then proceed to Verdict Form 5. If not, then stop here, have the Presiding
24 Juror sign and date this form, return the form to the clerk, and await further
25 instructions.
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Verdict Form 5

Punitive Damages

Answer all the questions on verdict Form 5.

Question:

Do you find by clear and convincing evidence that the Defendants, or either of them, was guilty of oppression in the conduct upon which you base your finding of liability for intentional misrepresentation?

Answer YES or NO after the name of each Defendant.

Answer:

	<u>EL</u> ^{xc}	<u>KA</u> ^{xc}
Philip Morris:	YES 6	NO 6
R. J. Reynolds:	YES 6	NO 6

Do you find by clear and convincing evidence that the Defendants, or either of them, was guilty of malice in the conduct upon which you base your finding of liability for intentional misrepresentation?

Answer YES or NO after the name of each Defendant.

Answer:

	<u>EL</u> ^{xc}	<u>KA</u> ^{xc}
Philip Morris:	YES 6	NO 6
R. J. Reynolds:	YES 6	NO 6

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Do you find by clear and convincing evidence that the Defendants, or either of them, was guilty of fraud in the conduct upon which you base your finding of liability for intentional misrepresentation?

Answer YES or NO after the name of each Defendant.

Answer:

Philip Morris: YES 6 NO 6

R. J. Reynolds: YES 6 NO 6

Question:

Do you find by clear and convincing evidence that the Defendants, or either of them, was guilty of oppression in the conduct upon which you base your finding of liability for false promise?

Answer YES or NO after the name of each Defendant.

Answer:

Philip Morris: YES 7 NO 5

R. J. Reynolds: YES 7 NO 5

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Do you find by clear and convincing evidence that the Defendants, or either of them, was guilty of malice in the conduct upon which you base your finding of liability for false promise?

Answer YES or NO after the name of each Defendant.

Answer:

EM KA EM KA

Philip Morris: YES ~~8~~ 8 NO ~~4~~ 4

R. J. Reynolds: YES 9 NO 3

Do you find by clear and convincing evidence that the Defendants, or either of them, was guilty of fraud in the conduct upon which you base your finding of liability for false promise?

Answer YES or NO after the name of each Defendant.

Answer:

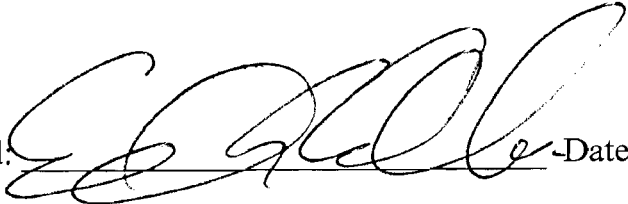
Philip Morris: YES 5 NO 7

R. J. Reynolds: YES 5 NO 7

Have the presiding juror sign and date the Verdict.

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Presiding Juror Signature Form

Signed:  - Dated: May 2, 2007

Return this form to the clerk and await further instructions.