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FILED
ALAMEDA COUNTY

DEC 22 2005

CLERK OF THE SUPERIOR COURT
By Wesley Mengede Deputy

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA
UNLIMITED JURISDICTION**

ANDREA SAVAGLIO, JAMES DAVIS,
JERRILYN NEWLAND, and
CHARLOTTE JOHNSON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

WAL-MART STORES, INC., a Delaware
corporation, SAM'S WEST, INC., a
California corporation, and DOES 1 through
100,

Defendants.

Case No. C-835687-7

SPECIAL VERDICT FORM

Place: Department 22
Judge: Hon. Ronald M. Sabraw

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(Nine jurors must reach the same decision on each of the following questions.)

1. Between January 1, 2001 and May 6, 2005, did Wal-Mart fail to comply with California laws regarding the provision of meal periods to class members?

YES X NO _____

IF YOU ANSWERED "YES" TO QUESTION 1, PLEASE CONTINUE. IF YOU ANSWERED "NO," YOUR DELIBERATIONS ARE COMPLETED, ANSWER NO FURTHER QUESTIONS, AND HAVE THE PRESIDING JUROR SIGN AND DATE THIS FORM.

2. Without considering the deductions about which you are asked in the questions below, what is the amount of Meal Period Premium Payments owed to class members?

\$ 63,631,858

3. What, if any, is the total amount of Meal Period Premium Payments that class members waived?

\$ Ø

4. How many minutes shorter than 30 minutes, if any, is a minor meal period violation for which class members cannot recover Meal Period Premium Payments?

Ø minutes

5. How much do you reduce Meal Period Premium Payments as a result of your finding in Question 4?

\$ Ø

6. How many minutes later than 5 hours, if any, is a minor meal period violation for which class members cannot recover Meal Period Premium Payments?

Ø minutes

7. How much do you reduce Meal Period Premium Payments as a result of your finding in Question 6?

\$ Ø

8. Did some class members fail to substantially comply with directions by Wal-Mart about meal periods or fail to perform their services with ordinary care and diligence?

YES X NO _____

9. How much, if any, do you reduce Meal Period Premium Payments as a result of answering "yes" to Question 8?

\$ 6,363,185

1 10. Do you find that Wal-Mart established reasonable policies to detect, investigate, and
2 correct meal period violations and that some class members unreasonably failed to use
such procedures?

3 YES _____ NO X

4 11. How much, if any, do you reduce Meal Period Premium Payments as a result of
5 answering "yes" to Question 10?

6 \$ 0

7 12. If you reduced Meal Period Premium Payments in response to Questions 3, 5, 7, 9 and/or
8 11 above, then you must add together the amounts in Questions 3, 5, 7, 9, and 11 and
9 deduct that sum from the amount of payments found in Question 2; the resulting number
as set forth below will be the total amount that class members should be awarded for
Meal Period Premium Payments:

10 \$ 57,268,673

11 13. Besides the loss of Meal Period Premium Payments, do you find that Wal-Mart's failure
12 to provide meal periods as required by California law caused any other actual injury to
class members?

13 YES X NO _____

14 IF YOU ANSWERED "YES" TO QUESTION 13, GO TO QUESTION 14. IF YOU
15 ANSWERED "NO," YOUR DELIBERATIONS ARE COMPLETED, ANSWER NO FURTHER
16 QUESTIONS, AND HAVE THE PRESIDING JUROR SIGN AND DATE THIS FORM.

17 14. Did Wal-Mart act with malice, oppression or fraud in failing to provide meal periods to
18 class members as required by California law?

19 YES X NO _____

20 IF YOU ANSWERED "YES" TO QUESTION 14, GO TO QUESTION 15. IF YOU
21 ANSWERED "NO," YOUR DELIBERATIONS ARE COMPLETED, ANSWER NO FURTHER
22 QUESTIONS, AND HAVE THE PRESIDING JUROR SIGN AND DATE THIS FORM.

23 15. What amount of punitive damages, if any, do you award class members?

24 \$ 115 MILLION

25 Signed: _____
26 Presiding Juror

27 Dated: 12-22-05

28 When signed, this verdict form must be delivered to the bailiff, clerk, or judge.