

EXHIBIT  
C-4  
9-15-16

JURY VERDICT SHEET

Panzarella v. Lorillard Tobacco Company et. al.  
DOCKET NO. MID-L-5418-12AS

For each question you may be required to answer below, your vote must be 6-2, 7-1, or 8-0  
NOTE: At least six (6) jurors must agree on the answer to each question, but the same six (6) jurors do not have to agree on each answer. Please answer each question separately. In some circumstances, a particular question will be answered already based upon the response to an earlier question. Even if you disagree with that answer you must accept it as true and deliberate on the next question.

Questions for the Jury:

**Failure to Warn against All Defendants**

1. Has plaintiff proven by a preponderance of the evidence that any of the following defendants manufactured, sold or distributed a product that was not reasonably fit, suitable and safe for its intended or foreseeable use because it lacked a warning?

A. Lorillard Tobacco	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Vote: <u>6-2</u>
B. H&V	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Vote: <u>6-2</u>
C. Whittaker Clark	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Vote: <u>8-0</u>

Proceed to question number 2 with regard to any defendant for whom you have answered "Yes". If you answered "No" as to all defendants, proceed to question number 5, and proceed no further regarding Whittaker Clark.

2. Has plaintiff proven by a preponderance of the evidence that Michael Argento was exposed to asbestos from a product manufactured, sold or distributed by any of the following defendants that was not reasonably fit, suitable and safe for its intended or foreseeable use because it lacked a warning?

A. Lorillard Tobacco	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Vote: _____
B. H&V	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Vote: _____
C. Whittaker Clark	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Vote: _____

Proceed to question number 3 with regard to any defendant for whom you have answered "Yes". If you answered "No" as to all defendants, proceed to question number 5, and proceed no further regarding Whittaker Clark.

3. Has plaintiff proven by preponderance of the evidence that Michael Argento's exposure to asbestos from a product manufactured, sold or distributed by any of the following defendants that was not reasonably fit, suitable and safe for its intended or foreseeable use because of a lack of warning was a substantial factor in causing his mesothelioma?

A. Lorillard Tobacco	<u>      </u> Yes	<u>      </u> No	Vote: <u>      </u>
B. H&V	<u>      </u> Yes	<u>      </u> No	Vote: <u>      </u>
C. Whittaker Clark	<u>      </u> Yes	<u>      </u> No	Vote: <u>      </u>

Proceed to question number 4 with regard to any defendant for whom you have answered "Yes". If you answered "No" as to all defendants, proceed to question number 5, and proceed no further regarding Whittaker Clark.

4. Has either Lorillard or H&V proven by a preponderance of the evidence that, at the time their product left their control, the danger that it could cause asbestos-related disease was not known or knowable?

A. Lorillard Tobacco	<u>      </u> Yes	<u>      </u> No	Vote: <u>      </u>
B. H&V	<u>      </u> Yes	<u>      </u> No	Vote: <u>      </u>

Proceed to question number 5.

#### Design Defect against Lorillard and H&V Only

5. Has plaintiff proven by a preponderance of the evidence that either of the following defendants manufactured, sold or distributed a product that was not reasonably fit, suitable and safe for its intended or foreseeable use because it was defectively designed?

A. Lorillard Tobacco	<u>      </u> Yes	<u>  X  </u> No	Vote: <u>6-2</u>
B. H&V	<u>      </u> Yes	<u>  X  </u> No	Vote: <u>6-2</u>

Proceed to question number 6 with regard to any defendant for whom you have answered "Yes". If you answered "No" as to all defendants, proceed to question number 9.

6. Has plaintiff proven by a preponderance of the evidence that Michael Argento was exposed to asbestos from a product manufactured, sold or distributed by either of the following defendants that was not reasonably fit, suitable and safe for its intended or foreseeable use because it was defectively designed?

A. Lorillard Tobacco       Yes       No      Vote: \_\_\_\_\_  
 B. H&V       Yes       No      Vote: \_\_\_\_\_

Proceed to question number 7 with regard to any defendant for whom you have answered "Yes". If you answered "No" as to all defendants, proceed to question number 9.

7. Has plaintiff proven by preponderance of the evidence that Michael Argento's exposure to asbestos from a product manufactured, sold or distributed by either of the following defendants that was not reasonably fit, suitable and safe for its intended or foreseeable use because it was defectively designed was a substantial factor in causing his mesothelioma?

