

6. Do you find that Anthony Imbriolo, David Gordon and/or Henry Edelson acted as an agent of Robert N. DeBenedictis in connection with the sale of Avacor to Plaintiff James Thomas and class members? YES NO

Please continue to the next question.

7. Do you find that Defendant Robert N. DeBenedictis participated in a conspiracy to violate the CLRA with Anthony Imbriolo, David Gordon and/or Henry Edelson? YES NO

Please continue to the next question.

8. Do you find that Defendant Robert N. DeBenedictis furnished the means for Anthony Imbriolo, David Gordon and/or Henry Edelson to commit violations of the CLRA in connection with the sale of Avacor to Plaintiff James Thomas and class members? YES NO

Please continue to the next question.

9. Do you find that Defendant Robert N. DeBenedictis was in a position to control, yet permitted the practices to continue, with respect to the violations of the CLRA committed by Anthony Imbriolo, David Gordon and/or Henry Edelson? YES NO

Please continue to the next question.

10. What amount of damages do you find Plaintiff James Thomas proved Defendant Robert N. DeBenedictis caused to Plaintiff James Thomas and the class members? \$ 50,024,611

Please continue to the next question.

11. Do you find, by clear and convincing evidence, that Defendant Robert N. DeBenedictis acted with malice, oppression, or fraud? YES NO

Please continue to the next question.

II. ON THE COMPLAINT OF JAMES THOMAS FOR VIOLATIONS OF THE CONSUMER LEGAL REMEDIES ACT ("CLRA") AGAINST DEFENDANT HENRY EDELSON

12. Do you find that the Plaintiff James Thomas and the class members were consumers of Avacor in California? YES NO

If your answer to Question # 12 is "YES," then answer Question # 13. If you answer "NO," skip to Question # 23.

13. Do you find that Defendant Henry Edelson represented that Avacor either:
- YES** **NO**
- a. had sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which it did not have; or
 - b. that a person had a sponsorship, approval, status, affiliation, or connection which he or she does not have; or
 - c. was of a particular standard, quality, or grade, or of a particular style or model, if it was of another?

*If your answer to Question # 13 is "YES," then answer Question # 14.
If you answer "NO," skip to Question # 16.*

14. Do you find that Defendant Henry Edelson intended the allegedly deceptive representation to result in the sale of Avacor?
- YES** **NO**

*If your answer to Question # 14 is "YES," then answer Question # 15.
If you answer "NO," skip to Question # 16.*

15. Do you find that Plaintiff James Thomas and the class members suffered any damages as a result of Defendant Henry Edelson's allegedly deceptive representation?
- YES** **NO**

Please continue to the next question.

16. Do you find that Defendant Henry Edelson aided and abetted any violations of the CLRA by Anthony Imbriolo, David Gordon and/or Robert N. DeBenedictis?
- YES** **NO**

Please continue to the next question.

17. Do you find that Anthony Imbriolo, David Gordon and/or Robert N. DeBenedictis acted as an agent of Henry Edelson in connection with the sale of Avacor to Plaintiff James Thomas and class members?
- YES** **NO**

Please continue to the next question.

18. Do you find that Defendant Henry Edelson participated in a conspiracy to violate the CLRA with Anthony Imbriolo, David Gordon and/or Robert N. DeBenedictis?
- YES** **NO**

Please continue to the next question.

19. Do you find that Defendant Henry Edelson furnished the means for Anthony Imbriolo, David Gordon and/or Robert N. DeBenedictis to commit violations of the CLRA in connection with the sale of Avacor to Plaintiff James Thomas and class members?
- YES** **NO**

Please continue to the next question.

20. Do you find that Defendant Henry Edelson was in a position to control, yet permitted the practices to continue, with respect to the violations of the CLRA committed by Anthony Imbriolo, David Gordon and/or Robert N. DeBenedictis?

YES

NO

Please continue to the next question.

21. What amount of damages do you find Plaintiff James Thomas proved Defendant Henry Edelson caused to Plaintiff James Thomas and the class members?

\$ 50,024,611

Please continue to the next question.

22. Do you find, by clear and convincing evidence, that Defendant Henry Edelson acted with malice, oppression, or fraud?

YES

NO

Please continue to the next question.

23. Answer this question only if you awarded damages against any of the Defendants in this case. If you have not awarded any damages against any of the Defendants, please skip this question and sign the verdict form.

What is the total amount of damages you find Plaintiff James Thomas proved the Defendants caused to Plaintiff James Thomas and the Class members?

\$ 50,024,611

DATED: 11/20/09

Ellen Owens
PRESIDING JUROR
ELLEN OWENS