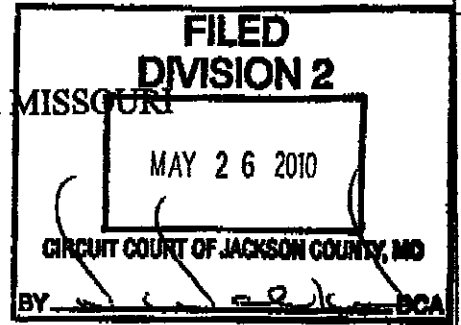


IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE



KIMBERLY VonDAVID and MICHAEL )  
VonDAVID, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BLUE SPRINGS FORD SALES, INC., )  
 )  
Defendant. )

Case No. 04CV-205337-01  
Division 2

**THIRD AMENDED JUDGMENT**

On the 16<sup>th</sup> day of February, 2010, Plaintiffs, Kimberly VonDavid and Michael VonDavid, appeared in person by counsel, Bernard E. Brown and James E. Brady, III. Defendant, Blue Springs Ford Sales, Inc., appeared by its corporate representative, Robert Balderston, and by counsel, Kevin D. Case and James N. Crews. The parties announced ready for trial. The Court heard motions in limine and ruled thereon. Thereafter, the venirepanel was summoned. The Plaintiffs commenced voir dire.

On the 17<sup>th</sup> day of February, 2010, the same parties and counsel appeared. Voir dire continued. The Court entertained challenges for cause and peremptory challenges. The parties stipulated on the record that the Jury conformed to the strikes. The Court adjourned for the day.

On the 18<sup>th</sup> day of February, 2010, the same parties appeared. The Court swore a Jury of 12 members and three alternates. The Court read Instruction No. 1 to the Jury. Plaintiffs presented their opening statement, following which Defendant presented its opening statement. Plaintiffs began presentation of their evidence.

On the 19<sup>th</sup> day of February, 2010, the same parties and counsel appeared. Plaintiffs continued presentation of their evidence.

On the 22<sup>nd</sup> day of February, 2010, the same parties and counsel appeared. Juror Tyara Harvey was discharged due to weather-related difficulties. Plaintiffs continued presentation of their evidence.

On the 23<sup>rd</sup> day of February, 2010, the same parties and counsel appeared. Plaintiffs continued presentation of their evidence.

On the 24<sup>th</sup> day of February, 2010, the same parties and counsel appeared. Plaintiffs continued presentation of their evidence and rested. At the noon recess, Juror Sean Berger was discharged due to illness. Defendant moved for a directed verdict at the close of Plaintiffs' evidence, which motion the Court overruled. The Defendant began presentation of its evidence.

On the 25<sup>th</sup> day of February, 2010, the same parties and counsel appeared. Defendant continued presentation of its evidence and rested. All parties moved for directed verdicts at the close of all the evidence, which motions the Court overruled. The Court conducted an instruction conference. The Court read Instructions Nos. 2 through 10 to the Jury. Thereafter, the parties gave their closing arguments. The Court excused the remaining alternate Juror, and the Jury commenced its deliberations.

On the 26<sup>th</sup> day of February, 2010, the same parties and counsel appeared. The Jury continued its deliberations. Whereupon, the Jury returned the following verdict:

#### **VERDICT A**

On the claim of Plaintiffs, Kimberly and Michael VonDavid, for compensatory damages for fraud against Defendant, Blue Springs Ford Sales, Inc., we, the undersigned Jurors, find in favor of:

**Plaintiffs, Kimberly and Michael VonDavid**

On the claim of Plaintiffs, Kimberly and Michael VonDavid, for compensatory damages for violation of the Missouri Merchandising Practices Act against Defendant, Blue Springs Ford Sales, Inc., we the undersigned Jurors, find in favor of:

**Plaintiffs, Kimberly and Michael VonDavid**

We, the undersigned Jurors, assess the compensatory damages of Plaintiffs, Kimberly and Michael VonDavid at \$171,520.

We, the undersigned Jurors, find that Defendant, Blue Springs Ford Sales, Inc., is liable for punitive damages.

Michael Smith	Paul M. Clark
Daniel A. Yancey	Gina Rae Donahue
LaCurtise Smith	Laurie A. King
Sharon Ann McCoy	Christoph Jon Sisson
Floyd Charles VanWinkle	Jerry M. Taylor
Myrtle J. Haynes	

Upon the decision in Verdict A for punitive damages, an instruction conference concerning the punitive damages was conducted. Both parties gave opening statements. Plaintiffs presented evidence. There was no evidence by Defendant. Instructions 11 and 12 were read to the Jury. The parties presented closing arguments. The Jury commenced its deliberations and returned with the following verdict:

### **VERDICT B**

We, the undersigned jurors, assess punitive damages against Defendant, Blue Springs Ford Sales, Inc., at \$1,750,000.

Christoph Sisson	Floyd C. VanWinkle
Sharon A. McCoy	Paul M. Clark
Laurie A. King	Michael M. Smith
Jerry Taylor	LaCurtise Smith
Irene Ruiz Calderon	Gina Donahue
Daniel Yancey	

On March 31, 2010, Plaintiffs filed their Motion to Amend the Second Amended Judgment to Include Attorneys' Fees. Defendant filed Suggestions in Opposition thereto on May 3, 2010. Plaintiffs' Motion is SUSTAINED. The Court finds that Plaintiffs are entitled to attorneys' fees in the amount of \$137,070.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Judgment is entered in favor of Plaintiffs, Kimberly and Michael VonDavid, against Defendant, Blue Springs Ford Sales, Inc., for actual damages in the amount of \$171,520, for attorneys' fees in the amount of \$137,070, and for punitive damages in the amount of \$1,750,000. Costs of this action are taxed against Defendant.

  
MICHAEL W. MANNERS, Judge

Dated: May 26, 2010

A copy of the foregoing was mailed or sent by telefacsimile machine this 26th day of May, 2010, to the following:  
Bernard E. Brown (fax 1-888-919-0123)  
Kevin D. Case (fax 816-448-3779)

  
D. Walker