

SPECIAL VERDICT NO. 1
(Claim of Defective Product)

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Question No. 1: **Was there either (1) a defect in design, or (2) a defect resulting from a failure to warn occurring before July 1, 1969?**

Yes No

Answer X

If you answered "no" to Question No. 1, then date and sign this verdict, and proceed to Special Verdict No. 2. If you answered "yes", then answer the next question.

Question No. 2: **Did the defect exist when the product left the possession of the defendant?**

Yes No

Answer X

If you answered "no" to Question No. 2, then date and sign this verdict, and proceed to Special Verdict No. 2. If you answered "yes", then answer the next question.

Question No. 3: **Was the defect a cause of injury to plaintiff?**

Yes No

Answer X

If you answered "no" to Question No. 3, then date and sign this verdict, and proceed to Special Verdict No. 2. If you answered "yes", then answer the next question.

Question No. 4: **Was plaintiff's injury caused by a use of the product that was reasonably foreseeable by the defendant?**

Yes No

Answer X

Date and sign this verdict, and proceed to Special Verdict No. 2.

Dated: _____

Foreperson

SPECIAL VERDICT NO. 2

(Claim of Negligence)

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Question No. 1: **Was defendant negligent?**

Yes No

Answer X —

If you answered "no" to Question No. 1, then date and sign this verdict, and proceed to Special Verdict No. 3. If you answered "yes", then answer the next question.

Question No. 2: **Was the negligence of the defendant a cause of injury or damage to plaintiff?**

Yes No

Answer X —

Date and sign this verdict, and proceed to Special Verdict No. 3.

Dated: _____

Foreperson

SPECIAL VERDICT NO. 3

(Claim of Fraud by Intentional Misrepresentation)

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Question No. 1: **Did defendant make a representation as to a past or existing material fact?**

Yes No

Answer X

If you answered "no" to Question No. 1, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "yes", then answer the next question.

Question No. 2: **Was the representation false?**

Yes No

Answer X

If you answered "no" to Question No. 2, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "yes", then answer the next question.

Question No. 3a: **Did defendant know that the representation was false when it made it?**

Yes No

Answer X

Question No. 3b: **Did defendant make the representation recklessly without knowing whether it was true or false?**

Yes No

Answer X

If you answered "no" to Question Nos. 3a and 3b, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "yes" to Question No. 3a or Question No. 3b, then answer the next question.

Question No. 4: **Did defendant make the representation with an intent to defraud plaintiff?**

Yes No

Answer X

If you answered "no" to Question No. 4, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "yes", then answer the next question.

Question No. 5: **Was plaintiff aware of the falsity of the representation?**

Yes No

Answer X

If you answered "yes" to Question No. 5, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "no", then answer the next question.

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SPECIAL VERDICT NO. 3

(Claim of Fraud by Intentional Misrepresentation)

Question No. 6: **Did plaintiff act in reliance upon the truth of the representation?**

Yes No

Answer X

If you answered "no" to Question No. 6, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "yes", then answer the next question.

Question No. 7: **Was plaintiff justified in relying upon the representation?**

Yes No

Answer X

If you answered "no" to Question No. 7, then date and sign this verdict, and proceed to Special Verdict No. 4. If you answered "yes", then answer the next question.

Question No. 8: **Was plaintiff injured or damaged as a result of his reliance upon the truth of the representation?**

Yes No

Answer X

Date and sign this verdict, and proceed to Special Verdict No. 4.

Dated: _____

_____ Foreperson

SPECIAL VERDICT NO. 4
(Claim of Fraud by Concealment)

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Question No. 1: **Prior to July 1, 1969, did defendant conceal or suppress a material fact?**

Yes No

Answer X

If you answered "no" to Question No. 1, then date and sign this verdict, and proceed to Special Verdict No. 5. If you answered "yes", then answer the next question.

Question No. 2: **Did defendant have a duty to disclose the fact to plaintiff?**

Yes No

Answer X

If you answered "no" to Question No. 2, then date and sign this verdict, and proceed to Special Verdict No. 5. If you answered "yes", then answer the next question.

Question No. 3: **Did defendant intentionally conceal or suppress the fact with the intent to defraud plaintiff?**

Yes No

Answer X

If you answered "no" to Question No. 3, then date and sign this verdict, and proceed to Special Verdict No. 5. If you answered "yes", then answer the next question.

Question No. 4: **Was plaintiff aware of the fact at the time he acted?**

Yes No

Answer X

If you answered "yes" to Question No. 4, then date and sign this verdict, and proceed to Special Verdict No. 5. If you answered "no", then answer the next question.

Question No. 5: **Would plaintiff have acted as he did if he had known of the concealed or suppressed fact?**

Yes No

Answer X

If you answered "yes" to Question No. 5, then date and sign this verdict, and proceed to Special Verdict No. 5. If you answered "no", then answer the next question.

Question No. 6: **Was plaintiff injured or damaged as a result of the defendant's concealment or suppression of the fact?**

Yes No

Answer X

Date and sign this verdict, and proceed to Special Verdict No. 5.

