

RECEIVED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
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CEDAR RAPIDS HQTRS. OFFICE  
BY \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY,

Plaintiff,

vs.

ROBERT MIELL,

Defendant.

No. C04-0142

VERDICT FORM

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ROBERT MIELL,

Third-Party Plaintiff,

vs.

BRETT THROLSON and  
BRETT THROLSON AGENCY, INC.,

Third-Party Defendants.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY'S  
CLAIM AGAINST ROBERT MIELL

QUESTION NUMBER 1: Did American Family Mutual Insurance Company prove by the greater weight or preponderance of the evidence its claim for breach of contract against Robert Miell?

Answer "Yes" or "No"

ANSWER: Yes

[If your answer to Question Number 1 is "No," then do not answer Question Number 2.]

(CONTINUED...)

**VERDICT FORM (Cont'd)**

**QUESTION NUMBER 2:** State the amount of damages American Family Mutual Insurance Company sustained as a proximate result of Robert Miell's breach of contract.

\$ 547,764.44

**QUESTION NUMBER 3:** Did American Family Mutual Insurance Company prove by a preponderance of clear, satisfactory, and convincing evidence its claim for fraudulent misrepresentation against Robert Miell?

Answer "Yes" or "No"

ANSWER: Yes

[If your answer to Question Number 3 is "No," then do not answer Question Number 4.]

**QUESTION NUMBER 4:** State the amount of damages American Family Mutual Insurance Company sustained as a proximate result of Robert Miell's fraudulent misrepresentation.

\$ 339,100.78

[You should consider separately any damages that you award for breach of contract and fraudulent misrepresentation. The Court will resolve any duplication between the damage awards.]

[If your answer to *both* Question Number 1 and Question Number 3 is "No," then do not answer Questions Number 5, 6, and 7.]

(CONTINUED...)

**VERDICT FORM (Cont'd)**

**QUESTION NUMBER 5:** Do you find by a preponderance of clear, convincing, and satisfactory evidence that the conduct of Robert Miell constituted willful and wanton disregard for the rights of another?

Answer "Yes" or "No"

ANSWER: Yes

[If your answer to Question Number 5 is "No," then do not answer Question Numbers 6 or 7.]

**QUESTION NUMBER 6:** What amount of punitive damages, if any, do you award?

\$ 1,017,332.30

[If your answer to Question Number 6 is "None," then do not answer Question Number 7.]

**QUESTION NUMBER 7:** Was the conduct of Robert Miell directed specifically at American Family Mutual Insurance Company?

Answer "Yes" or "No"

ANSWER: Yes

(CONTINUED...)

**VERDICT FORM (Cont'd)**

**ROBERT MIELL'S CLAIM AGAINST BRETT THROLSON AND  
BRETT THROLSON AGENCY, INC.**

**QUESTION NUMBER 8:** Was Brett Throlson negligent?

Answer "Yes" or "No"

ANSWER:     No    

[If you answered "No" to Question Number 8, then do not answer any further questions.]

**QUESTION NUMBER 9:** Was Brett Throlson's negligence a proximate cause of any item of damage to Robert Miell?

Answer "Yes" or "No"

ANSWER: \_\_\_\_\_

[If you answered "No" to Question Number 9, then do not answer any further questions.]

**QUESTION NUMBER 10:** Was Robert Miell negligent?

Answer "Yes" or "No"

ANSWER: \_\_\_\_\_

[If you answered "No" to Question Number 10, do not answer Question Numbers 11 or 12.]

(CONTINUED...)

**VERDICT FORM (Cont'd)**

**QUESTION NUMBER 11:** Was Robert Miell's negligence a proximate cause of any damage to him?

Answer "Yes" or "No"

ANSWER: \_\_\_\_\_

[If you answered "No" to Question Number 11, then do not answer Question Number 12.]

**QUESTION NUMBER 12:** Using One Hundred Percent (100%) as the total combined fault of Robert Miell and Brett Throlson which was a proximate cause of Miell's damage, what percentage of such combined fault do you assign to Miell and what percentage of such combined fault do you assign to Throlson?

ANSWER:

|                |       |   |
|----------------|-------|---|
| Robert Miell:  | _____ | % |
| Brett Throlson | _____ | % |
| TOTAL          | 100%  |   |

[If you find Robert Miell to be more than fifty percent (50%) at fault, then do not answer Question Number 13.]

(CONTINUED...)

**VERDICT FORM (Cont'd)**

**QUESTION NUMBER 13:** State the amount of damages sustained by Robert Miell proximately caused by Brett Throlson's negligence. Do not take into consideration any reduction of damages due to Robert Miell's fault.

\$ \_\_\_\_\_

DATED this 15 day of January, 2008.

15/ \_\_\_\_\_  
FOREPERSON