

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02438-WYD-CBS

JEFFREY CHORAK,

Plaintiff,

v.

UNION PACIFIC RAILROAD COMPANY, a foreign corporation,

Defendant.

AMENDED FINAL JUDGMENT

THIS MATTER came before the Court and a jury of ten duly sworn to try the matter on February 1, 2016, the Honorable Wiley Y. Daniel, Senior United States District Judge, presiding.

On February 5, 2016, the jury returned its verdict as follows:

Verdict Form

We, the Jury, being duly impaneled and sworn to try the above-entitled case, unanimously find the following answers to the questions submitted by the Court as follows:

Premises Liability Claim

1. Has Plaintiff Jeffrey Chorak proven by a preponderance of the evidence his claim of premises liability against the Defendant Union Pacific?

Answer "yes" or "no" below.

Answer: Yes

IF YOU ANSWERED "YES" TO THE PREVIOUS QUESTION, PLEASE IMMEDIATELY PROCEED TO QUESTION 2. IF YOU ANSWERED "NO", TO THE PREVIOUS QUESTION, YOU HAVE FOUND THE DEFENDANT NOT LIABLE FOR PLAINTIFF'S CLAIM OF PREMISES LIABILITY. PLEASE PROCEED TO THE END OF THE VERDICT FORM ON PAGE 4. SIGN AND DATE FORM ON PAGE 4.

2. Was Plaintiff Jeffrey Chorak negligent?

Answer "yes" or "no" below.

Answer: Yes

3. Was Plaintiff Jeffrey Chorak's negligence, if any, a cause of his own claimed damages, injuries or losses?

Answer "yes" or "no" below.

Answer: Yes

4. State your answers to the following questions relating to the Plaintiff's damages that were caused by the failure to use reasonable care of the Defendant, whether the damages were also caused by the negligence, if any, of the Plaintiff or anyone else.

a. What is the total amount of Plaintiff Jeffrey Chorak's damages, if any, for noneconomic losses or injuries excluding any damages for physical impairment or disfigurement? Noneconomic losses or injuries are those losses or injuries described in numbered paragraph 1 of Instruction No. 30. In computing the amount of the plaintiff's noneconomic losses or injuries, you must exclude those amounts that you are instructed to exclude in Instruction No. 30. You should answer "0" if you determine there were none.

Answer: \$30,750.00

b. What is the total amount of Plaintiff Jeffrey Chorak's damages, if any, for economic losses or injuries excluding any damages for physical impairment or disfigurement? Economic losses or injuries are those losses or injuries described in numbered paragraph 2 of instruction No. 30. You should answer "0" if you determine there were none.

Answer: \$13,800.00

c. What is the total amount of Plaintiff Jeffrey Chorak's damages, if any, for physical impairment or disfigurement? You should answer "0" if you determine there were none.

Answer: \$5,300.00

Answer the following question 5 only if your answer to all four previous questions 1, 2, 3, and 4 is "yes."

5. Taking as 100 percent the combined failure to use reasonable care of the Defendant and the negligence of Plaintiff Jeffrey Chorak that caused the Plaintiff Jeffrey Chorak's injuries, damages, or losses, what percentage was the failure to use reasonable care of the Defendant and what percentage was the negligence of Plaintiff?

Answer:

Percentage charged to Defendant Union Pacific 67.5%

Percentage charged to Plaintiff Jeffrey Chorak 32.5%

Must Total 100%

PLEASE SIGN AND DATE THIS VERDICT FORM

IT IS THEREFORE

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order, filed on March 31, 2016, by the Honorable Wiley Y. Daniel, Senior United States District Judge, and incorporated herein by reference as if fully set forth, it is hereby

ORDERED that judgment is hereby entered in favor of Plaintiff, Jeffrey Chorak, and against Defendant, Union Pacific Railroad, in the total amount of \$33,648.75 on Plaintiff's premises liability claim. It is further

ORDERED that post-judgment interest shall accrue on the total amount of \$33,648.75 at the legal rate of 0.52% per annum from the date of entry of judgment (February 9, 2016). It is further

ORDERED that pre-judgment interest shall accrue on the total amount of \$33,648.75 at the legal rate of 9.0% from the date the action accrued. It is further

ORDERED that Plaintiff shall have its costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen (14) days of entry of the original judgment (February 9, 2016), and pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED at Denver, Colorado this 1st day of April, 2016.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

/s/ Robert R. Keech

Robert R. Keech,
Deputy Clerk

APPROVED AS TO FORM:

/s/ Wiley Y. Daniel

WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE