

MAY 23 2018

Sherri R. Carter, Executive Officer/Clerk of Court
By Deborah C. Mckie Deputy
Deborah C. Mckie

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

JOANNE ANDERSON and GARY
ANDERSON

Plaintiffs,

v.

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER INC.

Defendants.

Case No. JCCP 4674 / BC666513
[Preference Motion Granted]

JURY VERDICT FORM

Action Filed: June 27, 2017
Trial Date: April 23, 2018

*[Assigned to the Honorable Gloria White-
Brown, Department 2]*

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

1 **1. Did Johnson & Johnson/JJCI manufacture, distribute, or sell Johnson's Baby**
2 **Powder?** (12)

3 Yes No

4 *Instructions:* If you answered "Yes," proceed to Section A. If you answered "No," then stop
5 here, answer no further questions, and have the presiding juror sign and date this form.

6 **SECTION A: Negligence**

7 **2. Was Johnson & Johnson/JJCI negligent?** (10)

8 Yes No

9 *Instructions:* If you answered "Yes," answer Question No. 3. If you answered "No," then
10 proceed to Section B.

11 **3. Was Johnson & Johnson/JJCI's negligence a substantial factor in causing Joanne**
12 **Anderson's mesothelioma?** (10) (11)

13 #3, 11 - No

14 Yes No

15 *Instructions:* Proceed to Section B.

16 **SECTION B: Strict Liability—Manufacturing Defect**

17 **4. Did the Johnson's Baby Powder contain a manufacturing defect when it left**
18 **Johnson & Johnson/JJCI's possession?** (12)

19 Yes No

20 *Instructions:* If you answered "Yes," answer Question No. 5. If you answered "No," then
21 proceed to Section C.

22 **5. Was the manufacturing defect in the Johnson's Baby Powder a substantial factor in**
23 **causing Joanne Anderson's mesothelioma?**

24 (12)

25 Yes No

26 *Instructions:* Proceed to Section C.

SECTION C: Strict Liability—Design Defect

6. **Did the Johnson's Baby Powder fail to perform as safely as an ordinary consumer would expect when used or misused in an intended or reasonably foreseeable manner?**

(12)

Yes No

Instructions: If you answered "Yes," answer Question No. 7. If you answered "No," then proceed to Section D.

7. **Was the Johnson's Baby Powder's failure to perform as safely as an ordinary consumer would expect a substantial factor in causing Joanne Anderson's mesothelioma?**

(12)

Yes No

Instructions: Proceed to Section D.

SECTION D: Strict Liability—Failure to Warn

8. **Did the Johnson's Baby Powder have potential risks that were known or knowable in light of the scientific and medical knowledge that was generally accepted in the scientific community available at the time of manufacture, distribution or sale?**

(12)

Yes No

Instructions: If you answered "Yes," answer Question No. 9. If you answered "No," then proceed to Section E.

9. **Did the potential risks present a substantial danger to persons using or misusing the Johnson's Baby Powder in an intended or reasonably foreseeable way?**

(12)

Yes No

Instructions: If you answered "Yes," answer Question No. 10. If you answered "No," then proceed to Section E.

10. **Would ordinary consumers have failed to recognize the potential risks?**

(12)

Yes No

Instructions: If you answered "Yes," answer Question No. 11. If you answered "No," then proceed to Section E.

1
2 **11. Did Johnson & Johnson/JJCI fail to adequately warn of the potential risks?**

3 (12)

Yes No

4 *Instructions:* If you answered "Yes," answer Question No. 12. If you answered "No," then
5 proceed to Section E.

6 **12. Was the lack of sufficient warnings a substantial factor in causing Joanne
7 Anderson's mesothelioma?**

8 (12)

Yes No

9 *Instructions:* Proceed to Section E.

10
11 **SECTION E: Damages—Economic and Non-Economic**

12 *Instructions:* If you answered "Yes" to Question Nos. 3, 5, 7, or 12, then answer Question No.
13 13. If you answered "No" to Question Nos. 3, 5, 7, AND 12, then stop here, answer no further
14 questions, and have the presiding juror sign and date this form.

