

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JIAN WU,

Plaintiff,

v.

ENTERPRISE LEASING COMPANY OF
ORLANDO LLC,

Defendant.

) Case No. 5:13-cv-00188-PSG
)
) **JURY VERDICT FORM**

Negligence

We answer the questions submitted to us as follows:

1. Did Enterprise Leasing Company of Orlando, LLC supply, inspect, or rent the 2011 Malibu to Sally Yuan on September 10, 2011?

Yes _____ No _____

If your answer to question 1 is yes, then answer question 2. If you answered no, answer no more questions on this page and go to page 3 (Negligent Failure to Warn).

2. Was Enterprise Leasing Company of Orlando, LLC negligent in supplying, inspecting, or renting the 2011 Malibu to Sally Yuan on September 10, 2011?

Yes _____ No _____

If your answer to question 2 is yes, then answer question 3. If you answered no, answer no more questions on this page and go to page 3 (Negligent Failure to Warn).

3. Was Enterprise Leasing Company of Orlando, LLC's negligence a substantial factor in causing harm to Mr. Wu?

Yes _____ No _____

If your answer to question 3 is yes, then answer question 4. If you answered no, answer no more questions on this page and go to page 3 (Negligent Failure to Warn).

4. Was Mr. Wu negligent?

Yes _____ No _____

If your answer to question 4 is yes, then answer question 5. If you answered no, go to question 6 and insert the number 100 next to Enterprise Leasing Company of Orlando, LLC's name and the number zero next to Mr. Wu's name.

5. Was Mr. Wu's negligence a substantial factor in causing his harm?

Yes _____ No _____

If your answer to question 5 is yes, then answer question 6. If you answered no, go to question 6 and insert the number 100 next to Enterprise Leasing Company of Orlando, LLC's name and the number zero next to Mr. Wu's name.

6. What percentage of responsibility for Mr. Wu's harm do you assign to:

Enterprise Leasing Company of Orlando, LLC: _____ %

JIAN WU: _____ %

TOTAL: 100 %

Go to page 3 (Negligent Failure to Warn).

Negligent Failure to Warn

We answer the questions submitted to us as follows:

1. Did Enterprise Leasing Company of Orlando, LLC distribute the 2011 Malibu?

Yes _____ No _____

If you answer to question 1 is yes, then answer question 2. If you answered no, answer no more questions on this page and go to page 4 (Negligent Infliction of Emotional Distress).

2. Did Enterprise Leasing Company of Orlando, LLC know or should reasonably have known that the 2011 Malibu was dangerous or was likely to be dangerous when used or misused in a reasonably foreseeable manner?

Yes _____ No _____

If your answer to question 2 is yes, then answer question 3. If you answered no, answer no more questions on this page and go to page 4 (Negligent Infliction of Emotional Distress).

3. Did Enterprise Leasing Company of Orlando, LLC know or should it reasonably have known that users would not realize the danger?

Yes _____ No _____

If your answer to question 3 is yes, then answer question 4. If you answered no, answer no more questions on this page and go to page 4 (Negligent Infliction of Emotional Distress).

4. Did Enterprise Leasing Company of Orlando, LLC fail to adequately warn of the danger on instruct on the safe use of the 2011 Malibu?

Yes _____ No _____

If your answer to question 4 is yes, then answer question 5. If you answered no, answer no more questions on this page and go to page 4 (Negligent Infliction of Emotional Distress).

5. Would a reasonable distributor under the same or similar circumstances have warned of the danger or instructed on the safe use of the 2011 Malibu.

Yes _____ No _____

If your answer to question 5 is yes, then answer question 6. If you answered no, answer no more questions on this page and go to page 4 (Negligent Infliction of Emotional Distress).

6. Was Enterprise Leasing Company of Orlando, LLC's failure to warn a substantial factor in causing harm to Mr. Wu?

Yes _____ No _____

Go to page 4 (Negligent Infliction of Emotional Distress).

Negligent Infliction of Emotional Distress

We answer the questions submitted to us as follows:

1. Was Enterprise Leasing Company of Orlando, LLC negligent?

Yes _____ No _____

If your answer to question 1 is yes, then answer question 2. If you answered no, answer no more questions on this page and go to page 5 (Damages).

2. Did Mr. Wu suffer serious emotional distress?

Yes _____ No _____

If your answer to question 2 is yes, then answer question 3. If you answered no, answer no more questions on this page and go to page 5 (Damages).

3. Was Enterprise Leasing Company of Orlando, LLC's negligence a substantial factor in causing Mr. Wu's serious emotional distress?

Yes _____ No _____

If your answer to question 3 is yes, then answer question 4. If you answered no, answer no more questions on this page and go to page 5 (Damages).

4. Was Mr. Wu negligent?

Yes _____ No _____

If your answer to question 4 is yes, then answer question 5. If you answered no, go to question 6 and insert the number 100 next to Enterprise Leasing Company of Orlando, LLC's name and the number zero next to Mr. Wu's name.

5. Was Mr. Wu's negligence a substantial factor in causing his harm?

Yes _____ No _____

If your answer to question 5 is yes, then answer question 6. If you answered no, go to question 6 and insert the number 100 next to Enterprise Leasing Company of Orlando, LLC's name and the number zero next to Mr. Wu's name.

6. What percentage of responsibility for Mr. Wu's harm do you assign to:

Enterprise Leasing Company of Orlando, LLC: _____ %

JIAN WU: _____ %

TOTAL: 100 %

Go to page 5 (Damages).

Damages

If you answered yes to question 3 on page 2, yes to question 6 on page 3, OR yes to question 3 on page 4, complete this page. If not, go to page 6 (Signature of Presiding Juror).

What are Mr. Wu's total damages? Do not reduce the damages based on the fault, if any, of Mr. Wu.

a. Past economic loss

(1) Medical expenses \$ _____

(2) Other past economic loss \$ _____

Total Past Economic Damages: \$ _____

b. Future economic loss

(1) Medical expenses \$ _____

(2) Other future economic loss \$ _____

Total Future Economic Damages: \$ _____

c. Past noneconomic loss, including physical pain/mental suffering:

\$ _____

d. Future noneconomic loss, including physical pain/mental suffering:

\$ _____

TOTAL \$ _____

Go to page 6 (Signature of Presiding Juror).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Signature of Presiding Juror

Signed: _____
Presiding Juror

Dated: _____