

We, the jury in the above-entitled action, find the following special verdict on the following questions submitted to us regarding Plaintiff ADAM BROS. FARMING, INC, and ICEBERG HOLDINGS, LP.

SECTION A: VALIDITY OF CORPS OF ENGINEERS 1987 WETLAND DESIGNATION

QUESTION A-1: LEGITIMACY OF FINDINGS

Did Plaintiff prove by a preponderance of the evidence (i.e. more likely than not) that Katherine Rindlaub did not conduct a valid wetland delineation under the Army Corps of Engineers 1987 Manual method?

Yes: X
No: _____

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 22 2004

GARY M. BLAIR, EXEC. OFFICER

By A. Tarras
Deputy Clerk

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SECTION B: LIABILITY FOR CONSTITUTIONAL VIOLATIONS

QUESTION B-1: VIOLATION OF DUE PROCESS RIGHTS

Did Plaintiff Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>
Dan Gira	Yes <u>X</u>	No <u> </u>
Noel Langle	Yes <u>X</u>	No <u> </u>
Santa Barbara County	Yes <u>X</u>	No <u> </u>
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No <u> </u>

QUESTION B-2: CONSPIRACY TO VIOLATE DUE PROCESS RIGHTS

Did Plaintiff Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that any of the defendants conspired to violate Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>

QUESTION B-3: VIOLATION OF EQUAL PROTECTION RIGHTS

Did Plaintiff Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's equal protection rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>
Dan Gira	Yes <u>X</u>	No <u> </u>
Noel Langle	Yes <u>X</u>	No <u> </u>
Santa Barbara County	Yes <u>X</u>	No <u> </u>
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No <u> </u>

If you answered "Yes" to **any** of the Defendants as to Questions B-1, B-2, or B-3, go on to Section C.

If you answered "No" to **all** of the Defendants on Questions B-1, B-2, and B-3, go on to Section F.

SECTION C: CAUSATION

QUESTION C-1: CAUSATION AND DUE PROCESS

Did Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating Adam Bros.' due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Dan Gira	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Noel Langle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County Planning & Development Department	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

QUESTION C-2: CAUSATION AND CONSPIRACY

Did Adam Bros. Farming prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the Defendant's conspiracy to violate their due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

QUESTION C-3: CAUSATION AND EQUAL PROTECTION

Did Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating their Constitutional right to equal protection as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Dan Gira	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Noel Langle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County Planning & Development Department	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If you answered "Yes" to **any** of the Defendants in Question C-1, C-2, **or** C-3, go on to Section D.

If you answered "No" to all of the Defendants in Questions C-1, C-2, and C-3, go on to Section F.

SECTION D: DEFENDANTS' AFFIRMATIVE DEFENSE

QUESTION D-1: STATUTE OF LIMITATIONS

Do you find that Defendants proved by a preponderance of the evidence (i.e. more likely than not) that Plaintiff Adam Bros. Farming, Inc. knew or should have known before March 29, 1999 that the Defendants had violated Adam Bros.' Constitutional rights as set forth in the jury instructions?

Yes: _____

No: X

If you answered "Yes" to this question, go to Question D-2.

If you answered "No" to this question, go to Section F.

QUESTION D-2: TOLLING DOCTRINES WHICH EXTEND THE STATUTE OF LIMITATIONS

(Answer this question only if you answered "Yes" to Question D-1)

If you find that Defendants proved by a preponderance of the evidence that Plaintiff Adam Bros. Farming, Inc. knew or should have known before March 29, 1999 that the Defendants had violated any of Adam Bros.' Constitutional rights as set forth in the jury instructions, do you find that Plaintiff Adam Bros.' has proved that the Fraudulent Concealment Doctrine, as set forth in the jury instructions, applied to toll the statute of limitations on Plaintiff Adam Bros.' claim of violation of any of their Constitutional rights so as to allow the Plaintiff to recover any damages you may have awarded?

