

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Joe H. Miller, IV, and Robert W. Pearce, Jr.,) C/A No. 2:99-1861-18
)
)
Plaintiffs,)
)
vs.) VERDICT
)
Asensio & Co., Inc.,)
)
Defendant.)
_____)

FILED

MAR 28 2002

LARRY W. PROPES, CLERK
CHARLESTON, SC

We, the jury, unanimously find:

(1) Did plaintiff Joe H. Miller, IV, prove, by a preponderance of the evidence, each of the following elements:

First, that defendant, in connection with the sale of securities, made an untrue statement of a material fact or omitted to state a material fact that was necessary to make the statements that were made not misleading under the circumstances

Second, that the plaintiff justifiably relied on the defendant's alleged misrepresentation or omission.

Third, that the defendant acted with "scienter," which means knowingly with intent to defraud or with reckless disregard for the truth.

Fourth, that the defendant's conduct was a proximate cause of the injury to the plaintiffs;

YES

NO

If your answer to Question Number 1 is NO, your verdict is for Defendant, and you should not proceed further except to sign and date this verdict form and return it to the courtroom. If your answer to Question Number 1 is YES, please answer Question Number 2.

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(2) Using the out-of-pocket rule, what is the total amount that plaintiff Joe H. Miller, IV was actually damaged as a result of the defendant's fraud?

\$ 0⁰⁰ ZERO DOLLARS

PLEASE SIGN AND DATE THE VERDICT FORM.

3/28/02
DATE


FOREPERSON