

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA
ex rel. CHARLES R. SHEPHERD;
DANNY V. RUDE; ROBERT SCOTT
DILLARD; and RICKEY MACKEY,

Case No. 6:13-cv-02428-JD

Plaintiffs,

v.

VERDICT FORM

FLUOR CORPORATION; FLUOR
INTERCONTINENTAL, Inc.,
Defendants.

PART I — FALSE CLAIMS ACT

(Claims brought on behalf of the United States)

Answer each question separately for each Defendant. Your answers must be unanimous.

A. Award Fee / AFEB Submissions (Task Order 5)

For each award fee period, answer the following questions.

1. Award Fee Period 1: July 7, 2009 – June 30, 2010

(a) Presence of False Claim

Did Relators prove that an AFEB submission by the Defendant constituted a claim for payment, or was connected to a claim for payment, and that the Defendant knowingly presented, made, or used a false claim or false statement that was material to a false or fraudulent claim for payment?

Fluor Corporation: ___ Yes ___ No

Fluor Intercontinental, Inc.: Yes No

If you answered "No" for a Defendant in part (a), do not answer parts (b), (c), or (d) for that Defendant for this award fee period.

(b) Theories of Liability

Did Relators prove by a preponderance of the evidence that the Defendant is liable under the False Claims Act in connection with AFEB submissions relating to this award fee period under any of the theories instructed in this case?

Fluor Corporation

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

Fluor Intercontinental, Inc.

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

(c) Effect on the Award Fee Decision (answer separately for each Defendant you found liable in (a))

Would the Government have awarded a different amount of award fee for this period as to that Defendant's conduct if it had known the true facts?

Fluor Corporation: Yes No

Fluor Intercontinental, Inc.: Yes No

(d) Counterfactual Award Fee

If you answered Yes to subpart (c) for a Defendant, state the amount of award fee the Government would have paid for this period had it known the truth:

Fluor Corporation: \$_____

Fluor Intercontinental, Inc.: \$_____

2. Award Fee Period 2: July 1, 2010 – December 31, 2010

(a) Presence of False Claim

Did Relators prove that an AFEB submission by the Defendant constituted a claim for payment, or was connected to a claim for payment, and that the Defendant knowingly presented, made, or used a false claim or false statement that was material to a false or fraudulent claim for payment?

Fluor Corporation: Yes No

Fluor Intercontinental, Inc.: Yes No

If you answered "No" for a Defendant in part (a), do not answer parts (b), (c), or (d) for that Defendant for this award fee period.

(b) Theories of Liability

Did Relators prove by a preponderance of the evidence that the Defendant is liable under the False Claims Act in connection with AFEB submissions relating to this award fee period under any of the theories instructed in this case?

Fluor Corporation

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

Fluor Intercontinental, Inc.

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

(c) Effect on the Award Fee Decision (answer separately for each Defendant you found liable in (a))

Would the Government have awarded a different amount of award fee for this period as to that Defendant's conduct if it had known the true facts?

Fluor Corporation: ___ Yes ___ No

Fluor Intercontinental, Inc.: ___ Yes ___ No

(d) Counterfactual Award Fee

If you answered Yes to subpart (c) for a Defendant, state the amount of award fee the Government would have paid for this period had it known the truth:

Fluor Corporation: \$_____

Fluor Intercontinental, Inc.: \$_____

3. Award Fee Period 3: January 1, 2011 – June 30, 2011

(a) Presence of False Claim

Did Relators prove that an AFEB submission by the Defendant constituted a claim for payment, or was connected to a claim for payment, and that the Defendant knowingly presented, made, or used a false claim or false statement that was material to a false or fraudulent claim for payment?

Fluor Corporation: ___ Yes No

Fluor Intercontinental, Inc.: ___ Yes No

If you answered "No" for a Defendant in part (a), do not answer parts (b), (c), or (d) for that Defendant for this award fee period.

(b) Theories of Liability

Did Relators prove by a preponderance of the evidence that the Defendant is liable under the False Claims Act in connection with AFEB submissions relating to this award fee period under any of the theories instructed in this case?

Fluor Corporation

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

Fluor Intercontinental, Inc.

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

(c) Effect on the Award Fee Decision (answer separately for each Defendant you found liable in (a))

Would the Government have awarded a different amount of award fee for this period as to that Defendant's conduct if it had known the true facts?

