

Original

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

IVON TOE, individually and as Next)
Friend of YANFOR WRIGHT, NYANSA)
WRIGHT, RICHMOND WRIGHT and)
PAULEEN TOE, minors; ACHOL DENG)
MAWIEN; SEKOU JAI, individually and)
as Next Friend of HASSAN JAI, a minor;)
JALAH NAYOU individually and as Next)
Friend of SUNDAY NAYOU, GEE)
NAYOU and ISAIH NAYOU, minors;)
EVELYN NAYOU; JOSEPHINE COLE,)
individually and as Next Friend of)
HOMPHREY VANIE and VANESSA)
VANIE, minors; and THE ESTATE OF)
ASSATA KARLAR by its Administrator)
GAYE KARLAR and GAYE KARLAR,)
individually and as Father and Next Friend)
of TARLEY KARLAR, ESTER)
KARLAR, NIONBIAO KARLAR,)
KULEY KARLAR and LOVETTA)
KARLAR, minor children of ASSATA)
KARLAR,)

Plaintiffs,)

v.)

COOPER TIRE AND RUBBER)
COMPANY,)

Defendant.)

COOPER TIRE AND RUBBER)
COMPANY,)

Third-Party Plaintiff,)

v.)

ALFRED LANG,)

Third-Party Defendant.)

Case No. LACL.106914

RETURN OF VERDICT FORM

COOPER TIRE AND RUBBER)
COMPANY,)
)
Counterclaim Plaintiff,)
v.)
)
ACHOL DENG MAWIEN,)
)
Counterclaim Defendant.)
)

I am giving you one verdict forms including special interrogatories. During the first six hours of deliberations, excluding meals and recesses outside your jury room, your decision must be unanimous. If you all agree, the verdict and interrogatories must be signed by your foreman or forewoman.

After deliberating for six hours from 9:00 o'clock 11.m. excluding meals or recesses outside your jury room, then it is necessary that only seven of you agree upon the answers to the questions. In that case, the verdict and interrogatories must be signed by all seven jurors who agree.

When you have agreed upon the verdict and interrogatories and appropriately signed it, tell the Court Attendant.

On Plaintiffs' claims against Defendant Cooper Tire we find the following verdict on the questions submitted to us:

Question No. 1: Was Defendant Cooper Tire at fault?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," do not answer any further questions, and sign and return the verdict form to the Court.]

Question No. 2: Was the fault of Defendant Cooper Tire a proximate cause of the accident and damage to any of the Plaintiffs?

Answer "yes" or "no."

ANSWER: Yes

[If your answer is "no," do not answer any further questions, and sign and return the verdict form to the Court.]

Question No. 3: Did the tire designed and manufactured by Defendant Cooper Tire comply with the state-of-the-art at the time it was designed and manufactured?

Answer "yes" or "no."

ANSWER: No

[If your answer is "yes," do not answer any further questions, and sign and return the verdict form to the Court.]

Question No. 4: [Answer only if you have answered both Questions Nos. 1 and 2 "yes," and have answered Question No. 3 "no."] Was Third-Party Defendant Alfred Lang at fault?

Answer "yes" or "no."

ANSWER: No

[If your answer is "no," do not answer Question No. 5.]

Question No. 5: Was the fault of Defendant Third-Party Defendant Alfred Lang a proximate cause of the accident and damage to any of the Plaintiffs?

Answer "yes" or "no."

ANSWER: _____

[If your answer to either Question No. 4 or No. 5 is "no," then you shall not assign any fault to Third-Party Defendant Alfred Lang.]

Question No. 6: Was Plaintiff/Counterclaim Defendant Achol Mawien at fault?

Answer "yes" or "no."

ANSWER: No

[If your answer is "no," do not answer Question No. 7.]

Question No. 7: Was the fault of Plaintiff/Counterclaim Defendant Achol Mawien a proximate cause of the accident and damage to any Plaintiff?

Answer "yes" or "no."

ANSWER: _____

[If your answer to either Question No. 6 or No. 7 is "no," then you shall not assign any fault to Plaintiff Achol Mawien.]

Question No. 8: What percentage of the total fault do you attribute to Defendant Cooper Tire, Third-Party Defendant Alfred Lang and Plaintiff/Counterclaim Defendant Achol Mawien? The percentages must total 100%.

If you previously found that a party was not at fault or such fault was not a proximate cause of the accident and damage to any Plaintiff, then enter "zero" after that party's name.

ANSWER:

Defendant Cooper Tire:	<u>100</u> %
Third-Party Defendant Alfred Lang	<u>0</u> %
Plaintiff/Counterclaim Defendant Achol Mawien	<u>0</u> %
TOTAL:	100 %

Question No. 9: State the amount of damages sustained by each Plaintiff below proximately caused by fault any or all of the Defendants as to each of the following items of damage. Do not take into consideration any reduction of damages due to fault. If a Plaintiff has failed to prove any item of damage, or has failed to prove that any item of damage was proximately caused by these parties enter "zero" for that item.