Yes: _____

No: _____

SECTION E: DAMAGES

QUESTION E-1: LOCATION OF CORPS MANUAL WETLANDS

Please specify the location of Army Corps of Engineers 1987 Manual wetlands in existence on the property between January of 1994 and December 1, 1998. (Check one below)

Corps Manual wetlands existed only
in some channels of Orcutt Creek

X

Corps Manual wetlands existed as
Identified by Katherine Rindlaub in the
Rindlaub Report

Corps Manual wetlands existed at some
location other than the channel of Orcutt

Creek or as identified by Rindlaub _____

QUESTION E-2: ACREAGE OF CORPS MANUAL WETLANDS

In relation to your response to Question E-1, please identify the number of acres of Army Corps of Engineers 1987 Manual wetlands that were in existence on the property between January of 1994 and December 1, 1998?
(Fill in blank below)

14 Acres

QUESTION E-3: DAMAGES

What amount of damages did Adam Bros. prove that it suffered by a preponderance of the evidence (i.e. loss of profits and/or ~~reduction of fair market value~~) as a result of the Defendant's violation of any of Adam Bros.' Constitutional rights as set forth in the jury instructions? (Fill in the blank below)

\$ ~~5,472,207~~ OK 4,579,707 OK

QUESTION E-4: NOMINAL DAMAGES

(This question should only be answered if you filled in no dollar amount for in your answer to question E-3)

Did Adam Bros. fail to prove that it suffered actual damage, but that because its due process rights were violated, it should be awarded nominal damages?

Yes: _____, in the amount of \$ _____

No: _____

SECTION F: LIABILITY FOR CONSTITUTIONAL VIOLATIONS

QUESTION F-1: VIOLATION OF DUE PROCESS RIGHTS

Did Plaintiff Iceberg Holdings. prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____
Santa Barbara County	Yes <u>X</u>	No _____
Santa Barbara County		
Planning & Development		
Department	Yes <u>X</u>	No _____

QUESTION F-2: CONSPIRACY TO VIOLATE DUE PROCESS RIGHTS

Did Plaintiff Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that any of the defendants conspired to violate Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____

QUESTION F-3: VIOLATION OF EQUAL PROTECTION RIGHTS

Did Plaintiff Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's equal protection rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____
Santa Barbara County	Yes <u>X</u>	No _____
Santa Barbara County		
Planning & Development		
Department	Yes <u>X</u>	No _____

If you answered "Yes" to **any** of the Defendants as to Questions F-1, F-2, or F-3, go on to Section G.

If you answered "No" to **all** of the Defendants on Questions F-1, F-2, and F-3, please go on to Section J.

SECTION G: CAUSATION

QUESTION G-1: CAUSATION AND DUE PROCESS

Did Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating Iceberg Holdings' due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____
Santa Barbara County	Yes <u>X</u>	No _____
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No _____

QUESTION G-2: CAUSATION AND CONSPIRACY

Did Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the Defendant's conspiracy to violate their due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____

QUESTION G-3: CAUSATION AND EQUAL PROTECTION

Did Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating their Constitutional right to equal protection as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____
Santa Barbara County	Yes <u>X</u>	No _____
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No _____

If you answered "Yes" to any Defendants in Question G-1, G-2, or G-3, go on to Section H.

If you answered "No" to all Defendants in Questions G-1, G-2, and G-3, please go on to Section J.

SECTION H: DEFENDANTS' AFFIRMATIVE DEFENSE

QUESTION H-1: STATUTE OF LIMITATIONS

(This question addresses Defendants' affirmative defense. If you answer "Yes" to this question, Plaintiff may not recover damages)

Do you find that Defendants proved by a preponderance of the evidence (i.e. more likely than not) that Plaintiff Iceberg Holdings knew or should have known before March 29, 1999 that the Defendants had violated Iceberg Holdings Constitutional rights as set forth in the jury instructions?

Yes: _____

No: X

If you answered "Yes" to this question, go to Question H-2.

If you answered "No" to this question, go to Section I.

QUESTION H-2: TOLLING DOCTRINE WHICH EXTEND THE STATUTE OF LIMITATIONS

(Answer this question only if you answered "Yes" to Question H-1)

If you find that Defendants proved by a preponderance of the evidence that Plaintiff Iceberg Holdings knew or should have known before March 29, 1999 that the Defendants had violated any of Iceberg Holdings' Constitutional rights as set forth in the jury instructions, do you find that Plaintiff Iceberg Holdings has proved that the Doctrine of Fraudulent Concealment, as set forth in the jury instructions, applied to toll the statute of limitations on Plaintiff's claim of violation of any of their Constitutional rights so as to allow the Plaintiff to recover any damages you may have awarded?

