

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

NORTHEASTERN DIVISION 2021 SEP 24 P 3:55

U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF )  
AMERICA ex rel. PHILIP )  
MARSTELLER and ROBERT )  
SWISHER, )  
 )  
Plaintiffs/Relators )  
 )  
vs. )  
 )  
MD HELICOPTERS, INC., )  
 )  
Defendant. )  
 )

Civil Action No.

5:13-cv-00830-AKK

Verdict Form

**Do you find from a preponderance of the evidence:**

- 1. That Defendant MD Helicopters fraudulently induced the U.S. Army into the El Salvador Contract?

Answer Yes or No: yes

(a) If your answer is "No," proceed to Question 2. If your answer is "Yes," please answer the question(s) below.

(b) If your answer to Question 1 is "Yes," did MD Helicopters' conduct completely compromise the purpose of the El Salvador Contract and thus the value the United States Government intended to receive in connection with the FMS program as it relates to the El Salvador Contract?

Answer Yes or No: NO

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- (i) If your answer to (b) is yes, then you must find that the U.S. government is entitled to the full amount it paid to MD Helicopters on the El Salvador Contract and award that amount here.

\$ —

- (ii) If your answer to (b) is no, what was the difference, if any, between what the government paid due to MD Helicopters' false claims and the value of the benefits MD Helicopters conferred, if any, to the U.S. government in connection with the El Salvador Contract?

Answer: \$ 3,787,393

2. That Defendant MD Helicopters fraudulently induced the U.S. Army into the Saudi Arabia National Guard (SANG) Contract?

Answer Yes or No: YES

- (a) If your answer is "No," please proceed to Question 3.

- (b) If your answer to Question 2 is "Yes," did MD Helicopters' conduct completely compromise the purpose of the Saudi Arabia National Guard (SANG) Contract and thus the value the United States Government intended to receive in connection with the FMS program as it relates to the SANG Contract?

Answer Yes or No: NO

- (i) If your answer to (b) is yes, then you must find that the U.S. government is entitled to the full amount it paid to MD Helicopters on the Saudi Arabia National Guard (SANG) Contract and award that amount here.

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- (ii) If your answer to (b) is no, what was the difference, if any, between what the government paid due to MD Helicopters' false claims and the value of the benefits MD Helicopters conferred, if any, to the U.S. government in connection with the Saudi Arabia National Guard (SANG) Contract?

Answer: \$ 21,071,063

- 3. That Defendant MD Helicopters fraudulently induced the U.S. Army into the Costa Rica Contract?

Answer Yes or No: yes

- (a) If your answer is "No," stop here. You do not have to answer the rest of the questions.

- (b) If your answer to Question 3 is "Yes," did MD Helicopters' conduct completely compromise the purpose of the Costa Rica Contract and thus the value the United States Government intended to receive in connection with the FMS program as it relates to the Costa Rica Contract?

Answer Yes or No: NO

- (i) If your answer to (b) is yes, then you must find that the U.S. government is entitled to the full amount it paid to MD Helicopters on the Costa Rica Contract and award that amount here.

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- (ii) If your answer to (b) is no, what was the difference, if any, between what the government paid due to MD Helicopters' false claims and the value of the benefits MD Helicopters conferred, if any, to the U.S. government in connection with the Costa Rica Contract?

Answer: \$ 3,323,269

Done this 24 day of September, 2021

