

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : IAS PART 12

-----X
PHYLISS BROWN, as Administratrix of the Estate of
HARRY BROWN, and PHYLISS BROWN, Individually,

Index No. 190415/12

Plaintiff,

VERDICT SHEET

- against -

A.O. SMITH WATER PRODUCTS, *et al.*,

Defendants.
-----X

BARBARA JAFFE, JSC:

I. AS TO TISHMAN AND PORT AUTHORITY:

QUESTION NO. 1:

Was Harry Brown exposed to an asbestos-containing product at the World Trade Center site?

Yes



No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 1, PROCEED TO QUESTION

NUMBER 2a. IF YOU ANSWERED "NO" TO QUESTION NUMBER 1, PROCEED TO

QUESTION NUMBER 4a.

QUESTION NO. 2a:

Did defendant Tishman exercise supervision and control over workers at the World Trade Center site?

Yes No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

John J. McKe... [Signature]
[Signature] [Signature]
[Signature] [Signature]

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 2a, PROCEED TO QUESTION NUMBER 2b. IF YOU ANSWERED "NO" TO QUESTION NUMBER 2a, PROCEED TO QUESTION NUMBER 3a.

QUESTION NO. 2b:

Did defendant Tishman fail to exercise reasonable care to make the World Trade Center site reasonably safe?

Yes No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

John J. McKe... [Signature]
[Signature] [Signature]

[Signature] _____

I, the undersigned juror, do not concur in the above.

[Signature] _____

IF YOU ANSWERED "YES" TO QUESTION NUMBER 2b, PROCEED TO QUESTION NUMBER 2c. IF YOU ANSWERED "NO" TO QUESTION NUMBER 2b, PROCEED TO QUESTION NUMBER 3a.

QUESTION NO. 2c:

Was Tishman's failure to exercise reasonable care to make the World Trade Center site reasonably safe a substantial contributing factor in causing Harry Brown's mesothelioma?

Yes _____ No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NO. 3a.

QUESTION NO. 3a:

Did defendant Port Authority exercise supervision and control over workers at the World Trade Center site?

Yes _____ No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

I, the undersigned juror, do not concur in the above.

[Signature]

IF YOU ANSWERED "YES" TO QUESTION NUMBER 3a, PROCEED TO QUESTION NUMBER 3b. IF YOU ANSWERED "NO" TO QUESTION NUMBER 3a, PROCEED TO QUESTION NUMBER 4a.

QUESTION NO. 3b:

Did defendant Port Authority fail to exercise reasonable care to make the World Trade Center site reasonably safe?

Yes _____

No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 3b, PROCEED TO QUESTION

NUMBER 3c. IF YOU ANSWERED "NO" TO QUESTION NUMBER 3b, PROCEED TO QUESTION NUMBER 4a.

QUESTION NO. 3c:

Was Port Authority's failure to exercise reasonable care to make the World Trade Center site reasonably safe a substantial contributing factor in causing Harry Brown's mesothelioma?

Yes _____ No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NO. 4a.

II. AS TO MARIO & DIBONO:

QUESTION NO. 4a:

Was Harry Brown exposed to asbestos-containing fireproofing spray used and/or applied by defendant Mario & DiBono at the World Trade Center site?

Yes _____ No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

John J. ...
...
...

...
...
...

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 4a, PROCEED TO QUESTION NUMBER 4b. IF YOU ANSWERED "NO" TO QUESTION NUMBER 4a, PROCEED TO QUESTION NUMBER 5a.

QUESTION NO. 4b:

Was Mario & DiBono negligent in the use and/or application of fireproofing spray at the World Trade Center site?

Yes No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

John J. ...
...
...

...
...
...

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 4b, PROCEED TO QUESTION NUMBER 4c. IF YOU ANSWERED "NO" TO QUESTION NUMBER 4b, PROCEED TO QUESTION NUMBER 5a.

QUESTION NO. 4c:

Was defendant Mario & DiBono's negligence a substantial contributing factor in the development of Harry Brown's mesothelioma?

Yes _____

No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NO. 5a.

