

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.

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 10) 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 11) 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 *culpa in*
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 *culpa*
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 *culpa in*
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 20) What is the total value of the benefit that Bertelsmann AG obtained through
22 misappropriation of plaintiffs' proprietary information?

23 _____ euros

24 21) 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 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 Breach of Partnership Agreement

2
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
10 8) What is the total amount of damages Andreas von Blottnitz suffered as a result of
11 the breach of partnership agreement by Bertelsmann AG?

12 104,655,000 euros

13
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

20 Bertelsmann AG NINE

21 If you find in favor of Andreas von Blottnitz, please proceed to Question No. 10.

22 If you find in favor of Bertelsmann AG, please proceed to Question No. 11.

23
24 10) What is the total amount of compensation Andreas von Blottnitz is entitled to
25 receive from Bertelsmann AG under *quantum meruit*?

26 _____ euros

27
28 Please proceed to Question No. 11.

1 Misappropriation of Proprietary Information

2
3 19) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for
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 23) 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.

Fraud

1
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.

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Accounting

29) On plaintiff Andreas von Blottnitz's claim against defendant Bertelsmann AG for accounting, we find in favor of:

Andreas von Blottnitz TEN
Bertelsmann AG TWO

Please sign, date and return this verdict form.

Dated: 12/11/03

SS/ _____
Foreperson