

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

SMART VENT PRODUCTS, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	1:13-CV-05691-JHR-KMW
	:	
v.	:	
	:	
CRAWL SPACE DOOR SYSTEM INC.,	:	
d/b/a CRAWL SPACE DOOR SYSTEMS,	:	
INC.	:	
	:	
Defendant.	:	

**VERDICT FORM**

**INSTRUCTIONS:** Please follow the directions provided. Each answer must be unanimous.

**SMART VENT'S CLAIMS AGAINST CRAWL SPACE DOORS**

**Smart Vent's Unfair Competition/False Advertising Claims with respect to Coverage Area**

1. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors made literally false statements regarding the coverage area of Crawl Space Doors' flood vents?

YES \_\_\_\_\_ NO ✓ \_\_\_\_\_

If YES, proceed to Question 5. If NO, proceed to Question 2.

2. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors made misleading statements regarding the coverage area of Crawl Space Doors' flood vents?

YES \_\_\_\_\_ NO       ✓      

If YES, proceed to Question 3. If you answered NO to Questions 1 and 2, your verdict is for Crawl Space Doors for this aspect of Smart Vent's unfair competition claims and you must proceed to Question 6.

3. Did Smart Vent prove, by a preponderance of the evidence, that the misleading statement Crawl Space Doors made regarding the coverage area of Crawl Space Doors' flood vents caused actual deception among flood vent consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 4. If NO, your verdict is for Crawl Space Doors for this aspect of Smart Vent's unfair competition claims and you must proceed to Question 6.

4. Did Smart Vent prove, by a preponderance of the evidence, that the misleading statement Crawl Space Doors made regarding coverage area of Crawl Space Doors' flood vents was likely to influence flood vent purchases?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 5. If NO, your verdict is for Crawl Space Doors for this aspect of Smart Vent's unfair competition claims and you must proceed to Question 6.

5. Did Smart Vent prove, by a preponderance of the evidence, that the false or misleading statement Crawl Space Doors made regarding the

coverage area of its own flood vents caused actual harm to Smart Vent in terms of declining sales, loss of goodwill, etc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, your verdict is for Smart Vent on Smart Vent's claim with respect to coverage area. If NO, your verdict is for Crawl Space Doors on this claim.

Proceed to Question 6.

**Smart Vent's Unfair Competition/False Advertising Claims with respect to Industry Standards**

6. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors made literally false statements regarding compliance with industry standards?

YES  \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 10. If NO, proceed to Question 7.

7. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors made misleading statements regarding compliance with industry standards?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 8. If you answered NO to Questions 6 and 7, your verdict is for Crawl Space Doors for this aspect of Smart Vent's unfair competition claims and you must proceed to Question 11.

8. Did Smart Vent prove, by a preponderance of the evidence, that the misleading statement Crawl Space Doors made regarding compliance with industry standards caused actual deception among flood vent consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 9. If NO, your verdict is for Crawl Space Doors for this aspect of Smart Vent's unfair competition claims and you must proceed to Question 11.

9. Did Smart Vent prove, by a preponderance of the evidence, that the misleading statement Crawl Space Doors made regarding compliance with industry standards likely influenced flood vent purchases?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 10. If NO, your verdict is for Crawl Space Doors for this aspect of Smart Vent's unfair competition claims and you must proceed to Question 11.

10. Did Smart Vent prove, by a preponderance of the evidence, that the false or misleading statement Crawl Space Doors made regarding compliance with industry standards caused actual harm to Smart Vent in terms of declining sales, loss of goodwill, etc.?

YES \_\_\_\_\_ NO \_\_\_\_\_ ✓

If YES, your verdict is for Smart Vent on this aspect of Smart Vent's unfair competition claims. If NO, your verdict is for Crawl Space Doors on this aspect of Smart Vent's claims with respect to industry standards.

Proceed to Question 11.

**Smart Vent's Unfair Competition/False Advertising Claims with respect to FEMA Technical Bulletin 1 (2008)**

11. The Court previously ruled that, in the past, Crawl Space Doors made literally false statements that its vents were certified in compliance with FEMA's Technical Bulletin 1 (2008).

