

Damage Computations

Plaintiffs' Multiple Count Damage Computation Against Defendant CTA

Donlyn's Damages Resulting From CTA's Fraudulent Inducement Under

CTA Contract Nos. 97OP00059 & 99OP00059, CTA's Breach of its Financial Assistance Agreements, and CTA's Deprivation of Donlyn's Constitutional Right to Due Process and Equal Protection Include Without Limitation:

Damage to Donlyn's Illinois Distributors Licence Due to CTA's Participation in BP Amoco's Fraudulent Allocation Scheme Under Both CTA Contracts 1997 & 1999 Increase Cost to Obtain Distributors License Bond;	\$500,000.00
Donlyn Lost Profits from 1/1/01 - 3/31/02 Under Other Financially Assisted Contracts Due to CTA's Participation in BP Amoco's Fraudulent Allocation Scheme Under CTA Contract 1999; and,	\$262,971.00
Pecuniary Losses Suffered by Donlyn Due to CTA Conduct Under CTA Contracts 1997 and 1999 (with two (2) one (1) year extension options)	308,736.00 <u>\$420,754.00</u>

TOTAL	\$1,492,461.00
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Plaintiffs' Damage Computations for Civil Rights Claims Against Defendants BP Amoco & CTA

42 U.S.C. Sec. 1981, 1983, 1985 & 1986	BP Amoco	CTA
Compensatory	\$14,000,000.00	\$6,000,000.00
Pain & Suffering	\$120,000,000.00	\$36,000,000.00
Intentional Infliction of Emotional Distress	\$666,666.00	\$333,334.00
Loss of Prospective Business Opportunities	\$37,000,000.00	\$262,971.00
Punitive Damages	<u>\$500,000,000.00</u>	<u>\$0.00</u>
TOTAL	\$671,666,666.00	\$42,596,305.00

Summary of Damages		
Donlyn Distribution Inc. et. al. v. BP Amoco et. al.		
Case No: 01C 5728		
	BP Amoco	CTA
Unjust Enrichment & Breach of Contract Claims	\$2,885,534.00	
Breach of Contract, Tort & Constitutional Claims		\$1,492,461.00
Damages Under Civil Right Claims of Complaint	<u>\$671,666,666.00</u>	<u>\$42,596,305.00</u>
TOTAL DAMAGES UNDER CASE NO. 01C 5728	\$674,552,200.00	\$44,088,766.00

Damage Computations

Plaintiffs' Contract Damage Computations Against Defendant BP Amoco

UNJUST ENRICHMENT CONTRACT DAMAGES UNDER SUBCONTRACT AGREEMENT BETWEEN BP AMOCO AND DONLYN DATED OCTOBER 1, 1999

12/1/99 - 12/21/99 Loads Delivered to CTA by Donlyn	3,288	
12/1/99 - 12/21/99 Est. Gallons Delivered to CTA by Donlyn	23,673,600	
CTA Contract Cost & Expenses:		\$629,900.00
CTA Contract Labor & Employer Payroll Taxes		\$528,710.00
Donlyn Profit on Distribution & Transport @ 20%		<u>\$231,722.00</u>
		\$1,390,332.00
Letter of Credit		\$50,000.00
Consequential Damages For BP Amoco Breach of Contract Under CTA Contract Nos. 97OP000059 & 99OP000059 From 12/01/99 - 12/21/00 Damage to Donlyn's Illinois Distributors Licence as a Result of BP Amoco's Fraudulent Allocation Scheme Under Both CTA Contracts 1997 & 1999 Increase Cost to Obtain Distributors License Bond		
		\$500,000.00
Donlyn Lost Profits from 1/1/01 - 3/31/02 Under Other Financially Assisted Contracts Due to BP Amoco's Breach of Contract and Fraudulent Allocation Scheme Under CTA Contract 1999		
		\$262,971.00

