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IN THE THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

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MARK HAUG, an individual,

Plaintiff,

vs.

LA CAILLE RESTAURANT  
CORPORATION, a Utah corporation;  
LA CAILLE PROPERTIES dba;  
QUAIL RUN ENTERPRISES, dba;  
QUAIL RUN ENTERPRISES, LLC;  
PEACOCK PROPERTIES, LLC, a Utah  
limited liability company; DAVID C.  
JOHNSON, an individual; DAVID  
JOHNSON TRUST; STEVEN  
RUNOLFSON, an individual; STEVEN  
RUNOLFSON TRUST; LISA  
RUNOLFSON TRUST; and JOHN  
DOES numbers 1-9,

Defendants.

SPECIAL JURY VERDICT FORM

Civil No. 060902238

Honorable Kate A. Toomey

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**MEMBERS OF THE JURY:**

Please answer all questions based on a preponderance of the evidence unless otherwise indicated.

WE, THE JURY, ANSWER THE QUESTIONS TO US AS FOLLOWS:

**MR. HAUG'S BREACH OF CONTRACT CLAIM**

**Question No. 1**

Did Defendants breach the 1993 Amended Partnership Agreement (Exhibit 5)?

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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*If you answered "No" to Question No. 1, then please proceed to Question No. 3.*

*Otherwise, please proceed to Question No. 2.*

**Question No. 2**

What amount of damages should be awarded to Mr. Haug and against Defendants for the breach of contract?

\$ <del>2,345,000.00</del>
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2,595,000 100%

*Please proceed to Question No. 3.*

**MR. HAUG'S BREACH OF FIDUCIARY DUTY CLAIM**

**Question No. 3**

Did Defendants breach any fiduciary duties that they owed to Mr. Haug?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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*If you answered "No" to Question No. 3, then please proceed to Question No. 6.*

*Otherwise, please proceed to Question No. 4.*

**Question No. 4**

What amount of damages should be awarded to Mr. Haug and against Defendants for Defendants' breach of fiduciary duty?

\$ 2,345,000 *OK*  
2,595,000.00

*Please proceed to Question No. 5.*

**Question No. 5**

Do you find by clear and convincing evidence that Defendants' breach of fiduciary duty is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes  No

*Please proceed to Question No. 6.*

**MR. HAUG'S CONVERSION CLAIM**

**Question No. 6**

Did the Defendants convert Mr. Haug's personal property?

Yes  No

*If you answered "No" to Question No. 6, then please proceed to Question No. 9.*

*Otherwise, please proceed to Question No. 7.*

**Question No. 7**

What amount of damages should be awarded to Mr. Haug and against Defendants for their conversion of Mr. Haug's personal property?

\$ ~~2,345,000.00~~  
2,595,000.00 *EXM*

*Please proceed to Question No. 8.*

**Question No. 8**

Do you find by clear and convincing evidence that Defendants' conversion of Mr. Haug's personal property is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes  No

*Please proceed to Question No. 9.*

**MR. HAUG'S MALICIOUS PROSECUTION CLAIM**

**Question No. 9**

Did the Defendants maliciously prosecute Haug?

Yes  No

*If you answered "No" to Question No. 9, then please proceed to Question No. 13.*

*Otherwise, please proceed to Question No. 10.*

**Question No. 10**

What amount of special damages should be awarded to Mr. Haug and against Defendants for Defendants' malicious prosecution of Mr. Haug?

\$ 135,147.44

*Please proceed to Question No. 11.*

**Question No. 11**

What amount of general damages should be awarded to Mr. Haug and against Defendants for Defendants' malicious prosecution of Mr. Haug?

\$ 720,000.00

*Please proceed to Question No. 12.*

**Question No. 12**

Do you find by clear and convincing evidence that Defendants' malicious prosecution of Mr. Haug is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes  No

*Please proceed to Question No. 13.*

**MR. JOHNSON'S BREACH OF CONTRACT CLAIM**

**Question No. 13**

Did Mr. Haug breach an agreement to repay Mr. Johnson for personal loans?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 13, then please proceed to Question No. 15.*

*Otherwise, please proceed to Question No. 14.*

**Question No. 14**

What amount of damages should be awarded to Mr. Johnson and against Mr. Haug for the breach of contract?

