

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

Estate of ROBERT RYAN by and)
through Charlene Ryan, Executor;)
CHARLENE RYAN, Individually;)
and NATHAN NISSEN.)

Plaintiffs,)

vs.)

HERITAGE TRAILS ASSOCIATES, INC.,)

Defendant.)

) Law No. LA 30641

) VERDICT FORM

) ESTATE OF ROBERT RYAN

CENEX HARVEST STATES,)
HERITAGE TRAILS ASSOCIATES INC.;)
CF INDUSTRIES, INC.,)
and AGRILANCE, LLC.,)

Third-Party Plaintiffs,)

vs.)

TRINITY INDUSTRIES, INC.,)

Third-Party Defendant.)

QUESTION NO. 1: Was Heritage Trails at fault?

Answer "yes" or "no." ANSWER: yes

QUESTION NO. 2: Did Heritage Trails breach an express warranty?

Answer "yes" or "no." ANSWER: No

QUESTION NO. 3: Did Heritage Trails breach an implied warranty of merchantability?

Answer "yes" or "no." ANSWER: yes

QUESTION NO. 4: Did Heritage Trails breach an implied warranty of fitness for a particular purpose?

Answer "yes" or "no." ANSWER: yes

If the answer is "no" to all of Question Nos. 1, 2, 3, and 4, then you should proceed to the Third-Party Plaintiffs' Verdict Forms.

QUESTION NO. 5: Was the fault or breach of warranty of Heritage Trails a proximate cause of any item of damage to the Estate of Robert Ryan?

Answer "yes" or "no." ANSWER: yes

If the answer is "no," then you should proceed to the Third-Party Plaintiffs' Verdict Forms.

QUESTION NO. 6: What percentage of the total fault do you attribute to Heritage Trails, and what percentage of the total fault do you attribute to Cenex Harvest States, CF Industries, and Agriliance? The percentage must total 100%.

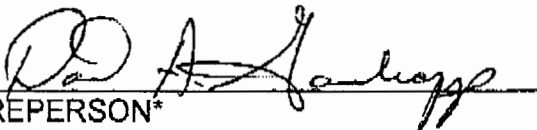
You must find that Cenex Harvest States, Agriliance, CF Industries, and Heritage Trails is at fault in some percent other than zero.

ANSWER:

<u>5</u>	%	Heritage Trails
<u>15</u>	%	Cenex Harvest Cooperatives
<u>40</u>	%	CF Industries
<u>40</u>	%	Agriliance
<u>100%</u>	%	TOTAL

QUESTION NO. 10: State the amount of damages sustained by the Estate of Robert Ryan for each of the following items of damage. Do not take into consideration any reduction of damages due to the Estate of Robert Ryan's fault. If the Estate of Robert Ryan has failed to prove any item of damage, enter 0 for that item.

- 1. Pre-Death Medical Expenses \$ 84,714.07
- 2. Pre-Death Physical and Mental Pain and Suffering \$ 250,000.00
- 3. Pre-Death -- Loss of Full Mind and Body \$ 250,000.00
- 4. Present Worth of the Value of the Estate \$ 1,250,000.00
- 5. Interest on Burial Expenses \$ 180.00
- 6. Support -- Spouse \$ 500,000.00
- 7. Services -- Spousal Consortium \$ 1,500,000.00
- 8. Loss of Value of the Estate \$ 5,000.00
- TOTAL (add the values) \$ 3,834,894.07


FOREPERSON*

*To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

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

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

Estate of ROBERT RYAN by and)
 through Charlene Ryan, Executor;)
 CHARLENE RYAN, individually;)
 and NATHAN NISSEN.)
)
 Plaintiffs,)
) Law No. LA 30641
 vs.)
) VERDICT FORM
 HERITAGE TRAILS ASSOCIATES, INC.,) NATHAN NISSEN
)
 Defendant.)
 _____)
)
 CENEX HARVEST STATES,)
 HERITAGE TRAILS ASSOCIATES INC.;)
 CF INDUSTRIES, INC.,)
 and AGRILIANCE, LLC.,)
)
 Third-Party Plaintiffs,)
)
 vs.)
)
 TRINITY INDUSTRIES, INC.,)
)
 Third-Party Defendant.)

QUESTION NO. 1: Was Heritage Trails at fault?

Answer "yes" or "no." ANSWER: YES

QUESTION NO. 2: Did Heritage Trails breach an express warranty?

Answer "yes" or "no." ANSWER: NO

QUESTION NO. 3: Did Heritage Trails breach an implied warranty of merchantability?

Answer "yes" or "no." ANSWER: YES

QUESTION NO. 4: Did Heritage Trails breach an implied warranty of fitness for a particular purpose?

Answer "yes" or "no." ANSWER: YES

If the answer is "no" to all of Question Nos. 1, 2, 3, and 4, then you should proceed to the Third-Party Plaintiffs' Verdict Forms.

QUESTION NO. 5: Was the fault or breach of warranty of Heritage Trails a proximate cause of any item of damage to Nathan Nissen?

Answer "yes" or "no." ANSWER: Yes

If the answer is "no," then you should proceed to the Third-Party Plaintiffs' Verdict Forms.

QUESTION NO. 6: What percentage of the total fault do you attribute to Heritage Trails, and what percentage of the total fault do you attribute to Cenex Harvest States, CF Industries, and Agriliance? The percentage must total 100%.

You must find that Cenex Harvest States, Agriliance, CF Industries, and Heritage Trails is at fault in some percent other than zero.

ANSWER:

<u>5</u>	%	Heritage Trails
<u>15</u>	%	Cenex Harvest Cooperatives
<u>40</u>	%	CF Industries
<u>40</u>	%	Agriliance
<u>100%</u>	%	TOTAL

QUESTION NO. 10: State the amount of damages sustained by Nathan Nissen for each of the following items of damage. Do not take into consideration any reduction of damages due to Nathan Nissen's fault. If the Nathan Nissen has failed to prove any item of damage, enter 0 for that item.

1. Past Medical Expenses \$ 500,000.00
2. Future Medical Expenses \$ 500,000.00
3. Past lost wages \$ 20,000.00
4. Loss of Future Earning Capacity \$ 500,000.00
5. Past Loss of Full Mind and Body \$ 750,000.00
6. Future Loss of Full Mind and Body \$ 1,000,000.00
7. Past Physical and Mental Pain And Suffering \$ 1,000,000.00
8. Future Physical and Mental Pain and Suffering \$ 1,500,000.00
- TOTAL (add the values) \$ 5,770,000.00

Paul A. Jambry
FOREPERSON*

*To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

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