

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MALLET AND COMPANY INC.,)	
)	
Plaintiff,)	Civil Action No. 19-1409
)	
v.)	Judge Cathy Bissoon
)	
ADA LACAYO, <i>et al.</i> ,)	
)	
Defendants.)	

JURY VERDICT FORM

We answer the questions submitted to us as follows:

SECTION ONE

Misappropriation of Trade Secrets Claims Against All Defendants

1. Did Mallet prove by a preponderance of the evidence that Mallet owned property that qualified as trade secret(s)?

Yes
☒

No
☐

If you answered "Yes" to Question 1, then proceed to Question 2. Otherwise, this Section is complete and you may proceed to Section Two.

2. Identify the Asserted Trade Secrets, listed in trial Exhibit P-425, that you find qualify as trade secrets. Please specify, all of the Asserted Trade Secrets or list the specific Asserted Trade Secrets.

All 

Specific Trade Secret(s) 14, 19, 20, 27, 44, 45, 50, 51, 62, 64, 65

3. Do you find that the Defendants improperly used (misappropriated) Mallet's trade secret(s)? If yes, specify which Trade Secret(s)

Bundy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> If yes, specify which Trade Secret(s) <u>All above except 64, 65</u>
Synova	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> If yes, specify which Trade Secret(s) <u>All above except 64, 65</u>
Lacayo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> If yes, specify which Trade Secret(s) <u>All above except 64, 65</u>
Bowers	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/> If yes, specify which Trade Secret(s) <u>64, 65</u>

If you answered "Yes" to Question 3 for any Defendant, then proceed to Question 4. Otherwise, this Section is complete and you may proceed to Section Two.

4. Was Mallet harmed, or were Defendant(s) unjustly enriched, as a result of Defendant(s) misappropriation of Mallet's trade secrets?

	<u>Harm to Plaintiff?</u>		<u>Defendant Unjustly Enriched?</u>		<u>Did not Misappropriate</u>
	Yes	No	Yes	No	N/A
Bundy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Synova	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lacayo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bowers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to any of the above questions, then proceed to Question 5. If you answered "No" or "N/A" to all of question in Question 4, you have completed this section and should move to Section Two.

5. What amount of harm to Mallet, if any, was caused by Defendant(s)' misappropriation of its trade secret(s)?

Damages \$ 2,500,000 (if none, enter "0")

Proceed to Question 6.

6. What amount of unjust enrichment, if any, was caused by the improper use of Mallet's trade secrets by Defendant(s)?

Unjust Enrichment \$ 0 (if none, enter "0")

Proceed to Question 7.

7. Was Defendant's misappropriation of Mallet's trade secret(s) willful and malicious?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bundy	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Synova	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to any of the above questions, then proceed to Question 8. Otherwise, this Section is complete and you may proceed to Section Two.

8. What amount of punitive damages, if any, do you award Mallet against Defendant(s)?

(The amount cannot exceed two times the amount of compensatory damages you awarded.)

Bundy \$ 500,000

Synova \$ 250,000

Please proceed to Section Two.

SECTION TWO

Inevitable Disclosure of Confidential Information and Trade Secrets.
Against All Defendants

1. Did Mallet prove by a preponderance of the evidence that the nature of Ms. Lacayo's or Mr. Bowers's work for Bundy and/or Synova made disclosure of Mallet's confidential information and trade secrets inevitable?

Yes

☒

No

☐

If your answer to Question 1 is "Yes" for either Defendant, then proceed to Question 2. If your answer to Question 1 is "No" for both, this Section is complete and you may proceed to Section Three.

2. Did a Defendant's inevitable disclosure of trade secrets cause Mallet harm?

Yes

☒

No

☐

Please proceed to Section Three.

SECTION THREE**Breach of Contract Against Lacayo and Bowers**

1. Did Mallet prove by a preponderance of the evidence that Ms. Lacayo or Mr. Bowers breached her/his non-competition and/or nondisclosure agreement(s)?

Lacayo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bowers	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If your answer to Question 1 is "Yes" for either Defendant, then proceed to Question 2. If your answer to Question 1 is "No" for both, this Section is complete and you may proceed to Section Four.

2. For the Defendant(s) who breached, did the breach cause Mallet harm?

Lacayo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A (she did not breach) <input type="checkbox"/>
Bowers	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A (he did not breach) <input type="checkbox"/>

3. For the Defendant(s) who breached, was any Defendant unjustly enriched as a result of the breach?

Lacayo	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A (no breach) <input type="checkbox"/>
Bowers	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A (no breach) <input type="checkbox"/>

4. For the Defendant(s) who breached, state the amount of damages you award to Mallet:

(a) as compensation for its harm, if harm was proven; or

(b) based on unjust enrichment, if a Defendant was unjustly enriched.

An award must be based on compensation for harm, or based on unjust enrichment – it cannot be both.

*** Also, an award of damages in this Section must be for harm(s) that are separate and apart from your award, if any, for Misappropriation of Trade Secrets in Section One.*

CIRCLE ONLY ONE

Lacayo

Damages \$ 1.00
(leave blank if she did not breach)

Harm to
Mallet

Unjust
Enrichment

Bowers

Damages \$ 1.00
(leave blank if he did not breach)

Harm to
Mallet

Unjust
Enrichment

Please proceed to Section Four.