At this trial, did Smart Vent prove, by a preponderance of the evidence, that the false statement Crawl Space Doors made, that its vents were certified in compliance with FEMA's Technical Bulletin 1 (2008)

caused actual harm to Smart Vent in terms of declining sales, loss of goodwill, etc.?

YES \_\_\_\_\_

NO  \_\_\_\_\_

If YES, your verdict is for Smart Vent on this aspect of Smart Vent's unfair competition claims. If NO, your verdict is for Crawl Space Doors on this aspect of Smart Vent's unfair competition claims.

**Smart Vent's Unfair Competition/False Advertising Claims with respect to Statements about Lowering Flood Insurance Premiums**

12. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors made literally false statements regarding purchase and use of Crawl Space Doors' flood vents to reduce the flood insurance premiums?

YES \_\_\_\_\_

NO  \_\_\_\_\_

If YES, proceed to Question 16. If NO, proceed to Question 13.

13. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors made misleading statements regarding the purchase and use of Crawl Space Doors' flood vents with respect to reducing flood insurance premiums?

YES \_\_\_\_\_

NO  \_\_\_\_\_

If YES, proceed to Question 14. If you answered NO to Questions 1 and 2, your verdict is for Crawl Space Doors on this aspect of Smart Vent's unfair competition claims and you must proceed to Question 17.

14. Did Smart Vent prove, by a preponderance of the evidence, that the misleading statement Crawl Space Doors made regarding reduction of flood insurance premiums caused actual deception among flood vent consumers?

YES \_\_\_\_\_

NO \_\_\_\_\_

If YES, proceed to Question 15. If NO, your verdict is for Crawl Space Doors on this aspect of Smart Vent's unfair competition claims and you must proceed to Question 17.

15. Did Smart Vent prove, by a preponderance of the evidence, that the misleading statement Crawl Space Doors made regarding reduction of owner's flood insurance premiums likely influenced flood vent purchases?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 16. If NO, your verdict is for Crawl Space Doors on this aspect of Smart Vent unfair competition claims and you must proceed to Question 17.

16. Did Smart Vent prove, by a preponderance of the evidence, that the false or misleading statement Crawl Space Doors made regarding compliance with industry standards caused actual harm to Smart Vent in terms of declining sales, loss of goodwill, etc.?


YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, your verdict is for Smart Vent on this aspect of Smart Vent's unfair competition claim. If NO, your verdict is for Crawl Space Doors on this aspect of Smart Vent's unfair competition claim.

Proceed to Question 17.

**Smart Vent's Negligent Misrepresentation Claim**

17. Did Smart Vent prove, by a preponderance of the evidence, that Crawl Space Doors negligently made incorrect statements that Smart Vent justifiably relied on?

YES \_\_\_\_\_ NO \_\_\_\_\_ 

If YES, proceed to Question 18. If NO, your verdict is for Crawl Space Doors on Smart Vent's negligent misrepresentation claim and you must proceed to Question 19.

18. Did Smart Vent prove, by a preponderance of the evidence, that Smart Vent suffered economic injury or loss as a result of Smart Vent's reliance upon Crawl Space Doors' incorrect statements regarding the coverage area of its own flood vents?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, your verdict is for Smart Vent on Smart Vent's negligent misrepresentation claim. If NO, your verdict is for Crawl Space Doors on Smart Vent's negligent misrepresentation claim.

Proceed to Question 19.

**CRAWL SPACE DOORS COUNTERCLAIMS AGAINST SMART VENT**

**Crawl Space Doors' Unfair Competition/False Advertisement Claim with respect to the Coverage Area of Crawl Space Doors' Vents**

19. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent made literally false statements regarding the coverage area of Crawl Space Doors' flood vents?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 23. If NO, proceed to Question 20.

20. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent made misleading statements regarding the coverage area of Crawl Space Doors' flood vents?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 21. If you answered NO to Questions 19 and 20, your verdict is for Smart Vent on this claim and you must proceed to Question 24.

21. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's misleading statements regarding the coverage area of Crawl Space Doors' flood vents caused actual deception among flood vent consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 22. If NO, your verdict is for Smart Vent on this claim and you must proceed to Question 24.

22. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's misleading statements regarding the coverage area of Crawl Space Doors' flood vents likely influenced flood vent purchases?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 23. If NO, your verdict is for Smart Vent on this claim and you must proceed to Question 24.

23. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's false or misleading statement regarding the coverage area of Crawl Space Doors' flood vents caused actual harm to Crawl Space Doors in terms of declining sales, loss of goodwill, etc.?

YES  \_\_\_\_\_ NO \_\_\_\_\_

If YES, your verdict is for Crawl Space Doors on this claim. If NO, your verdict is for Smart Vent on this claim.

Proceed to Question 24.



**Crawl Space Doors' Unfair Competition/False Advertisement Claim with respect to FEMA and NFIP Compliance.**

24. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent made literally false statements that Crawl Space Doors' flood vents do not comply with FEMA and/or the NFIP?

YES  \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 28. If NO, proceed to Question 25.

25. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent made misleading statements that Crawl Space Doors' flood vents do not comply with FEMA and/or the NFIP?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 26. If you answered NO to Questions 24 and 25, your verdict is for Smart Vent on this claim and you must proceed to Question 29.

26. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's misleading statements that Crawl Space Doors' vents do not comply with FEMA and the NFIP caused actual deception among flood vent consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 27. If you answered NO, your verdict is for Smart Vent on this claim and you must proceed to Question 29.

27. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's misleading statements that Crawl Space Doors' vents do not comply with FEMA and the NFIP likely influenced flood vent purchases?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES, proceed to Question 28. If you answered NO, your verdict is for Smart Vent on this claim and you must proceed to Question 29.

28. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's false or misleading statement that Crawl Space Doors' vents do not comply with FEMA and the NFIP caused actual harm to Crawl Space Doors in terms of declining sales, loss of goodwill, etc.?

YES  \_\_\_\_\_ NO \_\_\_\_\_

If YES, your verdict is for Crawl Space Doors on this claim. If NO, your verdict is for Smart Vent on this claim.

Proceed to Question 29.

**Crawl Space Doors' Unfair Competition/False Advertisement Claim with respect to Smart Vent's Statements that Smart Vent's Flood Vents are the "Only" Product Certified to Meet the Requirements of FEMA and the NFIP**

29. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent made literally false statements that Smart Vent's flood vents are the "only" product certified to meet the requirements of FEMA and the NFIP?

YES  \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 33. If NO, proceed to Question 30.

30. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent made misleading statements that Smart Vent's flood vents are the "only" product certified to meet the requirements of FEMA and the NFIP?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 31. If you answered NO to Questions 29 and 30, your verdict is for Smart Vent on this claim and you must not complete the remainder of the Questions.

31. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's misleading statements that Smart Vent's flood vents are the "only" product certified to meet the requirements of FEMA and the NFIP caused actual deception among flood vent consumers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 32. If NO, your verdict is for Smart Vent on this claim and you must not complete the remainder of the Questions.

32. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's misleading statements that Smart Vent's flood vents are the "only" product certified to meet the requirements of FEMA and the NFIP likely influenced flood vent purchases?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question 33. If NO, your verdict is for Smart Vent on this claim and you must not complete the remainder of the Questions.

33. Did Crawl Space Doors prove, by a preponderance of the evidence, that Smart Vent's false or misleading statements that Smart Vent's flood vents are the "only" product certified to meet the requirements of FEMA and the NFIP caused actual harm to Crawl Space Doors in terms of declining sales, loss of goodwill, etc.?

YES \_\_\_\_\_ NO  \_\_\_\_\_

If YES, your verdict is for Crawl Space Doors on this claim. If NO, your verdict is for Smart Vent on this claim.

The Foreperson must retain possession of the verdict form and bring it when the jury is brought back into the court

10/24/19

DATE

Signed: \_\_\_\_\_

JURY FOREPERSON