Yes: _____

No: _____

SECTION I: DAMAGES

QUESTION I-1: LOCATION OF CORPS MANUAL WETLANDS

Please specify the location of Army Corps of Engineers 1987 Manual wetlands in existence on the property between January of 1994 and December 1, 1998. (Check one below)

Corps Manual wetlands existed only
in some channels of Orcutt Creek

X

Corps Manual wetlands existed as
Identified by Katherine Rindlaub in the
Rindlaub Report

Corps Manual wetlands existed at some

location other than the channel of Orcutt
Creek or as identified by Rindlaub _____

**QUESTION I-2: QUANTIFICATION OF ACREAGE OF CORPS MANUAL
WETLANDS**

In relation to your response to Question I-1, please identify the number of
acres of Army Corps of Engineers 1987 Manual wetlands that were in existence
on the property between January of 1994 and December 1, 1998?
(Fill in blank below)

14 Acres

QUESTION I-3: DAMAGES

What amount of damages did ~~Adam Bros.~~ ^{*Iceberg Holdings*} prove that it suffered by a
preponderance of the evidence (i.e. ~~loss of profits~~ and/or reduction of fair
market value) as a result of the Defendant's violation of any of Adam Bros.'
Constitutional rights as set forth in the jury instructions? (Fill in the blank below)

\$ 892,500

QUESTION I-4: NOMINAL DAMAGES

(This question should only be answered if you filled in no dollar amount
for in your answer to question I-3)

^{*Iceberg Holdings*} Did ~~Adam Bros.~~ fail to prove that it suffered actual damage, but that
because its due process rights were violated, it should be awarded nominal
damages? ^{*(per judge's instructions.)*}

Yes: _____, in the amount of \$ _____

No: _____

SECTION J: FURTHER FINDINGS

QUESTION J-1

For the following question, "Malice" means that the Defendant acted with intent to cause injury or that Defendant's conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when he or she is aware of the probable dangerous consequences of his or her conduct and deliberately fails to avoid those consequences.

For the following question, the term "Oppression" means that the Defendant's conduct was despicable and subjected Plaintiff to cruel and unjust hardship in knowing disregard of its rights.

For the following question, the term "Despicable conduct" is conduct that is so mean, vile, base, or contemptible that it would be looked down on and despised by reasonable people.

For the following question, the term "Fraud" means that Defendant intentionally misrepresented or concealed a material fact and did so intending to deprive a Plaintiff of property or of a legal right or otherwise to cause injury.

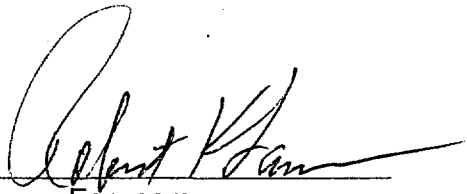
If you have found that any of Defendants acts violated any of Plaintiff's Constitutionally protected rights, did Plaintiff Adam Bros.' or Plaintiff Iceberg Holdings prove by clear and convincing evidence that any of the Defendants' conduct, in violating Plaintiffs' Constitutional rights, was undertaken with malice, oppression, or fraud?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Dan Gira	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Noel Langle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Please sign and return this verdict form.

Dated: 11-22-04


Foreperson

We, the jury in the above-entitled action, find the following special verdict on the following questions submitted to us regarding Plaintiff ADAM BROS. FARMING, INC, and ICEBERG HOLDINGS, LP.

SECTION A: VALIDITY OF CORPS OF ENGINEERS 1987 WETLAND DESIGNATION

QUESTION A-1: LEGITIMACY OF FINDINGS

Did Plaintiff prove by a preponderance of the evidence (i.e. more likely than not) that Katherine Rindlaub did not conduct a valid wetland delineation under the Army Corps of Engineers 1987 Manual method?

