



VERDICT FORM

Emerson v. Union Pacific Railroad Company, ACSC Case No. RG13698637

We, the jury, answer the questions submitted to us as follows:

1. Was defendant Union Pacific Railroad Company (by its predecessor Southern Pacific Railroad Company) negligent?

Yes No

FILED
ALAMEDA COUNTY

NOV 18 2015

CLERK OF THE SUPERIOR COURT
By *Sydney R...*
Deputy

If your answer to Question 1 is "Yes," then answer Question 2.

If your answer to Question 1 is "No," then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

2. Did defendant's negligence play any part, no matter how small, in bringing about Jeffrey Emerson's disease and death, even if other factors also contributed?

Yes No

If your answer to Question 2 is "Yes," then proceed to Question 3.

If your answer to Question 2 is "No," then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

3. The Court has determined that decedent Jeffrey Emerson's economic damages total **\$451,265.00**.

You do not need to make any finding here. Answer Question 4.

4. What are the total damages suffered by decedent Jeffrey Emerson for his non-economic loss of pain and suffering, which may include physical pain, mental suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation and/or emotional distress?

\$ 6,500,000.00 (six & one half million) USD

If you answered Question 4, answer Question 5

5. What is the disease from which decedent Jeffrey Emerson suffered and died?

Sarcomatoid Mesothelioma Sarcomatoid Carcinoma

If you checked the box for "Sarcomatoid Mesothelioma," then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

If you did not check the box for "Sarcomatoid Mesothelioma," then answer Question 6.

6. Was decedent Jeffrey Emerson negligent in smoking cigarettes?

Yes No

If your answer to Question 6 is "Yes," then answer Question 7.

If your answer to Question 6 is "No," then do not answer Questions 7 or 8, skip ahead and answer Question 9.

7. Did decedent Jeffrey Emerson's negligence in smoking cigarettes, if any, play any part, no matter how small, in bringing about his disease and death, even if other factors also contributed?

Yes No

If your answer to Question 7 is "Yes," then answer Question 8.

If your answer to Question 7 is "No," then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

8. Among all the factors that contributed, what percentage of responsibility for causing decedent Jeffrey's Emerson's sarcomatoid carcinoma do you assign to Jeffrey Emerson's negligent smoking of cigarettes?

_____ %

If you answered Question 8, then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

Answer Question 9 only if you did not answer Questions 7 or 8 based on the instruction after Question 6.

9. Did decedent Jeffrey Emerson, at the time of any of Southern Pacific's negligent conduct, already have a condition of emphysema?

_____ Yes _____ No

If your answer to Question 9 is "Yes," then answer Question 10.

If your answer to Question 9 is "No," then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

10. Did decedent Jeffrey Emerson's pre-existing condition, emphysema, create a likelihood that, even if defendant's negligent conduct had never occurred, Jeffrey Emerson would still have developed sarcomatoid carcinoma?

_____ Yes _____ No

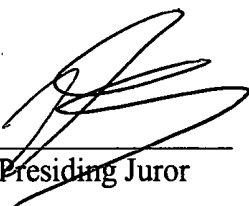
If your answer to Question 10 is "Yes," then answer Question 11.

If your answer to Question 10 is "No," then stop here, answer no further questions, and have the Presiding Juror sign and date at the end of this form.

11. What is the percentage degree of the likelihood that, even if defendant's negligent conduct had never occurred, Jeffrey Emerson would still have developed sarcomatoid carcinoma because of the pre-existing condition of emphysema?

_____ %

If your answered Question 11, have the Presiding Juror sign and date at the end of this form.

Signed: 

Presiding Juror

Dated: 11-18-15

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