IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

BRANIMIR CATIPOVIC, Plaintiff, vs. MARK TURLEY, Defendant.	No. C 11-3074-MWB **VERDICT FORM**

On Catipovic's claims and Turley's specific defenses, we, the Jury, find as follows:

I. CATIPOVIC'S BREACH OF CONTRACT CLAIM		
Step 1: Existence of the Contract	Has Catipovic proved that the parties had a contract to be partners in the development of ethanol production facilities anywhere in Eastern Europe, as explained in element *one* of Instruction No. 7? (*If you answer "yes" to this question, please go on to* ***Step 2****, but* ***do not*** *consider Catipovic's alternative claim of "unjust enrichment" in* ***Part II*** *or "damages" for "unjust enrichment" in* ***Part III.B****. If you answer "no," then do not consider any further questions concerning Catipovic's "breach of contract" claim in* ***Part I*** *or damages for "breach of contract" in* ***Part III.A****. Instead, go on to consider Catipovic's alternative claim of "unjust enrichment" in* ***Part II*** *of the Verdict Form.*)	
	____ Yes	_X_ No
Step 2: Breach	*If you found that the parties had a contract in* ***Step 1****,* has Catipovic proved that Turley breached that contract, as explained in Instruction No. 7, in one or more of the following ways? (*If you answer "yes" to one or more of the following alleged breaches, then go on to consider your verdict on Turley's "specific defenses" in* ***Step 3****. If you answer "no" to* ***both*** *of the alleged breaches, do not answer any more questions in the Verdict Form. Instead, please sign the Verdict Form and notify the Court Security Officer (CSO) that you have reached a verdict. Do not consider any further part of the Verdict Form.*)	

	By terminating the contract?	
	_____ Yes	_____ No
	By circumventing Catipovic to build one or more ethanol plants in Europe without Catipovic?	
	_____ Yes	_____ No
Step 3: Turley's Specific Defenses	*If you answered "yes" as to breach of the contract in one or more of the ways set out in **Step 2**,* has Turley proved one or more of the following "excuses" for his breach, as Turley's "specific defenses" are explained in Instruction No. 8? (*If you answer "yes" as to one or more of Turley's "specific defenses," then you cannot award any damages to Catipovic for breach of the parties' contract. Instead, please do not answer any more questions, sign the Verdict Form, and notify the CSO that you have reached a verdict. On the other hand, if you answer "no" to **all** of Turley's "specific defenses," then Catipovic is entitled to damages, if any, resulting from each breach proved. In that case, skip **Part II** of the Verdict Form and go on to **Part III.A.***)	
	Catipovic's "prior material breach" of the contract?	
	_____ Yes	_____ No
	Catipovic's "waiver" of performance by Turley?	
	_____ Yes	_____ No
	Catipovic's "misrepresentation or concealment" of material facts?	
	_____ Yes	_____ No
II. CATIPOVIC'S UNJUST ENRICHMENT CLAIM		
Step 1: Proof of "Unjust Enrich-ment"	*If you answered "no" in **Part I, Step 1**,* has Catipovic proved his alternative claim of "unjust enrichment," as explained in Instruction No. 9? (*If you answer "yes," skip **Part III.A.** and go on to consider damages for "unjust enrichment" in **Part III.B**. On the other hand, if you answer "no," you cannot award damages on this claim. Instead, please do not answer any more questions, but sign the Verdict Form and notify the Court Security Officer (CSO) that you have reached a verdict.*)	
	X Yes	_____ No

III. CATIPOVIC'S DAMAGES	
A. Damages For "Breach Of Contract"	
Step 1: Amount of Damages	*If you found that the parties had a contract in **Part I, Step 1**, that Turley breached the parties' contract in one or more ways in **Part I, Step 2**, and that Turley did not prove any of his "specific defenses" in **Part I, Step 3**,* what amount, if any, do you award to Catipovic as damages for Turley's "breach of contract," as compensatory damages for "breach of contract" are explained in Instruction No. 11? (*If you enter "0," you do not have to consider **Step 2**. Instead, please do not answer any more questions, but sign the Verdict Form and notify the CSO that you have reached a verdict. If you enter some amount, please go on to **Step 2**.*)
	$_____
Step 2: Mitigation of Damages	What amount, if any, has Turley proved that Catipovic's damages for "breach of contract" in **Step 1** must be reduced for Catipovic's failure, if any, to mitigate damages, as "mitigation of damages" is explained in Instruction No. 12? (*When you have answered this **Step**, do not consider **Part III.A**. Instead, please sign the Verdict Form and notify the CSO that you have reached a verdict.*)
	Minus $ _____
TOTAL	$ _____
B. Damages For "Unjust Enrichment"	
Step 1: Amount of Damages	*If you found that the parties did not have a contract in **Part I, Step 1**, but you found that Catipovic has proved his alternative claim of "unjust enrichment" in **Part II**,* what amount, if any, do you award to Catipovic as damages for Turley's "unjust enrichment," as compensatory damages for "unjust enrichment" are explained in Instruction No. 11? (*When you have answered this question, please sign the Verdict Form and notify the CSO that you have reached a verdict.*)
	$ 2,000,000.00

Nov 21, 2014
Date

/s/