SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

ALVARINO F. DASILVA and DIANNA J. DASILVA,

Plaintiffs,

vs.

ARVINMERITOR, INC., et al.,

Defendants.

Case No. 23CV036124

VERDICT FORM

Complaint Filed: June 15, 2023
FAC Filed: September 15, 2023
Trial Date: December 2, 2024

We, the jury in the above-entitled action, find the jury verdict on the questions submitted to us as follows:

GENERAL

QUESTION NO. 1: Did Alvarino DaSilva live in the same household as Joe Silva during a time that Joe Silva came into contact with asbestos-containing cement pipe sold or supplied by P.E. O'Hair?

Yes _____ No ✓

Irrespective of your answer, answer the next question.

STRICT LIABILITY – DESIGN DEFECT

QUESTION NO. 2: Did P.E. O'Hair's asbestos cement pipe fail to perform as safely as an ordinary consumer would have expected when used or misused in an intended or reasonably foreseeable way?

Yes _____ No ✓

If YES, answer the next question. If NO, go to question 4.

QUESTION NO. 3: Was the failure of P.E. O'Hair's asbestos cement pipe to perform safely a substantial factor in causing Alvarino DaSilva's mesothelioma?

Yes _____ No _____

Answer the next question.

STRICT LIABILITY – FAILURE TO WARN

QUESTION NO. 4: Did P.E. O'Hair's asbestos-cement pipe 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 distribution or sale?

Yes ✓ No _____

If YES, answer the next question. If NO, go to question 9.

QUESTION NO. 5: Did the potential risks of present a substantial danger to persons using or misusing P.E. O'Hair's asbestos cement pipe in an intended or reasonably foreseeable way??

Yes ✓ No _____

If YES, answer the next question. If NO, go to question 9.

QUESTION NO. 6: Would ordinary consumers have recognized the potential risks?

Yes ✓ No _____

If NO, answer the next question. If YES, go to question 9.

QUESTION NO. 7: Did P.E. O'Hair fail to adequately warn of the potential risks?

Yes _____ No _____

If YES, answer the next question. If NO, go to question 9.

QUESTION NO. 8: Was the lack of sufficient warnings a substantial factor in causing Alvarino DaSilva's mesothelioma?

Yes _____ No _____

Answer the next question.

NEGLIGENCE

QUESTION NO. 9: Was P.E. O'Hair negligent supplying the asbestos-cement pipe?

Yes _____ No ✓

If YES, answer the next question. If NO, go to question 11.

QUESTION NO. 10: Was P.E. O'Hair's negligence a substantial factor in causing Alvarino DaSilva's mesothelioma?

Yes _____ No _____

Answer the next question.

NEGLIGENCE – FAILURE TO WARN

QUESTION NO. 11: Did P.E. O'Hair know or should it reasonably have known that the asbestos-cement pipe was dangerous or was likely to be dangerous when used or misused in a reasonably foreseeable manner?

Yes ✓ No _____

If YES, answer the next question. If NO, go to question 16.

QUESTION NO. 12: Did P.E. O'Hair know or should it reasonably have known that users would not realize the danger?

Yes ✓ No _____

If YES, answer the next question. If NO, go to question 16.

QUESTION NO. 13: Did P.E. O'Hair fail to adequately warn of the danger of the asbestos-cement pipe?

Yes ✓ No _____

If YES, answer the next question. If NO, go to question 16.

QUESTION NO. 14: Would a reasonable supplier under the same or similar circumstances have warned of the danger of the asbestos-cement pipe?

Yes ✓ No _____

If YES, answer the next question. If NO, go to question 16.

QUESTION NO. 15: Was P.E. O'Hair's failure to warn a substantial factor in causing Alvarino DaSilva's mesothelioma?

Yes _____ No ✓

If you answered YES to questions 8 or 15, answer the next question. If you answered NO or did not answer questions 8 and 15 and you answered YES to questions 3 or 10, answer question 19. If you answered NO or did not answer questions 3, 8, 10, and 15, the presiding juror should sign and date this form and return it to the Court Attendant.

AFFIRMATIVE DEFENSE – SOPHISTICATED INTERMEDIARY

QUESTION NO. 16: Did P.E. O'Hair sell asbestos cement pipe to Don Chapin?

Yes _____ No _____

If YES, answer the next question. If NO, go to question 19.

QUESTION NO. 17: Did P.E. O'Hair know that Don Chapin was aware of, or should have been aware of, the particular risks of asbestos cement pipe?

Yes _____ No _____

If YES, answer the next question. If NO, go to question 19.

QUESTION NO. 18: Did P.E. O'Hair actually and reasonably rely on Don Chapin to convey adequate warnings of the particular risks in the use of asbestos cement pipe to those who, like Joe Silva, might encounter the risk of asbestos cement pipe?

Yes _____ No _____

If you answered NO to question 18 answer the next question. If you answered YES to question 18 and answered NO or did not answer questions 3 and 10, the presiding juror should sign and date this form and return it to the Court Attendant.

DAMAGES

QUESTION NO. 19: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's economic damages for his past medical expenses?

$_____

Answer the next question.

QUESTION NO. 20: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's economic damages for his future medical expenses?

$_____

Answer the next question.

QUESTION NO. 21: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's economic damages for the present value of his future income loss?

$_____

Answer the next question.

QUESTION NO. 22: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's economic damages for past and future household services?

$_____

Answer the next question.

QUESTION NO. 23: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's non-economic damages?

A. Past physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, and emotional distress, loss of enjoyment of life, and humiliation: $_____

B. Future physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, grief anxiety, and emotional distress, loss of enjoyment of life, and humiliation: $_____

QUESTION NO. 24: As a result of his mesothelioma, what is the total amount of Dianna DaSilva's loss of consortium damages? $_____

Answer the next question.

APPORTIONMENT

QUESTION NO. 25: If 100% represents the total responsibility that was the cause of Alvarino DaSilva's mesothelioma, what percentage of responsibility, if any, do you assign to each the following:

P.E. O'Hair	_____%
J-M transite pipe	_____%
Don Chapin	_____%
Friebel Trucking	_____%
Gold Bond Talc Powder	_____%
Johnson & Johnson Shower to Shower Talc Powder	_____%
Bendix brakes	_____%
NAPA Rayloc brakes	_____%
Ford brakes	_____%
Wizard brakes	_____%
EIS brakes	_____%
Paco joint compound	_____%
Hamilton joint compound	_____%
	100%

MALICE AND OPPRESSION

QUESTION NO. 26: Is there clear and convincing evidence that P.E. O'Hair acted with malice or oppression in the conduct upon which you base your finding of liability?

Yes _____ No _____

If YES, answer the next question. If NO, the presiding juror should sign and date this form and return it to the Court Attendant.

QUESTION NO.27: Do you find by clear and convincing evidence that the conduct constituting malice or oppression was committed, authorized, or ratified by one or more officers, directors, or managing agents of P.E. O'Hair, acting on behalf of P.E. O'Hair?

Yes _____ No _____

The presiding juror should sign and date this form and return it to the Court Attendant.

Dated: 06/20/2025

Signed: Stefan Vogel

PRESIDING JUROR