IN THE IOWA DISTRICT COURT IN AND FOR HAMILTON COUNTY

WILLIAM SCHWERING, Plaintiff, v. **TIGER Y. JUNG,** Defendant.	Case No. LACV030443 **VERDICT FORM**

VERDICT FORM

Question No. 1: Did Plaintiff prove each of the elements of his claim for Failure to Disclose Pursuant to Iowa Code Chapter 558A against Defendant, as set forth in Instruction Nos. 13 and 14, by a preponderance of the evidence? (Please mark an "X" in the appropriate space.)

YES _____ NO ___X___

Question No. 2: Did Plaintiff prove each of the elements of his claim for Breach of Express Warranty, as set forth in Instruction Nos. 15 and 16, by a preponderance of the evidence? (Please mark an "X" in the appropriate space.)

YES _____ NO ___X___

Question No. 3: Did Plaintiff prove each of the elements of his claim for Breach of Implied Warranty of Workmanlike Construction, as set forth in Instruction No. 17, by a preponderance of the evidence? (Please mark an "X" in the appropriate space.)

YES _____ NO ___X___

Question No. 4: Did Plaintiff prove each of the elements of his claim for Fraudulent Misrepresentation, as set forth in Instruction Nos. 18 through 20, by clear, convincing, and satisfactory evidence? (Please mark an "X" in the appropriate space.)

YES _____ NO ___X___

Question No. 5: Did Plaintiff prove each of the elements of his claim for Negligent Misrepresentation, as set forth in Instruction Nos. 21 and 22, by a preponderance of the evidence? (Please mark an "X" in the appropriate space.)

YES _____ NO ___X___

Question No. 6: Did Plaintiff prove each of the elements of his claim for Unjust Enrichment, as set forth in Instruction No. 24, by a preponderance of the evidence? (Please mark an "X" in the appropriate space.)

YES _____ NO X

[If your answers to Questions No. 1 through 6 are all "NO," do not answer any further questions; proceed to sign the form on the signature page. If your answer to any of Questions No. 1 through 6 is "YES," answer Question No. 7 and, if applicable, the Special Interrogatories that follow, before signing the form.]

Question No. 7: Based upon your findings of liability above, what amount of damages, if any, has Plaintiff proved? (Complete only those items corresponding to a claim on which you answered "YES" above. Do not include any amount for attorney fees, pre-judgment interest, post-judgment interest, or court costs. See Instruction Nos. 23 and 25 through 28.)

1. Reasonable cost to repair or replace the affected portions of the home (Instruction No. 26, items 1 through 7)

   $_____

2. Diminution in value of the home (Instr. No. 26, item 11)

   $_____

3. Consequential damages (Instr. No. 26, item 12)

   $_____

4. Loss of quiet use and enjoyment (Instr. Nos. 23, 26)

   $_____

Total Damages:

$_____

Special Interrogatories — Defendant's Affirmative Defenses

(Answer only if you found in favor of Plaintiff on one or more of Questions No. 1 through 6 above and awarded damages in Question No. 7.)

Question No. 8: Did Defendant prove, by a preponderance of the evidence, that Plaintiff failed to mitigate his damages, as set forth in Instruction No. 31?

YES _____ NO _____

[If your answer to Question No. 8 is "NO," proceed to Question No. 10.]

Question No. 9: What percentage of Plaintiff's damages, if any, is the identifiable portion of his damages caused by his failure to mitigate (Instruction No. 31)?

_____ %

Question No. 10: Did Defendant prove, by a preponderance of the evidence, that Plaintiff's own fault was a proximate cause of Plaintiff's damages, as set forth in Instruction No. 32?

YES _____ NO _____

[If your answer to Question No. 10 is "NO," proceed to the Special Interrogatories on Punitive Damages.]

Question No. 11: What percentage of fault, if any, do you attribute to Plaintiff and to Defendant? (The two percentages must total 100%.)

Plaintiff: _____ %

Defendant: _____ %

[Do not reduce the amounts in Question No. 7 on account of your answers to Questions No. 9 or 11; the Court will make any reduction. If you find Plaintiff's percentage of fault is greater than fifty percent (50%), Plaintiff will not recover any damages. See Instruction Nos. 31 and 32.]

Special Interrogatories — Punitive Damages

(Answer only if you answered "YES" to Question No. 4 and awarded damages in Question No. 7. See Instruction Nos. 29 and 30.)

Question No. 12: Do you find, by a preponderance of clear, convincing, and satisfactory evidence, that the conduct of Defendant constituted a willful and wanton disregard for the rights of Plaintiff, as set forth in Instruction Nos. 29 and 30?

YES _____ NO _____

[If your answer to Question No. 12 is "No," do not answer Question Nos. 13 and 14.]

Question No. 13: What amount of punitive damages, if any, do you award?

Punitive Damages $_____

[If your answer to Question No. 13 is "None," do not answer Question No. 14.]

Question No. 14: Was the conduct of Defendant directed specifically at Plaintiff?

YES _____ NO _____

FOREPERSON: _____*

* To be signed by the Foreperson only if your verdict is unanimous.

JUROR: _____** JUROR: _____**

JUROR: _____** JUROR: _____**

JUROR: _____** JUROR: _____**

JUROR: _____**

**To be signed by the seven jurors agreeing thereto after six hours or more of deliberation.