III. AS TO CON EDISON:

QUESTION NO. 5a:

Was Harry Brown exposed to asbestos at Con Edison's Ravenswood powerhouse?

Yes _____

No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 5a, PROCEED TO QUESTION NUMBER 5b. IF YOU ANSWERED "NO" TO QUESTION NUMBER 5a, PROCEED TO QUESTION NUMBER 6a.

QUESTION NO. 5b:

Did defendant Con Edison exercise supervision and control over workers at the Ravenswood powerhouse?

Yes



No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 5b, PROCEED TO QUESTION NUMBER 5c. IF YOU ANSWERED "NO" TO QUESTION NUMBER 5b, PROCEED TO QUESTION NUMBER 6a.

QUESTION NO. 5c:

Did defendant Con Edison fail to exercise reasonable care to make the Ravenswood powerhouse reasonably safe?

Yes No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

IF YOU ANSWERED "YES" TO QUESTION NUMBER 5c, PROCEED TO QUESTION NUMBER 5d. IF YOU ANSWERED "NO" TO QUESTION NUMBER 5c, PROCEED TO QUESTION NUMBER 6a.

QUESTION NO. 5d:


Was Con Edison's failure to exercise reasonable care to make the Ravenswood powerhouse reasonably safe a substantial contributing factor in causing Harry Brown's mesothelioma?

Yes No

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.


PROCEED TO QUESTION NUMBER 6a ONLY IF YOU ANSWERED "YES" TO ANY
OR ALL OF THE FOLLOWING QUESTIONS - 2C, 3C, 4C AND/OR 5D. IF,
HOWEVER, YOU ANSWERED "NO" TO ALL OF THE FOLLOWING QUESTIONS -
2C, 3C, 4C AND 5D, PROCEED NO FURTHER AND REPORT YOUR FINDINGS TO
THE COURT.

IV. OTHER COMPANIES:

QUESTION NO. 6a:

FOR THIS QUESTION, PLEASE MARK EITHER "YES" OR "NO" WITH AN
"X", AND INDICATE THE NUMBER OF JURORS WHO ARE VOTING YES AND/OR
NO FOR EACH COMPANY LISTED (I.E. 6-0 OR 5-1) ON THE LINE NEXT TO
"VOTE," AND IF ANY JUROR HAS DISSENTED, PLEASE PLACE THE JUROR'S
INITIALS NEXT TO "DISSENTER, IF ANY"

Was Harry Brown exposed to asbestos from products made, sold, distributed and/or used
in connection with products or equipment by any of the following companies?

ALCOA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Allis-Chalmers Corp.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
The Babcock & Wilcox Co.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Combustion Engineering, Inc.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
The Eagle-Picher Co.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____

Empire-Ace Insulation Manufacturing Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Fibreboard Paper Products Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Foster-Wheeler, LLC	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
General Electric Co.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Johns-Manville Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Lilco	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Owens-Corning Fiberglass Corp.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Peerless Industries, Inc.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
The Philip Carey Manufacturing Co.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Pittsburgh-Corning Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Refractory & Insulation Corp.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Riley Stoker Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
Robert A. Keasbey Co.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
U.S. Mineral Products Co.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____

PROCEED TO QUESTION NUMBER 6b ONLY IF YOU ANSWERED "YES"

REGARDING ANY OF THE COMPANIES LISTED IN QUESTION NUMBER 6a.

OTHERWISE, PROCEED TO QUESTION NUMBER 7.

QUESTION NO. 6b:

BEFORE ANSWERING QUESTION NUMBER 6b, CROSS OUT THE NAME OF

EACH COMPANY LISTED BELOW FOR WHICH YOU ANSWERED "NO" IN
QUESTION NUMBER 6a.

Did any of the following companies fail to exercise reasonable care by not providing an adequate warning to Harry Brown about the potential hazards of exposure to asbestos?

