

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MCKENZIE-WILLAMETTE HOSPITAL,
an Oregon nonprofit corporation,

Plaintiff,

vs.

PEACEHEALTH, a Washington State
nonprofit corporation,

Defendant.

No. 02-6032-HA

SPECIAL VERDICT
ORIGINAL

We, the jury, being first duly empanelled and sworn, find our verdict as follows:

1. Did plaintiff prove a properly defined relevant product market with respect to primary and secondary acute care hospital services?

Yes

No

2. Did plaintiff prove a properly defined relevant geographic market?

Yes

No

If you answered yes to questions 1 and 2, then proceed to question 3. If you answered no to either question 1 or question 2, then stop. Your verdict is for defendant. Please have your presiding juror date and sign this form.

3. Did defendant enter into an unlawful exclusive dealing agreement that harmed market-wide competition in the relevant market?

Yes _____
No _____

If your answer to question 3 is yes, please proceed to question 4. If your answer to question 3 is no, then you should skip questions 4 and 5 and go to question 6.

4. Did plaintiff suffer an antitrust injury arising out of the exclusive dealing agreement?

Yes _____
No _____

If your answer to question 4 is no, then you should skip question 5 and go to question 6.

5. What amount of damages, if any, were suffered by plaintiff:

\$ _____

6. Did defendant attempt to monopolize the provision of hospital care in a way that harmed market-wide competition in the relevant market?

Yes _____
No _____

If your answer to question 6 is yes, please proceed to question 7. If your answer to question 6 is no, then you should skip questions 7 and 8 and go to question 9.

7. Did plaintiff suffer an antitrust injury arising out of the attempt to monopolize?

Yes

No

If your answer to question 7 is no, then you should skip question 8 and go to question 9.

8. What amount of damages, if any, were suffered by plaintiff?

\$ 5.4 million (5,400,000⁰⁰)

9. Did defendant unlawfully monopolize the provision of hospital care in a way that harmed market-wide competition in the relevant market?

Yes

No

If your answer to question 9 is yes, please proceed to question 10. If your answer to question 9 is no, then you should skip questions 10 and 11 and go to question 12.

10. Did plaintiff suffer an antitrust injury arising out of unlawful monopolization?

Yes

No

If your answer to question 10 is no then you should skip question 11 and go to question 12.

11. What amount of damages, if any were suffered by plaintiff?

\$ _____

12. Did defendant enter into a conspiracy to monopolize and in so doing harmed market-wide competition in the relevant market?

Yes _____

No

If your answer to question 12 is yes, please proceed to question 13. If your answer to question 12 is no, then you should skip questions 13 and 14 and go to question 15.

13. Did plaintiff suffer an antitrust injury arising out of the conspiracy to monopolize?

Yes _____

No _____

If your answer to question 13 is no, then you should skip question 14 and go to question 15.

14. What amount of damages, if any, were suffered by plaintiff?

\$ _____

15. Did defendant unlawfully discriminate in price of services?

Yes

No

If your answer to question 15 is yes, please proceed to question 16. If your answer to question 15 is no, then you should skip questions 16 and 17 and go to question 18.

16. Did plaintiff suffer an injury arising out of discriminating prices?

Yes

No

If your answer to question 16 is no, then you should skip question 17 and go to question 18.

17. What amount of damages, if any, were suffered by plaintiff?

\$ 5.4 million (~~\$~~5,400,000.⁰⁰)

18. Did defendant wrongfully interfere with plaintiff's prospective relations with others?

Yes

No

If your answer to question 18 is yes, please proceed to question 19. If your answer to question 18 is no, then you should skip questions 19 and 20 and go to question 21.

19. Did plaintiff suffer injury arising out of wrongful interference?

Yes

No

If your answer to question 19 is yes, please proceed to question 20. If your answer to question 19 is no, then skip questions 20, 21 and 22, and please have your presiding juror date and sign this form.

20. What amount of damages, if any, were suffered by plaintiff?

\$ 5.4 million (\$5,400,000.00)

21. Is plaintiff entitled to punitive damages as a result of defendant's wrongful interference?

Yes

No

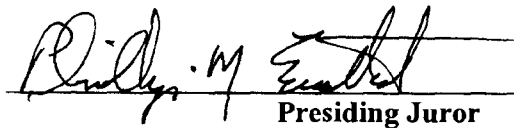
If your answer to question 21 is yes, please proceed to question 22. If your answer to question 21 is no, then skip question 22, and please have your presiding juror date and sign this form.

22. What amount of punitive damages, if any, do you find?

\$ 9.2 million (\$9,200,000.00)

After the Presiding Juror has signed below, please inform the Court that you have finished.

DATED this 31 day of October, 2003.



Presiding Juror