

FILED

AUG 7 2014

AT LONDON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION AT LONDON
6:11-CV-00270-ART

ANTHONY SMITH, JR. and
LORETTA LYNN SMITH

PLAINTIFFS

V.

VERDICT FORMS

JOY TECHNOLOGIES INC.
d/b/a JOY MINING MACHINERY

DEFENDANT

INTERROGATORY NO. 1

As set forth in Instruction No. 3, do you find from the evidence that at the time of its manufacture and sale, the subject Joy 5HS01 High Wall Mining System was defectively designed and unreasonably dangerous for use by Anthony Smith, Jr.?

YES X

NO

 162
FOREPERSON

 8-4-14
DATE

If you answered "NO" to Interrogatory No. 1, then proceed to Interrogatory No. 3.

If you answered "YES" to Interrogatory No. 1, then proceed to Interrogatory No. 2.

INTERROGATORY NO. 2

As set forth in Instruction No. 3, do you find from the evidence that the design defect or defects in the subject Joy 5HS01 High Wall Mining System, at the time of its manufacture and sale, were a substantial factor in causing the accident of and injuries to Anthony Smith, Jr.?

YES X

NO

 162
FOREPERSON

 8-4-14
DATE

Please proceed to Interrogatory No. 3.

INTERROGATORY NO. 4

As set forth in Instruction No. 4, do you find from the evidence that the Defendant, Joy Technologies Inc. d/b/a Joy Mining Machinery's, failure to use ordinary care to provide adequate directions and warnings of potential dangers associated with the operation of the subject Joy 5HS01 High Wall Mining System was a substantial factor in causing the accident of and injuries to Anthony Smith, Jr.?

YES X

NO

 162
FOREPERSON

 8-4-14
DATE

If you answered "NO" to either Interrogatory No. 1 or 2, and "NO" to either Interrogatory No. 3 or 4, then proceed no further and notify the Marshall that you have reached a verdict.

Otherwise, proceed to Interrogatory No. 5.

INTERROGATORY NO. 5

As set forth in Instruction No. 5, do you believe from the evidence that Plaintiff, Anthony Smith, Jr., failed to exercise ordinary care for his own safety?

YES _____

NO X _____

162
FOREPERSON
8/4/14
DATE

If you answered "YES" to Interrogatory No. 5, proceed to Interrogatory No. 6.

If you answered "NO" to Interrogatory No. 5, proceed to Interrogatory No. 7.

INTERROGATORY NO. 6

As set forth in Instruction No. 5, do you find from the evidence that Anthony Smith, Jr.'s failure to exercise ordinary care was a substantial factor in causing his injuries?

YES _____

NO _____

FOREPERSON

DATE

Proceed to Interrogatory No. 7.

INTERROGATORY NO. 8

Do you find from the evidence that the failure to comply with the duties set forth in Instruction No. 6 by Southern Coal Company/Infinity Energy, Inc. as the operator of the 5HS01 High Wall Mining System, was a substantial factor in causing the Plaintiffs' injuries?

YES X

NO _____

162

FOREPERSON
8/4/14

DATE

Proceed to Interrogatory No. 9.

INTERROGATORY NO. 9

Do you find for Loretta Lynn Smith under Instruction No. 7?

YES _____

NO X

162

FOREPERSON

8/4/14

DATE

Proceed to Interrogatory No. 10.

INTERROGATORY NO. 10

An injury or accident may be caused by the fault of one or more parties. If you have found that any or all of Anthony Smith, Jr., the Defendant, Joy Technologies Inc. d/b/a Joy Mining Machinery, and/or Southern Coal Company/Infinity Energy, Inc., failed to comply with their duties as the Court has instructed them and that those failures were a substantial cause of the accident and damages, then you must also allocate fault between the Plaintiffs and the Defendant in this case.

You may assign fault to each party as a percentage, such as 1%, 5%, 10%, 50%, etc.; however, the total fault of all parties must add up to 100%. In determining the percentage of fault, you shall consider both the nature of the conduct of each party at fault and the extent of the causal relation between her or his conduct and the damages claimed.

We, the jury, allocate fault as follows:

Anthony Smith, Jr.	<u>10</u> %
Defendant, Joy Technologies Inc. d/b/a Joy Mining Machinery.	<u>60</u> %
Southern Coal Company/Infinity Energy, Inc.	<u>30</u> %
Total	<u>100</u> %

Signed: 162
FOREPERSON

INTERROGATORY NO. 11

Without regard to any percentage of fault that you may have found in Interrogatory No. 10, what sums will fairly and reasonably compensate the estate of Anthony Smith, Jr. for any damages that you believe from the evidence were sustained, as a result this accident?

a. Past Medical Expenses:	\$ <u>257,985.50</u>
b. Future Medical Expenses:	\$ <u>274,319.81</u>
c. Physical Pain and Suffering (past, present and future):	\$ <u>2,500,000.00</u>
d. Emotional and Mental Harm (past, present and future):	\$ <u>2,500,000.00</u>
e. Past lost wages or income:	\$ <u>200,000</u>
f. Future impairment to labor and earn money:	\$ <u>2,000,000</u>
g. Loretta Lynn Smith's Loss of Consortium	\$ <u>Ø</u>
Total	\$ <u>7,732,305.31</u>

162
FOREPERSON

8/4/14
DATE

When you have answered the questions above, proceed no further and notify the Marshal that you have reached a verdict.