Fluor Corporation: ___ Yes ___ No

Fluor Intercontinental, Inc.: ___ Yes ___ No

(d) Counterfactual Award Fee

If you answered Yes to subpart (c) for a Defendant, state the amount of award fee the Government would have paid for this period had it known the truth:

Fluor Corporation: \$_____

Fluor Intercontinental, Inc.: \$_____

4. Award Fee Period 4: July 1, 2011 – December 31, 2011

(a) Presence of False Claim

Did Relators prove that an AFEB submission by the Defendant constituted a claim for payment, or was connected to a claim for payment, and that the Defendant knowingly presented, made, or used a false claim or false statement that was material to a false or fraudulent claim for payment?

Fluor Corporation: ___ Yes No

Fluor Intercontinental, Inc.: ___ Yes No

If you answered "No" for a Defendant in part (a), do not answer parts (b), (c), or (d) for that Defendant for this award fee period.

(b) Theories of Liability

Did Relators prove by a preponderance of the evidence that the Defendant is liable under the False Claims Act in connection with AFEB submissions relating to this award fee period under any of the theories instructed in this case?

Fluor Corporation

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

Fluor Intercontinental, Inc.

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

(c) Effect on the Award Fee Decision (answer separately for each Defendant you found liable in (a))

Would the Government have awarded a different amount of award fee for this period as to that Defendant's conduct if it had known the true facts?

Fluor Corporation: ___ Yes ___ No

Fluor Intercontinental, Inc.: ___ Yes ___ No

(d) Counterfactual Award Fee

If you answered Yes to subpart (c) for a Defendant, state the amount of award fee the Government would have paid for this period had it known the truth:

Fluor Corporation: \$_____

Fluor Intercontinental, Inc.: \$_____

5. Award Fee Period 5: January 1, 2012 – June 30, 2012

(a) Presence of False Claim

Did Relators prove that an AFEB submission by the Defendant constituted a claim for payment, or was connected to a claim for payment, and that the Defendant knowingly presented, made, or used a false claim or false statement that was material to a false or fraudulent claim for payment?

Fluor Corporation: ___ Yes No

Fluor Intercontinental, Inc.: ___ Yes No

If you answered "No" for a Defendant in part (a), do not answer parts (b), (c), or (d) for that Defendant for this award fee period.

(b) Theories of Liability

Did Relators prove by a preponderance of the evidence that the Defendant is liable under the False Claims Act in connection with AFEB submissions relating to this award fee period under any of the theories instructed in this case?

Fluor Corporation

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

Fluor Intercontinental, Inc.

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

(c) Effect on the Award Fee Decision (answer separately for each Defendant you found liable in (a))

Would the Government have awarded a different amount of award fee for this period as to that Defendant's conduct if it had known the true facts?

Fluor Corporation: ___ Yes ___ No

Fluor Intercontinental, Inc.: ___ Yes ___ No

(d) Counterfactual Award Fee

If you answered Yes to subpart (c) for a Defendant, state the amount of award fee the Government would have paid for this period had it known the truth:

Fluor Corporation: \$_____

Fluor Intercontinental, Inc.: \$_____

6. Claim Count (Award Fee Theory)

State the total number of False Claims Act violations proven relating to AFEB submissions: 0.

7. Fixed Fee Theory

(a) Presence of False Claim

Did Relators prove that an Fixed Fee submission by the Defendant constituted a claim for payment, or was connected to a claim for payment, and that the Defendant knowingly presented, made, or used a false claim or false statement that was material to a false or fraudulent claim for payment?

Fluor Corporation: ___ Yes No

Fluor Intercontinental, Inc.: ___ Yes No

If you answered "No" for a Defendant in part (a), do not answer parts (b), (c), (d) for that Defendant for this fixed fee?

(b) Theories of Liability

Did Relators prove by a preponderance of the evidence that the Defendant is liable under the False Claims Act in connection with a fixed fee submission?

Fluor Corporation

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

Fluor Intercontinental, Inc.

Yes

No

If **Yes**, indicate the theory or theories proven:

Presentment of a false or fraudulent claim

False statement or record material to a claim

Fraudulent inducement

Implied False Certification

(c) Effect on the Fixed Fee Decision (answer separately for each Defendant you found liable in (a))

Would the Government have awarded a different amount of fixed fee for this period as to that Defendant's conduct if it had known the true facts?

