

AUG 08 2018

CLERK OF THE SUPERIOR COURT

By:  Deputy



20908861

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA**

DONALD KNUTSON, an individual;  
LESLIE HIRSCHAUT- KNUTSON, an  
individual;

Plaintiffs,

v.

AIR & LIQUID SYSTEMS CORPORATION,  
et al., and DOES 1 through 400, inclusive;

Defendants.

CASE NO. RG17886959  
*[Assigned to Hon. Bradley Seligman  
Department 23]*

SPECIAL VERDICT [5.0]

Complaint filed: December 21, 2017  
Trial Date: June 18, 2018

**SPECIAL VERDICT FORM**

We the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

**QUESTION 1:** Does Plaintiff Donald Knutson have asbestos-related malignant mesothelioma?

Answer "Yes" or "No"

Yes No

If your answer is "Yes", please answer question 2. If your answer is "No", do not answer any more questions and sign and date the verdict form.

**QUESTION 2:** Did Plaintiff Donald Knutson work with or around an AMMCO brake arc grinder at Rox Automotive?

Answer "Yes" or "No"

Yes No

If your answer is "Yes", please answer question 3. If your answer is "No", do not answer any more questions and sign and date the verdict form.

**NEGLIGENCE**

**QUESTION 3:** Was AMMCO negligent in designing, manufacturing, or selling its AMMCO brake arc grinder?

Answer "Yes" or "No"

Yes    No  
\_\_\_\_      ✓  

If your answer to Question 3 is "Yes," then answer Question 4. If you answered "No", skip Question 4 and answer Question 5.

**QUESTION 4:** Was AMMCO's negligence a substantial factor contributing to Plaintiff Donald Knutson risk of developing mesothelioma?

Answer "Yes" or "No"

Yes    No  
\_\_\_\_    \_\_\_\_

Answer the next question.

**NEGLIGENT FAILURE TO WARN**

**QUESTION 5:** Did AMMCO know or reasonably should have known that its brake arc grinder was dangerous or was likely to be dangerous when used or misused in a reasonably foreseeable manner?

Answer "Yes" or "No"

Yes    No  
\_\_\_\_      ✓  

If your answer to Question 5 is "Yes," then answer Question 6. If you answered "No", then skip Questions 6 through 9, and answer Question 10.

---

**QUESTION 6:** Did AMMCO know or reasonably should have known that users would not realize the danger?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

If your answer to Question 6 is "Yes," then answer Question 7. If you answered "No", then skip Questions 7 through 9, and answer Question 10.

**QUESTION 7:** Did AMMCO fail to adequately warn of the danger of its brake arc grinder?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

If your answer to Question 7 is "Yes," then answer Question 8. If you answered "No", then skip Questions 8 and 9, and answer Question 10.

**QUESTION 8:** Would a reasonable manufacturer or seller under the same or similar circumstances have warned of the danger of the brake arc grinder?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

If your answer to Question 8 is "Yes," then answer Question 9. If you answered "No", then skip Question 9 and answer Question 10.

**QUESTION 9:** Was AMMCO's failure to warn a substantial factor contributing to Plaintiff Donald Knutson risk of developing mesothelioma?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

Answer the next question.

---

**NEGLIGENCE – RECALL/RETROFIT**

**QUESTION 10:** Did AMMCO know or reasonably should have known that its brake arc grinder was dangerous or was likely to be dangerous when used or misused in a reasonably foreseeable manner?

Answer "Yes" or "No"

Yes No

\_\_\_ ✓

If your answer to Question 10 is "Yes," then answer Question 11. If you answered "No", then skip Questions 11 through 14, and answer Question 15.

**QUESTION 11:** Did AMMCO become aware of this defect in its brake arc grinder after it was sold?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

If your answer to Question 11 is "Yes," then answer Question 12. If you answered "No", then skip Questions 12 through 14, and answer Question 15.

**QUESTION 12:** Did AMMCO fail to recall or fail to retrofit its brake arc grinder?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

If your answer to Question 12 is "Yes," then answer Question 13. If you answered "No", then skip Questions 13 through 14, and answer Question 15.