Company Name	Yes	No	Vote	Dissenter, if any
ALCOA	Yes ___	No ___	Vote ___	Dissenter, if any ___
Allis-Chalmers Corp.	Yes ___	No <input checked="" type="checkbox"/>	Vote 4-2 ⁶⁻⁰ <i>Jan</i>	Dissenter, if any BW, CC <i>Jan</i>
The Babcock & Wilcox Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Combustion Engineering, Inc.	Yes ___	No ___	Vote ___	Dissenter, if any ___
The Eagle-Picher Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Empire Ace Insulation Manufacturing Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Eibreboard Paper Products Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Foster Wheeler, LLC	Yes ___	No ___	Vote ___	Dissenter, if any ___
General Electric Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Johns-Manville Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Lilco	Yes <input checked="" type="checkbox"/>	No ___	Vote <u>6-0</u>	Dissenter, if any ___
Owens-Corning Fiberglass Corp.	Yes <input checked="" type="checkbox"/>	No ___	Vote <u>6-0</u>	Dissenter, if any ___
Peerless Industries, Inc.	Yes ___	No ___	Vote ___	Dissenter, if any ___
The Philip Carey Manufacturing Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Pittsburgh-Corning Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___

Refractory & Insulation Corp.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>5-1</u>	Dissenter, if any <u>Bw</u>
Riley Stoker Corp.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
Robert A. Keasbey Co.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Vote <u>6-0</u>	Dissenter, if any _____
U.S. Mineral Products Co.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Vote <u>4-0</u> ⁶⁻⁰ <i>Jim</i>	Dissenter, if any Bw, db <i>Jim</i>

PROCEED TO QUESTION NUMBER 6c ONLY IF YOU ANSWERED "YES"

REGARDING ANY OF THE COMPANIES LISTED IN QUESTION NUMBER 6b.

OTHERWISE, PROCEED TO QUESTION NUMBER 7.

QUESTION NO. 6c:

BEFORE ANSWERING QUESTION NUMBER 6c, CROSS OUT THE NAME OF EACH COMPANY LISTED BELOW FOR WHICH YOU ANSWERED "NO" IN QUESTION NUMBER 6b.

Were these companies' failures to provide an adequate warning a substantial contributing factor in the development of Harry Brown's mesothelioma?

ALCOA	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
Allis-Chalmers Corp.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
The Babcock & Wilcox Co.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
Combustion Engineering, Inc.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
The Eagle-Picher Co.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
Empire-Acc Insulation Manufacturing Corp.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____
Fibreboard Paper Products Corp.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vote _____	Dissenter, if any _____

Eoster Wheeler, LLC	Yes ___	No ___	Vote ___	Dissenter, if any ___
General Electric Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Johns-Manville Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Lilco	Yes <input checked="" type="checkbox"/>	No ___	Vote <u>6-0</u>	Dissenter, if any ___
Owens-Corning Fiberglass Corp.	Yes <input checked="" type="checkbox"/>	No ___	Vote <u>6-0</u>	Dissenter, if any ___
Pearless Industries, Inc.	Yes ___	No ___	Vote ___	Dissenter, if any ___
The Philip Carey Manufacturing Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Pittsburgh-Corning Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Refractory & Insulation Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Riley Stoker Corp.	Yes ___	No ___	Vote ___	Dissenter, if any ___
Robert A. Keasbey Co.	Yes <input checked="" type="checkbox"/>	No ___	Vote <u>6-0</u>	Dissenter, if any ___
U.S. Mineral Products Co.	Yes ___	No ___	Vote ___	Dissenter, if any ___

PROCEED TO QUESTION NO. 7.

QUESTION NO. 7:

BEFORE ANSWERING QUESTION NUMBER 7, CROSS OUT THE NAME OF EACH COMPANY LISTED BELOW FOR WHICH YOU ANSWERED "NO" IN ANY OF THE SUBSECTIONS OF QUESTIONS 2, 3, 4, AND/OR 5 AND/OR QUESTION 6C.

For each of the companies listed below, set forth its percentage of fault. The total percentage must equal 100 percent.

