FILED ALAMEDA COUNTY JUN 20 2025

June 15, 2023

September 15, 2023

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

ALVARINO F. DASILVA and DIANNA J. DASILVA,	Case No. 23CV036124 VERDICT FORM
Plaintiffs,	
vs.	9
ARVINMERITOR, INC., et al.,	
Defendants.	Complaint Filed: Jun- FAC Filed: Sep

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	7. 1 : Did Alvarino DaSilva liv	e in the same ho	usehold as Joe Si	lva during a time that
Joe Silva came into	contact with asbestos-conta	ining cement pip	e sold or supplie	ed by P.E. O'Hair?
37	NI V			

Yes _____ No ____

Irrespective of your answer, answer the next question.

1	STRICT LIABILITY – DESIGN DEFECT
2	QUESTION NO. 2: Did P.E. O'Hair's asbestos cement pipe fail to perform as safely as an ordinary
3	consumer would have expected when used or misused in an intended or reasonably foreseeable way?
4	Yes No
5	If YES, answer the next question. If NO, go to question 4.
6	
7	QUESTION NO. 3: Was the failure of P.E. O'Hair's asbestos cement pipe to perform safely a
8	substantial factor in causing Alvarino DaSilva's mesothelioma?
9	Yes No
10	Answer the next question.
11	
12	STRICT LIABILITY - FAILURE TO WARN
13	QUESTION NO. 4: Did P.E. O'Hair's asbestos-cement pipe have potential risks that were known or
14	knowable in light of the scientific and medical knowledge that was generally accepted in the scientific
15	community at the time of distribution or sale?
16	Yes No
17	If YES, answer the next question. If NO, go to question 9.
18	
19	QUESTION NO. 5: Did the potential risks of present a substantial danger to persons using or
20	misusing P.E. O'Hair's asbestos cement pipe in an intended or reasonably foreseeable way??
21	Yes No
22	If YES, answer the next question. If NO, go to question 9.
23	
24	QUESTION NO. 6: Would ordinary consumers have recognized the potential risks?
25	Yes No
26	If NO, answer the next question. If YES, go to question 9.
27	
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1	QUESTION NO. 7: Did P.E. O'Hair fail to adequately warn of the potential risks?
2	Yes No
3	If YES, answer the next question. If NO, go to question 9.
4	
5	QUESTION NO. 8: Was the lack of sufficient warnings a substantial factor in causing Alvarino
6	DaSilva's mesothelioma?
7	Yes No
8	Answer the next question.
9	
10	<u>NEGLIGENCE</u>
11	QUESTION NO. 9: Was P.E. O'Hair negligent supplying the asbestos-cement pipe?
12	Yes No
13	If YES, answer the next question. If NO, go to question 11.
14	
15	QUESTION NO. 10: Was P.E. O'Hair's negligence a substantial factor in causing Alvarino DaSilva's
16	mesothelioma?
17	Yes No
18	Answer the next question.
19	
20	NEGLIGENCE - FAILURE TO WARN
21	QUESTION NO. 11: Did P.E. O'Hair know or should it reasonably have known that the asbestos-
22	cement pipe was dangerous or was likely to be dangerous when used or misused in a reasonably
23	foreseeable manner?
24	Yes No
25	If YES, answer the next question. If NO, go to question 16.
26	
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1	QUESTION NO. 12: Did P.E. O'Hair know or should it reasonably have known that users would no
2	realize the danger?
3	Yes No
4	If YES, answer the next question. If NO, go to question 16.
5	
6	QUESTION NO. 13: Did P.E. O'Hair fail to adequately warn of the danger of the asbestos-cement
7	pipe?
8	Yes No
9	If YES, answer the next question. If NO, go to question 16.
10	
11	QUESTION NO. 14: Would a reasonable supplier under the same or similar circumstances have
12	warned of the danger of the asbestos-cement pipe?
13	Yes No
14	If YES, answer the next question. If NO, go to question 16.
15	
16	QUESTION NO. 15: Was P.E. O'Hair's failure to warn a substantial factor in causing Alvarino
17	DaSilva's mesothelioma?
18	Yes No
19	If you answered YES to questions 8 or 15, answer the next question. If you answered NO or
20	did not answer questions 8 and 15 and you answered YES to questions 3 or 10, answer question 19. If
21	you answered NO or did not answer questions 3, 8, 10, and 15, the presiding juror should sign and date
22	this form and return it to the Court Attendant.
23	
24	AFFIRMATIVE DEFENSE - SOPHISTICATED INTERMEDIARY
25	QUESTION NO. 16: Did P.E. O'Hair sell asbestos cement pipe to Don Chapin?
26	Yes No
27	If YES, answer the next question. If NO, go to question 19.
8	

