

VERDICT SHEET

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 55

-----X
WALTER MILLER,

Plaintiff,

Index No. 190087/2014

-against-

BMW OF NORTH AMERICA, LLC, et al.,

Defendants.
-----X

HON. CYNTHIA S. KERN, J.S.C.

NOTE: At least five (5) of the six (6) jurors must agree on the answer to each of the following questions, but it need not be the same five (5) jurors. If there is a dissenting juror to any question the dissenting juror should sign his/her name in the space provided below that question where it states "dissenting juror."

(1a) Was plaintiff Walter Miller exposed to asbestos from products used in connection with defendant Ammco's brake grinders?

Yes No _____ Dissenting Juror (if any) _____

If your answer to question 1a is "yes," proceed to question 1b.

If your answer to question 1a is "no," proceed no further and report your verdict to the court.

(1b) Did defendant Ammco fail to exercise reasonable care by not providing an adequate warning about the hazards of exposure to asbestos with respect to the use of its brake grinders?

Yes No _____ Dissenting Juror (if any) _____

If your answer to question 1b is "yes," proceed to question 1c.

If your answer to question 1b is "no," proceed no further and report your verdict to the court.

(1c) Was defendant Ammco's failure to warn plaintiff Walter Miller a substantial contributing factor in causing his injury?

Yes No _____ Dissenting Juror (if any) _____

*Court's Ex II
D.A. 9/25/15*

If your answer to question 1c is "yes," proceed to question 2.

If your answer to question 1c is "no," proceed no further and report your verdict to the court.

- (2) Was plaintiff Walter Miller exposed to asbestos from products made, sold, distributed or used in connection with products or equipment of any of the following companies:

Bendix	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bi-State Brake Co.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Borg Warner	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Continental Teves (ATE)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Ford Motor Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
General Motors/Delco	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mopar/Chrysler	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Rapid Auto Parts	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Raybestos	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Wagner	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dissenting Juror (if any) _____

If your answer was "Yes" for any of the companies listed above, proceed to question 3. However, before you proceed to question 3, if your answer was "No" for any of the companies listed above, strike that company from the list for questions 3, 4 and 5.

If your answer was "No" for ALL the companies listed above, proceed to question 6.

- (3) Did any of the following companies fail to exercise reasonable care by not providing adequate warning to plaintiff Walter Miller about the potential hazards of exposure to asbestos?

Bendix	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bi-State Brake Co.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Borg Warner	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Continental Teves (ATE)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Ford Motor Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
General Motors/Delco	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mopar/Chrysler	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Rapid Auto Parts	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Raybestos	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Wagner	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dissenting Juror (if any) _____

If your answer was "Yes" for any of the companies listed above, proceed to question 4. However, before you proceed to question 4, if your answer was "No" for any company, strike that company from the list for questions 4 and 5.

If your answer was "No" for ALL the companies listed above, proceed to question 6.

(4) Was any of the following companies' failure to warn a substantial factor in causing plaintiff Walter Miller's injury?

Bendix	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Bi-State Brake Co.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Borg Warner	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Continental Teves (ATE)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Ford Motor Company	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
General Motors/Delco	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Mopar/Chrysler	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Rapid Auto Parts Yes No

Raybestos Yes No

Wagner Yes No

Dissenting Juror (if any) _____

If you answered "Yes" to this question for any of the companies listed, proceed to question 5. However, before you proceed to question 5, if you answered "No" to question 4 for any company, strike that company from the list for question 5.

If you answered "No" for ALL the companies above, proceed to question 6.

- (5) List the percentage of responsibility that is attributable to each of the companies listed below for causing plaintiff Walter Miller's injury. Your answer must total 100%.

Ammco	<u>86</u> %
Bendix	<u>2</u> %
Bi-State Brake Co.	<u>1</u> %
Borg Warner	<u>1</u> %
Continental Teves (ATE)	<u> </u> %
Ford Motor Company	<u>1</u> %
General Motors/Delco	<u>5</u> %
Mopar/Chrysler	<u>1</u> %
Rapid Auto Parts	<u>1</u> %
Raybestos	<u>1</u> %
Wagner	<u>1</u> %
Total:	<u>100</u> %

Dissenting Juror (if any) _____

Proceed to question 6.

(6) State the total amount of damages, if any, awarded to plaintiff Walter Miller for each of the following:

(A) Past pain and suffering from the onset of his Mesothelioma to the date of your verdict:

\$ 10,000,000 Dissenting Juror (if any) _____

(B) Future pain and suffering:

\$ 15,000,000 Dissenting Juror (if any) _____

Number of years said sum is meant to cover: 1 year(s)

Dissenting Juror (if any) _____

Proceed to question 7.

(7) Did defendant Ammco act with reckless disregard for the safety of others, namely plaintiff Walter Miller?

Yes No Dissenting Juror (if any) _____

Sign the verdict sheet and report your verdict to the court.

The above represents a correct report of the Jury's verdict.

Juror 1 [Signature] Juror 2 [Signature]

Juror 3 [Signature] Juror 4 Andra Miller

Juror 5 [Signature] Juror 6 Judy Sustade