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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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BIMBO BAKERIES USA, INC.,

Plaintiff,

v.

LELAND SYCAMORE and UNITED  
STATES BAKERY,

Defendants.

**SPECIAL VERDICT**

Case No. 2:13-cv-00749-DN-DBP

District Judge David Nuffer

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MEMBERS OF THE JURY:

When filling out this Special Verdict form, please follow the directions provided throughout the form. Read the questions and directions carefully. They explain the sequence in which the questions should be answered.

**Your answer to each question must be unanimous.**

**Except where indicated, your findings are by a preponderance of the evidence.**

Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions.

**FALSE ADVERTISING**

- 1. Has US Bakery engaged in false advertising by using the words “Fresh. Local. Quality.” in connection with the advertising or promotion of its products?**

Answer “Yes” or “No” yes

If your answer is “Yes,” then go to Questions No. 2 and 3. If your answer is “No,” then continue to the questions under “Trade Secret Misappropriation.”

- 2. If you answered “Yes” to Question No. 1, did Bimbo Bakeries suffer actual damages as a result of the false advertising?**

Answer “Yes” or “No” yes

3. **If you answered ‘Yes’ to Question No. 1, do you find that US Bakery’s false advertising was willful?**

Answer “Yes” or “No” yes

If you answered “No” to Question No. 2 and to Question No. 3, then continue to the questions under “Trade Secret Misappropriation.” If you answered “Yes” to either Question No. 2 or Question No. 3, then go to Question No. 4.

4. **If you answered “Yes” to either Question No. 2 or Question No. 3, what amount of profits did US Bakery receive as a result of its false advertising?**

Amount \$ 8,027,720

Continue on to answer the questions under Trade Secret Misappropriation.

#### **TRADE SECRET MISAPPROPRIATION**

1. **Does Bimbo Bakeries have a protectable trade secret?**

Answer “Yes” or “No” yes

If your answer is “Yes,” then go to Question 2. If you answered “No,” go to the Certification at the end of this form and have the foreperson sign and date this form.

2. **Have the defendants misappropriated a trade secret of Bimbo Bakeries?**

Answer as to each of the defendants:

##### **US BAKERY**

Answer “Yes” or “No” yes

##### **LELAND SYCAMORE**

Answer “Yes” or “No” yes

If your answer is “Yes” for any defendant, then go to Question No. 3. If you answered “No” for all defendants, go to the Certification at the end of this form and have the foreperson sign and date this form.

3. What amount of damages, if any, has Bimbo Bakeries suffered as a result of the misappropriation of the trade secret?

Amount \$2,105,256

If you found Bimbo Bakeries has suffered damages as a result of the misappropriation of the trade secret, then go on to Question No. 4. If you found Bimbo Bakeries has not suffered damages as a result of the misappropriation of the trade secret, go to the Certification at the end of this form and have the foreperson sign and date this form.

4. Of the total amount of damages, for how much is each defendant responsible?

Do not fill in an amount for any defendant for which you answered "No" in Question No. 2.

**US BAKERY**

Amount \$1,578,942

**LELAND SYCAMORE**

Amount \$526,314

Go on to Question No. 5.

5. For each defendant for which you answered "Yes" in Question No. 2, do you find *by clear and convincing evidence* that the trade secret misappropriation was willful and malicious?

**US BAKERY**

Answer "Yes" or "No" yes

**LELAND SYCAMORE**

Answer "Yes" or "No" no

If your answer is "No" for any defendant for which you answered "Yes" in Question No. 2, then go to Question No. 6. Otherwise, go to the Certification at the end of this form and have the foreperson sign and date this form.

6. For each defendant for which you answered "No" in Question No. 5, do you find by the preponderance of the evidence that the trade secret misappropriation was willful and malicious?

**US BAKERY**

Answer "Yes" or "No" \_\_\_\_\_

**LELAND SYCAMORE**

Answer "Yes" or "No" yes

### INSTRUCTIONS

After you have completed the questions as directed above, the Jury Foreperson is to date and sign this Special Verdict Form on behalf of the jury and notify the Court Security Officer that you have reached a verdict.

### CERTIFICATION

We, the jury, unanimously agree to the answers to the foregoing questions and return this form as our verdict in this case.

*The verdict is not final until accepted by the court.*

DATED this 6<sup>th</sup> of October 2017.

Mary M. Abbott  
Jury Foreperson