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Month of January 2020

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Motor Vehicle Accidents

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Honorable Aaron Haas, 285th District Court

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MVA

CAUSE NO. 2018-CI-05088 – RODOLFO CRUZ VS. MANUEL L. AGUERO (1/14/2020 - 1/16/2020)
– DANIEL P. O’CONNOR, O’CONNOR McLIN, PC, for Plaintiff; BRIAN C. LOPEZ, LOPEZ LAW
GROUP PLLC, for Defendant –

DESCRIPTION: The Defendant’s car struck the Plaintiff from behind when the Plaintiff was stopped at a red light. The Plaintiff injured his neck and back.

VERDICT: The Defendant was found liable for the accident, and ordered to pay damages of about \$9,000.

HONORABLE AARON HAAS, JUDGE PRESIDING, 285th DISTRICT COURT.



CAUSE NO. 2018CI05088

RODOLFO CRUZ,
Plaintiff

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IN THE DISTRICT COURT

vs.

407th JUDICIAL DISTRICT

MANUEL L. AGUERO
Defendant

BEXAR COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

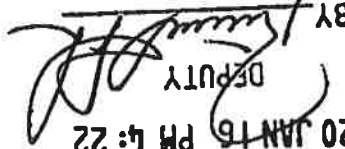
Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason. I will give you a number where others may contact you in case of an emergency.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice, or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.

BY 
DEPUTY
20 JAN 16 PM 4: 22

3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.

4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.

5. All the questions and answers are important. No one should say that any question or answer is not important.

6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence [unless you are told otherwise]. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

8. Do not answer questions by drawing straws or by any method of chance.

9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

11. The answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

Definitions

“Negligence” means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

“Ordinary care” means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

“Proximate cause” means a cause that was a substantial factor in bringing about an injury, and without which cause such injury would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the injury, or some similar injury, might reasonably result therefrom. There may be more than one proximate cause of an injury.

QUESTION 1

Did the negligence, if any, of those named below proximately cause the occurrence in question?

Answer "Yes" or "No" for each of the following:

1. *Rodolfo Cruz*

No

2. *Manuel L. Aguero*

Yes

If you answered "yes" to Question 1 for more than one of those named below, then answer the following question. Otherwise, do not answer the following question.

Assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found. The percentage attributable to any one need not be the same percentage attributed to that one in answering another question.

QUESTION 2

For each person you found caused or contributed to cause the occurrence, find the percentage of responsibility attributable to each:

1.	<i>Rodolfo Cruz</i>	<u>0</u>	%
2.	<i>Manuel L. Aguero</i>	<u>100</u>	%
	Total	<u>100</u>	%

Answer question 3 if you answered "Yes" for Manuel Agüero to Question 1 and answered:

1. "No" for Rodolfo Cruz to Question 1, or
2. 50 percent or less for Rodolfo Cruz to Question 2.

Otherwise, do not answer Question 3.

QUESTION 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Rodolfo Cruz for his injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any. Do not reduce the amounts, if any, in your answers because of the negligence, if any, of Rodolfo Cruz. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

1. Physical pain and mental anguish sustained in the past.

Answer: \$0

2. Physical pain and mental anguish that, in reasonable probability, Rodolfo Cruz will sustain in the future.

Answer: \$0

3. Loss of earning capacity sustained in the past.

Answer: \$1950

4. Loss of earning capacity that, in reasonable probability, Rodolfo Cruz will sustain in the future.

Answer: \$0

5. Physical impairment sustained in the past.

Answer: 0

6. Physical impairment that, in reasonable probability, Rodolfo Cruz will sustain in the future.

Answer: 0

7. Medical care expenses incurred in the past.

Answer: 7,361.32

8. Medical care expenses that, in reasonable probability, Rodolfo Cruz will incur in the future.

Answer: 0

8064.32
- 703

Presiding Juror:

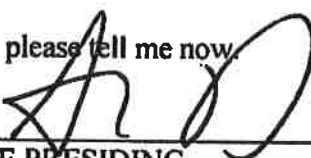
1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
 - c. give written questions or comments to the bailiff who will give them to the judge;
 - d. write down the answers you agree on;
 - e. get the signatures for the verdict certificate; and
 - f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

