

NO. 11-008256-1



TERI ANGLIM) (THE COUNTY COURT
VS.) (AT LAW NO. 1
CHESAPEAKE OPERATING, INC.) (TARRANT COUNTY, TEXAS

COURT'S CHARGE

LADIES AND GENTLEMEN OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with other jurors. Do not use your phone or any other electronic device during your deliberations for any reason. I will give you a number where others may contact you in case of an emergency.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But in matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All questions and answers are important. No one should say that any question or answer is not important.
6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.
8. Do not answer questions by drawing straws or by any method of chance.
9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.
10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."
11. The answers to the questions must be based on the decision of at least 5 of the 6 juror. The same 5 jurors must agree on every answer. Do not agree to be bound by a vote of anything less than 5 jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

DEFINITIONS AND INSTRUCTIONS

Chesapeake Operating, Inc. creates a "private nuisance" if its conduct substantially interferes with Teri Anglim's use and enjoyment of her land.

"Substantial Interference" means that Chesapeake Operating, Inc.'s conduct must cause unreasonable discomfort or annoyance to a person of ordinary sensibilities attempting to use and enjoy the person's land. It is more than a slight inconvenience or petty annoyance.

There can be no nuisance based solely on fear, apprehension or other emotional reaction that results from the lawful operation of a business.

You are instructed that a nuisance, if it exists, is not excused by the fact that it arises from the conduct of an operation that is in itself lawful or useful.

QUESTION NO. 1

Was Chesapeake Operating, Inc.'s conduct abnormal and out of place in its surroundings such as to constitute a private nuisance?

ANSWER: "Yes" or "No"

ANSWER: NO

If you have answered "Yes" to question No. 1 then answer the following question. Otherwise, do not answer the following question.

QUESTION NO. 2

What sum of money, if paid now in cash, would fairly and reasonably compensate Teri Anglim for the damages, if any, that were proximately caused by the nuisance conditions created by Chesapeake Operating, Inc.?

The Nuisance "proximately caused" Teri Anglim's damages if the condition created by Chesapeake Operating, Inc. was a substantial factor in bringing about the damages, and without which condition such damages would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the damages might reasonably result therefrom.

Consider the elements of damages listed below and none other. Any recovery will be determined by the Court when it applies the law to your answers at the time of the judgment. In determining damages resulting from a nuisance, you may consider the proximity, duration and intensity of the nuisance.

1. Damages for loss of use and enjoyment of her property that Teri Anglim sustained in the past.

ANSWER: \$ _____

Presiding Juror:

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. Preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
 - c. Give written questions or comments to the bailiff who will give them to the judge;
 - d. write down the answers you agree on;
 - e. get the signatures for the verdict certificate; and
 - f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror?
If you do not, please tell me now.

Instructions for Signing the Verdict Certificate:

1. You may answer the questions on a vote of 5 jurors. The same 5 jurors must agree on every answer in the charge. This means you may not have one group of 5 jurors agree on one answer and a different group of 5 jurors agree on another answer.
2. If 5 jurors agree on every answer, those 5 jurors sign the verdict. If all 6 of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.
3. All jurors should deliberate on every question. You may end up with all 6 of you agreeing on some answers, while only 5 of you agree on other answers. But when you sign the verdict, only those 5 who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.

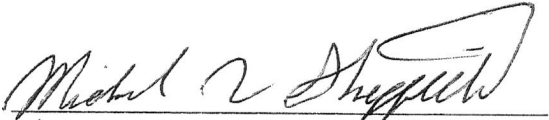


JUDGE PRESIDING

Certificate

CHECK ONE:

Our verdict is unanimous. All 6 of us have agreed to each and every answer. The presiding juror has signed the certificate for all of us.


Signature of Presiding Juror

Michael R Sheffield
Printed Name of presiding Juror

Our verdict is not unanimous. Five of us have agreed to each and every answer and have signed the certificate below.

SIGNATURE

NAME PRINTED

1. _____
2. _____
3. _____
4. _____
5. _____

