

FILED

MARIN COUNTY SUPERIOR COURT
State of California
P. O. BOX 4988
San Rafael, CA 94913-4988

JAN 29 2003

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: *J. Benassini*

PLAINTIFF(S):

RANDALL H. CHAPMAN, M.D.

vs.

DEFENDANT(S):

UNUMPROVIDENT CORPORATION; THE
PAUL REVERE LIFE INSURANCE CO;
PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY

CASE NO. CV 012323

AMENDED

JUDGMENT ON VERDICT IN OPEN COURT

This cause came on regularly for trial on OCT. 16th, 22nd, 23rd, 24th, 29th, 30th, 31st, NOV. 5th, 6th, 7th, 12th, 13th, 14th, 15th, 18th, 19th, 20th, 21st, 26th, DEC. 3rd, 2002.

PHASE II: DEC. 4th, 10th, 11th, 12th, 17th, 18th, 19th 2002; JAN. 7th, 8th, 9th, 13th, 15th, 16th; PHASE III: JAN. 21st, 23rd, 2003.

ARNOLD R. LEVINSON & TERRENCE J. COLEMAN, appearing as counsel for the plaintiff(s), and
HORACE W. GREEN AND WILLIAM LEE, appearing for the defendant(s). A jury of
12 persons was duly accepted, impaneled, and sworn to try the case. Witnesses were sworn and examined.

After hearing the evidence, the arguments of counsel, and instructions of the court, the cause was submitted to the jury, and the jury retired to deliberate. The jury subsequently returned into court, and rendered the following verdict:

See attached verdicts

IT IS ORDERED THAT the judgment be entered accordingly.

Judgment entered on 1 / 29 / 2003

I certify the attached to be a correct copy of the judgment entered in the above-entitled action.

Executed at San Rafael, California

1 / 29 / 03

JOHN P. MONTGOMERY
Court Executive Officer

By *J. Benassini*
Deputy

SPECIAL VERDICT FORM RE: RANDALL CHAPMAN'S

DEC 3 - 2002

BREACH OF CONTRACT CLAIM

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Benavides, Deputy J. Benavides

We, the jury in the above-entitled case, find the following Special Verdict on the questions submitted to us:

PLAINTIFF'S FIRST CLAIM FOR RELIEF

BREACH OF CONTRACT

Question No. 1: Is Randall Chapman entitled to total disability benefits under the two policies issued by Paul Revere Life Insurance Company and Provident Life & Accident Insurance Company?

Answer "YES" or "NO"

Answer: yes

If you answered Question No. 1 "YES," you have completed the verdict form. Please sign, date and return the form.

If you answered Question No. 1 "NO," then answer Question No. 2.

Question No. 2: Is Randall Chapman entitled to residual disability benefits under the two policies issued by Paul Revere Life Insurance Company and Provident Life and Accident Insurance Company?

Answer "YES" or "NO"

Answer: _____

You have now completed the verdict form. Please sign, date and return the form.

Dated: 12-3-02


FOREPERSON

FILED

JAN 16 2003

JOHN P. MONTGOMERY,
Court Executive Officer,
MARIN COUNTY SUPERIOR COURT
By: J. Wilbey, Deputy

IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

RANDALL H. CHAPMAN, M.D.,)
)
 Plaintiff,)
)
 v.)
)
 UNUMPROVIDENT CORPORATION; THE)
 PAUL REVERE LIFE INSURANCE)
 COMPANY; PROVIDENT LIFE &)
 ACCIDENT INSURANCE COMPANY)
)
 Defendants.)
 _____)

Case No. CV 012323

SPECIAL VERDICT RE PHASE 2

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1 We the jury, in the above-entitled action, find the following Special Verdict on the questions
2 presented to us:

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4 **Question 1:** Did Defendants breach the duty of good faith and fair dealing owed to
5 Plaintiff? Answer "yes" or "no."

6 Answer: YES

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8 If you answered "yes", proceed to Question 2. If you answered "no", please sign and date
9 and return this form.

10
11 **Question 2:** What amount, if any, do you award Plaintiff for damages as a result of
12 Defendants' breach? Please fill in both blanks below:

13 Answer:

14 Future Disability Benefits: \$ 1,109,093.00

15 Other General Damages: \$ 125,000.00

16
17 **Question 3:** Did Defendants act with oppression, malice or fraud in the handling of
18 Plaintiff's claim? Answer "yes" or "no" as to each.

19 Oppression? Answer: NO

20 Malice? Answer: YES

21 Fraud? Answer: YES

22
23 **Question 4:** Do you find UnumProvident Corporation to be the alter ego of Provident
24 Life and Accident Insurance Company and The Paul Revere Life Insurance Company? Answer
25 "yes" or "no."

26 Answer: YES

27 Dated: 1/16/03

28 Joel A. Smith
FOREPERSON

ORIGINAL

FILED

JAN 23-2003
JOHN P. MONTGOMERY
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Withby, Deputy

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IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

RANDALL H. CHAPMAN, M.D.,)
)
Plaintiff,)
)
v.)
)
UNUMPROVIDENT CORPORATION; THE)
PAUL REVERE LIFE INSURANCE)
COMPANY; PROVIDENT LIFE &)
ACCIDENT INSURANCE COMPANY)
)
Defendants.)
_____)

Case No. CV 012323
SPECIAL VERDICT RE PHASE 3

1 We the jury, in the above-entitled action, find the following Special Verdict on the questions
2 presented to us:

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4 **Question 1:** What amount, if any, do you award as punitive damages against Defendants?

5
6 Answer: \$ 30,000,000.00

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8
9 Dated: 1/23/2003

10 Joni A. Smith
FOREPERSON

STATE OF CALIFORNIA)
COUNTY OF MARIN)

RANDALL H. CHAPMAN, M.D. VS. UNUMPROVIDENT CORP., ET AL

ACTION NO: CV 012323

(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM A CITIZEN OF THE UNITED STATES AND AN EMPLOYEE OF THE COUNTY OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA. 94903.

ON JANUARY 29, 2003 I SERVED THE WITHIN JUDGMENT ON VERDICT IN OPEN COURT IN SAID ACTION, TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA., ADDRESSED AS FOLLOWS:

ARNOLD R. LEVINSON
TERRENCE J. COLEMAN
PILLSBURY & LEVINSON, LLP
ONE EMBARCADERO CENTER
THIRTY-EIGHTH FLOOR
SAN FRANCISCO, CA 94111

HORACE W. GREEN.
WILLIAM LEE
BARGER & WOLEN, LLP
650 CALIFORNIA ST., 9TH FLOOR
SAN FRANCISCO, CA 94108-2713

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 1-29-03


