

FILED
LOS ANGELES SUPERIOR COURT
OCT 01 2008
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

11)	Case No. BC 374 988
12	CHIEF Y.R. BREWER and GALE BREWER,)	
13	Plaintiffs,)	Judge: Hon. William MacLaughlin
14	v.)	Dept: 89
15	ALFA LAVAL, INC., et al,)	PROPOSED JUDGMENT ON SPECIAL
16	Defendants.)	VERDICT
17)	Trial Date: March 17, 2008

This action came on for trial on March 17, 2008, in Department 89 of the above-entitled court, the Honorable William MacLaughlin, judge presiding. The plaintiffs, CHIEF Y. R. BREWER and GALE BREWER, ("Plaintiffs"), appeared by and through their attorneys of record, Scott Frost and Kenneth Lee (Waters & Kraus LLP) and Troy Chandler (Williams Kherker). Defendant Crane Co. at verdict appeared by and through their attorneys of record as follows: James A. Lowery III and James K. Lee (K&L Gates, LLP).

A jury of 12 persons was impaneled and sworn. Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the Court duly instructed and the cause was submitted to the jury with directions to return a verdict on special issues. The jury deliberated and thereafter returned into court on May 16, 2008 with its verdict consisting of the special issues submitted to and the answers given by the jury, which verdict was in words and figures as follows:

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Answer Question No. 6.

QUESTION NO. 6: Was Crane Co. negligent in designing the valves?

YES _____ NO X

If you answered "yes" to Question No. 6, answer Question No. 7; if you answered "no" to Question No. 6, skip ahead and answer Question No. 8.

QUESTION NO 7: Was Crane Co.'s negligence a substantial factor in causing harm to Chief Brewer?

YES _____ NO _____

Answer Question No. 8.

QUESTION NO. 8: Did the Crane Co. valves have potential risks that were known or knowable to Crane Co. through the use of scientific knowledge available at the time of manufacture or sale?

YES X NO _____

If you answered "yes" to Question No. 8, answer Question No. 9; if you answered "no" to Question No. 8, skip ahead and answer Question No. 14.

QUESTION NO. 9: Did the potential risks present a substantial danger to users of the valves?

YES _____ NO X

If you answered "yes" to Question No. 9, answer Question No. 10; if you answered "no" to Question No. 9, skip ahead and answer Question No. 14.

QUESTION NO. 10: Would ordinary consumers of valves have recognized the potential risks?

YES _____ NO _____

1 If you answered "yes" to Question No. 10, answer Question No. 11; if you answered "no" to
2 Question No. 10, skip ahead and answer Question No. 14.

3
4 QUESTION NO. 11: Did Crane Co. fail to adequately warn or instruct of the potential risks?

5 YES _____ NO _____

6 If you answered "yes" to Question No. 11, answer Question No. 12; if you answered "no" to
7 Question No. 11, skip ahead and answer Question No. 14.

8
9 QUESTION NO. 12: Were the valves used in a way that was reasonably foreseeable to Crane
10 Co.?

11 YES _____ NO _____

12
13 If you answered "yes" to Question No. 12, answer Question No. 13; if you answered "no" to
14 Question No. 12, skip ahead and answer Question No. 14.

15
16 QUESTION NO. 13: Was the lack of sufficient instructions or warnings a substantial factor in
17 causing harm to Chief Brewer?

18 YES _____ NO _____

19 Answer Question No. 14.

20
21 QUESTION NO. 14: Did Crane Co. know or should it have reasonably known that the valves
22 were dangerous or were likely to be dangerous when used in a reasonably foreseeable manner?

23 YES _____ NO X

24
25 If you answered "yes" to Question No. 14, answer Question No. 15; if you answered "no" to
26 Question No. 14, skip ahead and answer Question No. 19.

1 QUESTION NO. 15: Did Crane Co. know or should it have reasonably known that users would
2 not realize the danger?

3 YES _____ NO _____
4

5 If you answered "yes" to Question No. 15, answer Question No. 16; if you answered "no" to
6 Question No. 15, skip ahead and answer Question No. 19.
7

8 QUESTION NO. 16: Did Crane Co. fail to adequately warn of the danger or instruct on the safe
9 use of the valves?

10 YES _____ NO _____
11

12 If you answered "yes" to Question No. 16, answer Question No. 17; if you answered "no" to
13 Question No. 16, skip ahead and answer Question No. 19.
14

15 QUESTION NO. 17: Would a reasonable valve manufacturer under the same or similar
16 Circumstances have warned of the danger or instructed on the safe use of the valves?

