

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

**MARTHA DUBAN AND
THOMAS DUBAN,**

Plaintiffs,

vs.

WAVERLY SALES CO.,

Defendant.

WAVERLY SALES CO.,

Third-Party Plaintiff,

vs.

**MERLE OXLEY and
OXLEY'S, INC.,**

Third-Party Defendant.

No. C11-2022

VERDICT FORM

QUESTION NUMBER 1: Was Waverly Sales Co. negligent?

Answer "Yes" or "No"

ANSWER: yes

[If you answered "No," then do not answer any further questions.]

**QUESTION NUMBER 2: Was the negligence of Waverly Sales Co. a cause of the
Dubans' injury and damage?**

Answer "Yes" or "No"

ANSWER: yes

[If you answered "No," then do not answer any further questions.]

VERDICT FORM (Con't.)

QUESTION NUMBER 3: Was Merle Oxley negligent?

Answer "Yes" or "No"

ANSWER: No

[If you answered "No," then do not answer Question No. 4, do not assess any percentage of fault to Merle Oxley, and proceed to Question No. 5.]

QUESTION NUMBER 4: Was the negligence of Merle Oxley a cause of the Dubans' injury and damage?

Answer "Yes" or "No"

ANSWER: _____

[If you answered "No," then do not assess any percentage of fault to Merle Oxley.]

QUESTION NUMBER 5: Was Martha Duban negligent?

Answer "Yes" or "No"

ANSWER: Yes

[If you answered "No," then do not answer Question No. 6, do not assess any percentage of fault to Martha Duban, and proceed to Question No. 7.]

QUESTION NUMBER 6: Was the negligence of Martha Duban a cause of the Dubans' injury and damage?

Answer "Yes" or "No"

ANSWER: Yes

[If you answered "No," then do not assess any percentage of fault to Martha Duban.]

VERDICT FORM (Con't.)

QUESTION NO. 7: Using 100% as the total combined fault of Martha Duban, Waverly Sales Co., and Merle Oxley, what percentage do you assign to Martha Duban, what percentage do you assign to Waverly Sales Co., and what percentage do you assign to Merle Oxley?

Answer:	Martha Duban	<u>35</u>	%
	Waverly Sales Co.	<u>65</u>	%
	Merle Oxley	<u>0</u>	%
	TOTAL	<u>100</u>	%

[If you find Martha Duban was more than 50% at fault, then do not answer Question Nos. 8 and 9.]

QUESTION NO. 8: State the amount of damages sustained by Martha Duban which were caused by Waverly Sales Co.'s and/or Merle Oxley's negligence. Do not take into consideration any reduction of damages due to Martha Duban's negligence, if any. If Martha Duban has failed to prove an item of damage was caused by Waverly Sales Co.'s and/or Merle Oxley's negligence, then enter 0 for that item.

1.	Past medical expenses	\$ <u>190,438.47</u>
2.	Past loss of function	\$ <u>40,000.00</u>
3.	Future loss of function	\$ <u>15,000.00</u>
4.	Past pain and suffering	\$ <u>120,000.00</u>
5.	Future pain and suffering	\$ <u>0</u>
	TOTAL	\$ <u>365,438.47</u>

VERDICT FORM (Con't.)

QUESTION NO. 9: State the amount of damages sustained by Thomas Duban which were caused by Waverly Sales Co.'s and/or Merle Oxley's negligence. Do not take into consideration any reduction of damages due to Martha Duban's negligence, if any. If Thomas Duban has failed to prove an item of damage was caused by Waverly Sales Co.'s and/or Merle Oxley's negligence, then enter 0 for that item.

- 1. Past loss of spousal consortium \$ 0
- 2. Future loss of spousal consortium \$ 0
- TOTAL** \$ 0

DATED this 28th day of March, 2013.

[Signature]
/s/Juror
Juror

[Signature]
/s/Foreperson
FOREPERSON
[Signature]
/s/Juror
Juror

[Signature]
/s/Juror
Juror