

Received & Filed
LEWIS COUNTY, WASH
Superior Court

JUL 16 2014

Katny A. Brack, Clerk

By _____
Deputy



SUPERIOR COURT OF WASHINGTON IN AND FOR LEWIS COUNTY

PORT OF TACOMA, a Washington special purpose
district, and MAYTOWN SAND AND GRAVEL,
LLC, a Washington Limited Liability Company,

Petitioners/Plaintiffs,

v.

THURSTON COUNTY, a political subdivision of
Washington State,

Respondent/Defendant, and

BLACK HILLS AUDUBON SOCIETY and
FRIENDS OF ROCKY PRAIRIE,

Additional Respondents.

The Honorable Richard L. Brosey

No. 11-2-00395-5

[Consolidated with No. 11-1-00396-3, per
Stipulated Motion and Order of May 6,
2011]

SPECIAL VERDICT FORM

We, the jury, respond to the special verdict form as follows:

Tortious Interference with a Contract--The Port of Tacoma and Maytown Sand and Gravel

Question 1: Did Thurston County interfere with the contract between the Port of Tacoma and Maytown Sand & Gravel?

(Yes or No) yes

Question 2: If you answered yes to question 1, did that interference proximately cause damage to the Port of Tacoma?

(Yes or No) yes

1 **Question 3:** If you answered yes to question 1, did that interference proximately cause damage
2 to Maytown Sand and Gravel?

3 (Yes or No) Yes
4

5 **Tortious Interference with a Business Expectancy---Maytown Sand and Gravel**

6 **Question 4:** Did Thurston County interfere with Maytown Sand & Gravel's business
7 expectancy at the Maytown mine?

8 (Yes or No) Yes
9

10 **Question 5:** If you answered yes to question 4, did that interference proximately cause damage
11 to Maytown Sand and Gravel?

12 (Yes or No) Yes
13

14 **Negligent Misrepresentation---The Port of Tacoma and Maytown Sand and Gravel**

15 **Question 6:** Did Thurston County make any negligent misrepresentations to the Port of
16 Tacoma?

17 (Yes or No) Yes
18

19 **Question 7:** If you answered yes to question 6, did that negligent misrepresentation
20 proximately cause damage to the Port of Tacoma?

21 (Yes or No) Yes
22

23 **Question 8:** Did Thurston County make any negligent misrepresentations to Maytown Sand &
24 Gravel?

25 (Yes or No) Yes
26

1 **Question 9:** If you answered yes to Question 8, did that negligent misrepresentation
2 proximately cause damage to Maytown Sand and Gravel?

3 (Yes or No) yes
4

5 **Negligence--The Port of Tacoma and Maytown Sand and Gravel**

6 **Question 10:** Was there negligence by Thurston County in making, or arising from, an express
7 assurance to the Port of Tacoma?

8 (Yes or No) yes
9

10 **Question 11:** If you answered yes to Question 10, did that negligence proximately cause
11 damage to the Port of Tacoma?

12 (Yes or No) yes
13

14 **Question 12:** Was there negligence by Thurston County in making, or arising from, an express
15 assurance to Maytown Sand and Gravel?

16 (Yes or No) yes
17

18 **Question 13:** If you answered yes to Question 12, did that negligence proximately cause
19 damage to Maytown Sand and Gravel?

20 (Yes or No) yes
21

22 **Constitutional Rights Claim---Maytown Sand and Gravel**

23 **Question 14:** Did Thurston County, acting through the Board of County Commissioners, violate
24 Maytown Sand and Gravel's constitutional due process rights?

25 (Yes or No) yes
26

1 **Question 15:** If you answered yes to Question 14, did that violation of Maytown Sand and
2 Gravel's constitutional due process rights proximately cause damage to Maytown Sand and
3 Gravel?

4 (Yes or No) yes

5
6 **Damages**

7 If you answered yes to any of questions 2, 7 and/or 11, what is the amount of monetary damages,
8 if any, that the Port of Tacoma is owed by Thurston County?

9 \$ 8,000,000.00

10
11 If you answered yes to any of questions 3, 5, 9, 13 and/or 15, what is the amount of monetary
12 damages, if any, that Maytown Sand and Gravel is owed by Thurston County?

13 \$ 4,000,000.00

14
15 **Thurston County's Claim**

16 **Question 16:** Do you find that Thurston County is owed any money on its claim that Maytown
17 Sand and Gravel owes Thurston County money for unpaid permit fees?

18 (Yes or No) yes

19 **Question 17:** If you answered yes to question 16, what amount of money does Maytown Sand
20 and Gravel owe on this claim?

21 \$ 63,000.00

22 *(DIRECTION: Sign this verdict form and notify the bailiff.)*

23
24 DATE: 07/16/2014

Delores S. Prince
25 Presiding Juror
26