

CT Ex 4
Rec'd 1:00p

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
DISTRICT COURT E D N Y

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AMIR SITAFALWALLA,

★ APR 01 2011 ★

LONG ISLAND OFFICE

VERDICT SHEET
CV 08-3001 (ETB)

April 1, 2011

- against -

TOYOTA MOTOR SALES, U.S.A., INC.,

Defendant.

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In order to determine the parties' claims, you must answer the questions below. Any answer must be unanimous.

A. Product Liability - Design Defect

- Has the Plaintiff established by a preponderance of the evidence that the Plaintiff's 2005 Scion TC was defective as that has been described to you in the charge?

YES _____

NO X _____

If you answered "NO" to this question, you have rendered a verdict in favor of Defendant on this cause of action. SKIP TO QUESTION 6.

If you answered "YES," proceed to Question 2.

- Do you find by a preponderance of the evidence that Defendant's product is defective due to:

- faulty floor mat component system

YES _____

NO _____

- failure to install at manufacture an available brake override system

YES _____

NO _____

Proceed to Question 3.

3. Is the defect which you find in the 2005 Scion TC a substantial cause of the Plaintiff's injuries on August 20, 2005?

YES _____ NO _____

Proceed to Question 4.

4. Was the Plaintiff's conduct a cause of his injuries?

YES _____ NO _____

If you answer "NO," skip to question 6.

You have completed your deliberations on Plaintiff's product liability claim and should proceed to answer Question 6.

If your answer is "YES," proceed to answer question 5.

5. What was the percentage of fault of the Plaintiff, and what was the percentage of fault of the Defendant?

Plaintiff _____% Defendant _____%
(Must add up to 100%)

B. Implied Warranty

6. At the time that the Plaintiff's 2005 Scion TC was manufactured, was the vehicle reasonably fit to be used for its ordinary purposes?

YES _____ NO _____

If you answered "YES," you have rendered a verdict in favor of the Defendant on the Implied Warranty Claim. This completes your deliberations on this case. Your verdict should be reported to the Court.

If you answered "NO," proceed to questions 7 and 8.

7. Identify the basis for breach of implied warranty:

a. faulty floor mat component system

YES _____ NO _____

b. failure to install available brake override system at the time of manufacture

YES _____ NO _____

8. Was the breach of implied warranty found by you a substantial cause of the Plaintiff's injuries?

YES _____ NO _____

Proceed to Question 9.

9. Was the Plaintiff's conduct a cause of his injuries?

YES _____ NO _____

If you answered "YES," proceed to Question 10.

If you answered "NO," you have returned a verdict in favor of the Plaintiff for breach of implied warranty. You have completed your deliberations and should notify the Court.

10. What was the percentage of fault of the Plaintiff, and what was the percentage of fault of the Defendant?

Plaintiff _____% Defendant _____%
(Must add up to 100%)

You have now completed your deliberations and should notify the Court.

Central Islip, New York
April 1, 2011

Regina Desio
FOREPERSON