SECTION FOUR**Breach of Fiduciary Duty Against Lacayo and Bowers**

1. Did a fiduciary or confidential relationship exist between Defendant and Mallet?

	Yes	No
Lacayo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bowers	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 1 is "Yes" for either Defendant, proceed to Question 2. If your answer to Question 1 is "No" for both, this Section is complete and you may proceed to Section Five.

2. Did Mallet prove by a preponderance of the evidence that the Defendant breached a fiduciary duty owed to Mallet?

	Yes	No	N/A (she did not breach)
Lacayo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bowers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 2 is "Yes" for either Defendant, then proceed to Question 3. If your answer to Question 1 is "No" or "N/A" for both, this Section is complete and you may proceed to Section Five.

3. For the Defendant(s) who breached, was Mallet harmed?

	Yes	No	N/A (she did not breach)
From Lacayo's breach	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A (he did not breach)
From Bowers's breach	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 3 is "Yes" for either Defendant, then proceed to Question 4. If your answer to Question 3 is "No" or "N/A" for both, this Section is complete and you may proceed to Section Five.

4. What damages do you award Mallet, if any, for Defendant(s)' breach?

**An award of damages in this Section must be for harm(s) that are separate and apart from your award, if any, for Misappropriation of Trade Secrets in Section One.*

Lacayo \$ 1.00
(leave blank if she did not breach)

Bowers \$ 1.00
(leave blank if he did not breach)

Please proceed to Section Five.

SECTION FIVE**A. Tortious Interference with Contractual Relations Against Bundy and Synova**

1. Did Mallet prove by a preponderance of the evidence that Bundy or Synova tortiously interfered with agreement(s) Mallet had with Ms. Lacayo or Mr. Bowers?

	Yes	No
Bundy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Synova	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 1 is "yes" for either Bundy or Synova, proceed to Question 2. If your answer to Question 1 is "No" for both, this Section is complete. Please proceed to Section 6.

2. Has Mallet proven by a preponderance of the evidence that Bundy's or Synova's actions in connection with the Mallet agreement(s) were not justified or privileged?

	Yes	No	N/A (no interference)
Bundy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Synova	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 2 is "Yes" for either Bundy or Synova, proceed to Question 3. If your answer to Question 2 is "No" or "N/A" for both, this Section is complete. Please proceed to Section 6.

3. Did Bundy's and/or Synova's tortious interference cause Mallet harm?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A (no breach, or Bundy was justified/privileged) <input type="checkbox"/>
Bundy			

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A (no breach, or Synova was justified/privileged) <input type="checkbox"/>
Synova			

*If your answer to Question 3 is "Yes" for either Bundy or Synova, proceed to Question 4.
If your answer to Question 3 is "No" or "N/A" for both, this Section complete. Please proceed to Section 6.*

4. What damages do you award Mallet, if any, for Defendant(s)' breach? Also, if the Defendant's conduct was outrageous, state the amount of punitive damages, if any, entered against it.

**An award of damages in this Section must be for harm(s) that are separate and apart from your award, if any, for Misappropriation of Trade Secrets in Section One.*

Bundy	Compensatory Damages	Punitive Damages
	\$ <u>250,000</u> (leave blank if it did not interfere or it was justified/privileged)	\$ <u>250,000</u> (leave blank if it did not interfere or it was justified/privileged or no outrageous conduct)
Synova	Compensatory Damages	Punitive Damages
	\$ <u>250,000</u> (leave blank if it did not interfere or it was justified/privileged)	\$ <u>250,000</u> (leave blank if it did not interfere or it was justified/privileged or no outrageous conduct)

Please proceed to Section 6.

SECTION SIX**Aiding and Abetting Breach of Fiduciary Duty Against Bundy and Synova**

1. In Section Four, above, did you find that Ms. Lacayo or Mr. Bowers (a) owed a fiduciary duty, and (b) breached that duty? Check the box that applies.

☒ Yes, Ms. Lacayo or Mr. Bowers owed a fiduciary duty and breached it. ☐ No, neither did.

If your answer to Question 1 is "Yes", then proceed to Question 2. If your answer to Question 1 is "No", this Section is complete and you may proceed to Section Seven.

2. Did Mallet prove by a preponderance of the evidence that Bundy or Synova aided and abetted in a breach of fiduciary duty owed by Ms. Lacayo or Mr. Bowers?

	Yes	No
Bundy	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Synova	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 2 is "Yes" for either Bundy or Synova, proceed to Question 3. If your answer to Question 2 is "No" for both, Section Six is complete and you may proceed to Section Seven.

3. Did Bundy's or Synova's aiding and abetting cause Mallet harm?

	Yes	No	N/A (Bundy did not aid and abet)
Bundy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No	N/A (Synova did not aid and abet)
Synova	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*If your answer to Question 3 is "Yes" for either Bundy or Synova, proceed to Question 4.
If your answer to Question 2 is "No" or "N/A" for both, Section Six is complete and you may proceed to Section Seven.*

4. What compensatory damages do you award Mallet, if any, for Defendant(s)' aiding and abetting? Also, if the Defendant's conduct was outrageous, state the amount of punitive damages, if any, entered against it.