Yes: X
No: _____

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 22 2004

GARY M. BLAIR, EXEC. OFFICER
By A. T. [Signature]
Deputy Clerk

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PTY _____
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COD _____
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SECTION B: LIABILITY FOR CONSTITUTIONAL VIOLATIONS

QUESTION B-1: VIOLATION OF DUE PROCESS RIGHTS

Did Plaintiff Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Dan Gira	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Noel Langle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County Planning & Development Department	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

QUESTION B-2: CONSPIRACY TO VIOLATE DUE PROCESS RIGHTS

Did Plaintiff Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that any of the defendants conspired to violate Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

QUESTION B-3: VIOLATION OF EQUAL PROTECTION RIGHTS

Did Plaintiff Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's equal protection rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Elihu Gevirtz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Dan Gira	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Noel Langle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Santa Barbara County Planning & Development Department	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If you answered "Yes" to any of the Defendants as to Questions B-1, B-2, or B-3, go on to Section C.

If you answered "No" to all of the Defendants on Questions B-1, B-2, and B-3, go on to Section F.

SECTION C: CAUSATION

QUESTION C-1: CAUSATION AND DUE PROCESS

Did Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating Adam Bros.' due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____
Santa Barbara County	Yes <u>X</u>	No _____
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No _____

QUESTION C-2: CAUSATION AND CONSPIRACY

Did Adam Bros. Farming prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the Defendant's conspiracy to violate their due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____

QUESTION C-3: CAUSATION AND EQUAL PROTECTION

Did Adam Bros. Farming, Inc. prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating their Constitutional right to equal protection as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____
Santa Barbara County	Yes <u>X</u>	No _____
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No _____

If you answered "Yes" to any of the Defendants in Question C-1, C-2, or C-3, go on to Section D.

If you answered "No" to all of the Defendants in Questions C-1, C-2, and C-3, go on to Section F.

SECTION D: DEFENDANTS' AFFIRMATIVE DEFENSE

QUESTION D-1: STATUTE OF LIMITATIONS

Do you find that Defendants proved by a preponderance of the evidence (i.e. more likely than not) that Plaintiff Adam Bros. Farming, Inc. knew or should have known before March 29, 1999 that the Defendants had violated Adam Bros.' Constitutional rights as set forth in the jury instructions?

Yes: _____

No: X

If you answered "Yes" to this question, go to Question D-2.

If you answered "No" to this question, go to Section F.

QUESTION D-2: TOLLING DOCTRINES WHICH EXTEND THE STATUTE OF LIMITATIONS

(Answer this question only if you answered "Yes" to Question D-1)

If you find that Defendants proved by a preponderance of the evidence that Plaintiff Adam Bros. Farming, Inc. knew or should have known before March 29, 1999 that the Defendants had violated any of Adam Bros.' Constitutional rights as set forth in the jury instructions, do you find that Plaintiff Adam Bros.' has proved that the Fraudulent Concealment Doctrine, as set forth in the jury instructions, applied to toll the statute of limitations on Plaintiff Adam Bros.' claim of violation of any of their Constitutional rights so as to allow the Plaintiff to recover any damages you may have awarded?

Yes: _____

No: _____

SECTION E: DAMAGES

QUESTION E-1: LOCATION OF CORPS MANUAL WETLANDS

Please specify the location of Army Corps of Engineers 1987 Manual wetlands in existence on the property between January of 1994 and December 1, 1998. (Check one below)

Corps Manual wetlands existed only in some channels of Orcutt Creek

X

Corps Manual wetlands existed as Identified by Katherine Rindlaub in the Rindlaub Report

Corps Manual wetlands existed at some location other than the channel of Orcutt

Creek or as identified by Rindlaub _____

QUESTION E-2: ACREAGE OF CORPS MANUAL WETLANDS

In relation to your response to Question E-1, please identify the number of acres of Army Corps of Engineers 1987 Manual wetlands that were in existence on the property between January of 1994 and December 1, 1998?
(Fill in blank below)

14 Acres

QUESTION E-3: DAMAGES

What amount of damages did Adam Bros. prove that it suffered by a preponderance of the evidence (i.e. loss of profits and/or ~~reduction of fair market value~~) as a result of the Defendant's violation of any of Adam Bros.' Constitutional rights as set forth in the jury instructions? (Fill in the blank below)

\$ ~~5472,207~~ *OK* ¹¹ 4,579,707 *OK*

QUESTION E-4: NOMINAL DAMAGES

(This question should only be answered if you filled in no dollar amount for in your answer to question E-3)

Did Adam Bros. fail to prove that it suffered actual damage, but that because its due process rights were violated, it should be awarded nominal damages?

