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We answer the questions submitted to us as follows:

**CLAIM ONE: NEGLIGENCE**

We answer the questions submitted to us as follows:

**Question 1:**

Was Defendant PLANT INSULATION COMPANY negligent:

Yes     No.

If your answer to question 1 is yes, then answer question 2. If you answered no, then please answer Question 3 and do not answer Question 2.

**Question 2:**

Was the Defendant's negligence a substantial factor in increasing the risk of the development of JOSEPH SANDRA's malignant mesothelioma?

Yes     No.

**CLAIM TWO: DESIGN DEFECT**

**Question 3:**

Did Defendant PLANT INSULATION COMPANY sell, supply or distribute one or more asbestos containing products?

Yes     No.

If your answer to Question 3 is yes, then answer Question 4.

If you answered no, then please answer Question 8 and do not answer Questions 4 through 7.

1 **Question 4:**

2 At the time the asbestos products were used, were the asbestos products in substantially  
3 the same condition as when they left the Defendant PLANT INSULATION COMPANY's  
4 possession?

5  Yes  No.

6 If your answer to Question 4 is yes, then answer Question 5.

7 If you answered no, then please answer Question 8 and do not answer Questions 5, 6 or 7.

8  
9 **Question 5:**

10 Did the asbestos products sold, supplied or distributed by Defendant PLANT  
11 INSULATION COMPANY, fail to perform as safely as an ordinary consumer would have  
12 expected?

13  Yes  No.

14 If your answer to Question 5 is yes, then answer Question 6.

15 If you answered no, then please answer Question 8 and do not answer Question 6 or 7.

16  
17 **Question 6:**

18 Were the asbestos products used in a way that was reasonably foreseeable to the  
19 Defendant PLANT INSULATION COMPANY?

20  Yes  No.

21 If your answer to Question 6 is yes, then answer Question 7.

22 If you answered no, please answer question 8.





**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Nov-20-2008 2:33 pm

Case Number: CGC-03-420194

Filing Date: Nov-19-2008 2:32

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**JURY VERDICT**

**JOLENE L MUDGETT VS. A.W. CHESTERTON COMPANY**

001C02322720

**Instructions:**

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17 **Question 6:**

18 Were the asbestos products used in a way that was reasonably foreseeable to the  
19 Defendant PLANT INSULATION COMPANY?

20  Yes  No.

21 If your answer to Question 6 is yes, then answer Question 7.

22 If you answered no, please answer question 8.



1 **Question 7:**

2 Was the design of the asbestos products sold, supplied or distributed by Defendant  
3 PLANT INSULATION COMPANY, a substantial factor in increasing the risk of the  
4 development of JOSEPH SANDRA's mesothelioma?

5  Yes  No.

6 Answer Question 8.

7

8 **CLAIM TWO: WARNING DEFECT**

9

10 **Question 8:**

11 Did Defendant PLANT INSULATION COMPANY sell, supply or distribute one or more  
12 asbestos containing products?

13  Yes  No.

14 If your answer to Question 8 is yes, then answer Question 9.

15 If your answer to Question 8 is no, then do not answer Questions 9 through 14, but  
16 proceed to Question 15 and answer it.

17

18

19 **Question 9:**

20 Did the asbestos containing products sold, supplied or distributed by PLANT  
21 INSULATION COMPANY, have potential health risks that were known or knowable through  
22 the use of scientific knowledge available at the time of manufacture or sale?

23  Yes  No.

24 If your answer to Question 9 is yes, then answer Question 10.

25 If your answer to Question 9 is no, then do not answer Questions 10 through 14, but  
26 proceed to Question 15 and answer it.

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1 **Question 10:**

2 Did the potential health risks present a substantial danger to persons working ~~with~~ near  
3 the asbestos containing products sold, supplied or distributed by PLANT INSULATION  
4 COMPANY?

5  Yes  No.

6 If your answer to Question 10 is yes, then answer Question 11.

7 If your answer to Question 10 is no, then do not answer Questions 11 through 14, but  
8 proceed to Question 15 and answer it.

9  
10 **Question 11:**

11 Would ordinary <sup>wers</sup> ~~consumers~~ of the asbestos containing products of PLANT INSULATION  
12 COMPANY <sup>not</sup> have recognized the potential risks?

13  Yes  No.

14 If your answer to Question 11 is yes, then answer Question 12.

15 If your answer to Question 11 is no, then do not answer Questions 12 through 14, but  
16 proceed to Question 15 and answer it.

17  
18  
19 **Question 12:**

20 Did Defendant PLANT INSULATION COMPANY, fail to adequately warn of the  
21 potential risks?

22  Yes  No.

23 If your answer to Question 12 is yes, then answer Question 13.

24 If your answer to Question 12 is no, then do not answer Questions 13 and 14, but proceed  
25 to Question 15 and answer it.

1 **Question 13:**

2 Were the asbestos-containing products of PLANT INSULATION COMPANY., used in a  
3 way that was reasonably foreseeable to the Defendant?

4  Yes  No.

5 If your answer to Question 13 is yes, then answer Question 14.

6 If your answer to Question 13 is no, then do not answer Question 14, but proceed to  
7 Questions 15 and answer it.

8  
9 **Question 14:**

10 Was the lack of sufficient warnings a substantial factor in increasing the risk of the  
11 development of JOSEPH SANDRA's ~~mesothelioma~~ mesothelioma?

12  Yes  No.

13 Answer Question 15.

14  
15 **Question 15:**

16 Without taking into consideration the reduction of damages due to the comparative fault  
17 of others, if any, what damages (apart from those stipulated to, as reflected below) do you find to  
18 be the AMOUNT of damages to plaintiff, if any?  
19

20 Answer:

21 Jolene Mudgett's Non-Economic Damages \$ 1.25 million

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23 Answer the next question.  
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**Question 16:**

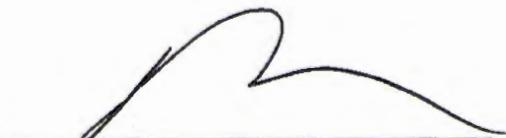
Assuming that 100% represents the total causes of Plaintiffs' harm, what percentage of this 100% is attributable to the fault of Defendant PLANT INSULATION COMPANY, and what percentage of the 100% is attributable to the defective products or negligence of ALL OTHERS?

Answer:

To Defendant PLANT INSULATION COMPANY	<u>18</u> %
To ALL OTHERS	<u>82</u> %
TOTAL	100%

Have the Presiding Juror date and sign this verdict and ring for the court clerk.

Dated: November 19, 2008

  
\_\_\_\_\_  
Presiding Juror