

SUPREME COURT OF THE STATE OF NEW YORK  
SEVENTH JUDICIAL DISTRICT

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In Re Seventh Judicial District  
Asbestos Litigation

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SEVENTH JUDICIAL DISTRICT  
ASBESTOS LITIGATION

This Document Applies to:

**JURY VERDICT SHEET**

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF MONROE

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**Index No: E2018007953**

WAYNE W. MEISSNER and  
JILL G. MEISSNER, his spouse,

Plaintiffs,

vs.

RIDGE CONSTRUCTION CORPORATION, et al.,

Defendants.

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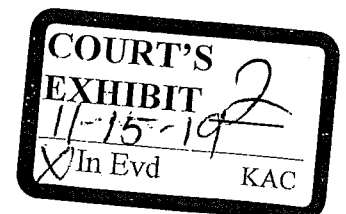
**JURY VERDICT SHEET**

At least FIVE (5) jurors must agree on the answer to each question. It is not necessary, however, that the same five jurors agree on the answer to each question.

Jurors who agree on the answer should sign on the lines following.

If all jurors agree, the foreperson need merely write UNANIMOUS on the first line following the answer.

JURORS, PLEASE NOTE: Answer the following questions in order beginning with Question "1".  
Follow the instructions at the end of each question.



**QUESTION 1: Was Wayne Meissner exposed to asbestos-containing fireproofing installed by employees of Ridge Construction Corporation?**

Yes     X    

No \_\_\_\_\_

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If your answer to **QUESTION 1** is "Yes," proceed to **QUESTION 2**.

If your answer to **QUESTION 1** is "No," proceed no further, sign the Certification on page 11 and report to the court.

**QUESTION 2: Did Ridge Construction Corporation fail to exercise reasonable care in the application of asbestos-containing fireproofing?**

Yes     X    

No \_\_\_\_\_

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If your answer to **QUESTION 2** is "Yes," proceed to **QUESTION 3**.

If your answer to **QUESTION 2** is "No," proceed no further, sign the Certification on page 11 and report to the court.

**QUESTION 3: Was Ridge Construction Corporation's application of fireproofing a substantial factor causing plaintiff Wayne Meissner's malignant mesothelioma?**

Yes   X  

No \_\_\_\_\_

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If your answer to **QUESTION 3** is "Yes," proceed to **QUESTION 4**.

If your answer to **QUESTION 3** is "No," proceed no further, sign the Certification on page 11 and report to the court.

**QUESTION 4: Was defendant Ridge Construction Corporation's actions, which caused plaintiff Wayne Meissner's injuries, taken with reckless disregard for the safety of others?**

Yes   X  

No \_\_\_\_\_

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 5**.

**QUESTION 5: State the amount of your award, if any, for the pain and suffering plaintiff Wayne Meissner has experienced up until the date of your verdict.**

\$ 2.5M

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 6.**

**QUESTION 6: State the amount of your award, if any, for the pain and suffering plaintiff Wayne Meissner will experience from the date of your verdict up until his death.**

\$ 3.0M

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 7.**

**QUESTION 7: If you have made an award in answer to Question #6, state the number of months and/or years over which the award is intended to provide compensation.**

  1   years                        6   months

Five of six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 8.**

**QUESTION 8: Please state the amount of your award, if any, for loss of consortium that Jill Meissner has experienced as a result of Wayne Meissner's illness, from the onset of that illness up until the date of your verdict.**

\$   500,000  

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 9.**

**QUESTION 9:** Please state the amount of your award, if any, for loss of Wayne Meissner's services and society that Jill Meissner will experience in the future as a result of her husband's illness up until his death.

\$ 2.0M

Five of Six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 10.**

**QUESTION 10:** If you have made an award in answer to Question #9, state the number of months and/or years over which the award is intended to provide compensation.

1 years      6 months

Five of six jurors must agree on this answer.

UNANIMOUS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proceed to **QUESTION 11.**

**QUESTION 11: Was plaintiff Wayne Meissner exposed to asbestos from the use of a product manufactured, sold or supplied by any of the following companies?**

COMPANY		YES	NO	VOTE (5/6 MUST AGREE)
U.S Gypsum	Joint compound	X		
Johns Manville	Asbestos insulation and pipe covering <i>BY ANULETS</i>	X		
Niagara Asbestos	Supplier	X		
Rochester Industrial Insulation	Supplier	X		
W.R. Grace	Fireproofing	X		
Owens Corning Fiberglas Corporation	pipe covering		X	

UNANIMOUS

If you answered "No" to QUESTION 11 for any company, strike that company from the list for QUESTIONS 12, 13, and 14.

Proceed to QUESTION 12.

**QUESTION 12: Were any of the following companies negligent in manufacturing, selling or supplying a product that contained or utilized asbestos without adequate warning?**

COMPANY	YES	NO	VOTE (5/6 MUST AGREE)
U.S Gypsum	X		
Johns Manville	X		
Niagara Asbestos	X		
Rochester Industrial Insulation	X		
W.R. Grace	X		
<del>Owens Corning Fiberglas Corporation</del>		X	

UNANIMOUS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If you answered "No" to **QUESTION 12** for any company, strike that company from the list for **QUESTIONS 13 and 14.**

Proceed to **QUESTION 13.**



**QUESTION 13: Was the negligence of any of the following companies a substantial factor in causing injury to plaintiff Wayne Meissner?**

<b>COMPANY</b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>VOTE (5/6 MUST AGREE)</u></b>
U.S Gypsum	X		
Johns Manville	X		
<del>Niagara Asbestos</del>		X	
<del>Rochester Industrial Insulation</del>		X	
W.R. Grace	X		
<del>Owens Corning Fiberglas Corporation</del>		X	

UNANIMOUS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you answered "No" to **QUESTION 13** for any company, strike that company from the list for **QUESTION 14**.

Proceed to **QUESTION 14**.

**QUESTION 14: List the percentage of fault as to any company whose name has not been crossed out in accordance with the above instructions. The total must be 100%.**

<u>COMPANY</u>	<u>Percent Fault</u>	<u>VOTE (5/6 MUST AGREE)</u>
U.S Gypsum	5 %	
Johns Manville	5 %	
Niagara Asbestos	0 %	
Rochester Industrial Insulation	0 %	
W.R. Grace	10 %	
Owens Corning Fiberglas Corporation	0 %	
Ridge Construction Corporation	80 %	

**Total must be 100%**

UNANIMOUS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Sign the Certification on the next page and report your verdict to the Court.**

**CERTIFICATION**

We the undersigned jurors in this action, concur and answer the above questions in accordance with the instruction of the court, and report our verdict as stated above. At least five (5) jurors have agreed on the answer to each question.

1. John V. Romagnola
2. [Signature]
3. William Prince
4. James M. Withy
5. J. Ritzenthaler
6. Allen M<sup>c</sup>Clery

Dated: 11/15/2019  
(The date of the verdict)  
Rochester, New York

**Report to the Court.**