FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
FEB 08 2013
ALAN CARLSON, Clerk of the Court
BY K. BOETTNER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

MICHAEL W. FITZGIBBONS, M.D., Plaintiffs, vs. INTEGRATED HEALTHCARE HOLDINGS, INC., and DOES 1 through 100, inclusive, Defendants.	CASE NO.: 30-2008-00108081CU-CR-CJC Assigned for all purposes to the Hon. Gregory H. Lewis, Dept. C-26 **SPECIAL VERDICT FORM** Action Filed: June 16, 2008 Phase II Trial Date: January 22, 2013

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The above-entitled action came on regularly for trial on January 22, 2013 in Department C-26 of the Orange County Superior Court, Central Justice Center, the Honorable Gregory H. Lewis presiding.

Plaintiff Michael Fitzgibbons, M.D. was represented by and through his counsel Charles T. Mathews and Zack I. Domb of Mathews Law Group. Defendant Integrated Healthcare Holdings, Inc. was represented by and through its counsel David A. Robinson and Teddy T. Davis of Enterprise Counsel Group.

A jury of 12 persons and 2 alternates were regularly impaneled and sworn. Witnesses were sworn and testified. After presenting evidence by way of witnesses and exhibits, Plaintiff rested on February 5, 2013. After Plaintiff rested his case, on February 7, 2013, the Court heard oral arguments on Defendant's Motion for Nonsuit. After careful consideration of the evidence, the papers submitted, and the oral arguments presented on February 7, 2013, the Court granted Defendant's Motion for Nonsuit as to defamation, and denied the Motion for Nonsuit as to intentional infliction of emotional distress.

After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court, and the cause was submitted to the jury. The jury deliberated and thereafter, on February 8, 2013, returned into Court with the following special verdict, a true and correct copy of which is attached hereto and marked as Exhibit A:

QUESTION NO. 1

Do you find that an agent or employee of IHHI engaged in outrageous conduct intended to cause Dr. Fitzgibbons emotional distress?

__x__ Yes _____ No

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

QUESTION NO. 1

Do you find that an agent or employee of IHHI engaged in outrageous conduct intended to cause Dr. Fitzgibbons emotional distress?

X Yes _____ No

If your answer to Question No. 1 is yes, proceed to Question No. 2. If your answer to Question No. 1 is no, please proceed to Question No. 7.

QUESTION NO. 2

Do you find the agent or employee's outrageous conduct occurred within the foreseeable course and scope of the agent or employee's agency or employment with IHHI?

X Yes _____ No

If your answer to Question No. 2 is yes, proceed to Question No. 4. If your answer to Question No. 2 is no, please proceed to Question No. 3.

QUESTION NO. 3

Do you find that IHHI learned of the outrageous conduct afterwards and then approved such conduct?

_____ Yes _____ No

If your answer to Question No. 3 is yes, proceed to Question No. 4. If your answer to Question No. 3 is no, please proceed to Question No. 7.

QUESTION NO. 4

Do you find that the outrageous conduct proximately caused Dr. Fitzgibbons severe emotional distress?

X Yes _____ No

If your answer to Question No. 4 is yes, proceed to Question No. 5. If your answer to Question No. 4 is no, please proceed to Question No. 7.

QUESTION NO. 5

What amount of amount of compensation do you find reasonable to compensate Dr. Fitzgibbons for his severe emotional distress?

$ 5.2 million

Please proceed to Question No. 6.

QUESTION NO. 6

Do you find by clear and convincing evidence that IHH acted with malice, oppression or fraud against Dr. Fitzgibbons in connection with this outrageous conduct?

X Yes _____ No

Please date, sign and return this verdict to the court clerk.

Dated: Feb 8, 2013

Jury Foreman/Forewoman