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FILED
Superior Court of California
County of Los Angeles

FEB 15 2022

Sherri R. Carter, Executive Officer/Clerk of Court
By Nicole Payne Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LAOSD ASBESTOS CASES

JCCP 4674

Case No. 19STCV34068

KEVIN BROOKS and LINDA
MCCARTHY,

Plaintiffs,

SPECIAL VERDICT

vs.

DAP PRODUCTS INC., et al.

Defendants.

1 WE, THE JURY in the above-entitled action, find the following verdict on the questions
2 submitted to us:

3 1. Was Kevin Brooks exposed to asbestos from a product manufactured, sold, or supplied by
4 defendant?

5 Kaiser Gypsum

Yes No

6 Mission Stucco

Yes No

7 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

8 *If you answered "No" as to any defendant(s), do not answer any further questions as to that*
9 *defendant. If you answered "No" to both defendants, do not answer any further questions and sign*
10 *and date the Verdict Form.*

11 **Strict Product Liability – Design Defect - CE**

12
13 2. Did defendant's product fail to perform as safely as an ordinary consumer would have expected
14 when used in a reasonably foreseeable manner?

15 Kaiser Gypsum

Yes No

16 Mission Stucco

Yes No

17 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

18 *If you answered "No" as to any defendant(s), go to Question 4 as to that defendant(s).*

19
20 3. Was defendant's product's design a substantial factor in contributing to Kevin Brooks's risk of
21 developing mesothelioma?

22 Kaiser Gypsum

Yes No

23 Mission Stucco

Yes No

24 *Answer the next question.*

25
26 **Strict Product Liability – Design Defect - RB**

27 4. Did the risk of defendant's product's design outweigh the benefits of the design?
28

1 Kaiser Gypsum Yes No

2 Mission Stucco Yes No

3 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

4 *If you answered "No" as to any defendant(s), go to Question 6 as to that defendant(s).*

5
6

7 5. Was the risk in defendant's product's design a substantial factor contributing to Kevin Brooks's risk of developing mesothelioma?

8
9 Kaiser Gypsum Yes No

10 Mission Stucco Yes No

11 *Answer the next question.*

12

13 **Strict Product Liability – Failure to Warn**

14 6. Did defendant's product have potential risks that were known or knowable in light of the scientific knowledge that was generally accepted in the scientific community at the time of manufacture, distribution, or sale of each product?

17 Kaiser Gypsum Yes No

18 Mission Stucco Yes No

19

20 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

21 *If you answered "No" as to any defendant(s), go to Question 11 as to that defendant(s).*

22

23 7. Did the potential risk of defendant's product present a substantial danger to persons using the product in an intended or reasonably foreseeable way?

24 Kaiser Gypsum Yes No

26 Mission Stucco Yes No

27 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

28 *If you answered "No" as to any defendant(s), go to Question 11 as to that defendant(s).*

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8. Would ordinary consumers not have recognized the potential risks of defendant's product?

Kaiser Gypsum Yes No

Mission Stucco Yes No

If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.

If you answered "No" as to any defendant(s), go to Question 11 as to that defendant(s).

9. Did defendant fail to adequately warn of the potential risks of its product?

Kaiser Gypsum Yes No

Mission Stucco Yes No

If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.

If you answered "No" as to any defendant(s), go to Question 11 as to that defendant(s).

10. Was defendant's failure to adequately warn a substantial factor in contributing to Kevin Brooks's risk of developing mesothelioma?

Kaiser Gypsum Yes No

Mission Stucco Yes No

Answer the next question.

Negligence

11. Was defendant negligent?

Kaiser Gypsum Yes No

Mission Stucco Yes No

If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.

If you answered "No" as to any defendant(s), go to Question 13 as to that defendant(s).

1
2 12. Was defendant's negligence a substantial factor in contributing to Kevin Brooks's risk of
3 developing mesothelioma?

4 Kaiser Gypsum Yes__ No__

5 Mission Stucco Yes__ No__

6 *Answer the next question.*

7
8 **Product Liability – Negligent Failure to Warn**

9 13. Did defendant know or should it reasonably have known that its product was dangerous or was
10 likely to be dangerous when used or misused in a reasonably foreseeable manner?