15 **ECONOMIC DAMAGES:**

(12)

16 **13. Without taking into consideration any reduction of damages due to the comparative
17 fault of others, if any, what do you find to be the TOTAL AMOUNT of economic
18 damages, if any, suffered by the Plaintiffs?**

18 Past reasonable and necessary medical bills? \$ 231,508.16

19 Future reasonable and necessary medical bills? \$ 232,000.00

20 Lost household services and social security? \$ 539,000.00

21 **TOTAL ECONOMIC DAMAGES** \$ 1,002,508.16

22 *Instructions:* Proceed to Question No. 14.

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1 **NON-ECONOMIC DAMAGES:**

2 **14. What are Joanne Anderson's past non-economic damages, if any, for: physical pain,**
3 **mental suffering, loss of enjoyment of life, disfigurement, physical impairment,**
4 **inconvenience, anxiety, humiliation, and emotional distress.**

5 (12)

6 \$ 750,000

7 *Instructions:* Proceed to Question No. 15.

8 **15. What are Joanne Anderson's future non-economic damages, if any, for: physical**
9 **pain, mental suffering, loss of enjoyment of life, disfigurement, physical impairment,**
10 **inconvenience, anxiety, humiliation, and emotional distress.**

11 (12)

12 \$ 10,000,000

13 *Instructions:* Proceed to Question No. 16.

14 **16. What are Gary Anderson's damages, if any, for the loss of his wife, Joanne**
15 **Anderson's companionship and services, including the loss of love, companionship,**
16 **comfort, care, assistance, protection, affection, society, moral support, and the loss**
17 **of enjoyment of sexual relations?**

18 (12)

19 \$ 10,000,000

20 *Instructions:* Proceed to Question No. 17.

21 **17. What percentage of responsibility, if any, for Joanne Anderson's mesothelioma do**
22 **you assign to each of the following? (The total must equal 100%):**

23 Johnson & Johnson / JJCI 67 %

24 Honeywell / Bendix 15 %

25 Borg Warner 10 %

26 Fel-Pro 5 %

27 Pep Boys 0 %

28 Other 3 %

Total 100%

29 *Instructions:* If you allocated a percentage of fault to Johnson & Johnson/JJCI, proceed to
30 Section F. If you allocated zero percentage of fault to Johnson & Johnson/JJCI, then stop here,
31 answer no further questions, and have the presiding juror sign and date this verdict form.

SECTION F: Punitive Damages

18. Have the plaintiffs proven by clear and convincing evidence that Johnson & Johnson /JJCI acted with malice, oppression or fraud in the conduct upon which you base your finding of liability? (12)

Yes No

Instructions: If you answered "Yes," then answer Question No. 19. If you answered "No," then stop here, and answer no further questions, and have the presiding juror sign and date this verdict form.

19. Have the plaintiffs proven by clear and convincing evidence that the conduct constituting malice, oppression, or fraud was committed by one or more officers, directors, or managing agents of Johnson & Johnson/JJCI, acting on behalf of Johnson & Johnson/JJCI? (12)

Yes No

Please have the Presiding Juror sign and date the form.

5/22/18

Date

[Signature]

Presiding Juror

After this verdict has been signed and dated, notify the court attendant that you are ready to present your verdict in the courtroom.

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1.

What amount of punitive damages, if any, do you award Plaintiffs Joanne & Gary Anderson?

11-yes

\$ 4,000,000

Please have the Presiding Juror sign and date the form.

5-24-18

Date

Ym R [Signature]

Presiding Juror

After this verdict has been signed and dated, notify the court attendant that you are ready to present your verdict in the courtroom.

JOANNE & GARY ANDERSON and JOHNSON & JOHNSON CUPPA MER, INC.
Defendants

Action Filed: June 27, 2017
Trial Date: April 23, 2018
[Assigned to the Honorable Gloria White-Brown, Department 2]

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