

**IN THE DISTRICT COURT IN AND FOR DUBUQUE COUNTY**

<b>TAYLOR WHITACRE and DAVAUN LEWIS, as next of kin of I.L.</b> <b>Plaintiffs,</b>  <b>Vs.</b>  <b>MCDERMOTT ENTERPRISES, LLC</b> <b>Defendant / Cross Plaintiff,</b>  <b>Vs.</b>  <b>URIAH MILLER,</b> <b>Cross Defendant.</b>	<b>Case No. 01311 LACV114484</b>  <b>VERDICT RE PLAINTIFFS' NEGLIGENCE CLAIM</b>
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**We find the following verdict on the question of Negligence submitted to us:**

**A: FAULT:**

**QUESTION NO. 1: Was McDermott Enterprises at fault?**

ANSWER: Yes X No       

**QUESTION NO. 2: Was Miller at fault?**

ANSWER: Yes X No

**QUESTION NO. 3: Were Taylor Whitacre and Davaun Lewis at fault?**

ANSWER: Yes X No       

[If your answer is "yes" to either 1, or 2, please answer question no. 5.]

**QUESTION NO. 4:** Did Miller establish that McDermott Enterprises was a proximate cause of all proven damages you found for Taylor Whitacre and Davaun Lewis?

ANSWER: Yes ~~\_\_\_\_\_~~ No   X  

[If your answer is "yes" do not attribute any fault to Miller in question 5.]

**QUESTION NO. 5:** Using 100% as the total combined fault of Taylor Whitacre and Davaun Lewis, McDermott Enterprises and Miller which was a cause of Taylor Whitacre and Davaun Lewis,' damage [and within the scope of liability], what percentage of such combined fault do you assign to each of the parties? If you found any party to NOT be at fault above, place a "0" next to their name.

ANSWER:	Taylor Whitacre and Davaun Lewis	<u>  27  </u> %
	McDermott Enterprises	<u>  63  </u> %
	Miller	<u>  10  </u> %
	TOTAL	100%

[If no fault was found for McDermott Enterprises, no further question need be answered for it. If no fault was found as to Miller, no further questions need be answered as to him.]

**B: CAUSATION:**

**QUESTION NO. 6:** Was the fault of McDermott Enterprises a cause of any item of damage to Taylor Whitacre and Davaun Lewis?

ANSWER: Yes   X   No \_\_\_\_\_

[If your answer is "no," do not answer question no. 7 and proceed to question no.8. If your answer is "yes," please answer question 7 ]

**QUESTION NO. 7:** Was any item of damage to Taylor Whitacre and Davaun Lewis within the scope of McDermott Enterprises' liability?

**ANSWER:** Yes X No \_\_\_\_\_

[If your answer is "no," do not answer any further questions as to McDermott Enterprises. If your answer is "yes," you will proceed to question no. 10 relating to damages, after responding to question no. 8 regarding Miller.]

**QUESTION NO. 8:** Was the fault of Miller a cause of any item of damage to the Taylor Whitacre and Davaun Lewis?

**ANSWER:** Yes X No \_\_\_\_\_

[If your answer is "no," do not answer any further questions regarding Miller. If your answer is "yes," please answer question 9.]

**QUESTION NO. 9:** Was any item of damage to the Taylor Whitacre and Davaun Lewis within the scope of Miller's liability?

**ANSWER:** Yes X No \_\_\_\_\_

[If your answer is "no," do not answer any further questions as to Miller. If your answer is "yes" please proceed to question no. 10 relating to Damages.]

**C: DAMAGES:**

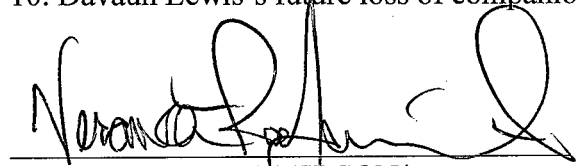
**QUESTION NO. 10:** State the amount of damages sustained by I.L., Taylor Whitacre and Davaun Lewis by McDermott Enterprises' fault [and within the scope of its liability], if

applicable, and / or Miller's fault [and within the scope of its liability], if applicable, as to each of the following items of damage. Do not take into consideration any reduction of damages due to Taylor Whitacre and Davaun Lewis' fault, if any.

