

FILED
ALAMEDA COUNTY

SEP 20 2011

CLERK OF THE SUPERIOR COURT

By Quel Henry Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

HENRY S. BISSETT and
MARY A. BISSETT,

Plaintiffs,

vs.

KAISER GYPSUM CORPORATION and
BIG 'B' LUMBERTERIA, INC.,

Defendants.

) Case No. RG10521382

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WE, THE JURY in the above-entitled action, find the following special verdict on the questions submitted to us:

QUESTION NO. 1: Did Kaiser Gypsum manufacture an asbestos-containing joint compound that Henry S. Bissett was exposed to?

ANSWER: Yes X No _____

If you answered "No" to Question No. 1, then do not answer any further questions and sign and return the Verdict Form. If you answered "YES" to question No. 1, then answer the next Question.

1
2 QUESTION NO. 2: Did the Kaiser Gypsum joint compound fail to perform as safely as an
3 ordinary consumer would have expected?

4 ANSWER: Yes X No _____

5 If you answered "No" to Question No. 2, then go to Question No. 5. If you answered "YES" to
6 question No. 2, then answer the next Question.
7

8 QUESTION NO. 3: Was the Kaiser Gypsum joint compound used in a way that was reasonably
9 foreseeable to Kaiser Gypsum?

10 ANSWER: Yes X No _____

11 If you answered "No" to Question No. 3, then go to Question No. 5. If you answered "YES" to
12 question No. 3, then answer the next Question.
13

14 QUESTION NO. 4: Was the Kaiser Gypsum joint compound's design a substantial factor
15 contributing to Henry S. Bissett's risk of developing malignant mesothelioma?

16 ANSWER: Yes X No _____

17 Answer the next Question.
18

19 QUESTION NO. 5: Did Kaiser Gypsum joint compound have potential risks that were known
20 or knowable through the use of scientific knowledge available at the time of manufacture and
21 distribution?

22 ANSWER: Yes X No _____

23 If you answered "No" to Question No. 5, then go to Question No. 11. If you answered "YES" to
24 question No. 5, then answer the next Question.
25

26 QUESTION NO. 6: Did the potential risks present a substantial danger to users of the product?

27 ANSWER: Yes X No _____
28

1 If you answered "No" to Question No. 6, then go to Question No. 11. If you answered "YES" to
2 question No. 6, then answer the next Question.
3

4 QUESTION NO. 7: Would ordinary consumers have recognized the potential risks?

5 ANSWER: Yes _____ No X

6 If you answered "No" to Question No. 7, then go to Question No. 11. If you answered "YES" to
7 question No. 7, then answer the next Question.
8

9 QUESTION NO. 8: Did Kaiser Gypsum fail to adequately warn or instruct of the potential
10 risks?
11

12 ANSWER: Yes _____ No _____

13 If you answered "No" to Question No. 8, then go to Question No. 11. If you answered "YES" to
14 question No. 8, then answer the next Question.
15

16 QUESTION NO. 9: Was the product used in a way that was reasonably foreseeable to Kaiser
17 Gypsum?

18 ANSWER: Yes _____ No _____

19 If you answered "No" to Question No. 9, then go to Question No. 11. If you answered "YES" to
20 question No. 9, then answer the next Question.
21

22 QUESTION NO. 10: Was the lack of sufficient instruction or warning a substantial factor
23 contributing to Henry S. Bissett's risk of developing malignant mesothelioma?

24 ANSWER: Yes _____ No _____

25 Answer the next Question.
26
27
28

QUESTION NO. 11: Was defendant Kasier Gypsum negligent?

ANSWER: Yes X No

If you answered "No" to Question No. 11 and answered "Yes" to Questions No. 4 or No. 10, then go to Question No. 13. If you answered "No" to Question No. 11 and answered "No" or did not have to answer Questions No. 4 and No. 10, then do not answer any further questions and sign and return the Verdict Form. If you answered "YES" to question No. 11, then answer the next Question.

QUESTION NO. 12: Was such negligence a substantial factor contributing to Henry S. Bissett's risk of developing malignant mesothelioma?

ANSWER: Yes X No

If you answered "No" to Question No. 12 and answered "Yes" to Questions No. 4 or No. 10, then go to Question No. 13. If you answered "No" to Question No. 12 and answered "No" or did not have to answer Questions No. 4 and No. 10, then do not answer any further questions and sign and return the Verdict Form. If you answered "YES" to question No. 12, then answer the next Question.

QUESTION NO. 13: What do you find to be the total amount of economic damages suffered by the Plaintiffs?

ANSWER:

Past Economic Loss

Medical Expenses	\$ <u>Ø</u>
Household Services	\$ <u>12,003</u>

Future Economic Loss

Medical Expenses	\$ <u>Ø</u>
Household Services	\$ <u>108,024</u>
Pension	\$ <u>51,853</u>
Social Security	\$ <u>94,120</u>

TOTAL ECONOMIC DAMAGES	\$ <u>266,000</u>
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1 Answer the next Question.
2

3 QUESTION NO. 14: What do you find to be the total amount of non-economic damages
4 suffered by Plaintiff Henry S. Bissett?
5

6 ANSWER

7 Past non-economic loss

8 Physical Pain

\$ 26,600

9 Mental Suffering
10 Grief

11 Anxiety

12 Humiliation

13 Emotional Distress

14 Loss of Enjoyment of Life

\$ 26,600

15 Disfigurement

\$ 26,600

16 Physical Impairment

\$ 26,600

17 Inconvenience

\$ 26,600

18 Future non-economic loss

19 Physical Pain

\$ 26,600

20 Mental Suffering
21 Grief

22 Anxiety

23 Humiliation

24 Emotional Distress

25 Loss of Enjoyment of Life

\$ 26,600

26 Disfigurement

\$ 26,600

27 Physical Impairment

\$ 26,600

28 Inconvenience

\$ 26,600

Answer the next Question.

1 QUESTION NO. 15: What do you find to be the total amount of non-economic damages
2 suffered by Plaintiff Mary A. Bissett?

3 ANSWER

4 Past non-economic loss

5 Loss of Love
6 Companionship
7 Comfort
8 Care
9 Assistance
10 Protection
11 Affection
12 Society
13 Moral Support

\$ 33,500

14 Loss of Sexual Relations

\$ 33,500

15 Future non-economic loss

16 Loss of Love
17 Companionship
18 Comfort
19 Care
20 Assistance
21 Protection
22 Affection
23 Society
24 Moral Support

\$ 33,500

25 Loss of Sexual Relations

\$ 33,500

26 TOTAL NON-ECONOMIC DAMAGES

\$ 134,000

27 TOTAL DAMAGES:

\$ 666,000

28 Answer the next Question.

1
2 QUESTION NO. 16: If 100% represents the total fault that was the cause of Plaintiffs' injury,
3 what percentage of this 100% was due to the fault of the defendants and others listed below?
4

5 ANSWER:

6 To Defendant KAISER GYPSUM

40%

7 To GEORGIA-PACIFIC CORPORATION

40%

8 To Plaintiff HENRY S. BISSETT

20%

9
10 TOTAL: 100%
11
12

13
14 Dated: September 20, 2011

Thomas A. [Signature]
FOREPERSON
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