

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Robert T. Fenlon,

Plaintiff

v.

Mary Kay James,

Defendant

: No. 2800 CV 2006
:
:
:
:
:
:
:
:
:
:
:
:

PROTHONOTARY
2008 DEC 15 P 3:28
MONROE COUNTY, PA

VERDICT SHEET

Question 1:

Do you find that the Defendant was negligent?

Yes

No

If you answer Question 1 "Yes", go to Question 2.

If you answer Question 1 "No", the Plaintiff cannot recover and you should not answer any further questions and should return to the courtroom.

Question 2:

Was the Defendant's negligence a factual cause of any harm to the Plaintiff?

Yes

No

If you answer Question 2 "Yes", go to Question 3.

If you answer Question 2 "No", the Plaintiff cannot recover and you should not answer any further questions and should return to the courtroom.

Question 3:

Was the Plaintiff negligent?

Yes No

If you answer Question 3 "Yes", go to Question 4.

If you answer Question 3 "No", go to Question 6.

Question 4:

Was the Plaintiff's negligence a factual cause of any harm to him?

Yes No

If you answer Question 4 "No", go to Question 6.

If you answer Question 4 "Yes", go to Question 5.

Question 5:

If you have found more than one party causally negligent, you must apportion the negligence among those parties.

Taking the combined negligence that was a factual cause of any harm to the Plaintiff as 100 percent, what percentage of that causal negligence was attributable to defendant and what percentage was attributable to the Plaintiff?

Percentage of causal negligence attributable to Defendant.

80 %

Percentage of causal negligence attributable to Plaintiff.

20 %

Total 100%

If you have found the Plaintiff's causal negligence to be greater than 50 percent, then the plaintiff cannot recover and you should not answer Question 6 and should return to the courtroom.

Question 6:

Itemize the amount of damages, if any, sustained by the Plaintiff as a result of this accident, without regard to and without reduction by the percentage of causal negligence that you have attributed to the Plaintiff.

(a) Past medical expenses	\$ <u>38,998.47</u>
(b) Loss of earnings and earning capacity	\$ <u>200,000.00</u>
(c) Incidental Damages	\$ <u>2,420.00</u>
(d) past, present, and future pain and suffering, embarrassment and humiliation, and loss of enjoyment of life	\$ <u>100,000.00</u>
(e) Disfigurement	\$ <u>-0-</u>
Total	\$ <u>341,418.47</u>

1) Lucy Basile
2) Art Starnob
3) Jill Hahn
4) Dianna Wentz
5) Maria Sawyer
6) Donald Holar

7) Yolanda C. Westhauer
8) [Signature]
9) [Signature]
10) [Signature]
11) [Signature]
12) [Signature]

[Signature]
FOREPERSON

Date: 12-15-2008

FENIG, ROBERT

COMMONWEALTH OF PENNSYLVANIA

2800 CV 2006
Case/Term

vs

JAMES, MARY KAY

Defendant

#9

Trial List Number

Jury Panel

1 Gregory E. Bischer

2 Arthur P. Stewart

3 Larue F. Altemose (EXCLUDED)

4 Wilma J. Wentorf

5 Maria L. Sawyer

6 Donald P. Hobar

7 Yolanda C. Werkheiser

8 J.C. Pustay

9. Anthony Gerenz

10 Donald M. Turkelson

11 Lorain M. McFarlane

12 Denathy A. Meckes

1a Jill M. Hahn (REPLACED #3)

2a Melanie S. Quinn

3a

4a

Judge Jonathan Mark

Date Panel Pulled 12-02-08

Date Panel Sworn for Voire Dire 12-02-08

Date Jury Sworn 12/11/2008

Date First Witness Sworn 12/11/2008

Trial Dates 12-11-08 + 12-12-08

Disposition Date 12-15-08

PROTHONOTARY
2008 DEC 15 P 3:28
HUNTER COUNTY, PA

Disposition 80% Def.
20% P/Plf
\$341,418.49