

ATTACHMENT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

**COX ENTERPRISES, INC.,
SET-TOP CABLE TELEVISION
BOX ANTITRUST LITIGATION**

This document relates to:

RICHARD HEALY,

Plaintiff,

v.

COX COMMUNICATIONS, INC.,

Defendant.

Case No. 12-ML-2048-C

[PROPOSED] VERDICT FORM

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case:

1. Has Plaintiff proven that “Premium Cable” and set-top boxes are separate and distinct products?

Yes _____

No _____

(If you answer “No” to Question 1, then skip the remaining questions)

2. Has Plaintiff proven that Defendant sold “Premium Cable” in Oklahoma City only on the condition that Plaintiff also lease a set-top box from Defendant or that Defendant coerced Plaintiff into leasing a set-top box from it?

Yes _____

No _____

(If you answer “No” to Question 2, then skip the remaining questions)

3. Has Plaintiff proven that “Premium Cable” in Oklahoma City constitutes a relevant product market?

Yes _____ No _____

(If you answer “No” to Question 3, then skip the remaining questions)

4. Has Plaintiff proven that set-top boxes in Oklahoma City constitute a relevant market?

Yes _____ No _____

(If you answer “No” to Question 4, then skip the remaining questions)

5. Has Plaintiff proven that Defendant had sufficient market power in Oklahoma City in the market for “Premium Cable” to enable it to restrain trade in the market for set-top boxes?

Yes _____ No _____

(If you answer “No” to Question 5, then skip the remaining questions)

6. Has Plaintiff proven that the alleged tying arrangement foreclosed a substantial volume of commerce in Oklahoma City to other sellers or potential sellers of set-top boxes in the market for set-top boxes?

Yes _____ No _____

(If you answer “No” to Question 6, then skip the remaining questions)

7. Has Plaintiff proven that the tying arrangement has resulted in substantial harm to competition in the set-top box market in Oklahoma City?

Yes _____ No _____

(If you answer “No” to Question 7, then skip the remaining questions)

8. Has Defendant identified competitive benefits that result from the tying arrangement?

Yes _____ No _____

(If you answer “No” to Question 8, then skip Question 9)

9. Has Plaintiff proven that the anticompetitive effects of the tying arrangement substantially outweigh the competitive benefit of the arrangement?

Yes _____ No _____

(If you answer “No” to Question 9, then skip the remaining questions)

10. Has Plaintiff proven that he was injured as a result of Defendant’s alleged violation of the antitrust laws?

Yes _____ No _____

(If you answer “No” to Question 10, then skip the remaining questions)

11. Has Plaintiff proven that Defendant’s alleged illegal conduct was a material cause of Plaintiff’s injury?

Yes _____ No _____

(If you answer “No” to Question 11, then skip the remaining questions)

12. Has Plaintiff proven that his injury is an injury of the type that the antitrust laws were intended to prevent?

Yes _____ No _____

(If you answer “No” to Question 12, then skip the remaining questions)

13. Has Plaintiff proven that Defendant imposed an overcharge for the package of the tied and tying products?

Yes _____ No _____

(If you answer “No” to Question 13, then skip the remaining questions)

14. What is the total overcharge that Plaintiff has proven for the package of the tied and tying products?

(If you answer "\$0" to Question 14, then skip the remaining question)

15. How much of any total overcharge that Plaintiff has proven is the result of charges for DVR service rather than monthly set-top box rental fees?

Foreperson

Date: _____