

1 WE, THE JURY, in the above-entitled action, find the following jury verdict on the
2 questions submitted to us:

FILED
Superior Court of California
County of Los Angeles

APR 15 2021

Shemi R. Carter, Executive Officer/Clerk
[Signature] Deputy
Ignacio Gonzalez

SECTION A
NEGLIGENCE

3
4
5
6 1. Was Defendant Whittaker Clark & Daniels, Inc. negligent?

7
8 Yes No

9
10 *Instructions:* If you answered Question No. 1 "Yes," answer Question No. 2. If you answered
11 Question No. 1 "No," then proceed to Section B.

12 2. Was Defendant's negligence a substantial factor in causing harm to Plaintiff
13 Willie McNeal, Jr.?

14 Yes No

15
16 *Instructions:* Proceed to Section B.

SECTION B

STRICT LIABILITY – MANUFACTURING DEFECT

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19
20 3. Did Defendant's talc contain a manufacturing defect when it left Defendant's
21 possession?

22 Yes No

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24
25 *Instructions:* If you answered Question No. 3 "Yes," answer Question No. 4. If you answered
26 Question No. 3 "No," then skip Question No. 4 and proceed to Section C.

1 SECTION D

2 **STRICT LIABILITY — FAILURE TO WARN**

3 **8. Did Defendant's talc have potential risks that were known or knowable in light**
4 **of the scientific and medical knowledge that was generally accepted in the scientific**
5 **community available at the time of manufacture, distribution or sale?**

6
7 Yes No

8
9 *Instructions: If you answered Question No. 8 "Yes," answer Question No. 9. If you answered*
10 *Question No. 8 "No," then skip Question Nos. 9-12 and proceed to Section E.*

11 **9. Did the potential risks present a substantial danger to persons using or misusing**
12 **Defendant's talc in an intended or reasonably foreseeable way?**

13
14 Yes No

15 *Instructions: If you answered Question No. 9 "Yes," answer Question No. 10. If you answered*
16 *Question No. 9 "No," then skip Question Nos. 10-12 and proceed to Section E.*

17
18 **10. Would ordinary consumers have failed to recognize the potential risks?**

19
20 Yes No

21 *Instructions: If you answered Question No. 10 "Yes," answer Question No. 11. If you answered*
22 *Question No. 10 "No," then skip Question Nos. 11-12 and proceed to Section E.*

23 **11. Did Defendant fail to adequately warn of the potential risks?**

24
25 Yes No

26 *Instructions: If you answered Question No. 11 "Yes," answer Question No. 12. If you answered*
27 *Question No. 11 "No," then skip Question Nos. 12 and proceed to Section E.*

1 NON-ECONOMIC DAMAGES

2 14. What are Plaintiff's past non-economic damages, if any, for: physical pain,
3 mental suffering, loss of enjoyment of life, physical impairment, inconvenience, anxiety,
4 humiliation, and emotional distress.

5
6 \$ 250,000. —

7 *Instructions:* Proceed to Question No. 15.

8
9 15. What are Plaintiff's future non-economic damages, if any, for: physical pain,
10 mental suffering, loss of enjoyment of life, physical impairment, inconvenience, anxiety,
11 humiliation, and emotional distress.

12 \$ 500,000. —

13 *Instructions:* Proceed to Question No. 16.

14
15
16 16. What percentage of responsibility, if any, for Plaintiff's mesothelioma do you
17 assign to each of the following? (The total must equal 100%):

18		
19	Whittaker Clark & Daniels, Inc. (talc)	<u>42</u> %
20	Bendix (automotive brakes)	<u>30</u> %
21	Pep Boys (supplier of automotive parts)	<u>0</u> %
22	R.J. Reynolds/Lorillard (Kent cigarettes)	<u>5</u> %
23	Shulton, Inc. (Old Spice)	<u>15</u> %
24	Hitchcock	<u>8</u> %
25	Others	<u>0</u> %

26
27 TOTAL 100%

28

1 *Instructions:* If you allocated a percentage of fault to Whittaker Clark & Daniels, Inc., proceed to
2 Section F. If you allocated zero percentage of fault to Whittaker Clark & Daniels, Inc., then stop
3 here, answer no further questions, and have the presiding juror sign and date this verdict form.

4 **SECTION F**
5 **PUNITIVE DAMAGES**

6 **17. Do you find by clear and convincing evidence that Defendant Whittaker, Clark**
7 **& Daniels, Inc., acted with malice, oppression or fraud in the conduct upon which you base**
8 **your finding of liability?**

9
10 Yes X No

11
12 *Instructions:* If you answered Question No. 17 “Yes,” then answer Question No. 18. If you
13 answered Question No. 17 “No,” then stop here, answer no further questions, and have the presiding
14 juror sign and date this verdict form.

15 **18. Do you find by clear and convincing evidence that the conduct constituting**
16 **malice, oppression, or fraud was committed by one or more officers, directors, or managing**
17 **agents of the defendant Whittaker, Clark & Daniels, Inc., acting on behalf of Whittaker, Clark**
18 **& Daniels, Inc.?**

19
20 Yes X No

1 Please have the Presiding Juror sign and date the form.

2 4/15/2021
3 Date

4 Nilof Mastog
5 Presiding Juror
6

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9 **After this verdict has been signed and dated, notify the court attendant that you are ready to present your verdict in the courtroom.**

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APR 16 2021

~~Sierra R. Carter, Executive Officer/Clerk
of the Court~~
12/10/2020

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WE, THE JURY, in the above-entitled action, find the following just and correct on the question submitted to us:

1. What amount of punitive damages, if any, do you award plaintiff, Willie McNeal?

\$ 3,000,000.00

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Please have the Presiding Juror sign and date the form.

4/16/2021
Date

Nilof Mastog.

Presiding Juror

After this verdict has been signed and dated, notify the court attendant that you are ready to present your verdict in the courtroom.