Instructions for Signing the Verdict Certificate:

1. You may answer the questions on a vote of ten jurors. The same ten jurors must agree on every answer in the charge. This means you may not have one group of ten jurors agree on one answer and a different group of ten jurors agree on another answer.
2. If ten jurors agree on every answer, those ten jurors sign the verdict.
If eleven jurors agree on every answer, those eleven jurors sign the verdict.
If all twelve of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.
3. All jurors should deliberate on every question. You may end up with all twelve of you agreeing on some answers, while only ten or eleven of you agree on other answers. But when you sign the verdict, only those ten who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.



JUDGE PRESIDING

MVA

CAUSE NO. 2019-CI-01332 – KYLE FISCHER VS. KERRY ZENG (1/27/2020 - 1/29/2020) –
RAUL A. RIOS, DAVIS LAW FIRM, for Plaintiff; CAROL T. CLARK and MICHAEL H. PATTERSON,
SUSAN L. FLORENCE & ASSOCIATES, for Defendant –

DESCRIPTION: The Defendant attempted to make a left turn into a driveway and struck the Plaintiff's car in the adjoining lane heading in the opposite direction. The Plaintiff injured his neck and back.

VERDICT: The Defendant was found liable for the accident, and ordered to pay damages of about \$293,000.

HONORABLE AARON HAAS, JUDGE PRESIDING, 285th DISTRICT COURT.



20 JAN 29 AM 11:09 CAUSE NO. 2019CI01332

KYLE FISCHER, *DEPUTY*
Plaintiff BY *[Signature]*

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IN THE DISTRICT COURT

VS.

150th JUDICIAL DISTRICT

KERRY ZENG,
Defendant.

BEXAR COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice, or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.

3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.

4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.

5. All the questions and answers are important. No one should say that any question or answer is not important.

6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonable inferred from other facts proved.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

8. Do not answer questions by drawing straws or by any method of chance.

9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

11. The answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

DEFINITIONS

"NEGLIGENCE" means failure to use ordinary care that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

"ORDINARY CARE" means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

"PROXIMATE CAUSE" means a cause which, in a natural and continuous sequence, produces an event, without which cause such event would not have occurred; and in order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the event or some similar event might reasonably result therefrom. There may be more than one proximate cause of an event.

QUESTION 1

Did the negligence, if any, of those named below proximately cause the occurrence in question?

Answer "Yes" or "No" for each of the following:

1. *Kyle Fischer* NO
2. *Kerry Zeng* YES

If you answered "yes" to Question 1 for more than one of those named below, then answer the following question. Otherwise, do not answer the following question.

Assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found. The percentage attributable to any one need not be the same percentage attributed to that one in answering another question.

QUESTION 2

For each person you found caused or contributed to cause the occurrence, find the percentage of responsibility attributable to each:

1.	<i>Kyle Fischer</i>	_____	%
2.	<i>Kerry Zeng</i>	_____	%
	Total	100	%

Answer question 3 if you answered "Yes" for Kerry Zeng to Question 1 and answered:

1. "No" for Kyle Fischer to Question 1, or
2. 50 percent or less for Kyle Fischer to Question 2.

Otherwise, do not answer Question 3.

QUESTION 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Kyle Fischer for his injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any. Do not reduce the amounts, if any, in your answers because of the negligence, if any, of Kyle Fischer. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

1. Physical pain and mental anguish sustained in the past.

Answer: Ø

2. Physical pain and mental anguish that, in reasonable probability, Kyle Fischer will sustain in the future.

Answer: Ø

3. Physical impairment sustained in the past.

Answer: Ø

4. Physical impairment that, in reasonable probability, Kyle Fischer will sustain in the future.

Answer: Ø

5. Medical care expenses incurred in the past.

Answer: \$ 13,003

6. Medical care expenses that, in reasonable probability, Kyle Fischer will incur in the future.

Answer: \$ 280,000

Presiding Juror:

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
 - c. give written questions or comments to the bailiff who will give them to the judge;
 - d. write down the answers you agree on;
 - e. get the signatures for the verdict certificate; and
 - f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

Instructions for Signing the Verdict Certificate:

1. Unless otherwise instructed, you may answer the questions on a vote of ten jurors. The same ten jurors must agree on every answer in the charge. This means you may not have one group of ten jurors agree on one answer and a different group of ten jurors agree on another answer.

