



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DIRECT LIST, LLC,  
Plaintiff,  
v.  
PHIL KESSLER, LAUREN  
KESSLER, and DIANA OWENS,  
Defendants.

Case No.: 15-cv-2025-WQH-JLB

**VERDICT FORM**

**We, the jury in the above-titled action, unanimously find the following verdict on the questions submitted to us:**

*Please answer Question 1 then follow the italicized instructions.*

**Question 1:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence all of the elements of its claim for fraud (intentional misrepresentation) against Defendant Phil Kessler?

Yes  No

*Please proceed to Question 2.*

**Question 2:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence all of the elements of its claim for fraud (negligent misrepresentation) against Defendant Phil Kessler?

Yes  No

*Please proceed to Question 3.*

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**Question 3:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence all of the elements of his claim for misappropriation of trade secrets against Defendant Phil Kessler?

Yes  No

*Please proceed to Question 4.*

**Question 4:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence all of the elements of its claim for misappropriation of trade secrets against Defendant Lauren Kessler?

Yes  No

*Please proceed to Question 5.*

**Question 5:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence all of the elements of its claim for misappropriation of trade secrets against Defendant Diana Owens?

Yes  No

*Please proceed to Question 6.*

**Question 6:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence all of the elements of its claim for violation of the California Comprehensive Computer Data and Fraud Act against Defendant Phil Kessler?

Yes  No

*Please proceed to Question 7.*

1           **Question 7:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence  
2 all of the elements of its claim for violation of the California Comprehensive Computer  
3 Data and Fraud Act against Defendant Lauren Kessler?

4           Yes            No

5           *Please proceed to Question 8.*

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7           **Question 8:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence  
8 all of the elements of its claim for violation of the California Comprehensive Computer  
9 Data and Fraud Act against Defendant Diana Owens?

10          Yes            No

11          *Please proceed to Question 9.*

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13          **Question 9:** Did Plaintiff Direct List, LLC prove by a preponderance of the evidence  
14 all of the elements of its claim for intentional interference with prospective economic  
15 advantage against Defendant Phil Kessler?

16          Yes            No

17          *Please proceed to Question 10.*

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19          **Question 10:** Did Plaintiff Direct List, LLC prove by a preponderance of the  
20 evidence all of the elements of its claim for intentional interference with prospective  
21 economic advantage against Defendant Lauren Kessler?

22          Yes            No

23          *Please proceed to Question 11.*

1           **Question 11:** Did Plaintiff Direct List, LLC prove by a preponderance of the  
2 evidence all of the elements of its claim for intentional interference with prospective  
3 economic advantage against Defendant Diana Owens?

4           Yes \_\_\_\_\_ No

5           *Please proceed to Question 12.*

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7           **Question 12:** Did Plaintiff Direct List, LLC prove by a preponderance of the  
8 evidence all of the elements of its claim for negligent interference with prospective  
9 economic advantage against Defendant Phil Kessler?

10          Yes  No \_\_\_\_\_

11          *Please proceed to Question 13.*

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13          **Question 13:** Did Plaintiff Direct List, LLC prove by a preponderance of the  
14 evidence all of the elements of its claim for negligent interference with prospective  
15 economic advantage against Defendant Lauren Kessler?

16          Yes  No \_\_\_\_\_

17          *Please proceed to Question 14.*

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19          **Question 14:** Did Plaintiff Direct List, LLC prove by a preponderance of the  
20 evidence all of the elements of its claim for negligent interference with prospective  
21 economic advantage against Defendant Diana Owens?

22          Yes \_\_\_\_\_ No

23          *If you answered "Yes" to any of Questions 1 through 14, please proceed to Question*  
24 *15. If you answered "No" to all of Questions 1 through 14, please stop, answer no further*  
25 *questions, and have your presiding juror sign and date this form.*

1           **Question 15:** What do you find to be the total amount of damages which will  
2 compensate Direct List, LLC for the harm caused by the Defendant(s)?

3           \$ 2,000,000

4           *If you answered "Yes" to Question 1, please proceed to Question 16. If you*  
5 *answered "No" to Question 1, please stop, answer no further questions, and have your*  
6 *presiding juror sign and date this form.*

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8           **Question 16:** Did Plaintiff Direct List, LLC prove by clear and convincing evidence  
9 that it is entitled to punitive damages against Defendant Phil Kessler?

10          Yes \_\_\_\_\_ No

11          *If you answered "Yes" to Question 16, please proceed to Question 17. If you*  
12 *answered "No" to Question 16, please stop, answer no further questions, and have your*  
13 *presiding juror sign and date this form.*

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15          **Question 17:** What amount of punitive damages, if any, do you award to Plaintiff  
16 Direct List, LLC against Defendant Phil Kessler?

17          \$ \_\_\_\_\_

18          *Please have the presiding juror sign and date the verdict form.*

19  
20 Dated: 8/3/18

\_\_\_\_\_  
Presiding Juror