~~Fishman~~ _____ Dissenter, if any _____

Port Authority	_____	Dissenter, if any _____
Mario & DiBono	_____	Dissenter, if any _____
Con Edison	<u>30%</u>	Dissenter, if any _____
ALCOA	_____	Dissenter, if any _____
Allis-Chalmers Corp.	_____	Dissenter, if any _____
The Babcock & Wilcox Co.	_____	Dissenter, if any _____
Combustion Engineering, Inc.	_____	Dissenter, if any _____
The Eagle-Picher Co.	_____	Dissenter, if any _____
Empire Ace Insulation Manufacturing Corp.	_____	Dissenter, if any _____
Fibreboard Paper Products Corp.	_____	Dissenter, if any _____
Foster-Wheeler, LLC	_____	Dissenter, if any _____
General Electric Co.	_____	Dissenter, if any _____
Johns-Manville Corp.	_____	Dissenter, if any _____
Lilco	<u>5%</u>	Dissenter, if any _____
Owens-Corning Fiberglass Corp.	<u>30%</u>	Dissenter, if any _____
Peerless Industries, Inc.	_____	Dissenter, if any _____
The Philip Carey Manufacturing Co.	_____	Dissenter, if any _____
Pittsburgh-Corning Corp.	_____	Dissenter, if any _____
Refractory & Insulation Corp.	_____	Dissenter, if any _____
Riley Stoker Corp.	_____	Dissenter, if any _____
Robert A. Keasbey Co.	<u>35%</u>	Dissenter, if any _____

~~U.S. Mineral Products Co.~~ _____

Dissenter, if any _____

TOTAL MUST BE 100%

PROCEED TO QUESTION NUMBER 8 ONLY IF YOU ALLOCATED A PERCENTAGE OF FAULT TO DEFENDANT TISHMAN IN QUESTION NUMBER 7. OTHERWISE, PROCEED TO QUESTION NUMBER 9.

QUESTION NO. 8:

Did defendant Tishman act with reckless disregard for the safety of others?

Yes _____

No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

_____	_____
_____	_____
_____	_____

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NUMBER 9 ONLY IF YOU ALLOCATED A PERCENTAGE OF FAULT TO DEFENDANT PORT AUTHORITY IN QUESTION NUMBER 7. OTHERWISE, PROCEED TO QUESTION NUMBER 10.

QUESTION NO. 9:

Did defendant Port Authority act with reckless disregard for the safety of others?

Yes _____

No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

_____	_____
_____	_____
_____	_____

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NUMBER 10 ONLY IF YOU ALLOCATED A PERCENTAGE OF FAULT TO DEFENDANT MARIO & DIBONO IN QUESTION NUMBER 7. OTHERWISE, PROCEED TO QUESTION NUMBER 11.

QUESTION NO. 10:

Did defendant Mario & DiBono act with reckless disregard for the safety of others?

Yes _____ No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

_____	_____
_____	_____
_____	_____

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NUMBER 11 ONLY IF YOU ALLOCATED A PERCENTAGE OF FAULT TO DEFENDANT CON EDISON IN QUESTION NUMBER

7. OTHERWISE, PROCEED TO QUESTION NUMBER 12.

QUESTION NO. 11:

Did defendant Con Edison act with reckless disregard for the safety of others?

Yes _____

No _____

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NO. 12.

V. DAMAGES:

QUESTION NO. 12:

As to those injuries that you have found were sustained by Harry Brown as a result of the actions of defendant(s) and other companies, if any, state the total amount of damages, if any, from the onset of his mesothelioma to the date of his death. If you decide not to make an award as to this item, you must insert the word "none."

Pain and suffering from March 2012 to September 8, 2013: \$2,500,000

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

John J. ...
[Signature]

[Signature]
[Signature]

I, the undersigned juror, do not concur in the above.

PROCEED TO QUESTION NO. 13.

QUESTION NO. 13:

State the total amount of damages, if any, for Phyliss Brown's loss of Harry Brown's services. If you decide not to make an award as to this item, you must insert the word "none."

Loss of services, if any: \$ 1,000,000

At least five jurors must agree on the answer to this question.

Jurors, after answering the above question, sign your names below:

John J. ...
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

I, the undersigned juror, do not concur in the above.

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