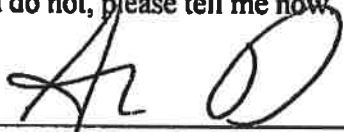
2. If ten jurors agree on every answer, those ten jurors sign the verdict.

If eleven jurors agree on every answer, those eleven jurors sign the verdict.

If all twelve of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

3. All jurors should deliberate on every question. You may end up with all twelve of you agreeing on some answers, while only ten of you agree on other answers. But when you sign the verdict, only those ten who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.



JUDGE PRESIDING

PREMISES (SLIP & FALL)

CAUSE NO. 2018-CI-00802 – SAYLA SIMI VS. OMNI HOTELS MANAGEMENT CORPORATION
D/B/A THE OMNI SAN ANTONIO AT THE COLONADE HOTEL (11/12/19 - 11/15/19) – RICHARD P.
HILL, NGUYEN & CHEN, LLP, for Plaintiff; B. KYLE BRISCOE and MICHAEL W. STUMBAUGH, THE
PEAVLER GROUP, for Defendant –

DESCRIPTION: Plaintiff alleged broken knee cap and surgery resulting from slip and fall in The
Omni parking lot.

VERDICT: No negligence on any party.

HONORABLE KAREN H. POZZA, JUDGE PRESIDING, 407th DISTRICT COURT.



- original -

No. 2018-CI-00802

Sayla Simi

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In the District Court

vs.

407th Judicial District

Omni Hotels Management
Corporation b/d/a The Omni
San Antonio at the Colonade

Bexar County, Texas

Charge of the Court

Members of the Jury:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason. The bailiff will give you a number where others may contact you in case of an emergency.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice, or sympathy play any part in your decision.

2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.

3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.

4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.

5. All the questions and answers are important. No one should say that any question or answer is not important.

6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence unless you are told otherwise. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence unless you are told otherwise.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.
8. Do not answer questions by drawing straws or by any method of chance.
9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.
10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."
11. Unless otherwise instructed, the answers to the questions must be based on the decision of at least 10 of the 12 jurors. The same 10 jurors must agree on every answer. Do not agree to be bound by a vote of anything less than 10 jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

"Omni Hotels" means Omni Hotels Management Corporation d/b/a The Omni San Antonio at the Colonade.

Question No. 1

Did the negligence, if any, of those named below proximately cause the occurrence in question?

With respect to the condition of the premises, Omni Hotels was negligent if –

1. the condition posed an unreasonable risk of harm, and
2. Omni Hotels knew or reasonably should have known of the danger, and
3. Omni Hotels failed to exercise ordinary care to protect Sayla Simi from the danger, by both failing to adequately warn Sayla Simi of the condition and failing to make the condition reasonably safe.

“Ordinary care,” when used with respect the conduct of Omni Hotels as an owner or occupier of a premises, means that degree of care that would be used by an owner or occupier of ordinary prudence under the same or similar circumstances.

With respect to Sayla Simi, “negligence” means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

“Ordinary care” when used with respect to the conduct of Sayla Simi means that degree of care that a person of ordinary prudence would use under the same or similar circumstances.

“Proximate cause” means a cause that was a substantial factor in bringing about an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using *ordinary care* would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Answer “Yes” or “No” for each of the following:

Omni Hotels:

No

Sayla Simi:

No

If you have answered "Yes" to Question No. 1 for more than one of those named below, then answer Question No. 2. Otherwise, do not answer Question No. 2.

The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The negligence attributable to any one named below is not necessarily measured by the number of acts or omissions found.

