

JUN 25 2021

MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, ROOSEVELT COUNTY

Laura A. Evans
DEPUTY CLERK

JESS ROMO, et al.,) CAUSE NO. DV-2018-45

Plaintiffs,)

vs.)

USA BIOFUELS, LLC, Utah Limited)
Liability Corporation; VITALITY) **SPECIAL VERDICT FORM**

NATURAL HEALTH LLC; EUREKA 93)

INC.; GREG RANGER; DAVID)

RENDIMONTI; COREY SHIRLEY; OWEN)

KENNEY; ROBERT LEAKER; SEAN)

POLI; STEPHEN ARCHAMBAULT; KENT)

HOGGAN; VITALITY CBD NATURAL)

HEALTH PRODUCTS, INC.; SURETY)

LAND DEVELOPMENT, LLC, Utah Limited)

Liability Corporation; and DOES 11-15,)

Defendants.)

In this case, you the jury, will return a verdict consisting of responses to the following questions. Eight (8) or more of you must agree on the answers to each question. It is not necessary for the same eight (8) people to agree on the answer to each question. Depending on the answer to the question, you may be direct to skip certain questions. Please read the entire Special Verdict Form before proceeding to answer the questions. Once you have read the entire Special Verdict Form, you are instructed to answer Question No. 1 and then read and follow the instructions set forth after Question No. 1.

WE, THE JURY in the above-entitled action, answer the questions on the Special Verdict Form submitted to us as follows:

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QUESTION NO. 1:

Were any of the following defendants negligent?

ANSWER:

USA Biofuels, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Vitality Natural Health, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Corey Shirley	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Owen Kenney	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Kent Hoggan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Surety Land Development, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If your Answer is "Yes" as to any of the defendants listed in Question No. 1, proceed to Question No. 2.

If your Answer is "No" as to all defendants listed in Question No. 1, proceed to Question No. 3.

QUESTION NO. 2:

Did the negligence of defendant(s), as answered above, cause damages to Plaintiffs?

ANSWER: Yes No

Proceed to Question No. 3.

QUESTION NO. 3:

Did any of the following defendants commit negligent misrepresentation?

ANSWER:

USA Biofuels, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Vitality Natural Health, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Corey Shirley	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Owen Kenney Yes No _____

Kent Hoggan Yes No _____

Surety Land Development, LLC Yes No _____

If your Answer is "Yes" as to any of the defendants listed in Question No. 3, proceed to Question No. 4.

If your Answer is "No" as to all defendants listed in Question No. 3, proceed to Question No. 5.

QUESTION NO. 4:

Did the negligent misrepresentation of defendant(s), as answered above, cause damages to Plaintiffs?

ANSWER: Yes No _____

Proceed to Question No. 5.

QUESTION NO. 5:

Do you find that the Defendants acted in concert in committing negligence or negligent misrepresentation? If yes, proceed to Question No. 7. If no, proceed to Question No. 6 where you must allocate fault between the Defendants you found to have committed negligence or negligent misrepresentation in Question Nos. 1 and 3.

ANSWER: Yes No _____

QUESTION NO. 6:

What percentage of fault do you assign to each of the defendants? Defendants Eureka 93 and David Rendimonti were previously found to have committed negligence and negligent misrepresentation. The percent of fault must add up to 100%.

USA Biofuels, LLC % _____

Vitality Natural Health, LLC % _____

Corey Shirley	%	<u> </u>
Owen Kenney	%	<u> </u>
Kent Hoggan	%	<u> </u>
Surety Land Development, LLC	%	<u> </u>
Eureka 93, Inc.	%	<u> </u>
David Rendimonti	%	<u> </u>

QUESTION NO. 7:

Did any of the following defendants commit fraud?

ANSWER:

USA Biofuels, LLC	Yes <u>✓</u>	No <u> </u>
Vitality Natural Health, LLC	Yes <u>✓</u>	No <u> </u>
Corey Shirley	Yes <u>✓</u>	No <u> </u>
Owen Kenney	Yes <u>✓</u>	No <u> </u>
Kent Hoggan	Yes <u>✓</u>	No <u> </u>
Surety Land Development, LLC	Yes <u>✓</u>	No <u> </u>

If your Answer is "Yes" as to any of the defendants listed in Question No. 7, proceed to Question No. 8.