BREACH OF CONTRACT DAMAGES UNDER CTA CONTRACT NO. 99OP000059

12/22/00 - 3/31/02 Breach of Contract Damages		
12/22/00 - 3/31/02 Total Estimated Number of Loads Under Remainder of CTA Contract 1999		
12/22/00 - 3/31/02 Estimated 30% DBE Portion of Loads	3,969	
	1,191	
12/22/00 - 3/31/02 Total Estimated Number of Gallons Under Remainder of CTA Contract 1999 (avg. 7200 gal per load)		
12/22/00 - 3/31/02 Estimated 30% DBE Portion of Gallons	28,576,800	
	8,573,040	
Carrier Rate Due Donlyn Under True CTA Contract Requirements Under CTA Contract 1999 from 12/22/00 - 3/31/02		
(Rate x DBE gallon allocation)	\$ 0.06 per gal.	\$514,382.00
Minus Estimated Carrier Costs		<u>\$360,068.00</u>
		\$154,316.00
Distribution Handling Fee Rate Due Donlyn Under True CTA Contract Requirements Under CTA Contract 1999 from 12/22/00 - 3/31/02		
(Rate x DBE gallon allocation)	\$ 0.0125 per gal.	\$107,163.00

Damage Computations

Plaintiffs' Contract Damage Computations Against Defendant BP Amoco (Continued)

BREACH OF CONTRACT DAMAGES UNDER CTA CONTRACT NO. 99OP000059

One Year Extension Option 4/1/02 - 3/31/03 Breach of Contract Damages

4/1/02 - 3/31/03 Total Estimated Number of Loads

Under CTA Contract 1999 One (1) Year Extension Option

4/1/02 - 3/31/03 Estimated 30% DBE Load Allocation 3110
933

4/1/02 - 3/31/03 Total Estimated Number of Gallons Under CTA

Contract 1999 One (1) Year Extension Option (avg. 7200 gal per load)

4/1/02 - 3/31/03 Estimated 30% DBE Portion Gallon Allocation 22,992,000
6,897,600

Carrier Rate Due Donlym Under True CTA Contract Requirements

Under One (1) Year Extension Option of CTA Contract 1999

from 4/1/02 - 3/31/03 (Rate x DBE gallon allocation)

\$ 0.06 per gal. \$413,856.00

Minus Estimated Carrier Costs

\$289,700.00

Lost Profits

\$124,156.00

Distribution Handling Fee Rate Due Donlym Under True CTA Contract

Requirements Under One (1) Year Extension Option of CTA Contract

1999 from 4/1/02 - 3/31/03 (Rate x DBE gallon allocation)

\$ 0.0125 per gal. \$86,220.00

Lost Profits

One Year Extension Option 4/1/03 - 3/31/04 Breach of Contract Damages

4/1/03 - 3/31/04 Total Estimated Number of Loads

Under CTA Contract 1999 One (1) Year Extension Option

4/1/03 - 3/31/04 Estimated 30% DBE Load Allocation 3110
933

4/1/03 - 3/31/04 Total Estimated Number of Gallons Under CTA

Contract 1999 One (1) Year Extension Option (avg. 7200 gal per load)

4/1/03 - 3/31/04 Estimated 30% DBE Portion Gallon Allocation 22,992,000
6,897,600

Carrier Rate Due Donlym Under True CTA Contract Requirements

Under One (1) Year Extension Option of CTA Contract 1999

from 4/1/03 - 3/31/04 (Rate x DBE gallon allocation)

\$ 0.06 per gal. \$413,856.00

Minus Estimated Carrier Costs

\$289,699.00

Lost Profits

\$124,157.00 -

Distribution Handling Fee Rate Due Donlym Under True CTA Contract

Requirements Under One (1) Year Extension Option of CTA Contract

1999 from 4/1/03 - 3/31/04 (Rate x DBE gallon allocation)

\$ 0.0125 per gal. \$86,220.00

Lost Profits

TOTAL

\$2,885,534.00