**An award of damages in this Section must be for harm(s) that are separate and apart from your award, if any, for Misappropriation of Trade Secrets in Section One.*

Bundy	Compensatory Damages	Punitive Damages
	\$ <u>250,000</u>	\$ <u>500,000</u>
	(leave blank if it did not aid and abet)	(leave blank if did not aid and abet, or its conduct was not outrageous)
Synova	Compensatory Damages	Punitive Damages
	\$ <u>250,000</u>	\$ <u>500,000</u>
	(leave blank if it did not aid and abet)	(leave blank if did not aid and abet, or its conduct was not outrageous)

Please proceed to Section Seven.

SECTION SEVEN**Conversion Against All Defendants**

1. Did Mallet show by a preponderance of the evidence that Mallet owned – or had a right of possession in – confidential and proprietary information, and that it was deprived of its property rights by wrongful act(s) of the Defendant that was/were inconsistent with Mallet’s property rights?

Bundy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Synova	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lacayo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bowers	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If your answer to Question 1 is “Yes” for any Defendant, then proceed to Question 2. If your answer to Question 1 is “No” for all Defendants, this Section is complete and you may proceed to Section Eight.

2. Did Mallet suffer damages as a result of Defendant(s)' conversion?

Bundy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A (no conversion by Bundy) <input type="checkbox"/>
Synova	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A (no conversion by Synova) <input type="checkbox"/>
Lacayo	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A (no conversion by Lacayo) <input type="checkbox"/>
Bowers	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A (no conversion by Bowers) <input type="checkbox"/>

If your answer to Question 2 is "Yes" for any Defendant, then proceed to Question 3. If your answer to Question 2 is "No" for all Defendants, this Section is complete and you may proceed to Section Eight.

3. What compensatory damages do you award Mallet, if any, for Defendant(s)' conversion?

Also, if Bundy's or Synova's conduct was outrageous, state the amount of punitive damages, if any, entered against them.

**An award of damages in this Section must be for harm(s) that are separate and apart from your award, if any, for Misappropriation of Trade Secrets in Section One.*

Bundy	Compensatory Damages	Punitive Damages
	\$ <u>1.00</u> (leave blank if no conversion)	\$ <u>1.00</u> (leave blank if no conversion, or no outrageous conduct)
Synova	Compensatory Damages	Punitive Damages
	\$ <u>250,000</u> (leave blank if no conversion)	\$ <u>250,000</u> (leave blank if no conversion, or no outrageous conduct)
Lacayo	Compensatory Damages	Punitive Damages N/A
	\$ <u>1.00</u> (leave blank if no conversion)	
Bowers	Compensatory Damages	Punitive Damages N/A
	\$ <u>1.00</u> (leave blank if no conversion)	

Please proceed to Section Eight.

SECTION EIGHT**A. Unfair Competition, Against All Defendants**

1. Did Mallet prove by a preponderance of the evidence that Defendant(s) engaged in unfair conduct, such as deceptive marketing, misappropriation of trade secrets and other intangible trade values, or acts or practices that are actionable under federal or state statutes, causing harm to Mallet's commercial relations?

Bundy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Synova	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lacayo	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bowers	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

*If your answer to Question 1 is "Yes" for any Defendant, then proceed to Question 2. If your answer to Question 1 is "No" for all Defendants, **your deliberations are complete. Please sign and date the Verdict Form, on the next page, and notify the Court that you have reached a verdict.***

2. What damages do you award Mallet, if any, for Defendant(s)' engagement in unfair competition? Also, if Bundy's or Synova's conduct was outrageous, state the amount of punitive damages, if any, entered against them.

**An award of damages in this Section must be for harm(s) that are separate and apart from your award, if any, for Misappropriation of Trade Secrets in Section One.*

Bundy	Compensatory Damages	Punitive Damages
	\$ <u>100,000</u> (leave blank if no unfair competition)	\$ <u>100,000</u> (leave blank if no unfair competition, or no outrageous conduct)
Synova	Compensatory Damages	Punitive Damages
	\$ <u>400,000</u> (leave blank if no unfair competition)	\$ <u>400,000</u> (leave blank if no unfair competition, or no outrageous conduct)
Lacayo	Compensatory Damages	Punitive Damages N/A
	\$ <u>100 1.00</u> (leave blank if no unfair competition)	
Bowers	Compensatory Damages	Punitive Damages N/A
	\$ <u>100 1.00</u> (leave blank if no unfair competition)	

Your deliberations are complete. Please sign and date the Verdict Form, on the next page, and notify the Court that you have reached a verdict.

We the Jury have reached unanimous decision regarding each Section in this Jury Verdict Form, as reflected in the responses marked in each Section.

1. [Signature]

(Jury Foreperson's signature)

4-11-25

Date

2. [Signature]

6. [Signature]

3. [Signature]

7. [Signature]

4. [Signature]

5. [Signature]