

2014 WL 5391373 (N.Y.Sup.) (Verdict, Agreement and Settlement)
Supreme Court of New York.
New York County

In re: NEW YORK CITY ASBESTOS LITIGATION.
Ralph P. North, Plaintiff,

v.

Air & Liquid Systems Corporation, as Successor by Merger to Buffalo Pumps, Inc., et al., Defendants.

No. 1901142013.
October 1, 2014.

Proposed Verdict Sheet

NOTE: At least five (5) jurors must agree on the answer to each question, but the same five (5) jurors do not have to agree on each answer.

JURORS, PLEASE NOTE: Answer the following questions in order beginning with Question "1." Follow the instructions at the end

Question For The Jury:

1a. Was plaintiff Ralph North (Plaintiff) exposed to asbestos at Long Island Lighting Company's (LILCO) Northport Power. Station (Northport)?

X

YES NO

- | | |
|-------|-------|
| 1. ?? | 2. ?? |
| 3. ?? | 4. ?? |
| 5. ?? | 6. ?? |

DISSENTING JUROR, if any:

If you answered "Yes," proceed to Question 1b.

If you answered "No," please stop and report your verdict 1b. Did LILCO exercise supervisory control over work of contractors which exposed Plaintiff to asbestos dust at Northport?

X

YES NO

- | | |
|-------|-------|
| 1. ?? | 2. ?? |
| 3. ?? | 4. ?? |
| 5. ?? | 6. ?? |

DISSENTING JUROR, if any: ??
If you answered "Yes," proceed to Question 1c.

If you answered "No," proceed to Question 2a.

1c. Did LILCO fail to exercise reasonable care when it exercised supervisory control over work of contractors which exposed Plaintiff to asbestos dust at Northport?

X
YES	NO

- | | |
|-------|-------|
| 1. ?? | 2. ?? |
| 3. ?? | 4. ?? |
| 5. ?? | 6. ?? |

DISSENTING JUROR, if any: ??
If you answered "Yes," proceed to Question 1d.

If you answered "No," proceed to Question 2a.

1d. Was LILCO's failure to exercise reasonable care in its exercise of supervisory control over work of contractors which exposed Plaintiff to asbestos dust at Northport a substantial factor in causing Plaintiff's mesotheliom??

X
YES	NO

- | | |
|-------|-------|
| 1. ?? | 2. ?? |
| 3. ?? | 4. ?? |
| 5. ?? | 6. ?? |

DISSENTING JUROR, if any:
If you answered "Yes," proceed to Question 2a.

If you answered "No," still proceed to Question 2a.

2a. Did LILCO have actual or constructive notice of, or create, an unsafe condition at Northport?

X		
YES		NO	
1. ??		2. ??	
3. ??		4. ??	
5. ??		6. ??	

DISSENTING JUROR, if any: ??

If you answered "Yes," proceed to Question 2b. If you answered "No," and previously answered "No" to Questions 1b, 1c or 1d, please stop and report your verdict to the court.

2b. Did LILCO fail to exercise reasonable care to correct the unsafe condition at Northport?

X		
YES		NO	
1. ??		2. ??	
3. ??		4. ??	
5. ??		6. ??	

DISSENTING JUROR, if any: ??

If you answered "Yes," proceed to Question 2c. If you answered "No," and previously answered "No" to Questions 1b, 1c or 1d, please stop and report your verdict to the court.

2c. Was LILCO's failure to exercise reasonable care to correct the unsafe condition at Northport a substantial factor in causing Plaintiff's mesotheliom??

X		
YES		NO	
1. ??		2. ??	
3. ??		4. ??	

5. ??

6. ??

DISSENTING JUROR, if any: ??

If you answered "Yes," proceed to Question 3. If you answered "No," and previously answered "No" to Questions 1b, 1c or 1d, please stop and report your verdict to the court.

3. Did LILCO act with reckless disregard for the safety of Plaintiff and others at Northport?

X

YES

NO

1. ??

2. ??

3. ??

4. ??

5. ??

6. ??

DISSENTING JUROR, if any:

Whether you answered "Yes" or "No", proceed to Question 4a.

4a. Was Plaintiff exposed to asbestos from products made, sold, distributed or used in connection with products or equipment of any of the following companies:

The Babcox & Wilcox Co.

Yes_____

No X

Calsilite Corp.

Yes X

No_____

Combustion Engineering, Inc.

Yes X

No_____

Johns-Manville Corp.

