

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MICHAEL E. MANN, PH.D.,

Plaintiff,

v.

RAND SIMBERG & MARK STEYN,

Defendants.

2012 CA 008263 B

Judge Alfred S. Irving, Jr.

VERDICT FORM

This verdict form has separate sets of questions for each defendant: Set I for Defendant Simberg, and Set II for Defendant Steyn. Each set is divided into two subsections: A, for liability, and B, for damages. The questions require you to determine liability before damages. Begin with question I(A)(1).

WE, THE JURY, in the above action, unanimously find the following:

I. Defendant Rand Simberg

- a) “[M]any of the luminaries of the ‘climate science’ community were shown to have been behaving in a most unscientific manner. Among them were Michael Mann, Professor of Meteorology at Penn State, whom the emails revealed had been engaging in data manipulation to keep the blade on his famous hockey-stick graph, which had become an icon for those determined to reduce human carbon emissions by any means necessary.”
- b) Simberg’s quotation of the words “Mann has become the posterboy of the corrupt and disgraced climate science echo chamber. No university whitewash investigation will change that simple reality.”
- c) “We saw what the university administration was willing to do to cover up heinous crimes, and even let them continue, rather than expose them. Should we suppose, in light of what we now know, they would do any less to hide academic and scientific misconduct, with so much at stake?”
- d) “Mann could be said to be the Jerry Sandusky of climate science, except for instead of molesting children, he has molested and tortured data in the service of politicized science that could have dire economic consequences for the nation and planet.”

A. Liability

1. Do you find that Plaintiff has proved, by a preponderance of the evidence, that one or more of the above statements from Defendant Simberg's July 13, 2012 post was defamatory or had a defamatory implication that was intended by Mr. Simberg?

Yes X No _____

If you answered "Yes" to question I(A)(1), please proceed to question I(A)(2).

If you answered "No" to question I(A)(1), please proceed to question II(A)(1).

2. For each statement from I(A)(1) that you found defamatory, do you find that, for any one of them, Plaintiff has proved, by a preponderance of the evidence, that the defamatory meaning conveyed by Defendant Simberg's statement(s) asserted or implied a provably false fact, or relied upon stated facts that are provably false?

Yes X No _____

If you answered "Yes" to question I(A)(2), please proceed to question I(A)(3).

If you answered "No" to question I(A)(2), please proceed to question II(A)(1).

3. For each statement from I(A)(2) that you found both defamatory and relied on provably false facts, do you find that, for any one of them, Plaintiff has proved, by a preponderance of the evidence, that the provably false fact asserted, implied, or relied upon by the defamatory meaning conveyed by Defendant Simberg's statement(s) was false?

Yes X No _____

If you answered "Yes" to question I(A)(3), please proceed to question I(A)(4).

If you answered "No" to question I(A)(3), please proceed to question II(A)(1).

4. For each statement from I(A)(3) that you found defamatory, relied on provably false facts, and was false, do you find that, for any one of them, Plaintiff has proved, by clear and convincing evidence, that Defendant Simberg published the statement with either:

a. knowledge of the falsity of that fact,

Yes _____ No _____

- b. reckless disregard for whether that fact was false? Reckless disregard means that Defendant Simberg published the statement while entertaining serious doubts about its truth or that he had a high degree of awareness that the statement was probably false.

Yes X _____ No _____

*If you answered "Yes" to question I(A)(4)(a) or I(A)(4)(b), please proceed to question I(A)(5).
If you answered "No" to questions I(A)(4)(a) and I(A)(4)(b), please proceed to question II(A)(1).*

5. For each statement from I(A)(4) that you found defamatory, relied on provably false facts, was false, and was made with either knowledge of falsity or reckless disregard for whether the fact was false, do you find that, for any one of them, Plaintiff proved by a preponderance of the evidence that Plaintiff suffered actual injury as a result of the statement written or quoted by Defendant Simberg?

Yes X _____ No _____

If you answered "Yes" to question I(A)(5), please identify which statements by Defendant Simberg (listed as "a" through "d" above), for which you answered "Yes" to all of the above questions in this section I(A) and then proceed to question I(B)(i)(1).

C, D

If you answered "No" to question I(A)(5), please proceed to question II(A)(1).

B. Damages

i. Compensatory Damages

1. What amount of compensatory damages do you award to Plaintiff against Defendant Simberg for damages resulting from the statements for which you answered "Yes" to the questions in I(A)? \$ 1-00

If you provided a non-zero dollar amount for question I(B)(i)(1), please proceed to question I(B)(ii)(1).

If you answered "zero" for question I(B)(i)(1), please proceed to question II(A)(1).

ii. Punitive Damages

1. Do you find that Plaintiff has proved, by clear and convincing evidence, that Defendant Simberg's conduct in publishing his July 13, 2012 post showed maliciousness, spite, ill will, vengeance or deliberate intent to harm Plaintiff?