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2	QUESTION NO. 17: Did P.E. O'Hair know that Don Chapin was aware of, or should have been		
3	aware of, the particular risks of asbestos cement pipe?		
4	Yes No		
5	If YES, answer the next question. If NO, go to question 19.		
6			
7	QUESTION NO. 18: Did P.E. O'Hair actually and reasonably rely on Don Chapin to convey adequate		
8	warnings of the particular risks in the use of asbestos cement pipe to those who, like Joe Silva, might		
9	encounter the risk of asbestos cement pipe?		
10	Yes No		
11	If you answered NO to question 18 answer the next question. If you answered YES to question		
12	18 and answered NO or did not answer questions 3 and 10, the presiding juror should sign and date this		
13	form and return it to the Court Attendant.		
14			
15	<u>DAMAGES</u>		
16			
17	QUESTION NO. 19: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's		
18	economic damages for his past medical expenses?		
19	\$		
20	Answer the next question.		
21			
22			
23	QUESTION NO. 20: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva's		
24	economic damages for his future medical expenses?		
25	\$		
26	Answer the next question.		
27			
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1.	VERDICT FORM		

1	QUESTION NO. 21: As a result of his mesothelioma, what is the total amount of Alvarino DaSilva'		
2	economic damages for the present value of his future income loss?		
3			\$
4	Answer t	the next question.	
5			
6			
7	QUESTION N	O. 22: As a result of his r	mesothelioma, what is the total amount of Alvarino DaSilva's
8	economic damag	es for past and future hou	asehold services?
9			\$
10	Answer th	he next question.	
11			
12	QUESTION N	O. 23: As a result of his m	nesothelioma, what is the total amount of Alvarino DaSilva's
13	non-economic da	ımages?	
14	A. Pa	ast physical pain, mental s	suffering, loss of enjoyment of life, physical impairment,
15	in	convenience, grief, anxiet	y, and emotional distress, loss of enjoyment of life, and
16	h	umiliation:	\$
17			
18	B. Fu	uture physical pain, menta	al suffering, loss of enjoyment of life, physical impairment,
19	in	convenience, grief anxiety	y, and emotional distress, loss of enjoyment of life, and
20	hu	amiliation:	\$
21			
22			
23	QUESTION NO	O. 24: As a result of his m	nesothelioma, what is the total amount of Dianna DaSilva's
24	loss of consortiun	n damages?	\$
25			
26	Answer the next of	question.	
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1	APPORTIONME	<u>NT</u>	
2	QUESTION NO. 25: If 100% represents the total responsibility that was the cause of Alvarino		
3	DaSilva's mesothelioma, what percentage of responsibility, if any, do you assign to each the following:		
4	P.E. O'Hair		
5	J-M transite pipe		
6	Don Chapin		
7	Friebel Trucking		
8	Gold Bond Talc Powder		
9	Johnson & Johnson Shower to Shower Talc Powder		
10	Bendix brakes		
11	NAPA Rayloc brakes		
12	Ford brakes		
13	Wizard brakes		
14	EIS brakes		
15	Paco joint compound		
16	Hamilton joint compound		
17		<u>100</u> %	
18			
19			
20			
21	MALICE AND OPPRE	ESSION	
22	QUESTION NO. 26: Is there clear and convincing evidence	e that P.E. O'Hair acted with malice or	
23	oppression in the conduct upon which you base your finding	of liability?	
24	Yes No		
25	If YES, answer the next question. If NO, the presiding juror	should sign and date this form and return i	
26	to the Court Attendant.		
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1	QUESTION NO.27: Do you find by clear and convincing evidence that the conduct constituting
2	malice or oppression was committed, authorized, or ratified by one or more officers, directors, or
3	managing agents of P.E. O'Hair, acting on behalf of P.E. O'Hair?
4	Yes No
5	
6	
7	The presiding juror should sign and date this form and return it to the Court Attendant.
8	
9	20/20/2007
10	Dated: 06/20/2025 Signed: Stefan Vogsbary
11	PRESIDING JUROR
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