Yes: _____, in the amount of \$ _____

No: _____

SECTION F: LIABILITY FOR CONSTITUTIONAL VIOLATIONS

QUESTION F-1: VIOLATION OF DUE PROCESS RIGHTS

Did Plaintiff Iceberg Holdings. prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>
Dan Gira	Yes <u>X</u>	No <u> </u>
Noel Langle	Yes <u>X</u>	No <u> </u>
Santa Barbara County	Yes <u>X</u>	No <u> </u>
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No <u> </u>

QUESTION F-2: CONSPIRACY TO VIOLATE DUE PROCESS RIGHTS

Did Plaintiff Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that any of the defendants conspired to violate Plaintiff's due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>

QUESTION F-3: VIOLATION OF EQUAL PROTECTION RIGHTS

Did Plaintiff Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that the actions of any of the defendants violated Plaintiff's equal protection rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>
Dan Gira	Yes <u>X</u>	No <u> </u>
Noel Langle	Yes <u>X</u>	No <u> </u>
Santa Barbara County	Yes <u>X</u>	No <u> </u>
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No <u> </u>

If you answered "Yes" to **any** of the Defendants as to Questions F-1, F-2, or F-3, go on to Section G.

If you answered "No" to **all** of the Defendants on Questions F-1, F-2, and F-3, please go on to Section J.

SECTION G: CAUSATION

QUESTION G-1: CAUSATION AND DUE PROCESS

Did Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating Iceberg Holdings' due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>
Dan Gira	Yes <u>X</u>	No <u> </u>
Noel Langle	Yes <u>X</u>	No <u> </u>
Santa Barbara County	Yes <u>X</u>	No <u> </u>
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No <u> </u>

QUESTION G-2: CAUSATION AND CONSPIRACY

Did Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the Defendant's conspiracy to violate their due process rights as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>

QUESTION G-3: CAUSATION AND EQUAL PROTECTION

Did Iceberg Holdings prove by a preponderance of the evidence (i.e. more likely than not) that it suffered damages because of the conduct of any of the Defendants in violating their Constitutional right to equal protection as set forth in the jury instructions?

Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No <u> </u>
Elihu Gevirtz	Yes <u>X</u>	No <u> </u>
Dan Gira	Yes <u>X</u>	No <u> </u>
Noel Langle	Yes <u>X</u>	No <u> </u>
Santa Barbara County	Yes <u>X</u>	No <u> </u>
Santa Barbara County Planning & Development Department	Yes <u>X</u>	No <u> </u>

If you answered "Yes" to any Defendants in Question G-1, G-2, or G-3, go on to Section H.

If you answered "No" to all Defendants in Questions G-1, G-2, and G-3, please go on to Section J.

SECTION H: DEFENDANTS' AFFIRMATIVE DEFENSE

QUESTION H-1: STATUTE OF LIMITATIONS

(This question addresses Defendants' affirmative defense. If you answer "Yes" to this question, Plaintiff may not recover damages)

Do you find that Defendants proved by a preponderance of the evidence (i.e. more likely than not) that Plaintiff Iceberg Holdings knew or should have known before March 29, 1999 that the Defendants had violated Iceberg Holdings Constitutional rights as set forth in the jury instructions?

Yes: _____

No: X

If you answered "Yes" to this question, go to Question H-2.

If you answered "No" to this question, go to Section I.

QUESTION H-2: TOLLING DOCTRINE WHICH EXTEND THE STATUTE OF LIMITATIONS

(Answer this question only if you answered "Yes" to Question H-1)

If you find that Defendants proved by a preponderance of the evidence that Plaintiff Iceberg Holdings knew or should have known before March 29, 1999 that the Defendants had violated any of Iceberg Holdings' Constitutional rights as set forth in the jury instructions, do you find that Plaintiff Iceberg Holdings has proved that the Doctrine of Fraudulent Concealment, as set forth in the jury instructions, applied to toll the statute of limitations on Plaintiff's claim of violation of any of their Constitutional rights so as to allow the Plaintiff to recover any damages you may have awarded?