Dated: _____

Foreperson

SPECIAL VERDICT NO. 5
(Claim of Fraud by False Promise)

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Question No. 1: **Did the defendant make a promise as to a material matter?**

Yes No

Answer X —

If you answered "no" to Question No. 1, then date and sign this verdict, and proceed to Special Verdict No. 6. If you answered "yes", then answer the next question.

Question No. 2: **At the time defendant made the promise, did defendant intend to perform it?**

Yes No

Answer — X

If you answered "yes" to Question No. 2, then date and sign this verdict, and proceed to Special Verdict No. 6. If you answered "no", then answer the next question.

Question No. 3: **Did defendant make the promise with an intent to defraud plaintiff?**

Yes No

Answer X —

If you answered "no" to Question No. 3, then date and sign this verdict, and proceed to Special Verdict No. 6. If you answered "yes", then answer the next question.

Question No. 4: **At the time he acted, was plaintiff aware of defendant's intention not to perform the promise?**

Yes No

Answer — X

If you answered "yes" to Question No. 4, then date and sign this verdict, and proceed to Special Verdict No. 6. If you answered "no", then answer the next question.

Question No. 5: **Did plaintiff act in reliance upon the promise?**

Yes No

Answer X —

If you answered "no" to Question No. 5, then date and sign this verdict, and proceed to Special Verdict No. 6. If you answered "yes", then answer the next question.

Question No. 6: **Was plaintiff justified in relying upon the promise made by the defendant?**

Yes No

Answer X —

If you answered "no" to Question No. 6, then date and sign this verdict, and proceed to Special Verdict No. 6. If you answered "yes", then answer the next question.

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SPECIAL VERDICT NO. 6

(Claim of Fraud by Negligent Misrepresentation)

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us:

Question No. 1: **Did the defendant make a representation as to a past or existing material fact?**

Yes No

Answer X

If you answered "no" to Question No. 1, then date and sign this verdict, and proceed to Special Verdict No. 7. If you answered "yes", then answer the next question.

Question No. 2: **Was the representation untrue?**

Yes No

Answer X

If you answered "no" to Question No. 2, then date and sign this verdict, and proceed to Special Verdict No. 7. If you answered "yes", then answer the next question.

Question No. 3: **Regardless of defendant's actual belief, did defendant make the representation without any reasonable ground for believing it to be true?**

Yes No

Answer X

If you answered "no" to Question No. 3, then date and sign this verdict, and proceed to Special Verdict No. 7. If you answered "yes", then answer the next question.

Question No. 4: **Was the representation by defendant made with the intent to induce plaintiff to rely upon it?**

Yes No

Answer X

If you answered "no" to Question No. 4, then date and sign this verdict, and proceed to Special Verdict No. 7. If you answered "yes", then answer the next question.

Question No. 5: **Was plaintiff aware of the falsity of the representation?**

Yes No

Answer X

If you answered "yes" to Question No. 5, then date and sign this verdict, and proceed to Special Verdict No. 7. If you answered "no", then answer the next question.

Question No. 6: **Did plaintiff act on reliance upon the truth of the representation?**

Yes No

Answer X

If you answered "no" to Question No. 6, then date and sign this verdict, and proceed to Special Verdict No. 7. If you answered "yes", then answer the next question.

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SPECIAL VERDICT NO. 7
(Claim of Damages to Plaintiff)

Answer Special Verdict No. 7 if, but only if, you have answered "yes" to one or more of the previous questions listed immediately below:

- Question No. 4 in Special Verdict No. 1
- Question No. 2 in Special Verdict No. 2
- Question No. 8 in Special Verdict No. 3
- Question No. 6 in Special Verdict No. 4
- Question No. 7 in Special Verdict No. 5
- Question No. 8 in Special Verdict No. 6

If you have not answered "yes" to one or more of the previous questions listed immediately above, do not consider either this Special Verdict No. 7 or Special Verdict No. 8, and return the verdicts which you have signed.

Question No. 1: **What do you find to be the total amount of damages, including economic and non-economic damages, if any, suffered by plaintiff and caused by the wrongful conduct upon which you base your findings of liability?**

Answer	(a)	Economic Damages	\$2,289,127.00
	(b)	Non-Economic Damages	\$3,250,000.00
		Total	\$5,539,127.00

If you answered Question No. 1 "no damage," date and sign this verdict, do not consider Special Verdict No. 8, and return the verdicts which you have signed.

If you answered Question No. 1 with a dollar amount, then date and sign this verdict, and proceed to Special Verdict No. 8.

Dated: _____

Foreperson

SPECIAL VERDICT NO. 8

(Claim of Punitive or Exemplary Damages)

Question No. 1:

Do you find by clear and convincing evidence that defendant was guilty of oppression, malice, or fraud in the conduct on which you base your finding of liability?

Yes No

Answer

 X

If you answered "no" to Question No. 1, then date and sign this verdict, and return the verdicts which you have signed. If you answered "yes" to Question No. 1, then answer the next question.

Question No. 2:

What amount of punitive or exemplary damages, if any, do you assess against defendant Philip Morris Incorporated?

Amount

Answer

\$ 3,000,000,000.00

Date and sign this verdict.

Dated: _____

Foreperson