

In discharging your responsibility on this jury, you will observe all the instructions that have been previously given to you during the first phase of the trial.

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason. I will give you a number where others may contact you in case of an emergency.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions:

1. Do not let bias, prejudice, or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.

5. All the questions and answers are important. No one should say that any question or answer is not important.

6. A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

7. Do not speculate about what any party's ultimate recovery may or may not be. Any recovery will be determined by the Court when it applies the law to the answers at the time of judgment.

8. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

10. Do not answer questions by drawing straws or by any method of chance.

11. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

12. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

13. Unless otherwise instructed, the answers to the questions must be based on the decision of all six jurors.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

SPECIAL INSTRUCTION

You are instructed that you must not infer anything by Charter's or its representatives' refusal to answer questions and instructions not to answer because of Charter's claim of an attorney-client communication or attorney work product privilege.

DEFINITIONS

1. "Plaintiffs" means William Goff, as Personal Representative of Betty Jo McClain Thomas, deceased, Christopher Thomas, as Guardian of Charles Thomas, Cindy Ringness, Cheryl Goff, and Charlotte Glover.
2. "Charter" means Charter Communications, LLC.
3. "Ms. Thomas" means Betty Jo McClain Thomas, deceased.
4. "Person" means an individual, a corporation, or an association.

Presiding Juror:

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
 - c. give written questions or comments to the bailiff who will give them to the judge;
 - d. write down the answers you agree on;
 - e. get the signatures for the verdict certificate; and
 - f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

QUESTION 1

What sum of money, if any, should be assessed against Charter and awarded to Plaintiffs as exemplary damages for the gross negligence found during the first phase of this jury trial?

You must unanimously agree on the amount, if any, of any award of exemplary damages. Otherwise, you must not answer this question.

“**Exemplary damages**” means any damages awarded as a penalty or by way of punishment but not for compensatory purposes. Exemplary damages includes punitive damages.

Factors to consider in awarding exemplary damages, if any, are—

1. The nature of the wrong.
2. The character of the conduct involved.
3. The degree of culpability of the wrongdoer.
4. The situation and sensibilities of the parties concerned.
5. The extent to which such conduct offends a public sense of justice and propriety.
6. The net worth of Charter.

Answer in dollars and cents, if any.

Answer: \$ 7,000,000,000.00
(SEVEN BILLION DOLLARS)
AND ZERO CENTS

QUESTION 2

If, in your answer to Question 1, you entered any amount of exemplary damages, then answer the following question. Otherwise, do not answer the following question.

How do you apportion the exemplary damages awarded against Charter among the Plaintiffs?

Answer by stating a percentage for each person named below. The percentages you find must total 100 percent.

1. William Goff, personal representative of Ms. Thomas:	<u>20</u> %
2. Charles Thomas:	<u>20</u> %
3. Cindy Ringness:	<u>20</u> %
4. Cheryl Goff:	<u>20</u> %
5. Charlotte Glover:	<u>20</u> %
Total:	<u>100</u>

To answer "Yes" to the following question, your answer must be unanimous. You may answer "No" to the following question only upon a vote of five or more jurors. Otherwise, you must not answer the following question.

QUESTION 3

Do you find beyond a reasonable doubt that Charter, with the intent to defraud or harm Plaintiffs, knowingly or intentionally committed forgery of the terms and conditions of service, and the value of the property affected was \$300,000 or more?

"Forgery" means to alter, make, execute, or authenticate any writing so that it purports to be the act of another who did not authorize that act, or to be a copy of an original when no such original existed.

"Property" means a document, including money, that represents or embodies anything of value.

A person acts **"knowingly,"** or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

A person acts **"intentionally,"** or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

Answer "Yes" or "No."

Answer: YES

Instructions for Signing the Verdict Certificate:

1. To answer “Yes” to the any of Questions 1 through 3, your answer must be unanimous. You may answer “No” to any of Questions 1 through 3 only upon a vote of five or more jurors. Otherwise, you must not answer Questions 1 through 3.

2. All jurors should deliberate on every question. You may end up with all six of you agreeing on some answers and not others.

Do you understand these instructions? If you do not, please tell me now.

Verdict Certificate:

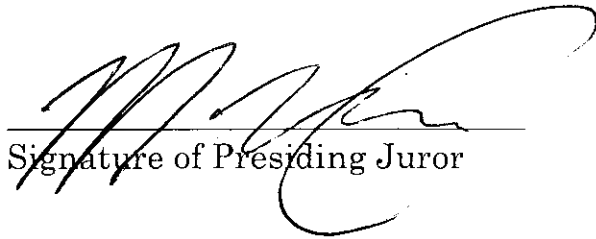
I certify that the jury was unanimous in answering the following questions. All six of us agreed to each of the answers marked "yes" below. The presiding juror has signed the certificate for all six of us.

Answer "Yes" or "No" for each of the following:

Question 1 YES

Question 2 YES

Question 3 YES



Signature of Presiding Juror

GAVIN CASH
Printed Name of Presiding Juror