

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

KENNETH FETT,

Plaintiff,

vs.

ASRC ENERGY SERVICES - HOUSTON  
CONTRACTING COMPANY, INC.,  
f/k/a AES PIPELINE POWER AND  
COMMUNICATIONS, INC.,

Defendant.

Case No. 3AN-07-11025 CI

**SPECIAL VERDICT FORM**

**Please answer Parts A, B and C first, then go to D, if required.**

We, the jury in this matter, answer the questions submitted to us as follows:

**A. Breach of Covenant of Good Faith and Fair Dealing**

1. Is it more likely true than not that PPC deprived Kenneth Fett of a benefit of the contract:

(a) intentionally; or

(b) by acting in a manner that a reasonable person would regard as unfair?

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

**If your answer to question 1 is yes, you will be required to answer Part D, question 6(a). But first, go on to parts B and C.**

B. Mixed Motive

2. Was Kenneth Fett's report on safety boat issues a motivating reason for PPC's decision to discharge Kenneth Fett?

Yes  No

If your answer to question 2 is yes, then answer question 3. If your answer to question 2 is no, then answer no further questions in Part B; complete Part C, also complete part D, if you were directed to do so in Parts A or C.

3. Has PPC established that it is more likely than not that it would have discharged Kenneth Fett even if he had not made reports on safety boat issues?

Yes  No

If your answer to question 3 is no, then go on to Part D and answer questions 5(a) and (b). If your answer to question 3 is yes, then complete Part D if you are directed to do so in Part A. But first, complete part C.

C. Pretext

4. Did PPC discharge Kenneth Fett based on a legitimate business reason?

Yes  No

If your answer to question 4 is no, then answer Part D, question 6. If your answer to question 4 is yes, go to question 5.

5. Did Kenneth Fett show that PPC's explanation for discharging him was false or pretextual?

Yes  No

If your answer to question 5 is yes, you will be required to answer Part D, question 6 (a) and (b) related to Fett's damages.

D. Damages

If you found for Kenneth Fett in Part A and/or B, answer this question.

6. What are Kenneth Fett's damages?

- a. Lost earnings \$ \_\_\_\_\_  
Expenses \$ \_\_\_\_\_  
Total lost earnings and expenses \$ \_\_\_\_\_
- b. Non-economic loss, including  
emotional distress: \$ \_\_\_\_\_

TOTAL: \$ \_\_\_\_\_

D. Punitive Damages

**If you found for Kenneth Fett above, answer this question. If not, stop here, have the jury foreperson sign and date this form.**

7. Is Kenneth Fett eligible for an award of punitive damages?

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

Signed: \_\_\_\_\_  
Jury Foreperson

Dated: \_\_\_\_\_

**After it has been signed, deliver this verdict form to the clerk or bailiff.**