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JS-6

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Adela Ramirez, et al.,
Plaintiffs,
v.
ITW Food Equipment Group LLC,
Defendant.

Civil No. 12-CV-10023-AB (AGR_x)
**JUDGMENT ON SPECIAL
VERDICT**

1 This action came on for trial before the Court and the jury on October 9, 2018,
2 in Courtroom 7B of the United States District Court for the Central District of
3 California, the Honorable André Birotte, Jr. presiding. The plaintiffs, Adela Ramirez
4 and Vallarta Food Enterprises, Inc., were represented by Frank J. D’Oro and David
5 M. Ferrante of Wesierski & Zurek LLP. The defendant, ITW Food Equipment Group
6 LLC, was represented by Jan Dodd of Norton Rose Fulbright US LLP, Andrew Cox
7 of Thompson Hine LLP, and Ralph Campillo of Mintz Levin Cohn Ferris Glovsky
8 and Popeo.

9 A jury of eight persons was regularly impaneled and sworn. Witnesses were
10 sworn and testified. After hearing the evidence and arguments of counsel, the jury
11 was duly instructed by the Court, and the cause was submitted to the jury with
12 directions to return a special verdict. The jury deliberated and thereafter, on October
13 18, 2018, returned to the Court its special verdict on a Special Verdict Form, filed on
14 the docket in this matter as ECF No. 268, which specifically provides as follows:

15 *****

16
17 **SPECIAL VERDICT FORM**

18 We answer the questions submitted to us as follows:

19
20 **ADELA RAMIREZ’S CLAIM FOR STRICT LIABILITY**

21 1. Did ITW Food Equipment Group, LLC (“ITW FEG”) manufacture,
22 distribute or sell the mixer/grinder on which plaintiff Adela Ramirez was
23 injured?

24 X Yes No

25 If your answer to Question 1 is yes, then answer Question 2. If you answered
26 no, stop here, answer no further questions, and have the presiding juror sign and date
27 this form.

1 2. Was the mixer/grinder misused or modified after it left ITW FEG's
2 possession in a way that was so highly extraordinary that it was not
3 reasonably foreseeable to it?

4 Yes No

5 If your answer to Question 2 is yes, then answer Question 3. If you answered
6 no, skip Question 3 and answer Question 4.

7
8 3. Was the misuse or modification the sole cause of Adela Ramirez's harm?

9 Yes No

10 If your answer to Question 3 is no, then answer Question 4. If you answered
11 yes, stop here, answer no further questions, and have the presiding juror sign and date
12 this form.

13
14 4. Is the mixer/grinder one about which an ordinary consumer can form
15 reasonable minimum safety expectations?

16 Yes No

17 If your answer to Question 4 is yes, then answer Question 5. If your answer is
18 no, skip Question 5 and Answer Question 6.

19
20 5. Did the mixer/grinder fail to perform as safely as an ordinary consumer
21 would have expected when used or misused in a reasonably foreseeable way?

22 Yes No

23 Regardless of your answer to Question 5, answer Question 6.

24
25 6. Did the risk of the mixer/grinder's design outweigh the benefits of the
26 design?

27 Yes No

28 If your answer to either Question 5 or Question 6 is yes, then answer Question

1 7. If you answered no to both Question 5 and Question 6, then, stop here, answer no
2 further questions, and have the presiding juror sign and date this form.

3
4 7. Was the mixer/grinder's design a substantial factor in causing harm to Adela
5 Ramirez?

6 _____ Yes _____ X _____ No

7 If your answer to Question 7 is yes, then answer Question 8. If you answered
8 no, stop here, answer no further questions, and have the presiding juror sign and
9 date this form.

10

11 **DAMAGES**

12 8. What are Vallarta Food Enterprises, Inc.'s ("Vallarta") total damages?

13 a. Past economic loss

14 Benefits paid to or on behalf of Adela

15 Ramirez: \$ _____

16

17 9. What are Adela Ramirez's total damages?

18 a. Past economic loss

19 Past lost earnings \$ _____

20 b. Future economic loss

21 Future lost earnings \$ _____

22 Future medical expenses: \$ _____

23 c. Past noneconomic loss, including physical

24 pain/mental suffering/loss of enjoyment/

25 disfigurement/physical impairment

26 /inconvenience/grief/anxiety/humiliation/

27 emotional distress: \$ _____

28 d. Future noneconomic loss, including

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physical pain/mental suffering/loss of
enjoyment/ disfigurement/physical
impairment /inconvenience/grief/anxiety
/humiliation/emotional distress: \$ _____
TOTAL \$ _____

If Adela Ramirez has proved any damages, answer Question 10. If Adela Ramirez has not proved any damages, then stop here, answer no further questions, and have the presiding juror sign and date this form.

ITW FEG’S CLAIM OF CONTRIBUTORY NEGLIGENCE

10. Was Adela Ramirez negligent?
_____ Yes _____ No

If your answer to Question 10 is yes, then answer Question 11. If you answered no, go to Question 12.

11. Was Adela Ramirez’s negligence a substantial factor in causing her harm?
_____ Yes _____ No

Regardless of your answer to Question 11, answer Question 12.

12. Was Vallarta negligent?
_____ Yes _____ No

If your answer to Question 12 is yes, then answer Question 13. If you answered no, go to Question 14.

13. Was Vallarta’s negligence a substantial factor in causing harm to Adela Ramirez?

1 _____ Yes _____ No

2 Now answer Question 14.

3
4 14. What percentage of responsibility for Adela Ramirez's harm do you assign
5 to:

6	ITW FOOD EQUIPMENT GROUP, LLC:	_____%
7	VALLARTA FOOD ENTERPRISES, INC.:	_____%
8	ADELA RAMIREZ:	_____%
9	TOTAL	100%

10
11 Signed: /s/ Presiding Juror Date: 10/18/18
12 Presiding Juror

13 After the verdict form has been signed, notify the clerk that you are ready to
14 present your verdict in the courtroom.

15 *****

16
17 NOW, THEREFORE, IT IS ORDERED AND ADJUDGED that the plaintiffs,
18 Adela Ramirez and Vallarta Food Enterprises, Inc., take nothing; that the action be
19 dismissed on the merits; and that the defendant, ITW Food Equipment Group LLC,
20 have judgment. The defendant, ITW Food Equipment Group LLC, has agreed to
21 waive its costs, and the plaintiffs, Adela Ramirez and Vallarta Food Enterprises, Inc.,
22 have agreed to forgo any appeal of the judgment.

23
24
25 Dated: 12/20/2018


26 The Honorable André Birotte Jr.

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