If you find Taylor Whitacre and Davaun Lewis to be more than 50% at fault in question no. 5 above, enter "0" for their loss of companionship claim.

**ANSWER:**

- |  |                      |
|--|----------------------|
| 1. I.L.'s loss of future earning capacity:   | \$ <u>837,464.00</u> |
| 2. I.L.'s future medical expenses:   | \$ <u>617,729.00</u> |
| 3. I.L.'s past loss of function of the mind and body:                                  | \$ <u>50,000.00</u>  |
| 4. I.L.'s future loss of function of the mind and body:                                | \$ <u>50,000.00</u>  |
| 5. I.L.'s past physical and mental pain, suffering,<br>and loss of enjoyment of life   | \$ <u>50,000.00</u>  |
| 6. I.L.'s future physical and mental pain, suffering,<br>and loss of enjoyment of life | \$ <u>50,000.00</u>  |
| 7. Taylor Whitacre's past loss of companionship with I.L.:                             | \$ <u>10,000.00</u>  |
| 8. Taylor Whitacre's future loss of companionship with I.L.:                           | \$ <u>10,000.00</u>  |
| 9. Davaun Lewis's past loss of companionship with I.L.:                                | \$ <u>10,000.00</u>  |
| 10. Davaun Lewis's future loss of companionship with I.L.:                             | \$ <u>10,000.00</u>  |



FOREPERSON\*

(\*To be signed only if verdict is unanimous.)

\*\*To be signed by the jurors agreeing to it after six hours or more of deliberation.

\_\_\_\_\_  
Juror\*\*\_\_\_\_\_  
Juror\*\*

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Juror\*\*

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Juror\*\*

**IN THE DISTRICT COURT IN AND FOR DUBUQUE COUNTY**

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THIS SPEICAL INTERROGATORY SHOULD BE ANSWERED IF YOU FOUND THAT  
**PLAINTIFFS** PROVED THAT MCDERMOTT AND / OR MILLER WERE NEGLIGENT.

**QUESTION NO. 1:** Under which theories did you find that McDermott Enterprises was negligent? If you did not find McDermott Enterprises negligent, do not mark any theories.

Please mark ALL applicable theories with an "X."

☒

Failure to provide an EPA-approved pamphlet regarding the presence of lead;

☒

Failing to maintain, repair, remove or cover any peeling, chipping, flaking or abraded paint on the premises;

☒

Failing to keep the premises in a clean and safe condition;

☒

Failing to provide records or reports pertaining to lead based paint and / or its hazards;

☒

Failing to inspect the premises for lead based hazards;

☒

Violation of the Code as set forth in Instruction No. 15.

**QUESTION NO. 2:** Under which theories did you find that Miller was negligent? If you did not find Miller negligent, or if you found that McDermott Enterprises was the sole proximate cause of Plaintiffs' damages, do not mark any theories.

Please mark ALL applicable theories with an "X."

☒

Failing to disclose the presence of lead-based paint in the property during the course of sale;

☒

Failing to disclose lead abatement reports or records during the sale;

☒

Failing to disclose future monitoring obligations of lead-based paint hazards;

☒

Failing to comply with the Residential Lead-Based Paint Hazard Act of 1992;

☒

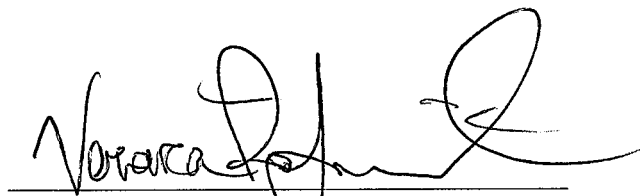
Failing to disclosure known information on lead-based paint before selling housing built before 1978;

☒

Representing that the property was lead "abated;"

☒

Representing that the property was lead "safe."



FORERPERSON\*

(\*To be signed only if verdict is unanimous.)