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Attorneys for FEDERAL AGRICULTURAL MORTGAGE CORPORATION and ZIONS FIRST NATIONAL BANK, incorrectly sued as ZIONS NATIONAL BANK

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FEDERAL AGRICULTURAL MORTGAGE CORPORATION, Plaintiff, v. IT'S A JUNGLE OUT THERE, INC., a California corporation, dba VINTAGE CAPITAL; ROBERT LEE HOWER and AMI CHERI HOWER, individuals, Defendants. AND RELATED CROSS-ACTIONS	Case No. C 03-03721 VRW **FEDERAL AGRICULTURAL MORTGAGE CORPORATION AND ZIONS FIRST NATIONAL BANK'S AMENDED PROPOSED VOIR DIRE** Pretrial Conference: January 3, 2006 Time: 3:00 p.m. Courtroom: G Judge: Hon. Bernard Zimmerman Trial Date: January 17, 2006

Plaintiff FEDERAL AGRICULTURAL MORTGAGE CORPORATION and Third Party Defendant ZIONS FIRST NATIONAL BANK hereby submit the following proposed voir dire questions for prospective jurors in the above matter:

A. <u>PRIOR JURY AND LITIGATION EXPERIENCE</u>.

1. Have any of you served as a juror in any other case? If so, was it a civil or criminal case?

2. Are any of you or any members of your family or close friends presently involved in a lawsuit of any kind?

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3. Have you, your family, or friends ever been sued in a matter which is similar to this case? If so, did the matter terminate satisfactorily so far as you were concerned?

4. Are you, your family, or friends presently involved in a lawsuit of any kind?

5. Have you or any of your family members or close friends, to your knowledge, ever sued anyone or presented a claim against anyone in connection with a contract dispute, misrepresentation or fraud dispute or any other dispute over business related matters?

6. Has anyone ever sued any of you or presented a claim against you or any member of your family concerning a business dispute?

7. Have you or a member of your family or a close friend ever been involved in a business transaction where you felt you were not treated fairly? If so, would your involvement in that transaction cause you to have a tendency to sympathize with one side or the other in this case?

8. Does anyone have any preconceived feelings regarding lawsuits in general and their effect on our society?

9. Does anyone have any strong feelings regarding the resolution of lawsuits by the use of juries? Do any of you believe that it is inappropriate to resolve civil disputes by resort to the jury system?

B. <u>PARTIES, WITNESSES, AND ATTORNEYS</u>.

1. Have any of you or any member of your family or close friends ever had any type of connection or any dealings with any of the following parties, entities or witnesses:

a. Federal Agricultural Mortgage Corporation aka Farmer Mac

b. Zions First National Bank

c. It's a Jungle Out There, Inc.

d. Vintage Capital

e. Robert Lee Hower

f. Ami Cheri Hower

g. Stewart Title Guaranty Company

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h. Columbia Appraisal and Real Estate Company

i. Robert L. Greeno

j. New Century Title Company

k. Northwestern Title Security Company

l. RAM Investments, LLC

m. Kulwinder ("Calvin") S. Sidhu

n. Devinder ("David") S. Sidhu

o. Jarnail Singh

p. Jerome G. Oslick

q. Edward Caywood

r. Michael P. Morris

s. Susan Kirkwood

t. Nancy Hotchkiss

u. Donald Rodney Avey

v. Mark Rickels

w. Anne N. Dennis

x. Charles Johnson

y. Alisa F. George

z. Debbie Binder

aa. Don Lewin

bb. Stephen M. Ehrlich

cc. Gary L. Johnson

dd. Tom Stenson

ee. Richard Overton

ff. Don Phelps

gg. Richard L. Witt

hh. Garry Crawford

ii. Jim Harding

jj. Elizabeth S. Sidhu

kk. Phillip Brumley

ll. Robert G. Wallace

mm. Robert Kiesz

nn. Seward Flannagan

2. Do any of you have any belief or feeling toward any of the parties, witnesses, or attorneys that might be regarded as a bias or prejudice for or against any of them?