11 Kaiser Gypsum Yes No__

12 Mission Stucco Yes__ No

13 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

14 *If you answered "No" as to any defendant(s), go to Question 18 as to that defendant(s).*

15
16 14. Did defendant know or should it reasonably have known that users would not realize the danger?

17 Kaiser Gypsum Yes No__

18 Mission Stucco Yes__ No__

19
20 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

21 *If you answered "No" as to any defendant(s), go to Question 18 as to that defendant(s).*

22
23 15. Did defendant fail to adequately warn of the danger or instruct on the safe use of its product?

24 Kaiser Gypsum Yes__ No

25 Mission Stucco Yes__ No__

26
27 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

28 *If you answered "No" as to any defendant(s), go to Question 18 as to that defendant(s).*

1
2 16. Would a reasonable manufacturer, distributor, or seller under the same or similar circumstances
3 have warned of the danger or instructed on the safe use of its product?

4 Kaiser Gypsum Yes__ No__

5 Mission Stucco Yes__ No__

6 *If you answered "Yes" as to any defendant(s), answer the next question as to that defendant(s) only.*

7 *If you answered "No" as to any defendant(s), go to Question 18 as to that defendant(s).*

8
9 17. Was the lack of sufficient warnings or instructions from the defendant a substantial factor in
10 contributing to Kevin Brooks's risk of developing mesothelioma?

11 Kaiser Gypsum Yes__ No__

12 Mission Stucco Yes__ No__

13
14 *Answer Questions 18-20 only if you answered "Yes" to any defendant for Questions 3, 5, 10, 12, or*
15 *17. If you answered "No" to Questions 3, 5, 10, 12, and 17 for both defendants, then do not answer any*
16 *further questions and sign and date the Verdict Form.*

17
18 **Non-Economic Damages**

19 18. What are Kevin Brooks's non-economic damages:

20 Past non-economic damages, including: physical pain, mental suffering, loss of enjoyment of
21 life, physical impairment, grief, anxiety, and emotional distress?

22 \$ 1,000,000

23 Future non-economic damages, including: physical pain, mental suffering, loss of enjoyment of
24 life, physical impairment, grief, anxiety, and emotional distress?

25 \$ 1,000,000

1 19. What are Linda McCarthy's non-economic damages:

2 Past non-economic damages for loss of love, companionship, comfort, care, assistance,
3 protection, affection, society, moral support and enjoyment of sexual relations?

4 \$1,500,000

5 Future non-economic damages for loss of love, companionship, comfort, care, assistance,
6 protection, affection, society, moral support and enjoyment of sexual relations?

7 \$1,500,000

8 Answer the next question.

9 20. What percentage of responsibility, if any, for Kevin Brooks's harm do you assign to each of the
10 following? (The total must equal 100%):

11 [Do not assign any percentage to any defendant(s) for which you did not answer "Yes" to ANY
12 of Questions 3, 5, 10, 12 or 17.]

13 Kaiser Gypsum 10 %

14 Mission Stucco 0 %

15 Lavallee *service station* 7 %

16 Butlin *BUICK* 3 %

17 Cyr Construction 0 %

18 Unknown Contractors 10 %

19 Hill Bros. Decking 0 %

20 Henry Mastic 0 %

21 WW Henry Mastic 0 %

22 Dap Caulk 0 %

23 Bendix Brakes 15 %

24 Napa Brakes 15 %

25 GM Delco Brakes 15 %

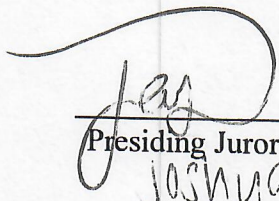
26 Hennessey Ammco Brake Grinder 15 %

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Pep Boys	<u>0</u> %
Kelly Moore Paco	<u>5</u> %
Georgia Pacific	<u>1</u> %
United States Gypsum	<u>2</u> %
Hamilton	<u>2</u> %
Riverside Stucco	<u>0</u> %
La Habra Stucco	<u>0</u> %
Insulation Manufacturers	<u>0</u> %
TOTAL:	100 %

Please have the presiding juror sign and date this form and return it to the Court Attendant.

Dated 2/16/22



Presiding Juror
JOSHUA SARKIN