Yes X

No_____

King Insulation Company Inc.

Yes_____

No X

Owens-Corning Fibreglass Corp.

Yes X

No_____

Owens-Illinois, Inc.

Yes_____

No X

Pittsburgh-Corning Corp.

Yes_____

No X

U.S. Gypsum Co.

Yes_____

No X

Robert A Keasbey Inc.

Yes X

No_____

Thomas O'Connor, Inc.

Yes X

No_____

Burns and Roe, Inc.

Yes_____

NO X

- | | |
|-------|-------|
| 1. ?? | 2. ?? |
| 3. ?? | 4. ?? |
| 5. ?? | 6. ?? |

DISSENTING JUROR, if any: ??

If you answered "Yes" with respect to any of these Otherwise, please proceed to Question 5.

4b. BEFORE ANSWERING QUESTION 4b, CROSS OUT THE NAME OF EACH COMPANY LISTED BELOW FOR WHICH YOU ANSWERED "NO" IN QUESTION 4a.

Did any of the following companies fail to exercise reasonable care by not providing an adequate warning to Plaintiff about the potential hazards of exposure to asbestos from products, made, sold, distributed or used in connection with its products or equipment?

Calsilite Corp.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Johns-Manville Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Owens-Corning Fibreglass Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

- | | |
|-------|---------|
| 1. ?? | 2. |
| 3. ?? | 4. ?? |
| 5. ?? | 6. ?? |

DISSENTING JUROR, if any: ??

4c. BEFORE ANSWERING QUESTION 4c, CROSS OUT THE NAME OF EACH COMPANY LISTED BELOW FOR WHICH YOU ANSWERED "NO" IN QUESTION 4a OR 4b.

4c. Was the failure of any of these companies to provide an adequate warning a substantial factor in causing Plaintiff's mesotheliom??

	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Calsilite Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- | | |
|-------|-------|
| 1. ?? | 2. ?? |
|-------|-------|

3. 4. ??

5. ?? 6. ??

DISSENTING JUROR. if any: ??

Proceed-to question 4d.

4d Did any of the following contractor-companies fail to exercise reasonable care in the use and/or manipulation of asbestos containing products to which Plaintiff was exposed?

Combustion Engineering, Inc.	Yes X	No ____
Robert A Keasbey Inc.	Yes X	No ____
Thomas O'Connor, Inc.	Yes X	No ____
Burns and Roe, Inc.	Yes ____	No X
King Insulation Company Inc.	Yes ____	No X

1. ?? 2. ??

3. ?? 4. ??

5. ?? 6. ??

DISSENTING JUROR, if any:

4e. BEFORE ANSWERING QUESTION 4e, CROSS OUT THE NAME OF EACH COMPANY LISTED BELOW FOR WHICH YOU ANSWERED "NO" IN QUESTION 4d.

4e. Was these companies' failure to exercise reasonable care in the use and/or manipulation of. asbestos containing products a substantial factor in causing Plaintiff's mesotheliom??

Combustion Engineering, Inc.	Yes ____	No X
Robert A Keasbey Inc.	Yes ____	No X
Thomas O'Connor, Inc.	Yes ____	No X

1. ?? 2. ??

3. ?? 4. ??

5. ?? 6. ??

DISSENTING JUROR, if any: ??

- 3. ??
- 4. ??
- 5. ??
- 6. ??

DISSENTING JUROR, if any: ??

Proceed to Question 6.

6. As to the injuries that you have found will be sustained by Plaintiff as a result of the actions of LILCO and other companies, if any, state the total amount of damages, if any, from the date of this verdict up to the time Plaintiff is expected to live.

Future pain and. suffering: \$ 3.5 million

- 1. ??
- 2. ??
- 3. 4. ??
- 5. ??
- 6. ??

DISSENTING JUROR, if any: ??

WE, THE UNDERSIGNED JURORS IN THIS ACTION, CONCUR AND ANSWER THE ABOVE QUESTIONS IN ACCORDANCE WITH THE INSTRUCTIONS OF THIS COURT AND REPORT OUR VERDICT AS STATED ABOVE. AT LEAST FIVE (5) JURORS HAVE AGREED ON THE ANSWER TO EACH QUESTION

- 1. ??
- 2. ??
- 3. ??
- 4. ??
- 5. ??
- 6. ??

YOU HAVE REACHED YOUR VERDICT. REPORT YOUR FINDINGS TO THE COURT.

DATED September 29, 2014