

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
SOFIA FASOLAS, an Administrator of the Estate of  
ELIAS N. FASOLAS, a/k/a ELIAS FASOLAS, deceased,

Index No. 4638/2009

Plaintiff,

Justice Roger N. Rosengarten

-against-

BOBCAT OF NEW YORK, INC., BOBCAT OF LONG  
ISLAND, INC., PORT JEFFERSON RENTAL CENTER  
INC. d/b/a TAYLOR RENTAL CENTER and BOBCAT  
COMPANY, an unincorporated business unit of Clark  
Equipment Company, and BOBCAT OF LONDON,

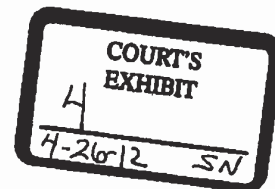
Defendants

-----X  
VERDICT SHEET

MEMBERS OF THE JURY:

YOU ARE TO ANSWER THE FOLLOWING QUESTIONS IN CONNECTION WITH  
YOUR VERDICT AND RETURN THIS QUESTIONNAIRE WITH YOUR VERDICT  
TO THE COURT. AT LEAST FIVE JURORS MUST AGREE TO THE ANSWER TO  
EVERY QUESTION RESPONDED TO. (PLEASE NOTE: THE SAME JURORS  
NEED NOT AGREE ON EACH QUESTION. A QUESTION IS ANSWERED WHEN  
ANY FIVE OR ALL OF THE JURORS AGREE). THE JURORS SHALL SIGN EACH  
QUESTION NEXT TO THEIR DESIGNATED JUROR NUMBER.

12 MAY - 7 PM 3:45  
QUEENS COUNTY CLERK  
RECORDED



1. (a) WAS THE BOBCAT S175 NOT REASONABLY SAFE IN THAT IT WAS DEFECTIVELY DESIGNED FOR USE IN THE RENTAL MARKET WHEN PLACED IN SAID MARKET BY DEFENDANT THE BOBCAT COMPANY?

YES  NO

1 Larry Park

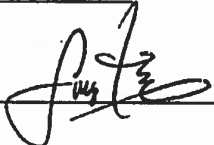
4 Kathleen Bordin

2 Blenda Myers

5 Shonica Jones

3 Michelle Dene

6 \_\_\_\_\_

Dissent, if any 

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 2.

1. (b) WAS THE SAID DEFECT A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES  NO

1 Larry Park

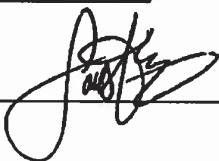
4 Kathleen Bordin

2 Blenda Myers

5 Shonica Jones

3 Michelle Dene

6 \_\_\_\_\_

Dissent, if any 

Proceed to Question 2.

2. (a) WAS THE BOBCAT S175 NOT REASONABLY SAFE IN THAT IT WAS DEFECTIVELY DESIGNED FOR USE IN THE RENTAL MARKET WHEN PLACED IN SAID MARKET BY DEFENDANT BOBCAT OF LONG ISLAND, INC.?

YES  NO

1 Lamy Parks

4 Kathleen Bossio

2 Glenda Harris

5 Sheronica James

3 Michelle Dune

6 \_\_\_\_\_

Dissent, if any *[Signature]*

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 3.

2. (b) WAS THE SAID DEFECT A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES  NO

1 Lamy Parks

4 Kathleen Bossio

2 Glenda Harris

5 Sheronica James

3 Michelle Dune

6 \_\_\_\_\_

Dissent, if any *[Signature]*

Proceed to Question 3.

3. (a) WAS THE BOBCAT S175 NOT REASONABLY SAFE IN THAT IT WAS DEFECTIVELY DESIGNED FOR USE IN THE RENTAL MARKET WHEN PLACED IN SAID MARKET BY DEFENDANT PORT JEFFERSON RENTAL CENTER INC. (TAYLOR RENTAL CENTER)?

YES  NO

1 Larry Park

4 Kathleen Basso

2 Glenda Yaris

5 Penica James

3 Michelle Duvon

6 Justin

Dissent, if any \_\_\_\_\_

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 4.

