

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

THE SHERWIN-WILLIAMS
COMPANY, f/k/a SHERWIN-WILLIAMS
AUTOMOTIVE FINISHES CORP.,

Plaintiff,

vs.

JB COLLISION SERVICES, INC., dba
J&M AUTOBODY, and d/b/a EL
DORADO COLLISION; and DOES 1
through 10, inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS

THE SHERWIN-WILLIAMS
COMPANY, f/k/a SHERWIN-WILLIAMS
AUTOMOTIVE FINISHES CORP.,

Plaintiff,

vs.

JJT, INC. d/b/a JOHN'S COLLISION
CENTER; JOHN TYCZKI, and individual;
and DOES 1 through 10, inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS

Case No.: 13-CV-1946 LAB (WVG)
Consolidated with
Case No.: 13-CV-1947 LAB (WVG)

VERDICT FORM

Sherwin-Williams's Breach of Contract Claim Against JB Collision Services

Do you find that Sherwin-Williams proved by a preponderance of the evidence that: (1) JB Collision Services breached the JB Supply Agreement, AND (2) Sherwin-Williams substantially performed its duties under the JB Supply Agreement?

Circle:

YES NO

If you answer "YES," you have found for Sherwin-Williams on this claim. What are Sherwin-Williams's damages?

Damages: \$ 265,990.49


Presiding Juror

11/23/15
Date

After all verdict forms have been completed and signed, notify the bailiff that you are ready to present your verdict in the courtroom.

Sherwin-Williams's Breach of Contract Claim Against JJT

Do you find that Sherwin-Williams proved by a preponderance of the evidence that: (1) JJT breached the JJT Supply Agreement, AND (2) Sherwin-Williams substantially performed its duties under the JJT Supply Agreement?

Circle:

YES NO

If you answer "YES," you have found for Sherwin-Williams on this claim. What are Sherwin-Williams's damages?

Damages: \$ 108,478.21

R. Fox
Presiding Juror

11/23/15
Date


Sherwin-Williams's Breach of Contract Claim Against John Tyczki

Did John Tyczki promise to pay Sherwin-Williams the damages, if any, you found to be owed to Sherwin-Williams?

Circle:

YES NO

If you answer "YES," you have found for Sherwin-Williams on this claim in the amount of the damages you entered in response to Sherwin-Williams's breach of contract claim against JJT.



Presiding Juror

11/23/15
Date

JB Collision's Breach Of Contract Claim Against Sherwin-Williams

Do you find by a preponderance of the evidence that: (1) Sherwin-Williams breached the JB Collision Supply Agreement; AND (2) JB Collision substantially performed all of its obligations under the JB Collision Agreement? Circle One:

YES

NO

If you answer "YES," you have found for JB Collision. What are JB Collision's damages?

Damages:

\$ 0

R. Fox
Presiding Juror

11/23/15
Date

JJT's Breach of Contract Claim Against Sherwin-Williams

Do you find by a preponderance of the evidence that: (1) Sherwin-Williams breached the JJT Supply Agreement; AND (2) JJT substantially performed all of its obligations under the JJT Agreement?

Circle One:

YES NO

If you answer "YES," you have found for JJT. What are JJT's damages?

Damages: \$ 0

R. Roe
Presiding Juror

11/23/15
Date

Fraud/Concealment Claim Against Sherwin-Williams

Do you find by a preponderance of the evidence that Sherwin-Williams committed fraud/concealment?

Circle One:

YES

NO

If you answer "YES," you have found for JB Collision, JJT, and/or John Tyczki.

What are JB Collision, JJT, and/or John Tyczki's damages?

Damages: \$ 750,000.-

If you answered "YES" above, do you find by clear and convincing evidence that Sherwin-Williams' conduct constituted malice, oppression, or fraud?

Circle One:

YES

NO

If "YES," please state the amount of punitive damages you award to JB Collision, JJT, and/or John Tyczki.

Punitive Damages:

\$ 0

R. Fox
Presiding Juror

11/23/15
Date

Intentional Misrepresentation Claim Against Sherwin-Williams

Do you find by a preponderance of the evidence that Sherwin-Williams made an intentional misrepresentation?

Circle One:

YES NO

If you answer "YES," you have found for JB Collision, JJT, and/or John Tyczki.

What are JB Collision, JJT, and/or John Tyczki's damages?

Damages: \$ 1,250,000.00

If you answered "YES" above, do you find by clear and convincing evidence that Sherwin-Williams' conduct constituted malice, oppression, or fraud?

Circle One:

YES NO

If "YES," please state the amount of punitive damages you award to JB Collision, JJT, and/or John Tyczki.

Punitive Damages: \$ 0

R. Koa
Presiding Juror

11/23/15
Date

Negligent Misrepresentation Claim Against Sherwin-Williams

Do you find by a preponderance of the evidence that Sherwin-Williams committed negligent misrepresentation?

Circle One:

YES

NO

If you answer "YES," you have found for JB Collision, JJT, and/or John Tyczki.

What are JB Collision, JJT, and/or John Tyczki's damages?

Damages: \$ 1,250,000.00

R. Fox
Presiding Juror

11/23/15
Date

Unjust Enrichment Claim Against Sherwin-Williams

Do you find by a preponderance of the evidence that Sherwin-Williams was unjustly enriched by JB Collision, JJT, and/or John Tyczki?

Circle One:

YES

NO

If you answer "YES," you have found for JB Collision, JJT, and/or John Tyczki.

What are JB Collision, JJT, and/or John Tyczki's damages?

Damages:

\$ ~~0~~ _____

R. Fox
Presiding Juror

11/23/15
Date