Yes X No _____

If you answered "Yes" to question I(B)(ii)(1), please proceed to question I(B)(ii)(2).

If you answered "No" to question I(B)(ii)(1), please proceed to question II(A)(1).

2. What amount of punitive damages do you award to Plaintiff against Defendant Simberg? \$ 1,000-00 (1k)

II. Defendant Mark Steyn

- a) Steyn's quotation of Simberg's post: "Mann could be said to be the Jerry Sandusky of climate science, except that instead of molesting children, he has molested and tortured data in the service of politicized science that could have dire economic consequences for the nation and planet."
- b) "Not sure I'd have extended that metaphor all the way into the locker-room showers with quite the zeal Mr. Simberg does, but he has a point."
- c) "Michael Mann was the man behind the fraudulent climate-change 'hockey-stick' graph, the very ringmaster of the tree-ring circus."

A. Liability

1. Do you find that Plaintiff has proved, by a preponderance of the evidence, that one or more of the above statements from Defendant Steyn's July 15, 2012 post was defamatory or had a defamatory implication that was intended by Mr. Steyn?

Yes X No _____

If you answered "Yes" to question II(A)(1), please proceed to question II(A)(2).

If you answered "No" to question II(A)(1), please stop here, sign and date this verdict form, and return it to the Court.

2. For each statement from II(A)(1) that you found defamatory, do you find that, for any one of them, Plaintiff has proved, by a preponderance of the evidence, that the defamatory meaning conveyed by Defendant Steyn's statement(s) asserted or implied a provably false fact, or relied upon stated facts that are provably false?

Yes X No _____

If you answered "Yes" to question II(A)(2), please proceed to question II(A)(3).

If you answered "No" to question II(A)(2), please stop here, sign and date this verdict form, and return it to the Court.

3. For each statement from II(A)(2) that you found both defamatory and relied on provably false facts, do you find that, for any one of them, Plaintiff has proved, by a preponderance of the evidence, that the provably false fact asserted, implied, or relied upon by the defamatory meaning conveyed by Defendant Steyn's statement(s) was false?

Yes X No _____

If you answered "Yes" to question II(A)(3), please proceed to question II(A)(4).

If you answered "No" to question I(A)(3), please stop here, sign and date this verdict form, and return it to the Court.

4. For each statement from II(A)(3) that you found defamatory, relied on provably false facts, and was false, do you find that, for any one of them, Plaintiff has proved, by clear and convincing evidence, that Defendant Steyn published his post with either:

a. knowledge of the falsity of that fact,

Yes X No _____

b. reckless disregard for whether that fact was false? Reckless disregard means that Defendant Steyn published the statement while entertaining serious doubts about its truth or that he had a high degree of awareness that the statement was probably false.

Yes X No _____

If you answered "Yes" to question II(A)(4)(a) or II(A)(4)(b), please proceed to question II(A)(5). If you answered "No" to questions II(A)(4)(a) and II(A)(4)(b), please stop here, sign and date this verdict form, and return it to the Court.

5. For each statement from II(A)(4) that you found defamatory, relied on provably false facts, was false, and was made with either knowledge of falsity or reckless disregard for whether the fact was false, do you find that, for any one of them, Plaintiff proved by a preponderance of the evidence that Plaintiff suffered actual injury as a result of the statement written or quoted by Defendant Steyn?

Yes X No _____

If you answered "Yes" to question II(A)(5), please identify which statements by Defendant Steyn (listed as "a" through "c" above), for which you answered "Yes" to all of the above questions in section II(A) and then proceed to question II(B)(i)(1).

A, C

If you answered "No" to question II(A)(5), please stop here, sign and date this verdict form, and return it to the Court.

B. Damages

i. Compensatory Damages

1. What amount of compensatory damages do you award to Plaintiff against Defendant Simberg for damages resulting from the statements for which you answered "Yes" to the questions in I(A)? \$ 1.00

If you provided a non-zero dollar amount for question II(B)(i)(1), please proceed to question II(B)(ii)(1).

If you answered "zero" for question II(B)(i)(1), please stop here, sign and date this verdict form, and return it to the Court.

ii. Punitive Damages

1. Do you find that Plaintiff has proved, by clear and convincing evidence, that Defendant Steyn's conduct in publishing his July 15, 2012 post showed maliciousness, spite, ill will, vengeance or deliberate intent to harm Plaintiff?

Yes X No _____

If you answered "Yes" to question II(B)(ii)(1), please proceed to question II(B)(ii)(2).

If you answered "No" to question II(B)(ii)(1), please stop here, sign and date this verdict form, and return it to the Court.

2. What amount of punitive damages do you award to Plaintiff against Defendant Steyn? \$ 1,000,000.00 (1 million)

931
Jury Foreperson

2/8/2024
Date