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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT

GALLATIN COUNTY

DONNA H. MARTIN and STUART K. CHRISTOPHER,

Plaintiffs,

v.

WILLOW CREEK SEWER DISTRICT; CROSLAND
EXCAVATION, INC.,

Defendants.

WILLOW CREEK SEWER DISTRICT,

Cross-Claimant,

v.

CROSLAND EXCAVATION, INC.,

Cross - Defendant.

We, the jury, duly-empaneled in the above-entitled cause,
hereby answer the following questions:

ACTION IN CONCERT

1. Do you find that CROSLAND EXCAVATION acted in concert with WCSD to cause Plaintiffs damage?

YES X NO

AGENCY RELATIONSHIP

2. Do you find that CROSLAND EXCAVATION is an agent of the WILLOW CREEK SEWER DISTRICT (WCSD)?

YES X NO

If you answered "YES" to either 1 or 2 above, use Verdict Form No. 1.

If you answered "NO" to both 1 and 2 above, use Verdict Form No. 2.

VERDICT FORM NO. 1

In order to find liability under any of the torts below, you must find that either WCSD or CROSLAND EXCAVATION was a cause of damages to Plaintiffs.

NUISANCE

1. Do you find that either WCSD or CROSLAND EXCAVATION caused a nuisance to Plaintiffs?

YES X NO _____

TRESPASS

2. Do you find that either WCSD or CROSLAND EXCAVATION caused a trespass to Plaintiffs' property?

YES X NO _____

NEGLIGENCE

3. Do you find that either WCSD or CROSLAND EXCAVATION was negligent?

YES X NO _____

IF YOU ANSWERED "YES" TO ANY OF THE 3 QUESTIONS ABOVE, PROCEED TO QUESTION 4 NOW.

DAMAGES

4. What, if any, of the following damages do you find Plaintiffs, Donna Martin and Stuart Christopher, sustained or will sustain from either WCSD or CROSLAND EXCAVATION in the future?

a. Loss of Use and/or Enjoyment of Property	<u>\$ 9,000</u>
b. Out of Pocket Expenses	<u>17,168</u>
c. Loss of Value of Property	<u>25,000</u>
d. Cost of Repair	<u>0</u>
e. Emotional Distress	<u>90,000</u>
f. Future Costs	<u>0</u>
g. General Damages	<u>0</u>
TOTAL DAMAGES	\$ <u>141,168</u>

DATED this 15th day of January, 2016.



JURY FOREPERSON

VERDICT FORM NO. 2

In order to find liability under any of the torts below, you must find the party a cause of damages to Plaintiffs.

NUISANCE

1. Do you find that WCSD caused a nuisance to Plaintiffs?

YES _____ NO _____

TRESPASS

2. Do you find that WCSD caused a trespass to Plaintiffs' property?

YES _____ NO _____

NEGLIGENCE

3. Do you find that WCSD was negligent?

YES _____ NO _____

NUISANCE

4. Do you find that CROSLAND EXCAVATION caused a nuisance to Plaintiffs?

YES _____ NO _____

TRESPASS

5. Do you find that CROSLAND EXCAVATION caused a trespass to Plaintiffs' property?

YES _____ NO _____

NEGLIGENCE

6. Do you find that CROSLAND EXCAVATION was negligent?

YES _____ NO _____

IF YOU ANSWERED "YES" TO ANY OF THE 6 QUESTIONS ABOVE, PROCEED TO QUESTION 7 NOW.

7. What, if any, percentage (%) of fault do you find as between WCSD and CROSLAND EXCAVATION for causing any damages sustained by Plaintiffs, Donna Martin and Stuart Christopher?

WCSD _____ %

CROSLAND EXCAVATION _____ %

DAMAGES

8. What, if any, of the following damages do you find Plaintiffs, Donna Martin and Stuart Christopher, sustained or will sustain from either WCSD or CROSLAND EXCAVATION in the future?

a. Loss of Use and/or Enjoyment

	of Property	_____
b.	Out of Pocket Expenses	_____
c.	Loss of Value of Property	_____
d.	Cost of Repair	_____
e.	Emotional Distress	_____
f.	Future Costs	_____
g.	General Damages	_____
	<i>TOTAL DAMAGES</i>	\$ _____

DATED this _____ day of January, 2016.

 JURY FOREPERSON

cc: RANDALL NELSON
 JORY RUGGIERO
 BRADLEY JONES
 BARBARA DUARTE
 DOMENIC COSSI
 Verdict Form
 EMAIL 1/19/16