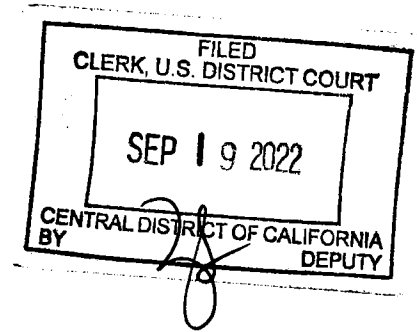


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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TERRI FREEMAN et al,
Plaintiffs,
v.
ETHICON, INC., et al.,
Defendants.

Case No.: 2:20-cv-10661-CBM-SK

COURT'S VERDICT FORM

***REDACTED AS TO
FOREPERSON SIGNATURE***

WE, THE JURY, unanimously find as follows:

Section I – Negligent Design

1. Did Plaintiff prove that Ethicon/Johnson & Johnson negligently designed the Prolift+M device?

Yes

No

_____ **X** _____

If you answered No to Question 1, then skip to Section II. If you answered Yes, then proceed to Question 2.

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2. Did Plaintiff prove that Ethicon/Johnson & Johnson’s negligence in designing the Prolift+M device were a substantial factor in causing her harm?

Yes No

Proceed to Section II.

Section II – Strict Liability Failure to Warn

3. Did Plaintiff prove that Ethicon/Johnson & Johnson did not adequately warn physicians of the potential risks associated with the Prolift+M device?

Yes No
_____ X_____

If you answered No to Question 3, then skip to Section III. If you answered Yes to Question 3, then proceed to Question 4.

4. Did Plaintiff prove that Ethicon/Johnson & Johnson’s failure to adequately warn of the potential risks associated with the Prolift+M device was a substantial factor in causing her injuries?

Yes No

Proceed to Section III.

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Section III – Breach of Express Warranty

5. Did Plaintiff prove that Ethicon/Johnson & Johnson (1) (either: (a) gave Terri Freeman, through Dr. Easter, a written warranty or, (b), made a statement of fact received by Dr. Easter about the Prolift+M) and (2) the Prolift+M did not perform as stated?

Yes No
_____ X _____

If you answered No to Question 5, then skip to Section V. If you answered Yes to Question 5, then proceed to Question 6.

6. Did Plaintiff prove that the failure of the Prolift+M to be as represented proximately caused Terri Freeman’s harm?

Yes No
_____ _____

Continue to Section IV.

Section IV – Affirmative Defenses to Breach of Express Warranty

7. Did Ethicon/Johnson & Johnson prove that, by words or conduct, they limited their representations regarding the Prolift+M device?

Yes No
_____ _____

1 *Continue to Question 8.*

2

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4 8. Did Ethicon/Johnson & Johnson prove that the Prolift+M device cannot be
5 made completely safe for its intended use and was accompanied by
6 appropriate warnings regarding its risks?

7

Yes

No

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11 *Continue to Section V.*

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Section V – Loss of Consortium

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ONLY complete Section V if you answered Yes to Question 2, 4, or 6.

15

*If you did not answer Yes to Question 2, 4 or 6, then STOP, answer no further
16 questions and have the presiding juror sign and date this form.*

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9. Did Plaintiff Earl Freeman prove a loss of consortium that is proximately
19 caused by Ethicon/Johnson & Johnson?

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Yes

No

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23 *Continue to Section VI.*

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Section VI – Compensatory Damages (Terri Freeman)

*ONLY complete this Section if you answered Yes to Question 2, 4, or 6.
If you did not answer Yes to Question 2, 4, or 6 then STOP, answer no further questions and have the presiding juror sign and date this form.*

10. What amount of money would fairly and reasonably compensate Plaintiff Terri Freeman for the injuries she sustained as a result of Ethicon/Johnson & Johnson’s wrongful conduct?

\$ _____

Continue to Section VII.

Section VII – Compensatory Damages (Earl Freeman)

ONLY complete this Section if you answered Yes to Question 9.

11. What amount of money would fairly and reasonably compensate Plaintiff Earl Freeman for his loss of consortium, if any?

\$ _____

Please date and sign below and return this verdict form to the Court.

DATED: 9-19-2022

JS/

FOREPERSON

After this verdict form has been signed, notify the Courtroom Deputy that you are ready to present your verdict in the courtroom.