3. (b) WAS THE SAID DEFECT A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES  NO

1 Larry Park

4 Kathleen Basso

2 Glenda Yaris

5 Penica James

3 Michelle Duvon

6 Justin

Dissent, if any \_\_\_\_\_

Proceed to Question 4.

4. (a) WAS THE BOBCAT S175 MARKETED WITHOUT ADEQUATE WARNINGS BY DEFENDANT THE BOBCAT COMPANY?

YES \_\_\_\_\_ NO

1 Lamy Parks

4 Kathleen Bossio

2 Glenda Davis

5 Shamica Jones

3 Michelle Hanson

6 [Signature]

Dissent, if any \_\_\_\_\_

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 5.

4. (b) WAS THE SAID INADEQUACY A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES \_\_\_\_\_ NO \_\_\_\_\_

1 \_\_\_\_\_

4 \_\_\_\_\_

2 \_\_\_\_\_

5 \_\_\_\_\_

3 \_\_\_\_\_

6 \_\_\_\_\_

Dissent, if any \_\_\_\_\_

Proceed to Question 5.

5. (a) WAS THE BOBCAT S175 MARKETED WITHOUT ADEQUATE WARNINGS BY DEFENDANT BOBCAT OF LONG ISLAND, INC.?

YES \_\_\_\_\_ NO ✓

1 Larry Parks

4 Kathleen Bossio

2 Glenda Harris

5 Benonica James

3 Michelle Dineen

6 [Signature]

Dissent, if any \_\_\_\_\_

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 6.

5. (b) WAS THE SAID INADEQUACY A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES \_\_\_\_\_ NO \_\_\_\_\_

1 \_\_\_\_\_

4 \_\_\_\_\_

2 \_\_\_\_\_

5 \_\_\_\_\_

3 \_\_\_\_\_

6 \_\_\_\_\_

Dissent, if any \_\_\_\_\_

Proceed to Question 6.

6. (a) WAS THE BOBCAT S175 MARKETED WITHOUT ADEQUATE WARNINGS BY DEFENDANT PORT JEFFERSON RENTAL CENTER INC. (TAYLOR RENTAL CENTER)?

YES  NO

1 Lamy Parks

4 Katherine Bossio

2 Glenda Yonis

5 Jeronica James

3 Michelle Duren

6 [Signature]

Dissent, if any \_\_\_\_\_

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 7.

6. (b) WAS THE SAID INADEQUACY A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES  NO

1 Lamy Parks

4 Katherine Bossio

2 Glenda Yonis

5 Jeronica James

3 Michelle Duren

6 [Signature]

Dissent, if any \_\_\_\_\_

Proceed to Question 7.

7. (a) WAS THE DEFENDANT PORT JEFFERSON RENTAL CENTER INC.'S (TAYLOR RENTAL CENTER) TRAINING OF ELIAS FASOLAS IN THE USE OF THE BOBCAT S175 INADEQUATE?

YES  NO

1 Larry Parks

4 Kathleen Cassio

2 Glenda Myers

5 Cheronica James

3 Michelle Dener

6 [Signature]

Dissent, if any \_\_\_\_\_

If your answer to part (a) is YES, proceed to part (b).  
If your answer to part (a) is NO, omit part (b) and proceed to the Instructions on the following page.

7. (b) WAS THE SAID INADEQUACY A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES  NO

1 Larry Parks

4 Kathleen Cassio

2 Glenda Myers

5 Cheronica James

3 Michelle Dener

6 [Signature]

Dissent, if any \_\_\_\_\_

Proceed to the Instructions on the following page.



**INSTRUCTIONS**

IF YOU HAVE ANSWERED NO TO EITHER PART ((a) OR (b)) OF ALL OF QUESTIONS ONE THROUGH SEVEN – IN OTHER WORDS, IF YOU HAVE FOUND NO DEFECT OR INADEQUACY THAT WAS A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS – PROCEED NO FURTHER AND REPORT TO THE COURT.

IF YOU HAVE ANSWERED YES TO BOTH PARTS ((a) AND (b)) OF ANY OF QUESTIONS ONE THROUGH SEVEN – IN OTHER WORDS, IF YOU HAVE FOUND AT LEAST ONE DEFECT OR INADEQUACY THAT WAS A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS – PROCEED TO QUESTION 8(a) BELOW.