A. Lorillard Tobacco       Yes       No      Vote: \_\_\_\_\_  
 B. H&V       Yes       No      Vote: \_\_\_\_\_

Proceed to question number 8 with regard to any defendant for whom you have answered "Yes". If you answered "No" as to all defendants, proceed to question number 9.

8. Has either Lorillard or H&V proven by a preponderance of the evidence that, at the time their product left their control, no practical and technically feasible alternative design existed that would have prevented Michael Argento's injury without substantially impairing the reasonably anticipated or intended, essential functions of their product?

A. Lorillard Tobacco       Yes       No      Vote: \_\_\_\_\_  
 B. H&V       Yes       No      Vote: \_\_\_\_\_

Proceed to question number 9.

### Summary of Claims against Defendants

9. Have you answered "Yes" to questions 1, 2 and 3 and "No" to question 4 for any of the following defendants?

A. Lorillard Tobacco       Yes       No  
 B. H&V       Yes       No  
 C. Whittaker Clark       Yes       No

Proceed to question 10.

10 Have you answered "Yes" to questions 5, 6 and 7 and "No" to question 8 for either of the following defendants?

A. Lorillard Tobacco	_____ Yes	<del>_____</del> No
B. H&V	_____ Yes	<del>_____</del> No

If you answered "No" to question 9 and 10 for all defendants, do not proceed further and tell the court aide that you have reached a verdict. If you answered "Yes" to question 9 or 10 as to any one defendant, proceed to question 11.

### Claims against US Gypsum and Scotts'

11. Have defendants proven by a preponderance of the evidence that either of the following companies manufactured, sold or distributed a product that was not reasonably fit, suitable and safe for its intended or foreseeable use because it lacked a warning?

A. US Gypsum	_____ Yes	_____ No	Vote: _____
B. Scott's	_____ Yes	_____ No	Vote: _____

Proceed to question number 12 with regard to any of the two companies for whom you have answered "Yes". If you answered "No" as to both companies, proceed to question number 14.

12. Have defendants proven by a preponderance of the evidence that Michael Argento was exposed to asbestos from a product manufactured, sold or distributed by either of the following companies that was not reasonably fit, suitable and safe for its intended or foreseeable use because it lacked a warning?

A. US Gypsum	_____ Yes	_____ No	Vote: _____
B. Scott's	_____ Yes	_____ No	Vote: _____

Proceed to question number 13 with regard to any of the two companies for whom you have answered "Yes". If you answered "No" as to both companies, proceed to question number 14.

13. Have defendants proven by preponderance of the evidence that Michael Argento's exposure to asbestos from a product manufactured, sold or distributed by either of the following companies that was not reasonably fit, suitable and safe for its intended or foreseeable use because of a lack of warning was a substantial factor in causing his mesothelioma?

A. US Gypsum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Vote: _____
B. Scott's	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Vote: _____

Proceed to question number 14.

### Summary of Claims against US Gypsum and Scotts'

14. Have you answered "Yes" to questions 11, 12 and 13 for either of the following companies?

A. US Gypsum	<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. Scott's	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Proceed to question 15.

### Apportionment and Damages

15. For any defendant that you answered "Yes" as to either question 9 or 10, and for any company that you answered "Yes" as to question 14, set forth the percentage that you find describes or measures their contribution to the happening of Michael Argento's mesothelioma. The percentages must add up to 100%. For any company you answered "No" to, do not include them in your allocation.

A. Lorillard	<input type="text"/> %	Vote: _____
B. H&V	<input type="text"/> %	Vote: _____
C. Whittaker	<input type="text"/> %	Vote: _____
D. US Gypsum	<input type="text"/> %	Vote: _____
E. Scott's	<input type="text"/> %	Vote: _____

Proceed to question number 16.

16. What is the amount of damages, which you award for Michael Argento's disability, impairment, loss of the enjoyment of life, and pain and suffering from the onset of disease to the time of his death?

\$ \_\_\_\_\_

Vote: \_\_\_\_\_

Foreperson signature: Robert J. Cuvello

Date: August 15, 2016

Please tell the court aide you have reached a verdict.