17 YES _____ NO _____
18

19 If you answered "yes" to Question No. 17, answer Question No. 18; if you answered "no" to
20 Question No. 17, skip ahead and answer Question No. 19.
21

22 QUESTION NO. 18: Was Crane Co.'s failure to warn a substantial factor in causing harm to
23 Chief Brewer?

24 YES _____ NO _____
25

26 Answer Question No. 19.
27
28

1 QUESTION NO. 19: Did Crane Co. become aware, or should it have become aware, after the
2 valves were sold and before Chief Brewer left the *USS Preble*, that the valves were dangerous or were
3 likely to be dangerous when used in a reasonably foreseeable manner?

4 YES _____ NO X

5
6 If you answered "yes" to Question No. 19, answer Question No. 20; if you answered "no" to
7 Question No. 19, skip ahead to the instruction prior to Question No. 24.

8
9 QUESTION NO. 20: Did Crane Co. know, or should it reasonably have known, that users of the
10 valves would not realize the danger?

11 YES _____ NO _____

12
13 If you answered "yes" to Question No. 20, answer Question No. 21; if you answered "no" to
14 Question No. 20, skip ahead to the instruction prior to Question No. 24.

15
16 QUESTION NO. 21: Did Crane Co. fail to adequately warn of the danger or instruct on the safe
17 use of the valves?

18 YES _____ NO _____

19
20 If you answered "yes" to Question No. 21, answer Question No. 22; if you answered "no" to
21 Question No. 21, skip ahead to the instruction prior to Question No. 24.

22
23 QUESTION NO. 22: Would a reasonable valve manufacturer under the same or similar
24 circumstances have warned of the danger of instructed on the safe use of the valves?

25 YES _____ NO _____

26
27 If you answered "yes" to Question No. 22, answer Question No. 23; if you answered "no" to
28 Question No. 22, skip ahead to the instruction prior to Question No. 24.

1 QUESTION NO. 23: Was Crane Co.'s failure to warn a substantial contributing factor in
2 causing harm to Chief Brewer?

3 YES _____ NO _____
4

5 If you answered "yes" to any of Question Nos. 13, 18 and/or 23, answer Question No. 24. If you
6 did not answer "yes" to at least one of Question Nos. 5, 7, 13, 18 and 23, stop here and have the
7 presiding juror sign and date this form. If you answered "yes" to either or both of Question Nos. 5 or 7,
8 and did not answer "yes" to any of Question Nos. 13, 18, and 23, skip ahead and answer Question No.
9 26.

10
11 QUESTION NO. 24: Was the United States Navy a sophisticated user concerning the hazards
12 and risks of exposure to asbestos-containing products?

13 YES _____ NO _____
14

15 If you answered "yes" to Question No. 24, answer Question No. 25. If you answered "no" to
16 Question No. 24, skip ahead to the instruction prior to Question No. 26.

17
18 QUESTION NO. 25: Did Crane Co. know, or should it have known, that the United States Navy
19 would fail to warn of the hazards and risks of asbestos from working on valves?

20 YES _____ NO _____
21

22 If you answered "yes" to any of Question Nos. 5, 7, or 25, answer Question No. 26. If you
23 answered "no" to Question No. 25 and did not answer "yes" to any of Question Nos. 5 or 7, stop here
24 and have the presiding juror sign and date this form.
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1 THE SUM OF ALL OF THE PERCENTAGES MUST ADD UP TO A TOTAL OF 100%

2 Dated: May 16, 2008

Barbara S. Ramos
FOREPERSON

3
4 It appearing by reason of said special verdict that Plaintiff CHIEF Y.R. BREWER is entitled
5 to:

- 6 (a) Judgment against Defendant CRANE CO. in the amount of \$100,000.00 for non-
7 economic damages; and
8 (b) Judgment against Defendant CRANE CO., jointly and severally, in the amount
9 of \$700,000.00 for economic damages. Based upon settlements with defendants other
10 than the one at bar, as well as the sum certain incurred by the Plaintiffs for medical care
11 and services, these economic damages are reduced by \$200,791.21, to a total joint and
12 several award of \$499,208.79.

13 It appearing by reason of said special verdict that Plaintiff GALE BREWER is entitled to
14 judgment against Defendant CRANE CO. in the amount of \$80,000.00 for non-economic damages.

15
16 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

- 17 1. Plaintiff CHIEF Y. R. BREWER have and recover from said Defendant CRANE CO.
18 damages in the sum of \$599,208.79, jointly and severally.
19 2. Plaintiff GALE BREWER have and recover from said Defendant CRANE CO.
20 damages in the amount of \$80,000.00.
21 3. The damages of Plaintiffs CHIEF Y. R. BREWER and GALE BREWER shall include
22 interest thereon at a rate of ten percent per annum from the date of entry of judgment
23 until paid together with costs and disbursements amounting to a sum to be determined.

24
25 DATED: July 31, 2008


HONORABLE WILLIAM A. MACLAUGHLIN
JUDGE OF THE LOS ANGELES SUPERIOR COURT