8. (a) DID ELIAS FASOLAS MISUSE THE S175 BOBCAT IN QUESTION?

YES \_\_\_\_\_ NO  \_\_\_\_\_

1 Lamy Parks

4 Kathleen Bossio

2 Glenda Morris

Sheronica Jones

3 Michelle King

6 \_\_\_\_\_

Dissent, if any 

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 9.

8. (b) WAS THE SAID MISUSE A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES \_\_\_\_\_ NO \_\_\_\_\_

1 \_\_\_\_\_

4 \_\_\_\_\_

2 \_\_\_\_\_

5 \_\_\_\_\_

3 \_\_\_\_\_

6 \_\_\_\_\_

Dissent, if any \_\_\_\_\_

Proceed to Question 9.

9. (a) COULD ELIAS FASOLAS BY THE USE OF REASONABLE CARE HAVE DISCOVERED THE DEFECT AND REALIZED ITS DANGER?

YES \_\_\_\_\_ NO

1 Larry Parks

4 Kathleen Bossio

2 Glenda Yee

5 Shonica James

3 Michelle Lane

6 [Signature]

Dissent, if any \_\_\_\_\_

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to Question 10.

9. (b) WAS THE FAILURE TO DO SO A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES \_\_\_\_\_ NO \_\_\_\_\_

1 \_\_\_\_\_

4 \_\_\_\_\_

2 \_\_\_\_\_

5 \_\_\_\_\_

3 \_\_\_\_\_

6 \_\_\_\_\_

Dissent, if any \_\_\_\_\_

Proceed to Question 10.

10. (a) COULD ELIAS FASOLAS BY THE USE OF REASONABLE CARE HAVE AVOIDED THE ACCIDENT OF MARCH 11, 2007?

YES \_\_\_\_\_

NO  \_\_\_\_\_

1 Larry Parks

4 Kathleen Bossio

2 Glenda Morris

5 Sharon Jones

3 Michelle Lane

6 \_\_\_\_\_

Dissent, if any *Just*

If your answer to part (a) is YES, proceed to part (b).

If your answer to part (a) is NO, omit part (b) and proceed to the Instructions on the following page.

10. (b) WAS THE FAILURE TO DO SO A SUBSTANTIAL FACTOR IN CAUSING THE DEATH OF ELIAS FASOLAS?

YES \_\_\_\_\_

NO \_\_\_\_\_

1 \_\_\_\_\_

4 \_\_\_\_\_

2 \_\_\_\_\_

5 \_\_\_\_\_

3 \_\_\_\_\_

6 \_\_\_\_\_

Dissent, if any \_\_\_\_\_

Proceed to the Instructions on the following page.

**INSTRUCTIONS**

IN QUESTION 11 YOU ARE ASKED TO NAME THE PARTIES THAT YOU HAVE FOUND TO BE RESPONSIBLE FOR THE ACCIDENT OF MARCH 11, 2007 AND, IF MORE THAN ONE, TO STATE THE PERCENTAGE OF RESPONSIBILITY YOU FOUND CHARGEABLE TO EACH.

IF YOU ANSWERED YES TO BOTH PARTS ((a) AND (b)) OF QUESTION 1 OR OF QUESTION 4 (OR OF BOTH) THEN YOU HAVE FOUND DEFENDANT THE BOBCAT COMPANY RESPONSIBLE AND SHOULD SO STATE.

IF YOU ANSWERED YES TO BOTH PARTS ((a) AND (b)) OF QUESTION 2 OR OF QUESTION 5 (OR OF BOTH), THEN YOU HAVE FOUND DEFENDANT BOBCAT OF LONG ISLAND, INC. RESPONSIBLE AND SHOULD SO STATE.

IF YOU ANSWERED YES TO BOTH PARTS ((a) AND (b)) OF QUESTION 3 OR OF QUESTION 6 OR OF QUESTION 7, THEN YOU HAVE FOUND DEFENDANT TAYLOR RENTAL CENTER RESPONSIBLE AND SHOULD SO STATE.