3. Are you, your family, or friends related to any employee of Federal Agricultural Mortgage Corporation, Zions First National Bank, It's a Jungle Out There, Inc., Vintage Capital, Stewart Title Guaranty Company, Columbia Appraisal and Real Estate Company, New Century Title Company or Northwestern Title Security Company?

4. Have any of you or any member of your family, resided in or own or owned property in Washington State?

5. Do any of you, or any member of your family, have particular expertise or knowledge in the following areas:

a. Business Management

b. Banking

c. Mortgage Brokerage

d. Agriculture

e. Underwriting

f. Title Insurance

g. Real Estate

h. The Law

6. With respect to those jurors who have indicated some experience or knowledge in the areas identified above, do any of you believe that you would have a problem determining this case on the basis of the evidence submitted in this trial, and not on the basis of your own

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particularized knowledge?

C. CLAIMS AND ISSUES.

1. In this case, FEDERAL AGRICULTURAL MORTGAGE CORPORATION claims damages based upon fraud, negligent misrepresentation, breach of contract, and express indemnity by IT'S A JUNGLE OUT THERE, INC., ROBERT LEE HOWER and AMI CHERI HOWER. Do any of you have any belief or feeling that a case of this nature should not be brought in court for determination by a jury?

2. In this case, IT'S A JUNGLE OUT THERE, INC., ROBERT LEE HOWER and AMI CHERI HOWER also have filed a third party complaint for indemnity against ZIONS FIRST NATIONAL BANK. Do any of you have any strong feelings that in general cases should not be decided by way of a jury?

3. The fact that entities, including corporations and national associations, are parties in this case must not affect your deliberations or your verdict. You may not discriminate between such entities and natural individuals. Both are persons in the eyes of the law and both are entitled to have a fair and impartial trial based upon the same legal standards. Do any of you have any belief or feeling for or against corporations and/or associations that might prevent you from being a completely fair and impartial juror in this case?

4. Do any of you have a problem or objection with the law that treats corporations and/or associations in the same manner as natural individuals?

5. Do any of you, members of your family or close friends have regular dealings with: mortgage brokers, bankers, real estate appraisers, real estate brokers, escrow officers or title insurance officers? If so, describe the nature of your interaction with these professionals.

6. Have you, or a member of your family or close personal friend, ever owned, worked or been otherwise involved in the operation of a small business?

7. At the conclusion of the case, I will instruct you on the law which governs this case. As a juror, it is your duty to follow the law. Do any of you believe that you might have difficulty in applying the law if you did not agree with it, or if you for other reasons felt that the

law should not govern in this matter?

8. Do you know of any other reasons, or if anything occurred during this question period that might make you doubtful you would be a completely fair and impartial juror in this case?

D. CORPORATE ATTITUDES

1. Have you ever owned your own company? Please tell us about that company.

2. Have you ever worked for a large company, association or corporation? Describe your position(s) and responsibilities?

3. Do you think it is right for companies to make a profit on their business?

4. Do you think you would judge the conduct of a corporation or association differently than you would judge the conduct of an individual? Please explain.

5. Do you think persons during this trial who testify on behalf of a corporation and/or association have reason to be more or less truthful than an individual testifying on his or her own behalf? Please explain.

E. BREACH OF CONTRACT

1. Have you ever been involved in a lawsuit or other formal proceedings where you were the victim of a broken contract? Please explain.

2. Have you ever been accused of breach of contract? Please explain.

3. Has anyone in your family or a close friend ever been formally accused of breach of contract?

4. If you later found there was something in the written contract that you did not read, that you did not like or did not think was in the agreement, would you nevertheless follow the letter of the written contract? Why or why not?

F. PUNITIVE DAMAGES

1. Do any of you have strong feelings one way or another about awarding punitive damages in a civil case?

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2. Punitive damages are damages which may be awarded to punish a defendant, and by way of example to act as a deterrent.

3. In your opinion, is it appropriate to punish defendants for their wrongdoing by awarding punitive damages?

4. Will you, based on personal beliefs or otherwise, have any difficulty following the Court's instructions in relation to awarding punitive damages under the law if the evidence warrants such an award?

Dated: December 14, 2005

Respectfully submitted,

TRAINOR ROBERTSON

By: _____
JOHN D. FAIRBROOK

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