

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HERBERT WILLOUGHBY and THERESE
WILLOUGHBY,
Plaintiffs,

v.

JASON CRIBBS, *et al.*,
Defendants.

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CIVIL ACTION H-13-1091

VERDICT FORM

Definitions

“Consortium” means the mutual right of the husband and wife to the affection, solace, comfort, companionship, society assistance, sexual relations, emotional support, love, and felicity necessity to a successful marriage.

“Negligence” means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

“Ordinary care” means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

“Proximate cause” means a cause that was a substantial factor in bringing about an occurrence, and without which cause such occurrence would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using *ordinary care* would have foreseen that the occurrence, or some similar occurrence, might reasonably result therefrom. There may be more than one proximate cause of an occurrence.

Question No. 1

Did the negligence, if any, of those named below proximately cause the occurrence in question? Answer "Yes" or "No" for each of the following:

- (a) Herbert Willoughby yes
- (b) Jason Cribbs yes
- (c) Swift Transportation Co.
of Arizona, LLC yes

If you answered "Yes" to Question 1, assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to a person or product is not necessarily measured by the number of acts, omissions, or product defects found. The percentage attributable to any one person need not be the same percentage attributed to that one in answering another question.

Question No. 2

For each person you found caused or contributed to cause the occurrence, find the percentage of responsibility attributable to each:

(a)	Herbert Willoughby	<u>43</u> %
(b)	Jason Cribbs	<u>8</u> %
(c)	Swift Transportation Co. of Arizona, LLC	<u>49</u> %
	Total	100%

Answer Question No. 3 if you answered "Yes" for Jason Cribbs and/or Swift Transportation Co. of Arizona, LLC to Question No. 1 and answered:

1. "No" for Herbert Willoughby in Question No. 2, or
2. 50% or less for Herbert Willoughby in Question No. 2.

Otherwise, do not answer Question No. 3.

Question No. 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Herbert Willoughby for his injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any. Do not reduce the amounts, if any, in your answers because of the negligence, if any, of Herbert Willoughby. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Do not include any amount for any condition existing before the occurrence in question, except to the extent, if any, that such other condition was aggravated by any injuries that resulted from the occurrence in question.

(a) Physical pain and mental anguish sustained in the past.

\$ 500,000

(b) Physical pain and mental anguish that in reasonable probability will be sustained in the future.

\$ 300,000

(c) Physical impairment in the past.

\$ 500,000

(d) Physical impairment that in reasonable probability will be sustained in the future.

\$ 300,000

(e) Medical expenses incurred in the past.

\$ 80,000

(f) Medical expenses that in reasonable probability will be sustained in the future.

\$ 300,000

(g) Loss of earnings in the past.

\$ 150,000

(h) Loss of earning capacity that in reasonable probability will be sustained in the future.

\$ 450,000

Answer Question No. 4 if you answered "Yes" for Jason Cribbs and/or Swift Transportation Co. of Arizona, LLC to Question No. 1 and answered:

1. "No" for Herbert Willoughby in Question No. 2, or
2. 50% or less for Herbert Willoughby in Question No. 2.

Otherwise, do not answer Question No. 4.

Question No. 4

What sum of money, if paid now in cash, would fairly and reasonable compensate Therese Willoughby for injuries, if any, to her husband, Herbert Willoughby, that resulted from the occurrence in question?

Consider the element of damages listed below and none other. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any. Do not reduce the amount, if any, in your answer because of negligence, if any, of Herbert Willoughby. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

(a) Loss of consortium sustained in the past.

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(b) Loss of consortium that, in reasonable probability, Therese Willoughby will sustain in the future.

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We the undersigned jurors, are unanimous in our answers to the questions presented.

[REDACTED]

Foreperson

All jurors who agree to the above findings must sign below.

[REDACTED]