

Clerk, U. S. District Court  
Western District of Texas

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

By           
Deputy

DANIEL J. O'HARE and  
MICHAEL R. STEWART,

Plaintiffs,

v.

FORD F. GRAHAM and  
KEVIN C. DAVIS,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

NO. SA-04-CA-566-H

**VERDICT ON SPECIAL INTERROGATORIES**

We, the jury, answer the special interrogatories submitted by the Court as follows:

**Interrogatory No. One**

Do you find from a preponderance of the evidence that Ford Graham or Kevin Davis made a promise of future performance with the intent at the time the promise was made not to perform as promised?

Please answer "Yes" or "No" as to each Defendant."

We answer: Ford Graham yes  
Kevin Davis yes

If you have answered Interrogatory No. One "Yes" as to either Defendant, then answer Interrogatory No. Two.

**Interrogatory No. Two**

Do you find from a preponderance of the evidence that the promise was made by the Defendants for the purpose of inducing the Plaintiffs to enter into a contract, i.e., a settlement agreement?

Please answer "Yes" or "No."

We answer: yes

If you have answered Interrogatory No. Two "Yes," then answer Interrogatory No. Three.

**Interrogatory No. Three**

Do you find from a preponderance of the evidence that Plaintiffs Daniel O'Hare or Michael Stewart relied on the false promise in entering into the settlement agreement?

Please answer "Yes" or "No" as to each Plaintiff.

We answer: Daniel O'Hare YES  
Michael Stewart YES

If you have answered Interrogatory No. Three "Yes," then answer Interrogatory No. Four.

**Interrogatory No. Four**

Do you find from a preponderance of the evidence that the false promise was a proximate cause of any injury to the Plaintiffs?

Please answer "Yes" or "No" as to each Plaintiff.

We answer: Daniel O'Hare YES  
Michael Stewart YES

If you answered "Yes" as to either Plaintiff, then answer Interrogatory No. Five.

**Interrogatory No. Five**

Please find the percentage of responsibility on the part of each person whom you have found caused or contributed to any injury to the Plaintiffs. Your answer must total 100 percent.

We answer:	Kevin Davis	<u>50</u>	%
	Ford Graham	<u>50</u>	%
	Total	100	%

**Interrogatory No. Six**

What amount of money, if paid now in cash, would fairly and adequately compensate the Plaintiffs for the injury proximately caused by the actions of the Defendants?

Please answer in Dollars and Cents or "None" as to each Plaintiff.

We answer:	Daniel O'Hare	\$ <u>981,000</u>
	Michael Stewart	\$ <u>981,000</u>

If you have awarded compensatory damages in your answer to Interrogatory No. Six, then please answer Interrogatory No. Seven. If you have not awarded compensatory damages in answer to Interrogatory No. Six, then do not answer the additional interrogatories.

**Interrogatory No. Seven**

Do you find by clear and convincing evidence that Ford Graham or Kevin Davis made the false promise to the Plaintiffs with actual awareness of the falsity thereof?

Please answer "Yes" or "No" as to each Defendant.

We answer: Ford Graham yes  
Kevin Davis yes

If you have answered "Yes" as to either Defendant, then answer Interrogatory No. Eight.

**Interrogatory No. Eight**

What amount of money, if any, do you find by clear and convincing evidence should be awarded as exemplary damages?

Please answer in Dollars and Cents or "None."

We answer: \$ six million dollars and zero cents

Foreperson ' / \_\_\_\_\_

2/18/2010  
Date