

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 2:11-cv-116-FtM-29DNF

ROBERT A. DIGIORGIO,

Defendant.

VERDICT FORM

Do you find from a preponderance of the evidence:

Section 17(a)(1) of the Securities Act of 1933

1. That Robert A. DiGiorgio used a device, scheme, or artifice to defraud in connection with the offer to sell or sale of any securities issued by Radius Capital Corp. between December 2005 and October 2006?

Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTION 2 AND PROCEED TO QUESTION 3. IF YOUR ANSWER IS "YES," ANSWER QUESTION 2.

2. That Robert A. DiGiorgio acted "knowingly" or with "severe recklessness?"

Answer: Yes No

Section 17(a)(2) of the Securities Act of 1933

3. That Robert A. DiGiorgio directly or indirectly made one or more misrepresentations of fact or omissions of fact necessary to make other statements that were made not misleading in connection with the offer to sell or sale of a security issued by Radius Capital Corp. between December 2005 and October 2006?

Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTIONS 4 AND 5 AND PROCEED TO QUESTION 6. IF YOUR ANSWER IS "YES," ANSWER QUESTION 4.

4. That the misrepresentation or omission was material?

Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTION 5 AND PROCEED TO QUESTION 6. IF YOUR ANSWER IS "YES," ANSWER QUESTION 5.

5. That Robert A. DiGiorgio was negligent in making the representations or omission?

Answer: Yes No

Section 17(a)(3) of the Securities Act of 1933

6. That Robert A. DiGiorgio engaged in a transaction, practice, or course of business in connection with the offer to sell or sale of a security issued by Radius Capital Corp. between December 2005 and October 2006 that operated, or would operate, as a fraud or deceit on a purchaser?

Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTION 7 AND PROCEED TO QUESTION 8. IF YOUR ANSWER IS "YES," ANSWER QUESTION 7.

7. That Robert A. DiGiorgio was negligent in making the representations or omission?

Answer: Yes No

Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5(a) thereunder

8. That Robert A. DiGiorgio used a "device, scheme, or artifice to defraud" in connection with the purchase or sale of any securities issued by Radius Capital Corp. between December 2005 and October 2006?

Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTION 9 AND PROCEED TO QUESTION 10. IF YOUR ANSWER IS "YES," ANSWER QUESTION 9.

9. That Robert A. DiGiorgio acted "knowingly" or with "severe recklessness?"

Answer: Yes No

Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5(b) thereunder

10. That Robert A. DiGiorgio made a false representation of a material fact (or omitted a material fact) in connection with the purchase or sale of a security issued by Radius Capital Corp. between December 2005 and October 2006?

Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTION 11 AND PROCEED TO QUESTION 12. IF YOUR ANSWER IS "YES," ANSWER QUESTION 11.

11. That Robert A. DiGiorgio acted "knowingly" or with "severe recklessness?"

Answer: Yes No

Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5(c) thereunder

12. That Robert A. DiGiorgio engaged in an act, practice, or course of dealing in connection with the purchase or sale of any securities issued by Radius Capital Corp. between December 2005 and October 2006 that operated, or would operate, as a fraud or deceit on any person?

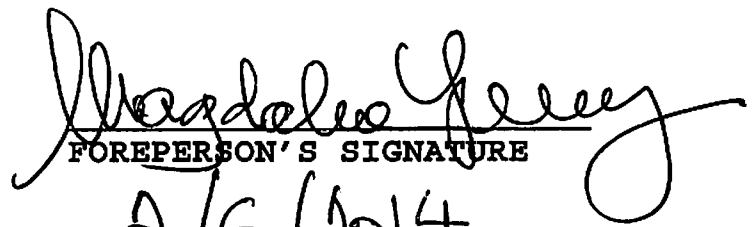
Answer: Yes No

IF YOUR ANSWER IS "NO," SKIP QUESTION 13. IF YOUR ANSWER IS "YES," ANSWER QUESTION 13.

13. That Robert A. DiGiorgio acted "knowingly" or with "severe recklessness?"

Answer: Yes No

SO SAY WE ALL.


FOREPERSON'S SIGNATURE
2/6/2014
DATE