

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED IN OPEN COURT

DEC 7 2023

CHRISTOPHER EKMAN
clerk

JIMMY L. STEWARD)
)
Plaintiff,)
)
v.)
)
BUC-EE'S ALABAMA, LLC,)
)
Defendant.)

CIV. ACT. NO. 1:20-cv-538-TFM-MU

VERDICT FORM

Section A: Plaintiff's Negligence Claim

1. Does the jury unanimously find, from a preponderance of the evidence presented by Plaintiff, that (a) Buc-ee's was negligent, (b) Mr. Steward was harmed, and (c) Buc-ee's negligence was a cause of Mr. Steward's harm?

Yes _____ No

If you answered "No," please go to Section B on Premises Liability on Page 3. If you answered "Yes," please answer Questions 2 and 3 below.

Affirmative Defense: Contributory Negligence

2. Does the jury unanimously find, from a preponderance of the evidence presented by Defendant, that (a) Plaintiff was negligent to any degree and (b) Plaintiff's negligence was the cause of harm?

Yes _____ No _____

Affirmative Defense: Assumption of the Risk

3. Does the jury unanimously find, from a preponderance of the evidence presented by Defendant, that (a) Plaintiff knew of the danger that he states caused his harm, (2) Plaintiff appreciated the risk of harm by the danger, and (3) Plaintiff voluntarily took that risk.

Yes _____ No _____

Section B: Plaintiff's Premises Liability Claim

1. Does the jury unanimously find, from a preponderance of the evidence presented by Plaintiff, that, (a) Jimmy Steward was an invitee on Buc-ee's premises; (b) the described vestibule was not in a reasonably safe condition, (c) Buc-ee's knew, or should have known about the condition, or Buc-ee's was at fault in not discovering the condition; and, (d) Buc-ee's negligent failure to keep the vestibule in a reasonably safe condition caused Jimmy Steward's harm?

Yes _____ No

If you answered "Yes," please answer Questions No. 2. If you answered "No," your verdict is for Defendant Buc-ee's on the Premises Liability claim and you need not answer the remaining questions. The foreperson should sign the form and return it to the courtroom.

Affirmative Defense: Open and Obvious Hazard

2. Does the jury unanimously find, from a preponderance of the evidence presented by Defendant, that (a) Plaintiff was aware of the condition and appreciated the danger it involved; or (b) Plaintiff would have recognized the danger presented by the condition if he had used reasonable care?

Yes _____ No _____

SO SAY WE ALL.

Date: 12/7/2023

Foreperson