\$    — 0 —
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*Please proceed to Question No. 15.*

**MR. RUNOLFSON'S BREACH OF CONTRACT CLAIM**

**Question No. 15**

Did Mr. Haug breach an agreement to repay Mr. Runolfson for personal loans?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 15, then please proceed to Question No. 17.*

*Otherwise, please proceed to Question No. 16.*

**Question No. 16**

What amount of damages should be awarded to Mr. Runolfson and against Mr. Haug for the breach of contract?

\$ - 0 -

*Please proceed to Question No. 17.*

**QUAIL RUN ENTERPRISES' BREACH OF CONTRACT CLAIM**

**Question No. 17**

Did Mr. Haug breach an agreement to repay Quail Run Enterprises for loans related to the Cabin?

Yes  No

*If you answered "No" to Question No. 17, then please proceed to Question No. 19.*

*Otherwise, please proceed to Question No. 18.*

**Question No. 18**

What amount of damages should be awarded to Quail Run Enterprises and against Mr. Haug for the breach of contract?

\$ 190,000.00

*Please proceed to Question No. 19.*

**LA CAILLE RESTAURANT CORPORATION'S  
BREACH OF CONTRACT CLAIM**

**Question No. 19**

Did Mr. Haug breach an agreement to repay La Caille Restaurant Corporation for monies used for personal reasons?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 19, then please proceed to Question No. 21.*

*Otherwise, please proceed to Question No. 20.*

**Question No. 20**

What amount of damages should be awarded to La Caille Restaurant Corporation and against Mr. Haug for the breach of contract?

\$    — 0 —
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*Please proceed to Question No. 21.*

**MESSRS. JOHNSON AND RUNOLFSON'S FRAUD CLAIM**

**Question No. 21**

Did Mr. Haug commit fraud with respect to the loans relating to the Cabin?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 21, then please proceed to Question No. 24.*

*Otherwise, please proceed to Question No. 22.*



**Question No. 22**

What amount of damages should be awarded to Messrs. Johnson and Runolfson and against Mr. Haug for Mr. Haug's fraud?

\$     — 0 —
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*Please proceed to Question No. 23.*

**Question No. 23**

Do you find by clear and convincing evidence that Mr. Haug's fraud is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes ___	No ___
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*Please proceed to Question No. 24.*

**DEFENDANTS' BREACH OF FIDUCIARY DUTY CLAIM**

**Question No. 24**

Did Mr. Haug breach any fiduciary duties that <sup>he</sup> they owed to Defendants?

Yes ___	No <input checked="" type="checkbox"/>
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*he*  
*they*

*If you answered "No" to Question No. 24, then please proceed to Question No. 27.*

*Otherwise, please proceed to Question No. 25.*

**Question No. 25**

What amount of damages should be awarded to Defendants and against Mr. Haug for Mr. Haug's breach of fiduciary duty?

\$ - 0 -
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*Please proceed to Question No. 26.*

**Question No. 26**

Do you find by clear and convincing evidence that Mr. Haug's breach of fiduciary duty is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes ___	No ___
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*Please proceed to Question No. 27.*

**QUAIL RUN ENTERPRISES' CONVERSION CLAIM**

**Question No. 27**

Did Mr. Haug convert Quail Run Enterprises' personal property?

Yes ___	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 27, then please proceed to Question No. 30.*

*Otherwise, please proceed to Question No. 28.*

**Question No. 28**

What amount of damages should be awarded to Quail Run Enterprises and against Mr. Haug for Mr. Haug's conversion of Quail Run Enterprises' personal property?

