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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

No. 1208-10105

**VERDICT FORM**

MULTNOMAH COUNTY, an Oregon  
municipal entity,

Plaintiff,

v.

CONWAY CONSTRUCTION  
COMPANY, an Oregon corporation;  
ZELLCOMP, INC., a Delaware corporation  
and STRONGWELL CORPORATION, a  
Virginia corporation,

Defendants.

We, the jury, find:

**The County's Negligence Claims**

**1a. Was Conway Construction Company ("Conway") negligent in one or more of the ways Multnomah County (the "County") claims?**

ANSWER: (Yes or No)

If "yes," go to question 1b. At least nine of you who answered "yes" to question 1a must also agree on the answer to question 1b.

If "no," your verdict is for Conway against the County's negligence claim. Go to question 2a and do not answer question 1b.

**1b. Was Conway's negligence a cause of damages to the County?**

ANSWER: (Yes or No)

If "yes," go to question 2a.

1 If "no," your verdict is for Conway on the County's negligence claim. Go to question 2a.

2 **2a. Was ZellComp, Inc. ("ZellComp") negligent in one or more of the ways**  
3 **claimed by the County?**

4 ANSWER: (Yes or No)

5 If "yes," go to question 2b. At least nine of you who answered "yes" to question 2a must also agree on the answer to question 2b.

6 If "no," your verdict is for ZellComp on the County's negligence claim. Go to question 3a and do not answer question 2b.

7 **2b. Was ZellComp's negligence a cause of damages to the County?**

8 ANSWER: (Yes or No)

9 If "yes," go to question 3a.

10 If "no," your verdict is for ZellComp on the County's negligence claim. Go to question 3a.

11 **3a. Was Strongwell Corporation ("Strongwell") negligent in one or more of**  
12 **the ways claimed by the County?**

13 ANSWER: (Yes or No) *QA*

14 If "yes," go to question 3b. At least nine of you who answered "yes" to question 3a must also agree on the answer to question 3b.

15 If "no," your verdict is for Strongwell on the County's negligence claim. Go to question 4a and do not answer question 3b.

17 **3b. Was Strongwell's negligence a cause of damages to the County?**

18 ANSWER: (Yes or No)

19 If "yes" go to question 4a.

20 If "no," your verdict is for Strongwell on the County's negligence claim. Go to question 4a.

21 **4a. Was Hardesty & Hanover, LLP ("Hardesty") negligent in one or more of**  
22 **the ways claimed by the County?**

23 ANSWER: (Yes or No)

24 If "yes," go to question 4b. At least nine of you who answered "yes" to question 4a must also agree on the answer to question 4b.

25 If "no," your verdict is for Hardesty on the County's negligence claim. Go to question 5a and do not answer question 4b.

26

1           **4b. Was Hardesty's negligence a cause of damages to the County?**

2           **ANSWER:** (Yes or No)

3 If "yes" go to question 5a. If "no," your verdict is for Hardesty on the County's negligence claim. Go to question 5a.

4           **5a. Was the County negligent in one or more of the ways claimed by Conway, ZellComp, or Strongwell?**

6           **ANSWER:** (Yes or No)

7 If "yes," go to question 5b. At least nine of you who answered "yes" to question 5a must also agree on the answer to question 5b. If "no," go to question 6 and do not answer question 8 5b.

9           **5b. Was the County's negligence a cause of the damages claimed in this case?**

10          **ANSWER:** (Yes or No)

11 If "yes," go to question 6.

12 If "no" your verdict is for the County against Conway's, ZellComp's, and Strongwell's comparative negligence defenses.

13 If you answered "yes" to questions 1b, 2b, 3b or 4b, answer question 6. At least nine of you who answered "yes" to questions 1b, 2b, 3b or 4b must also agree on the answer to question 6.

15 If you did not answer "yes" to questions 1b, 2b, 3b or 4b, your verdict is against the County's negligence claims.

17          **6. What is the percentage of each of the parties' negligence that caused damage to the County? (If you determined that a party was not negligent, or did not cause damage to the plaintiff, assign "0" as that party's percentage.)**

|    |                |            |           |   |
|----|----------------|------------|-----------|---|
| 19 | <b>ANSWER:</b> | Conway     | <u>17</u> | % |
|    |                | ZellComp   | <u>40</u> | % |
| 20 |                | Strongwell | <u>2</u>  | % |
|    |                | Hardesty   | <u>21</u> | % |
| 21 |                | The County | <u>22</u> | % |

(The percentages must total 100%.)

22 If the County's percentage of negligence is 50% or less, go to question 7.

24 If the County's percentage of negligence is greater than 50%, your verdict is against the County's negligence claims. Do not answer question 7 and go to question 8a.

25          **7. What are the County's damages caused by negligence?**

26          **ANSWER:**   \$ 5,647,000.<sup>00</sup>

1 (Do not reduce the damages by the County's percentage of negligence, if any, because the  
2 Court will do this when entering judgment.)

3 Go to question 8a.

4 **The County's Contract Claims**

5 **8a. Did Conway breach its contract with the County?**

6 **ANSWER:** (Yes or No)

7 If "yes," go to question 8b. At least nine of you who answered "yes" to question 8a must  
8 also agree on the answer to question 8b.

8 If "no," your verdict is for Conway against the County's contract claim. Go to question 9a  
9 and do not answer question 8b.

10 **8b. Did Conway's breach of contract cause damages to the County?**

11 **ANSWER:** (Yes or No)

12 If "yes," go to question 8c. At least nine of you who answered "yes" to question 8b must  
13 also agree on the answer to question 8c.

13 If "no," your verdict is for Conway against the County's contract claim. Do not answer  
14 question 8c.


15 **8c. What are the County's damages from Conway's breach of contract?**

16 **ANSWER:** \$ \_\_\_\_\_

17  
18  
19 Your presiding juror must sign and date this verdict form.

20 DATED: 3, 6, 2015.

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\_\_\_\_\_  
Presiding Juror

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