

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA **FILED**

**MAR 16 2022**

JUDITH A. SHEARS, and  
GARY F. SHEARS, JR.,

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

Plaintiffs,

Civil Action No. 1:20CV264  
(Judge Keeley)

ETHICON, INC., and  
JOHNSON & JOHNSON,

Defendants.

VERDICT FORM

**Section I - Negligent Design**

1. Did the Plaintiffs prove, by a greater weight of the evidence, that the Defendants negligently designed the TVT?

Yes \_\_\_ No

If you answered YES, then proceed to Question 2. If you answered NO, stop your deliberations, have your foreperson sign the verdict form, and return this verdict form to the Court.

2. Did the Plaintiffs prove, by a greater weight of the evidence, that the TVT was defective?

Yes \_\_\_ No \_\_\_

**SHEARS v. ETHICON, INC.**

**1:20CV264**

**VERDICT FORM**

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If you answered YES, then proceed to Question 3. If you answered NO, stop your deliberations, have your foreperson sign the verdict form, and return this verdict form to the Court.

3. Did the Plaintiffs prove, by a greater weight of the evidence, that a defect in the TVT's design proximately caused the Plaintiff, Judith Shears', injuries?

Yes \_\_\_ No \_\_\_

If you answered YES, then proceed to Question 4. If you answered NO, stop your deliberations, have your foreperson sign the verdict form, and return this verdict form to the Court.

**Section II - Assumption of Risk**

4. Was Judith Shears at fault for voluntarily assuming the risk of injury caused by the Defendants' negligence?

Yes \_\_\_ No \_\_\_

If you answered YES, then proceed to Question 5. If you answered NO, then proceed to Question 7.

**SHEARS v. ETHICON, INC.**

**1:20CV264**

**VERDICT FORM**

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5. Did Judith Shears' fault in voluntarily assuming the risk of injury exceed the fault due to the negligence of the Defendants?

Yes \_\_\_ No \_\_\_

If you answered YES, stop your deliberations, have your foreperson sign the verdict form, and return this verdict form to the Court. If you answered NO, then proceed to Question 6.

6. What percentage of fault do you assign to Judith Shears?

\_\_\_%

Proceed to Question 7.

**Section III - Damages for Judith Shears**

7. State separately the amount of compensatory damages that you find fairly and adequately compensates the Plaintiff, Judith Shears for:

(a) Past physical pain and bodily injuries proven to a reasonable probability:

\$ \_\_\_\_\_

**SHEARS v. ETHICON, INC.**

**1:20CV264**

**VERDICT FORM**

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(b) Future physical pain proven to a reasonable certainty:

\$ \_\_\_\_\_

(c) Past mental anguish and emotional distress proven to a reasonable probability:

\$ \_\_\_\_\_

(d) Future mental anguish and emotional distress proven to a reasonable certainty:

\$ \_\_\_\_\_

(e) Past loss of enjoyment of life or reduced capacity to function as a whole person proven to a reasonable probability:

\$ \_\_\_\_\_

(f) Future loss of enjoyment of life or reduced capacity to function as a whole person proven to a reasonable certainty:

\$ \_\_\_\_\_

TOTAL DAMAGES FOR JUDITH A. SHEARS:

\$ \_\_\_\_\_

Proceed to Question **8**.

**SHEARS v. ETHICON, INC.**

**1:20CV264**

**VERDICT FORM**

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**Section IV - Loss of Consortium - Gary F. Shears, Jr.**

8. Do you find that the Plaintiffs proved, by a greater weight of the evidence, that Gary Shears suffered a loss of consortium?

Yes \_\_\_ No \_\_\_

If you answered YES, then proceed to Question **9**. If you answered NO, stop your deliberations and return the verdict form.

**Section V - Loss of Consortium Damages**

9. State the amount of compensatory damages that you find fairly and adequately compensates Gary Shears for his loss of consortium?

LOSS OF CONSORTIUM DAMAGES:

\$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Foreperson

Return this verdict form to the Court.