

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

AUG 29 2018

David J. Bradley, Clerk

JOSE LEOS-ORTIZ,
Plaintiff

)
)

Civil Action No.

VS.

)
)

M-11-158

FORD MOTOR COMPANY,
Defendant

)
)

VERDICT FORM

We, the Jury, unanimously answer the following questions:

QUESTION 1:

Was there a design defect in the 1999 Ford Explorer in question at the time it left the possession of Ford Motor Company that was a producing cause of the injury in question?

A "design defect" is a condition of the product that renders it unreasonably dangerous as designed, taking into consideration the utility of the product and the risk involved in its use. For a design defect to exist there must have been a safer alternative design.

"Safer alternative design" means a product design other than the one actually used that in reasonable probability:

- (1) would have prevented or significantly reduced the risk of the injury in question without substantially impairing the product's utility; and
- (2) was economically and technologically feasible at the time the product left the control of Ford Motor Company by the application of existing or reasonably achievable scientific knowledge.

"Producing cause" means a cause that was a substantial factor in bringing about the injury, and without which the injury would not have occurred. There may be more than one producing cause.

Answer "Yes" or "No."

Answer: YES

If you answered "No" to Question 1, then do not answer any more questions. Go to the end of this verdict form and have the foreperson sign and date the form. Otherwise, proceed to Question 2.

QUESTION 2:

Did the negligence, if any, of Jose Leos-Ortiz proximately cause the injury in question?

"Negligence," means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary care" means that degree of care that person of ordinary prudence would use under the same or similar circumstances.

"Proximate cause" means a cause that was a substantial factor in bringing about an occurrence, and without which cause such occurrence would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Answer "Yes" or "No."

Answer: YES

If you answered "Yes" to Question 2, then answer the following question. Otherwise, proceed to Question 4.

QUESTION 3:

Assign percentages of responsibility only to those you found caused or contributed to cause the injury. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to a party or product is not necessarily measured by the number of acts, omissions, or product defects found.

For each person or product you found caused or contributed to cause the injury, find the percentage of responsibility attributable to each:

a. The 1999 Ford Explorer:	<u>90</u>	%
b. Jose Leos-Ortiz:	<u>10</u>	%
Total:		100%

Answer Question 4 if you answered "Yes" to Question 1 and answered:

(1) "No" to Question 2, or

(2) 50% or less for Jose Leos-Ortiz to Question 3.

Otherwise, do not answer Question 4.

QUESTION 4:

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff Jose Leos-Ortiz for his injuries that resulted from the occurrence in question?

Consider the elements of damages listed below and none other:

1. Physical pain and mental anguish
2. Loss of earning capacity
3. Physical disfigurement
4. Physical impairment
5. Medical care expenses

Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Do not reduce the amounts, if any, in your answers because of the negligence, if any, of Jose Leos-Ortiz. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer separately, in dollars and cents, for damages, if any, that-

Were sustained in the past

Answer: \$ 3,300,000.

In reasonable probability will be sustained in the future.

Answer: \$ 1,500,001

We, the jury, have answered the above and foregoing questions as herein indicated, and herewith return same into Court as our verdict.

Foreperson J

29th AUG. '18

Date