\$ ~0~
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*Please proceed to Question No. 29.*

**Question No. 29**

Do you find by clear and convincing evidence that Mr. Haug's conversion of Quail Run Enterprises' personal property is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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*Please proceed to Question No. 30.*

**LA CAILLE RESTAURANT CORPORATION'S CONVERSION CLAIM**

**Question No. 30**

Did Mr. Haug convert La Caille Restaurant Corporation's personal property?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 30, then please proceed to Question No. 33.*

*Otherwise, please proceed to Question No. 31.*

**Question No. 31**

What amount of damages should be awarded to La Caille Restaurant Corporation and against Mr. Haug for Mr. Haug's conversion of La Caille Restaurant Corporation's personal property?

\$    — 0 —
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*Please proceed to Question No. 32.*

**Question No. 32**

Do you find by clear and convincing evidence that Mr. Haug's conversion of La Caille Restaurant Corporation's personal property is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes ___	No ___
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*Please proceed to Question No. 33.*

**QUAIL RUN ENTERPRISES' UNJUST ENRICHMENT CLAIM**

**Question No. 33**

Was Mr. Haug unjustly enriched from loans relating to the Cabin?

Yes ___	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 33, then please proceed to Question No. 35.*

*Otherwise, please proceed to Question No. 34.*

**Question No. 34**

What amount of damages should be awarded to Quail Run Enterprises and against Mr. Haug for the unjust enrichment?

\$ - 0 -
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*Please proceed to Question No. 35.*

**LA CAILLE RESTAURANT CORPORATION'S  
UNJUST ENRICHMENT CLAIM**

**Question No. 35**

Was Mr. Haug unjustly enriched from monies used for personal use?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 35, then please proceed to Question No. 37.*

*Otherwise, please proceed to Question No. 36.*

**Question No. 36**

What amount of damages should be awarded to La Caille Restaurant Corporation and against Mr. Haug for the unjust enrichment?

\$ - 0 -
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*Please proceed to Question No. 37.*

**MESSRS. JOHNSON AND RUNOLFSONS BREACH OF CONTRACT CLAIM**

**Question No. 37**

Did Mr. Haug breach the 1993 Amended Partnership Agreement (Exhibit 5)?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 37, then please proceed to Question No. 39.*

*Otherwise, please proceed to Question No. 38.*

**Question No. 38**

What amount of damages should be awarded to Messrs. Johnson and Runolfson and against Mr. Haug for the breach of contract?

\$	- 0 -
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*Please proceed to Question No. 39.*

**QUAIL RUN ENTERPRISES' FIRST FRAUD CLAIM**

**Question No. 39**

Did Mr. Haug commit fraud with respect to the loans relating to the Cabin?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 39, then please proceed to Question No. 42.*

*Otherwise, please proceed to Question No. 40.*

**Question No. 40**

What amount of damages should be awarded to Quail Run Enterprises and against Mr. Haug for Mr. Haug's fraud?

\$     - 0 -
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*Please proceed to Question No. 41.*

**Question No. 41**

Do you find by clear and convincing evidence that Mr. Haug's fraud is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes ___	No ___
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*Please proceed to Question No. 42.*

**QUAIL RUN ENTERPRISES' SECOND FRAUD CLAIM**

**Question No. 42**

Did Mr. Haug commit fraud with respect to the revolving line of credit relating to the Cabin?

Yes ___	No <input checked="" type="checkbox"/>
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*If you answered "No" to Question No. 42, then please proceed to the Closing Instruction.*

*Otherwise, please proceed to Question No. 43.*

**Question No. 43**

What amount of damages should be awarded to Quail Run Enterprises and against Mr. Haug for Mr. Haug's fraud?

\$ ~ 0 ~
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*Please proceed to Question No. 44.*

**Question No. 44**

Do you find by clear and convincing evidence that Mr. Haug's fraud is the result of willful and malicious or intentionally fraudulent conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of others?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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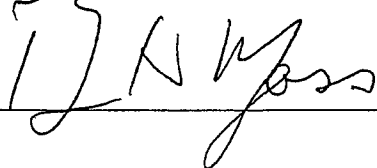
*Please proceed to the Closing Instruction.*

**Closing Instruction**

After answering the questions above as instructed, the Jury has completed this Special Jury Verdict Form. The Jury Foreperson should sign the document for return to the Court.

DATED this 11 day of March, 2010.

**JURY FOREPERSON**

  
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