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FIRST CIRCUIT
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BOSKO PETRICEVIC,

Plaintiff,

vs.

NAN INC., a domestic profit corporation;
PATRICK SHIN, et al.,

Defendants.

CASE NO. 1CCV-19-0002008
(Other Civil Action)

SPECIAL VERDICT FORM

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STATE OF HAWAII

BOSKO PETRICEVIC,

Plaintiff,

vs.

NAN, INC. and PATRICK SHIN,

Defendants.

CIVIL NO. 19-0002008 JHA
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SPECIAL VERDICT FORM

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This Special Verdict Form is given to you for your use in returning your verdict. Although you may and should read the entire verdict form before answering, please make certain to answer the questions and follow the directions in numerical order, starting with Question No. 1, because an earlier answer may excuse you from answering later questions. To answer the question(s), place an "X" on the appropriate line. Each answer requires the agreement of at least ten (10) jurors; however, the same ten (10) jurors need not agree on each answer.

Follow the directions carefully in the order in which the directions are given to you. If you do not understand any direction or question, please communicate with the Court in writing.

PART A
(Hawai'i Whistleblower Protection Act Claim)

1. Has Plaintiff Bosko Petricevic proved by a preponderance of the evidence that he reported a violation or suspected violation of law, rule, ordinance, or regulation?

YES X NO _____

**If you answered "NO," go to Part B and do not answer the remaining questions in Part A.
If you answered "YES," go to Question no. 2.**

2. Did Plaintiff Bosko Petricevic know that every report he made was false?

YES _____ NO X

**If you answered "YES," go to Part B and do not answer the remaining questions in Part A.
If you answered "NO," go to Question no. 3.**

3. Has Plaintiff Bosko Petricevic proved by a preponderance of the evidence that after he made a report of a violation or suspected violation of law, rule, ordinance, or regulation to his employer he was terminated?

YES X NO _____

**If you answered "NO," go to Part B and do not answer the remaining questions in Part A.
If you answered "YES," go to Question no. 4.**

4. Has Plaintiff Bosko Petricevic proved by a preponderance of the evidence that Nan, Inc.'s decision to terminate him was because he made a report of a violation or suspected violation of law, rule, ordinance, or regulation to his employer and that such report(s) was a substantial or motivating factor in the decision to terminate him?

YES _____ NO X

**If you answered "NO," go to Part B and do not answer the remaining questions in Part A.
If you answered "YES," go to Question no. 5.**

5. Has Defendant Nan, Inc. proved by a preponderance of evidence that it would have terminated Plaintiff Bosko Petricevic regardless of any reports he made?

YES _____ NO _____

Go To Part B

PART B
(Public Policy Claim)

6. Has Plaintiff Bosko Petricevic proved by a preponderance of the evidence that he refused to participate in drafting perjured testimony, or refused to participate in setting up fraudulent shell companies, or reported and objected to assault, or refused to participate in extortion?

YES X NO _____

If you answered "NO," go to Part C and do not answer the remaining questions in Part B.
If you answered "YES," go to Question no. 7.

7. Has Plaintiff Bosko Petricevic proved by a preponderance of the evidence that his refusal to participate in any of the conduct identified in paragraph 6, above, was a substantial or motivating factor in the decision to terminate him?

YES _____ NO X

If you answered "NO," go to Part C and do not answer the remaining questions in Part B.
If you answered "YES," go to Question no. 8.

8. Has Defendant Nan, Inc. proved by a preponderance of the evidence that it would have terminated Plaintiff Bosko Petricevic regardless of his refusal to participate in any of the activities identified in paragraph 6, above?

YES _____ NO _____

Go to Part C

PART C
(Intentional Infliction of Emotional Distress Claim)

9. Has Plaintiff Bosko Petricevic proven, by clear and convincing evidence, that he was harmed by willful and wanton misconduct on the part of Defendant Nan Shin (fka Patrick Shin)?

Yes _____ No X

If you answered "NO," go to Part D and do not answer the remaining questions in Part C.
If you answered "YES," go to Question no. 10.

10. Has Plaintiff Bosko Petricevic proven, by a preponderance of the evidence, that the conduct of Defendant Nan Shin (fka Patrick Shin) was outrageous and that he is liable for intentional infliction of emotional distress?

Yes _____

No _____

Go to Part D

PART D

(Defendant's False Light Counterclaim)

11. Do you find that Defendant Nan Shin (fka Patrick Shin) proved by a preponderance of the evidence that Plaintiff Bosko Petricevic placed him in a false light?

