

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

TODD McNAIR, an individual;  
  
Plaintiff,  
  
vs.

CASE NO. BC462891  
  
SPECIAL VERDICT

THE NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION, an  
unincorporated association,  
and DOES 1 through 50,  
inclusive,  
  
Defendants.

We the jury answer the questions submitted to us as follows:

1. Did the NCAA make any statements of fact about TODD McNAIR to persons other than TODD McNAIR in any of the following?

- A. The Committee on Infractions Report of June 10, 2010 (Trial Exhibit 61);
- B. The statement of Mark Emmert of December 15, 2010 (quoted in Trial Exhibit 848); or
- C. The Infractions Appeals Committee Report of April 29, 2011 (Trial Exhibit 110).

\_\_\_\_\_ Yes      \_\_\_\_\_ No

*If your answer to Question 1 is Yes, then Answer Question 2. If you answered No, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

2. With respect to the statements for which you answered Yes in Question 1, did the people to whom the statements were

made reasonably understand that any of the statements were about TODD McNAIR?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*If your answer to Question 2 is Yes, then Answer Question 3. If you answered No, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

3. With respect to the statements for which you answered Yes in Question 2, were any of the statements false?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*If your answer to Question 3 is Yes, then Answer Question 4. If your answer is No, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

4. With respect to the statements for which you answered Yes in Question 3, did TODD McNAIR prove by clear and convincing evidence that the NCAA knew any of the statements were false or had serious doubts about the truth of any of the statements?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*If your answer to Question 4 is Yes, then Answer Question 5. If you answered No, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

5. With respect to the statements for which you answered Yes in Question 4, are any of the statements, because of facts known to the people who heard or read them, the kind that would tend to injure TODD McNAIR in his occupation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*If your answer to Question 5 is Yes, then Answer Question 6. If you answered No, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

6. With respect to the statements for which you answered Yes in Question 5, did TODD McNAIR suffer harm to his property, business, profession, or occupation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*If you answered Yes to Question 6, then answer Question 7. If you answered No to Question 6, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

7. With respect to the statements for which you answered Yes in Question 6, was the NCAA's conduct a substantial factor in causing TODD McNAIR actual harm?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*If you answered Yes to Question 7, then answer Question 8. If you answered No to Question 7, then have the presiding juror sign and date the verdict form and indicate to the clerk that you have a verdict.*

8. What are TODD McNAIR's actual damages?

\$ \_\_\_\_\_

*Answer Question No. 9*

Did TODD McNAIR prove by clear and convincing evidence that the NCAA acted with malice, oppression, or fraud?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*Have the presiding juror sign and date the verdict form.*

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
                    Presiding Juror

*[After the verdict form has been signed, deliver this  
verdict form to the clerk.]*