If your Answer is "No" as to all defendants listed in Question No. 7, proceed to Question No. 9.

QUESTION NO. 8:

Did the fraud of defendant(s), as answered above, cause damages to Plaintiffs?

ANSWER: Yes ✓ No

Proceed to Question No. 9.

QUESTION NO. 9:

Did any of the following defendants commit constructive fraud?

ANSWER:

USA Biofuels, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Vitality Natural Health, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Corey Shirley	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Owen Kenney	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Kent Hoggan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Surety Land Development, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If your Answer is "Yes" as to any of the defendants listed in Question No.9, proceed to Question No. 10.

If your Answer is "No" as to all defendants listed in Question No. 9, proceed to Question No. 11.

QUESTION NO. 10:

Did the constructive fraud of defendant(s), as answered above, cause damages to Plaintiffs?

ANSWER: Yes No

Proceed to Question No. 9.

QUESTION NO. 11:

Did any of the following defendants commit deceit?

ANSWER:

USA Biofuels, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Vitality Natural Health, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Corey Shirley	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Owen Kenney Yes No

Kent Hoggan Yes No

Surety Land Development, LLC Yes No

If your Answer is "Yes" as to any of the defendants listed in Question No.11, proceed to Question No. 12.

If your Answer is "No" as to all defendants listed in Question No. 11, proceed to Question No. 13.

QUESTION NO. 12:

Did the deceit of defendant(s), as answered above, cause damages to Plaintiffs?

ANSWER: Yes No

The Court has determined as a matter of law that Eureka 93, Inc., committed negligence, negligent misrepresentation, fraud, constructive fraud, promissory estoppel, and deceit, and that such torts were the cause of Plaintiffs' damages. The Court has determined as a matter of law David Rendimonti committed negligence, negligent misrepresentation, and deceit, and that such torts were the cause of Plaintiffs' damages. Therefore, you shall award damages to Plaintiffs caused by Eureka 93 and Rendimonti, as well as any damages identified by your "Yes" responses to Question Nos. 2, 4, 6, 8, 10 or 12 if any, by answering Question No. 13.

QUESTION NO. 13:

What amount of money do you award Plaintiffs for the lost profit or prospective gain compensatory damages caused by all Defendant(s)?

ANSWER: \$ 7,500,000.00 (single award for all Plaintiffs collectively for: (1) lost profit or other prospective gain resulting from defendant(s) acts.)

Proceed to Question No. 14.

QUESTION NO. 14: What amount of money do you award individual

Plaintiffs for mental suffering, mental anguish, grief, worry, and disappointment, or the like.)

ANSWER: \$ 125,000⁰¹ Beau Anderson
\$ 75,000⁰⁰ Amber Anderson
\$ 75,000⁰⁰ Ty Anderson
\$ 75,000⁰⁰ Stephanie Anderson
\$ 75,000⁰⁰ David Anderson
\$ 75,000⁰⁰ Dave Granley
\$ 200,000⁰⁰ Kyle Keith Groh
\$ 150,000⁰⁰ Wyatt Handy
\$ 75,000⁰⁰ Wagner Harmon
\$ 75,000⁰⁰ Chris Hansen
\$ 118,275⁰⁰ Nolan Nelson
\$ 148,200⁰⁰ Paydon Nelson
\$ 106,875⁰⁰ Chase Picard
\$ 106,875⁰⁰ Dave Picard
\$ 75,000⁰⁰ Bryan Prevost
\$ 75,000⁰⁰ Gy Salvevold
\$ 175,275⁰⁰ Loren Schledewitz
\$ 75,000⁰⁰ Terry Traeger
\$ 150,000⁰⁰ Jess Romo

Proceed to Question 15.

QUESTION NO. 15:


Do you find that punitive damages should be awarded to Plaintiffs against any of the following Defendants?

ANSWER:

USA Biofuels, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Vitality Natural Health, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Eureka 93, Inc.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Corey Shirley	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Owen Kenney	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Kent Hoggan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Surety Land Development, LLC	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
David Rendimonti	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Please sign the Special Verdict Form and return it to the Bailiff.

DATED this 25th day of June, 2021.



Jury Foreperson