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

BIMBO BAKERIES USA, INC.,

Plaintiff,

v.

LELAND SYCAMORE, ~~TYLER~~
~~SYCAMORE, WILD GRAINS BAKERY,~~
~~LLC, AND~~ and UNITED STATES BAKERY,

Defendants.

SPECIAL VERDICT

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

District Judge David Nuffer

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” ~~or by using the words “Freshly Baked in Utah”~~ in connection with the advertising or promotion of its products?

Answer “Yes” or “No” _____

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, **what amount of actual damages** did Bimbo Bakeries suffer **actual damages** as a result of the false advertising?

Amount _____

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

Answer “Yes” or “No” _____

If your 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 _____

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” _____

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:

UNITED STATES BAKERY

Answer “Yes” or “No” _____

LELAND SYCAMORE

Answer “Yes” or “No” _____

TYLER SYCAMORE

Answer "Yes" or "No" _____

WILD GRAINS BAKERY, LLC

Answer "Yes" or "No" _____

If your answer is "Yes" for any defendant, then go to Questions Nos. 3 and 4. 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. For each defendant to which you answered "Yes" in Question No. 2, what amount of damages do you award?

Answer as to each of the defendants:

UNITED STATES BAKERY

Amount _____

LELAND SYCAMORE

Amount _____

TYLER SYCAMORE

Amount _____

WILD GRAINS BAKERY, LLC

Amount _____

4. For each defendant to 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?

Answer as to each of the defendants:

UNITED STATES BAKERY

Answer "Yes" or "No" _____

LELAND SYCAMORE

Answer "Yes" or "No" _____

TYLER SYCAMORE

Answer "Yes" or "No" _____

WILD GRAINS BAKERY, LLC

Answer "Yes" or "No" _____

If your answer is "No" for any defendant, then go to Questions No. 5. If you answered "Yes" for all defendants, go to the Certification at the end of this form and have the foreperson sign and date this form.

5. For each defendant to which you answered "Yes" in Question No. 2 and "No" in Question No. 3, do you find *by the preponderance of the evidence* that the trade secret misappropriation was willful and malicious?

Answer as to each of the defendants:

UNITED STATES BAKERY

Answer "Yes" or "No" _____

LELAND SYCAMORE

Answer "Yes" or "No" _____

TYLER SYCAMORE

Answer "Yes" or "No" _____

WILD GRAINS BAKERY, LLC

Answer "Yes" or "No" _____

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 ____ of October 2017.

Jury Foreperson