Yes: _____

No: _____

SECTION I: DAMAGES

QUESTION I-1: LOCATION OF CORPS MANUAL WETLANDS

Please specify the location of Army Corps of Engineers 1987 Manual wetlands in existence on the property between January of 1994 and December 1, 1998. *(Check one below)*

Corps Manual wetlands existed only in some channels of Orcutt Creek

X

Corps Manual wetlands existed as Identified by Katherine Rindlaub in the Rindlaub Report

Corps Manual wetlands existed at some

location other than the channel of Orcutt
Creek or as identified by Rindlaub _____

**QUESTION I-2: QUANTIFICATION OF ACREAGE OF CORPS MANUAL
WETLANDS**

In relation to your response to Question I-1, please identify the number of
acres of Army Corps of Engineers 1987 Manual wetlands that were in existence
on the property between January of 1994 and December 1, 1998?
(Fill in blank below)

14 Acres

QUESTION I-3: DAMAGES

What amount of damages did ~~Adam Bros.~~ ^{*Iceberg Holdings*} prove that it suffered by a
preponderance of the evidence (i.e. ~~loss of profits~~ and/or reduction of fair
market value) as a result of the Defendant's violation of any of Adam Bros.
Constitutional rights as set forth in the jury instructions? (Fill in the blank below)

\$ 892,500

QUESTION I-4: NOMINAL DAMAGES

(This question should only be answered if you filled in no dollar amount
for in your answer to question I-3)

^{*Iceberg Holdings*} Did ~~Adam Bros.~~ ^{*Iceberg Holdings*} fail to prove that it suffered actual damage, but that
because its due process rights were violated, it should be awarded nominal
damages? ^{*(per judge's instructions.)*}

Yes: _____, in the amount of \$ _____

No: _____

SECTION J: FURTHER FINDINGS

QUESTION J-1

For the following question, "Malice" means that the Defendant acted with intent to cause injury or that Defendant's conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when he or she is aware of the probable dangerous consequences of his or her conduct and deliberately fails to avoid those consequences.

For the following question, the term "Oppression" means that the Defendant's conduct was despicable and subjected Plaintiff to cruel and unjust hardship in knowing disregard of its rights.

For the following question, the term "Despicable conduct" is conduct that is so mean, vile, base, or contemptible that it would be looked down on and despised by reasonable people.

For the following question, the term "Fraud" means that Defendant intentionally misrepresented or concealed a material fact and did so intending to deprive a Plaintiff of property or of a legal right or otherwise to cause injury.

If you have found that any of Defendants' acts violated any of Plaintiff's Constitutionally protected rights, did Plaintiff Adam Bros.' or Plaintiff Iceberg Holdings prove by clear and convincing evidence that any of the Defendants' conduct, in violating Plaintiffs' Constitutional rights, was undertaken with malice, oppression, or fraud?

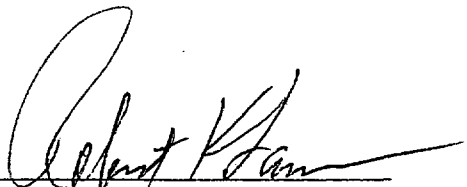
Answer "YES" or "NO" after each Defendant listed below:

Katherine Rindlaub	Yes <u>X</u>	No _____
Elihu Gevirtz	Yes <u>X</u>	No _____
Dan Gira	Yes <u>X</u>	No _____
Noel Langle	Yes <u>X</u>	No _____

Please sign and return this verdict form.

Dated: _____

11-22-04


Foreperson

We, the jury in the above-entitled action, find the following special verdict on the following questions submitted to us regarding Plaintiffs ADAM BROS. FARMING, INC. and ICEBERG HOLDINGS, LP.

K. Punitive Damages

What amount of punitive damages (as defined in the Jury Instructions) should be awarded against each of the following defendants:

Katherine Rindlaub

\$ 30,000

Elihu Gevirtz

\$ 40,000

Dan Gira

\$ 50,000

Noel Langle

\$ 10,000

DATED: 11-22-04

[Signature]
JURY FOREPERSON

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 22 2004

GARY M. BLAIR, EXEC. OFFICER

By C. Torres
Deputy Clerk