IF YOU ANSWERED YES TO BOTH PARTS ((a) AND (b)) OF QUESTION 8 OR OF QUESTION 9 OR OF QUESTION 10, THEN YOU HAVE FOUND ELIAS FASOLAS RESPONSIBLE AND SHOULD SO STATE.

**IF YOU HAVE FOUND ONLY ONE OF THESE FOUR PARTIES RESPONSIBLE, OMIT QUESTION 11 AND PROCEED TO QUESTION 12.**

11. SET FORTH THE NAMES OF THE PARTIES THAT YOU HAVE FOUND TO BE RESPONSIBLE FOR THE ACCIDENT OF MARCH 11, 2007 AND STATE THE PERCENTAGE OF RESPONSIBILITY YOU FOUND CHARGEABLE TO EACH.

NAME OF PARTY

PERCENTAGE OF FAULT

Bobcat/manufacturer 25 %

Bobcat of Long Island 25 %

Taylor Rental / Port Jefferson 50 %

\_\_\_\_\_ %

TOTAL MUST EQUAL 100% 100 %

1 Kary Parks

4 Kathleen Basso

2 Glenda Menis

5 Jeronica James

3 Michelle Duv...

6 [Signature]

Dissent, if any \_\_\_\_\_

Proceed to Question 12.

12. SET FORTH THE AMOUNT YOU AWARD FOR EACH OF THE FOLLOWING ITEMS OF DAMAGE. IF YOU CHOOSE TO MAKE NO AWARD, INSERT THE WORD "NONE."

(a) TO THE ESTATE OF ELIAS FASOLAS FOR HIS PAIN AND SUFFERING PRIOR TO HIS DEATH.

\$ One Million Dollars / 1,000,000

1 Larry Parks

4 Kathleen Bossio

2 Glenda Morris

5 Chronica James

3 Michelle Dune

6 Justo

Dissent, if any \_\_\_\_\_

(b) TO MICHAEL AND EVANGELINA FASOLAS FOR THE LOSS OF SERVICES THAT WOULD HAVE BEEN PERFORMED BY ELIAS FASOLAS FROM MARCH 11, 2007 TO THE DATE OF YOUR VERDICT.

\$ - 0 - / none

1 Larry Parks

4 Kathleen Bossio

2 Glenda Morris

5 Chronica James

3 Michelle Dune

6 Justo

Dissent, if any \_\_\_\_\_

(c) TO MICHAEL AND EVANGELINA FASOLAS FOR THE LOSS OF SERVICES THAT WOULD HAVE BEEN PERFORMED BY ELIAS FASOLAS FROM THE DATE OF YOUR VERDICT INTO THE FUTURE, AND STATE THE NUMBER OF YEARS FOR WHICH THIS AWARD IS INTENDED TO PROVIDE COMPENSATION.

\$ 0 - NONE NUMBER OF YEARS 0 - NONE

1 Larry Parks

4 Kathleen Bossio

2 Glenda Mois

5 Sharonica James

3 Michelle Dune

6 [Signature]

Dissent, if any \_\_\_\_\_

(d) TO MICHAEL AND EVANGELINA FASOLAS FOR THE LOSS OF FINANCIAL SUPPORT THAT WOULD HAVE BEEN PROVIDED BY ELIAS FASOLAS FROM MARCH 11, 2007 TO THE DATE OF YOUR VERDICT.

\$ 0 - NONE

1 Larry Parks

4 Kathleen Bossio

2 Glenda Mois

5 Sharonica James

3 Michelle Dune

6 [Signature]

Dissent, if any \_\_\_\_\_

(e) TO MICHAEL AND EVANGELINA FASOLAS FOR THE LOSS OF FINANCIAL SUPPORT THAT WOULD HAVE BEEN PROVIDED BY ELIAS FASOLAS FROM THE DATE OF YOUR VERDICT INTO THE FUTURE, AND STATE THE NUMBER OF YEARS FOR WHICH THIS AWARD IS INTENDED TO PROVIDE COMPENSATION.

\$ 0-NONE NUMBER OF YEARS 0-NONE

1 Larry Park

4 Kathleen Bossio

2 Glenda Yori

5 Francina James

3 Michelle Dem

6 John

Dissent, if any \_\_\_\_\_

Report to the Court.