A. Plaintiff IVON TOE

1. Past Medical Expenses:	\$ <u>272,410.00</u>
2. Future Medical Expenses:	\$ <u>24,544,375.00</u>
3. Past Pain and Suffering:	\$ <u>1,000,000.00</u>
4. Future Pain and Suffering:	\$ <u>250,000.00</u>
5. Past Loss of Use of Body:	\$ <u>250,000.00</u>
6. Future Loss of Use of Body:	\$ <u>1,500,000.00</u>
7. Past Loss Income:	\$ <u>55,678.00</u>
8. Future Loss of Income:	\$ <u>550,000.00</u>
TOTAL (add the separate items of damage)	\$ <u>28,422,463.00</u>

What amount of the total damage award, if any, is for loss of parental consortium for each of Ivon Toe's children:

1. Richmond Wright:	\$ <u>30,000.00</u>
2. Pauline Toe:	\$ <u>35,000.00</u>

B. Plaintiff ACHOL DENG MAWIEN

1. Past Medical Expenses:	\$ <u>4,705.46</u>
2. Past Pain and Suffering:	\$ <u>30,000.00</u>
3. Future Pain and Suffering:	\$ <u>5,000.00</u>
4. Past Loss of Use of Body:	\$ <u>10,000.00</u>
TOTAL (add the separate items of damage)	\$ <u>49,705.46</u>

C. Plaintiff SEKOU JAI

1. Past Medical Expenses:	\$ <u>20,267.12</u>
2. Past Pain and Suffering:	\$ <u>10,000.00</u>
3. Future Pain and Suffering:	\$ <u>0.00</u>
4. Past Loss of Use of Body:	\$ <u>0.00</u>
5. Future Loss of Use of Body:	\$ <u>0.00</u>
TOTAL (add the separate items of damage)	\$ <u>30,267.12</u>

D. Plaintiff JAILAH NAYOU

1. Past Medical Expenses:	\$	<u>27,980.28</u>
2. Past Pain and Suffering:	\$	<u>120,000.00</u>
3. Future Pain and Suffering:	\$	<u>25,000.00</u>
4. Past Loss of Use of Body:	\$	<u>50,000.00</u>
5. Future Loss of Use of Body:	\$	<u>30,000.00</u>
6. Past Loss Income:	\$	<u>57,200.00</u>
7. Future Loss of Income:	\$	<u>100,000.00</u>
TOTAL (add the separate items of damage)	\$	<u>410,180.28</u>

What amount of the total damage award, if any, is for loss of spousal consortium to Evelyn Nayou:

1. Loss of spousal consortium	\$	<u>5,000.00</u>
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What amount of the total damage award, if any, is for loss of parental consortium for Jalah Nayou's children:

1. Sunday Nayou:	\$	<u>2,000.00</u>
2. Gee Nayou:	\$	<u>2,000.00</u>
3. Ishaih Nayou:	\$	<u>2,000.00</u>
4. Evelyn Nayou:	\$	<u> </u>

Plaintiff JOSEPHINE COLE

1. Past Medical Expenses:	\$	<u>45,731.91</u>
2. Past Pain and Suffering:	\$	<u>120,000.00</u>
3. Future Pain and Suffering:	\$	<u>30,000.00</u>
4. Past Loss of Use of Body:	\$	<u>30,000.00</u>
5. Future Loss of Use of Body:	\$	<u> 0.00</u>
TOTAL (add the separate items of damage)	\$	<u>225,731.91</u>

Plaintiff ESTATE OF ASSATA KARLAR

1. Past Loss of Income:	\$	<u>39,000.00</u>
2. Future Loss of Income:	\$	<u>400,000.00</u>
3. Loss of value of Household Services:	\$	<u>210,000.00</u>
TOTAL (add the separate items of damage)	\$	<u>649,000.00</u>

What amount of the total damage award, if any, is for loss of spousal consortium to Gaye Karlar:

1. Loss of spousal consortium	\$	<u>420,000.00</u>
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What amount of the total damage award, if any, is for loss of parental consortium for Assata Karlar's children:

1. Tarley Karlar:	\$	<u>172,800.00</u>
2. Ester Karlar:	\$	<u>216,000.00</u>
3. Nionbaio Karlar:	\$	<u>244,800.00</u>
4. Kuley Karlar:	\$	<u>144,000.00</u>
5. Lovetta Karlar:	\$	<u>288,000.00</u>

FOREPERSON

* To be signed only if verdict is unanimous.

David Jones
Juror**

Vincent Mena
Juror**

Janifer Russo
Juror**

David P. Hanz
Juror**

Stephanie Brungardt
Juror**

David Ruppier
Juror**

Albert J. Young
Juror**

** To be signed by the jurors agreeing to it after six hours or more of deliberation.

SPECIAL INTERROGATORIES CONCERNING PUNITIVE DAMAGES

Question No. 1: Do you find by a preponderance of clear, convincing and satisfactory evidence the conduct of the defendant Cooper Tire constituted willful and wanton disregard for the rights or safety of another?

Answer "Yes" or "No"

ANSWER: Yes

[If your answer to Question No. 1 is "No" do not answer Question Nos. 2 and 3]

Question No. 2: What amount of punitive damages, if any, do you award?

ANSWER: \$ 1,500,000.00

[If your answer to Question No. 2 is "None" do not answer Question No. 3]

Question No. 3: Was the conduct of the defendant directed specifically at any of the plaintiffs?

Answer "Yes" or "No"

ANSWER: No

FOREPERSON

* To be signed only if verdict is unanimous.

Don J. Jura

Juror**

John M. ...

Juror**

Janice Russo

Juror**

David B. Haug

Juror**

Stephanie Brungardt

Juror**

David Ruppert

Juror**

Albert J. ...

Juror**

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