Fluor Corporation: ___ Yes ___ No

Fluor Intercontinental, Inc.: ___ Yes ___ No

(d) Counterfactual Fixed Fee

If you answered Yes to subpart (c) for a Defendant, state the amount of fixed fee the Government would have paid for this period had it known the truth:

Fluor Corporation: \$_____

Fluor Intercontinental, Inc.: \$_____

B. Labor Billing / Overbilling

1. Liability

Fluor Corporation

Did Relators prove that Fluor Corporation knowingly submitted (or caused to be submitted) one or more specific claims for payment that included charges for labor hours not actually worked, and that the falsity was material?

___ Yes

✓ ___ No

Fluor Intercontinental, Inc.

Did Relators prove that Fluor Intercontinental knowingly submitted (or caused to be submitted) one or more specific claims for payment that included charges for labor hours not actually worked, and that the falsity was material?

Yes

No

2. Number of False Labor Claims

If you answered "Yes" for a Defendant in Question 1, state the number of specific false claims for payment proven as to that Defendant.

Fluor Corporation: _____

Fluor Intercontinental, Inc.: _____

3. Labor Billing Damages

If you found liability for labor billing, state the damages the Government sustained.

Fluor Corporation

\$ _____

Fluor Intercontinental, Inc.

\$ _____

C. Government Property**1. Liability****Fluor Corporation**

(a) Did Relators prove by a preponderance of the evidence that Fluor Corporation had an obligation to pay or transmit money or property to the Government?

Yes

No

If "Yes," answer (b). If "No," skip to Fluor Intercontinental, Inc. (d).

(b) Did Relators prove by a preponderance of the evidence that Fluor Corporation knowingly concealed, avoided, or improperly decreased that obligation?

Yes

No

If "Yes," answer (c). If "No," skip to Fluor Intercontinental, Inc. (d).

(c) Did Relators prove by a preponderance of the evidence that the concealment, avoidance, or decrease was material?

Yes

No

Fluor Intercontinental, Inc.

(d) Did Relators prove by a preponderance of the evidence that Fluor Intercontinental, Inc. had an obligation to pay or transmit money or property to the Government?

Yes

No

If "Yes," answer (e).

(e) Did Relators prove by a preponderance of the evidence that Fluor Intercontinental, Inc. knowingly concealed, avoided, or improperly decreased that obligation?

Yes

No

If "Yes," answer (f).

(f) Did Relators prove by a preponderance of the evidence that the concealment, avoidance, or decrease was material?

Yes

No

2. Amount of Obligation Avoided or Decreased

Complete this question only for any Defendant for whom you answered "Yes" to Questions (a), (b), and (c) in Section C.1 (for Fluor Corporation), or Questions (d), (e), and (f) in Section C.1 (for Fluor Intercontinental, Inc.).

Fluor Corporation: \$ 15,000,000

Fluor Intercontinental, Inc.: \$ 15,000,000

D. Corporate Knowledge

For each Defendant for whom you answered “Yes” to any False Claims Act liability question above, answer the following:

Did Relators prove that at least one employee or agent of that Defendant possessed the knowledge required under the False Claims Act with respect to the claim(s) or statement(s) at issue?

Fluor Corporation

Yes

No

Fluor Intercontinental, Inc.

Yes

No

PART II — RETALIATION

(Relator Danny Rude only — promotion denial/halt)

A. Liability

Fluor Corporation

Did Mr. Rude prove by a preponderance of the evidence that Fluor Corporation denied or halted his promotion because of protected activity under the False Claims Act?

Yes

No

If you answered "Yes," answer Question B for Fluor Corporation.

Fluor Intercontinental, Inc.

Did Mr. Rude prove by a preponderance of the evidence that Fluor Intercontinental denied or halted his promotion because of protected activity under the False Claims Act?

Yes

No

If you answered "Yes," answer Question B for Fluor Intercontinental, Inc.

B. But-For Causation (see Jury Instruction IV.A.5)

Was Mr. Rude's protected activity the but-for cause of the denial or halt of his promotion?

Fluor Corporation

Yes

No

Fluor Intercontinental, Inc.

Yes

No

C. Retaliation Damages

Complete this section only for any Defendant for whom you answered "Yes" to both Question A and Question B.

1. Lost wages or salary

Fluor Corporation

\$ _____

Fluor Intercontinental, Inc.

\$ _____

2. Lost benefits or other compensatory damages

Fluor Corporation

\$ _____

Fluor Intercontinental, Inc.

\$ _____

FOREPERSON SIGNATURE

Date: 3-11-26

Foreperson: REDACTED