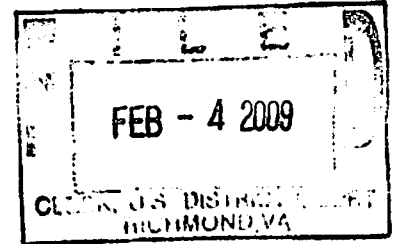


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



VICTOR E. CRETELLA, III,

Plaintiff,

v.

Civil Action No. 3:08CV109

DAVID L. KUZMINSKI,

Defendant.

VERDICT FORM

We, the jury, on the issues joined, unanimously find as follows (the foreperson shall place a check mark on the line next to the paragraph that applies);

1. The Defendant, David L. Kuzminski ("Defendant") defamed the Plaintiff, Victor E. Cretella, III ("Plaintiff"), by making the statements attributed to him in paragraphs 7 to 9 of the Amended Complaint and publishing them to third parties.

- a. If so, the Defendant did so knowingly and the Plaintiff is entitled to \$ 24,000.00 in damages as a result.

- b. If so, upon clear and convincing evidence, the Defendant did so willfully knowing the statements were false or he made them so recklessly as to amount to a willful disregard for the truth and the Plaintiff is therefore entitled to the additional sum of \$ 20,000.00 in punitive damages.

- c. The Defendant did not defame the Plaintiff by making the statements attributed to him in paragraphs 7 to 9 of the Amended Complaint and the Plaintiff is therefore not entitled to any monetary damages.

2. The Defendant, David L. Kuzminski ("Defendant") defamed the Plaintiff, Victor E. Cretella, III ("Plaintiff"), by making the statement attributed to

him in paragraph 10 of the Amended Complaint and publishing it to third parties.

✓

a. If so, the Defendant did so knowingly and the Plaintiff is entitled to \$ 24,000.00 in damages as a result.

✓

b. If so, upon clear and convincing evidence, the Defendant did so willfully knowing the statement was false or he made it so recklessly as to amount to a willful disregard for the truth and the Plaintiff is therefore entitled to the additional sum of \$ 20,000.00 in punitive damages.

\_\_\_\_\_

c. The Defendant did not defame the Plaintiff by making the statement attributed to him in paragraph 10 of the Amended Complaint and the Plaintiff is therefore not entitled to any monetary damages.

✓

3. The Defendant, David L. Kuzminski ("Defendant") defamed the Plaintiff, Victor E. Cretella, III ("Plaintiff"), by making the statement attributed to him in paragraph 11 of the Amended Complaint and publishing it to third parties.

✓

a. If so, the Defendant did so knowingly and the Plaintiff is entitled to \$ 24,000.00 in damages as a result.

✓

b. If so, upon clear and convincing evidence, the Defendant did so willfully knowing the statement was false or he made it so recklessly as to amount to a willful disregard for the truth and the Plaintiff is therefore entitled to the additional sum of \$ 20,000.00 in punitive damages.

\_\_\_\_\_

c. The Defendant did not defame the Plaintiff by making the statement attributed to him in paragraph 11 of the Amended Complaint and the Plaintiff is therefore not entitled to any monetary damages.

✓

4. The Defendant, David L. Kuzminski ("Defendant") defamed the Plaintiff, Victor E. Cretella, III ("Plaintiff"), by making the statement attributed to him in paragraph 13 of the Amended Complaint and publishing it to third parties.

✓

a. If so, the Defendant did so knowingly and the Plaintiff is entitled to \$ 24,000.00 in damages as a result.

✓

b. If so, upon clear and convincing evidence, the Defendant did so willfully knowing the statement was false or he made it so recklessly as to amount to a willful disregard for the truth and the Plaintiff is therefore entitled to the additional sum of \$ 24,000.00 in punitive damages.

\_\_\_\_\_

c. The Defendant did not defame the Plaintiff by making the statement attributed to him in paragraph 13 of the Amended Complaint and the Plaintiff is therefore not entitled to any monetary damages.

✓

5. The Defendant, David L. Kuzminski ("Defendant") defamed the Plaintiff, Victor E. Cretella, III ("Plaintiff"), by making the statement attributed to him in paragraph 14 of the Amended Complaint and publishing it to third parties.

✓

a. If so, the Defendant did so knowingly and the Plaintiff is entitled to \$ 24,000.00 in damages as a result.

✓

b. If so, upon clear and convincing evidence, the Defendant did so willfully knowing the statement was false or he made it so recklessly as to amount to a willful disregard for the truth and the Plaintiff is therefore entitled to the additional sum of \$ 32,000.00 in punitive damages.

\_\_\_\_\_

c. The Defendant did not defame the Plaintiff by making the statement attributed to him in paragraph 14 of the Amended Complaint and the Plaintiff is therefore not entitled to any monetary damages.

Dated: February 4, 2009