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ALAMEDA COUNTY

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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,	Case No. C-835687-7
	SPECIAL VERDICT FORM
Plaintiffs,	
vs.	Place: Department 22
	Judge: Hon. Ronald M. Sabraw
WAL-MART STORES, INC., a Delaware corporation, SAM'S WEST, INC., a California corporation, and DOES 1 through 100,	
Defendants.	

61867.2

SPECIAL VERDICT FORM

(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 ✗ 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?

   $ 0

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?

   0 minutes

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

   $ 0

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?

   0 minutes

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

   $ 0

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 ✗ 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

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SPECIAL VERDICT FORM

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

YES _____ NO _X_

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

$_____0_____

12. If you reduced Meal Period Premium Payments in response to Questions 3, 5, 7, 9 and/or 11 above, then you must add together the amounts in Questions 3, 5, 7, 9, and 11 and 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:

$ 57,268,673

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

YES _X_ NO _____

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

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

YES _X_ NO _____

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

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

$ 115 MILLION

Signed: _Guy E. A. Miller_
Presiding Juror

Dated: _12-22-05_

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

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SPECIAL VERDICT FORM