Yes _____

No X _____

If you answered "NO," go to Part E and do not answer the remaining questions in Part D. If you answered "YES," go to Question no. 12.

12. Do you find by a preponderance of the evidence that the false light would be highly offensive to a reasonable person?

Yes _____

No _____

If you answered "NO," go to Part E and do not answer the remaining questions in Part D. If you answered "YES," go to Question no. 13.

13. Do you find by a preponderance of the evidence that Plaintiff Bosko Petricevic had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light?

Yes _____

No _____

Proceed to Part E

PART E

(Damages Against Defendant Nan, Inc.)

Only answer the questions in this section if either A) you answer "YES" to Question no. 4 and "NO" to Question no. 5; or B) you answer "YES" to Question no. 7 and "NO" to Question no. 8. If neither A nor B applies, go to Part F.

14. Has Plaintiff Bosko Petricevic proved by a preponderance of the evidence that he sustained damages?

Yes _____

No _____

**If you answered "NO," go to Part F and do not answer the remaining questions in Part E.
If you answered "YES," go to Question no. 15.**

15. By a preponderance of the evidence, what amount of damages, if any, do you award Plaintiff Bosko Petricevic against Defendant Nan, Inc.?

\$ 0.00. If none, write \$0.00

If you award any damages to Plaintiff in Question no. 15, go to Question no. 16. If you award no damages to Plaintiff in Question no. 15 proceed to Part F.

Punitive Damages

16. Has Plaintiff Bosko Petricevic provided by clear and convincing evidence that he is entitled to punitive damages for his claim of wrongful termination in violation of public policy?

Yes _____

No _____

If you answered "NO" to Question no. 16, proceed to Part F. If you answered "YES," go to Question no. 17.

17. What amount of punitive damages, if any, do you award Plaintiff against Nan, Inc.?

\$ 0.00. If none, write \$0.00

Proceed to Part F

PART F

(Damages Against Defendant Patrick Shin)

Only answer the questions in this section if you answered "YES" to Question no. 10.

18. By a preponderance of the evidence, what amount of damages, if any, do you award Plaintiff Bosko Petricevic against Defendant Nan Shin (fka Patrick Shin)?

\$ 0.00. If none, write \$0.00

If you award any damages to Plaintiff in Question no. 18, go to Question no. 19. If you award no damages to Plaintiff, proceed to Part G.

Punitive Damages

19. Has Plaintiff Bosko Petricevic proved by clear and convincing evidence that he is entitled to punitive damages against Defendant Patrick Shin?

Yes _____

No _____

If you answered “NO” proceed to Part G. If you answered “YES,” go to Question no. 20.

20. What amount of punitive damages, if any, do you award Plaintiff Bosko Petricevic against Defendant Patrick Shin?

\$ 0.00. If none, write \$0.00

Proceed to Part G

PART G
(Damages Against Plaintiff)

If you answered “YES” to Question no. 13, answer Question no. 21. If you answered “NO” to Question no. 13, do not answer any further questions. Please have the jury foreperson sign the special verdict form and notify the Bailiff.

21. By a preponderance of the evidence, what amount of damages, if any, do you award Defendant Nan Shin (fka Patrick Shin) against Plaintiff Bosko Petricevic?

\$ 0.00. If none, write \$0.00

If you award any damages in Question no. 21, go to Question no. 22. If you did not award damages in Question no. 21, do not answer any further questions. Please have the jury foreperson sign the Special Verdict form and notify the Bailiff.

Punitive Damages

22. Has Defendant Nan Shin (fka Patrick Shin) proved by clear and convincing evidence that he is entitled to punitive damages against Plaintiff Bosko Petricevic?

Yes _____

No _____

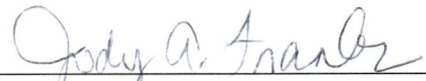
If you answered “YES,” proceed to Question no. 23. If you answered “NO,” do not answer any further questions. Please have the jury foreperson sign the Special Verdict form and notify the Bailiff.

23. What amount of punitive damages, if any, do you award Defendant Nan Shin (fka Patrick Shin) against Plaintiff Bosko Petricevic?

\$ 0.00. If none, write \$0.00

Please have the jury foreperson sign the Special Verdict form and notify the Bailiff.

Dated: Honolulu, Hawaii, July 21, 2021.



Signature of Foreperson