**QUESTION 13:** Would a reasonable manufacturer under the same or similar circumstances have recalled or retrofitted the brake grinder?

Answer "Yes" or "No"

Yes No

\_\_\_ \_\_\_

If your answer to Question 13 is "Yes," then answer Question 14. If you answered "No", then skip Questions 14, and answer Question 15.

---

**QUESTION 14:** Was AMMCO's failure to recall or failure to retrofit the brake arc grinder a substantial factor contributing to Plaintiff Donald Knutson risk of developing mesothelioma?

Answer "Yes" or "No"

Yes No

— —

Answer the next question.

**STRICT LIABILITY - DESIGN DEFECT-RISK-BENEFIT TEST**

**QUESTION 15:** Was the design of AMMCO's brake arc grinder a substantial factor contributing to Plaintiff Donald Knutson risk of developing mesothelioma?

Answer "Yes" or "No"

Yes No

— ✓

If your answer to Question 15 is "Yes," then answer Question 16. If you answered "No", then skip Question 16 and answer Question 17.

**QUESTION 16:** Did the risks of the design of AMMCO's brake arc grinder outweigh the benefits of the design?

Answer "Yes" or "No"

Yes No

— —

Answer the next question.

**STRICT LIABILITY - DESIGN DEFECT - CONSUMER EXPECTATIONS**

**QUESTION 17:** Did AMMCO's brake arc grinder fail to perform as safely as an ordinary consumer would have expected when used or misused in an intended or reasonably foreseeable way?

Answer "Yes" or "No"

Yes No

---

— —

If your answer to Question 17 is "Yes," then answer Question 18. If you answered "No", then skip Question 18 and answer Question 19.

**QUESTION 18:** Was the design of AMMCO's brake arc grinder a substantial factor contributing to Plaintiff Donald Knutson risk of developing mesothelioma?

Answer "Yes" or "No"

Yes No  
— —

Answer the next question.

**STRICT LIABILITY-FAILURE TO WARN**

**QUESTION 19:** Did AMMCO's brake arc grinder have potential risks that were known or knowable in light of the scientific and medical knowledge that was generally accepted in the scientific community at the time of manufacture, distribution, or sale?

Answer "Yes" or "No"

Yes No  
— ✓

If your answer to Question 19 is "Yes," then answer Question 20.

If you answered "No" on Question 19, but answered "Yes" to any of Questions 4, 9, 14, 16 OR 18, then skip ahead to Question 24.

If you answered "No" on Question 19, and answered "No" to, or were directed to skip Question 4, Question 9, Question 14, Question 16, AND Question 18, then stop here, answer no further questions, and have the presiding juror sign and date this verdict form.

**QUESTION 20:** Did the potential risks of AMMCO's brake arc grinder present a substantial danger to persons using or misusing the product in an intended or reasonably foreseeable way?

Answer "Yes" or "No"

Yes No

---

— —

If your answer to Question 20 is "Yes," then answer Question 21.

If you answered "No" on Question 20, but answered "Yes" to any of Questions 4, 9, 14, 16 OR 18, then skip ahead to Question 24.

If you answered "No" on Question 20, and answered "No" to, or were directed to skip Question 4, Question 9, Question 14, Question 16, AND Question 18, then stop here, answer no further questions, and have the presiding juror sign and date this verdict form.

**QUESTION 21:** Would ordinary consumers of AMMCO's brake arc grinders not have recognized the potential risks?

Answer "Yes" or "No"

Yes No

— —

If your answer to Question 21 is "Yes," then answer Question 22.

If you answered "No" on Question 21, but answered "Yes" to any of Questions 4, 9, 14, 16 OR 18, then skip ahead to Question 24.

If you answered "No" on Question 21, and answered "No" to, or were directed to skip Question 4, Question 9, Question 14, Question 16, AND Question 18, then stop here, answer no further questions, and have the presiding juror sign and date this verdict form.

**QUESTION 22:** Did AMMCO fail to adequately warn of the potential risks of its brake arc grinder?

Answer "Yes" or "No"

Yes No

— —

If your answer to Question 22 is "Yes," then answer Question 23.

