AL

**STATE OF MICHIGAN**
**IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

BP1, LLC,
Nominal Plaintiff,

Case No. 09-099741-CZ

v.

Hon. Michael Warren

DDR, CORP. f/k/a
DEVELOPERS DIVERSIFIED REALTY CORP.

and COVENTRY II DDR BLOOMFIELD, LLC,

Defendants,

and

COVENTRY II DDR HARBOR BLOOMFIELD
PHASE I, LLC
Nominal Defendant.


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# FINAL VERDICT FORM

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## PART 1: PLAINTIFF'S BREACH OF CONTRACT CLAIMS AGAINST DDR

1. Did DDR breach any of its obligations under the Project Development Agreement by acts or omissions that occurred after February 29, 2008?

Yes _____ No ✓

*If your answer is Yes, go to Question 2. If your answer is No, your work is complete, please go to Page 5 and sign the form .*

2. Did DDR's breach or breaches cause damage to the Coventry II DDR Harbor Bloomfield Phase 1 LLC (the "Bloomfield Park Owner")?

Yes _____ No _____

*If your answer is Yes, go to Question 3. If your answer is No, your work is complete, please go to Page 5 and sign the form .*

3. State the amount of damages, if any, sustained by the Bloomfield Park Owner that was caused by DDR's breach of the Project Development Agreement?

$_____

*Please go to Part 2, Question 1.*

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## PART 2: PLAINTIFF'S BREACH OF CONTRACT CLAIMS AGAINST COVENTRY II DDR

1. Did Coventry II DDR breach any of its obligations under the Amended and Restated LLC Agreement of Coventry II DDR Harbor Bloomfield Phase 1 LLC (the "Bloomfield Park Owner Operating Agreement") by acts or omissions that occurred after February 29, 2008?

Yes _____ No _____

*If your answer is Yes, go to Question 2. If your answer is No, please go to Part 4 and Respond to Question 1.*

2. Did Coventry II DDR's breach or breaches cause damage to the Bloomfield Park Owner?

Yes _____ No _____

*If your answer is Yes, go to Question 3. If your answer is No, please go to Part 4 and Respond to Question 1.*

3. State the amount of damages, if any, sustained by the Bloomfield Park Owner that was caused by Coventry II DDR's breach of the Bloomfield Park Owner Operating Agreement?

$_____

*Please go to Part 3, Question 1.*

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**PART 3: TOTAL DAMAGES**

1. If you awarded damages against both Defendants, state the total amount of damages sustained by the Bloomfield Park Owner because of its reliance on the Defendants' commitment to perform their duties. The total amount of damages identified here cannot exceed the total of the two damage awards, nor can that total be less than the amount awarded against either Defendant.

$_____

In the event you find that both Defendants caused the same damages, list the amount of such overlapping damages.

$_____

*Please go to Part 4, Question 1.*

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## PART 4: SPECIAL INTERROGATORY

1. As you were instructed earlier, this action is brought "derivatively" by BP1 on behalf of the Bloomfield Park Owner, a limited liability company. The law permits a lawsuit to be pursued on behalf of a limited liability company by one of its members only if certain conditions are met.

Based on the evidence presented in this case, do you find that Defendants have proven that BP1, as one of the members of Bloomfield Park Owner, does not fairly and adequately represent the interests of Bloomfield Park Owner in enforcing the rights of Bloomfield Park Owner in this lawsuit?

Yes _____ No _____

*Your work is complete. Please go to Page 5 and sign the Verdict Form.*

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## PART 5- SIGNATURES

You have now completed your work.

Dated: 08-17-2012

Foreperson: Jamy D Roberts

Juror: Susan M Richmond

Juror: Paige B. Adams

Juror: Megan L Blaze

Juror: Dennis C. Schmoll

Juror: Mafetta Richardson

Juror: [illegible]

Juror: Marcia Schaffer