Question No. 2

What percentage of the negligence that caused the occurrence in question do you find to be attributable to each of those found by you, in your answers to Question No. 1, to have been negligent?

a.	Omni Hotels	_____
b.	Sayla Simi	_____
	Total	<u>100</u> %

Answer Question No. 3 if you answered "Yes" for Omni Hotels to Question No. 1 and answered:

1. "No" for Sayla Simi to Question No. 1, or
2. 50 percent or less for Sayla Simi to Question No. 2.

Otherwise, do not answer Question No. 3.

Question No. 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Sayla Simi for her injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you may find. Do not reduce the amounts, if any, in your answers because of the negligence, if any, of Sayla Simi. Any recovery will be determined by the court when it applies the law to your answers and the time of judgment.

You are instructed that any monetary recovery for loss of earning capacity is subject to federal income taxes. Any recovery for physical pain and mental anguish, physical impairment, disfigurement and medical care expenses is not subject to federal income taxes.

Answer separately, in dollars and cents, for damages, if any.

- a. Physical pain sustained in the past.

Answer: _____

- b. Physical pain that, in reasonable probability, Sayla Simi will sustain in the future.

Answer: _____

c. Mental anguish sustained in the past.

Answer: _____

d. Mental anguish that, in reasonable probability, Sayla Simi will sustain in the future.

Answer: _____

e. Physical impairment sustained in the past.

Answer: _____

f. Physical impairment that, in reasonable probability, Sayla Simi will sustain in the future.

Answer: _____

g. Disfigurement sustained in the past.

Answer: _____

h. Disfigurement that, in reasonable probability, Sayla Simi will sustain in the future.

Answer: _____

i. Medical care expenses in the past.

Answer: _____

Presiding Juror:

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.

2. The presiding juror has these duties:

- a. have the complete charge read aloud if it will be helpful to your deliberations;
- b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
- c. give written questions or comments to the bailiff who will give them to the judge;
- d. write down the answers you agree on;
- e. get the signatures for the verdict certificate; and
- f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

Instructions for Signing the Verdict Certificate:

1. Unless otherwise instructed, you may answer the questions on a vote of 10 jurors. The same 10 jurors must agree on every answer in the charge. This means you may not have one group of 10 jurors agree on one answer and a different group of 10 jurors agree on another answer.

2. If 10 jurors agree on every answer, those 10 jurors sign the verdict. If 11 jurors agree on every answer, those 11 jurors sign the verdict. If all 12 of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

3. All jurors should deliberate on every question. You may end up with all 12 of you agreeing on some answers, while only 10 or 11 of you agree on other answers. But when you sign the verdict, only those 10 who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.



JUDGE PRESIDING

Verdict Certificate

Check one:

Our verdict is unanimous. All 12 of us have agreed to each and every answer. The presiding juror has signed the certificate for all 12 of us.

Signature of Presiding Juror

Printed Name of Presiding Juror

Our verdict is not unanimous. Eleven of us have agreed to each and every answer and have signed the certificate below.

Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

SIGNATURE	NAME PRINTED
1. <u>Caleb Schaefer</u>	<u>Caleb Schaefer</u>
2. <u>David G. Alvarez</u>	<u>David G. Alvarez</u>
3. <u>Dorothy Tarbox</u>	<u>Dorothy Tarbox</u>
4. <u>Monika Tuschendorf</u>	<u>Monika Tuschendorf</u>
5. <u>James Ohlhausen</u>	<u>James Ohlhausen</u>
6. <u>Rodney Najjar</u>	<u>Rodney Najjar</u>
7. <u>Brian S. Peck</u>	<u>BRIAN S PECK</u>
8. <u>Atenogenes Villarreal</u>	<u>Atenogenes Villarreal</u>
9. <u>Sarah Elliott</u>	<u>Sarah Elliott</u>
10. <u>San Juana P. Zamarron</u>	<u>San Juana P. Zamarron</u>
11. _____	_____

FILED 10:50 O'CLOCK A M NOV 15 2019

FILED 12:02 O'CLOCK P M NOV 15 2019

NOV 15 2019

MARY ANGIE GARCIA District Clerk, Bexar County, Texas

NOV 15 2019

MARY ANGIE GARCIA District Clerk

BY _____