If you answered "No" on Question 23, but answered "Yes" to any of Questions 4, 9, 14, 16 OR 18, then skip ahead to Question 24.

---

If you answered "No" on Question 22, and answered "No" to, or were directed to skip Question 4, Question 9, Question 14, Question 16, AND Question 18, then stop here, answer no further questions, and have the presiding juror sign and date this verdict form.

**QUESTION 23:** Was the lack of sufficient warning a substantial factor in contributing to Plaintiff Donald Knutson risk of developing mesothelioma?

Answer "Yes" or "No"

Yes No

\_\_\_\_ \_

If your answer to Question 23 is "Yes," then answer Question 24.

If you answered "No" on Question 23, but answered "Yes" to any of Questions 4, 9, 14, 16 OR 18, then answer Question 24.

If you answered "No" on Question 23, and answered "No" to, or were directed to skip Question 4, Question 9, Question 14, Question 16, AND Question 18, then stop here, answer no further questions, and have the presiding juror sign and date this verdict form.

**DAMAGES**

**QUESTION 24:** What are Plaintiff (1) Donald Knutson's past non-economic damages, (2) Donald Knutson's future non-economic damages, (3) Leslie Knutson's loss of consortium non-economic damages, (4) Donald Knutson's past economic damages, and (5) Donald Knutson's future economic damages?

Donald Knutson's past non-economic damages \$ \_\_\_\_\_

Donald Knutson's future non-economic damages \$ \_\_\_\_\_

Leslie Knutson's loss of consortium non-economic damages \$ \_\_\_\_\_

Donald Knutson's past economic damages \$ \_\_\_\_\_

Donald Knutson's future economic damages \$ \_\_\_\_\_

Answer the next question.

---



**APPORTIONMENT (the total apportionment percentage must total 100%)**

**QUESTION 25:** Please allocate the percentage of fault to each entity, if any, listed below:

<b>Entity or Product</b>	<b>Allocation</b>
Hennessy/AMMCO	%
<b>Category - Hunters Point</b>	
US Navy	%
Triple A Machine Shop	%
<i>Sub-Category – Pumps</i>	
Northern	%
Peerless	%
Blackmer	%
Goulds	%
Flowserve	%
Aurora	%
Worthington	%
Byron Jackson	%
Gardner Denver	%
Ingersoll Rand	%
DeLaval	%
Buffalo	%
<i>Sub-Category – Turbines</i>	
GE	%
Westinghouse	%
Elliott	%
<i>Sub-Category – Valves</i>	
Edwards	%
Crane	%
<b>Category – Automotive</b>	
ABC Mobile	%
Bendix	%
EIS	%
NAPA (for Rayloc and sales at Sharp Park Auto Parts)	%
Raybestos	%
Rox (for its own branded brakes and as plaintiff's employer)	%
Art's Shell	%
Ted's Shell	%

Kelly Moore (as retailer and for Paco joint compound)	%
Sears	%
Pacifica Lumber	%
Georgia Pacific	%
<b>GRAND TOTAL</b>	100%

Dated: 8/5/13 Signed: [Signature]

PRESIDING JUROR

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

JURY POLL

FILED  
ALAMEDA COUNTY



AUG 08 2018

CASE NAME: Knutson v. , Et Al.

CASE NO. : RG12 644175

POLL REQUESTED BY:  Plaintiff  Defendant

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

Causes	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Juror # 1	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 2	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 3	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 4	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 5	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 6	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 7	(Y) N	(Y) N	Y (N)	Y N	Y (N)	Y N	Y N	Y N	Y N	Y (N)	Y N	Y N	Y N	Y N	Y (N)
Juror # 8	(Y) N	(Y) N	Y (N)	Y N	Y (N)	Y N	Y N	Y N	Y N	Y (N)	Y N	Y N	Y N	Y N	Y (N)
Juror # 9	(Y) N	(Y) N	Y (N)	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 10	(Y) N	Y (N)	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 11	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N
Juror # 12	(Y) N	(Y) N	(Y) N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N	Y N	Y N	Y N	Y N	(Y) N





