

Table of Contents

Month of February 2020

Jury Verdict Report

Motor Vehicle Accidents

- **2017-CI-21419 – Angela Kloth vs. Kathleen Taylor**

Honorable Karen Pozza, 407th District Court

- **2018-CI-17945 – Priscilla Villanueva vs. Andrew Rios**

Honorable Laura Salinas, 166th District Court

- **2018-CI-11431 – Christina Castillo vs. Steve G. Trickel**

Honorable Cynthia Marie Chapa, 288th District Court

Personal Injury

- **2016-CI-09279 – Robert Lee Wammack, Jr. vs. Howell Crane & Riggin, Inc.**

Honorable Angelica Jimenez, 408th District Court

MVA

CAUSE NO. 2018-CI-17975 – PRISCILLA VILLANUEVA VS. ANDREW RIOS (2/10/2020 - 2/13/2020)
– DANIELLE FOX and LUIS ESPINOSA, LAW OFFICES OF THOMAS J. HENRY, for Plaintiff; ERIC T.
FREEMYER, LAW OFFICES OF BRAD A. ALLEN, for Defendant –

DESCRIPTION: Plaintiff was waiting to turn left into HEB when she was rear ended by Defendant. Defendant alleged his brakes had started squeaking the day before. On his way home from work, Defendant stated his brakes failed to work properly but was able to slightly brake when he rear ended the Plaintiff. Impact was minor and no air bags were deployed. Plaintiff alleges injuries caused her to lose her job and aggravated her depression. Defense alleged she was having work performance issues prior to accident due to her depression.

VERDICT:

Verdict for Defense --- no negligence found.

HONORABLE LAURA SALINAS, JUDGE PRESIDING, 166th DISTRICT COURT.



CAUSE NO. 2018CI17975

ORIGINAL

PRISCILLA VILLANUEVA,
Plaintiff

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IN THE DISTRICT COURT

VS.

166th JUDICIAL DISTRICT

ANDREW RIOS,
Defendant

BEXAR COUNTY, TEXAS

20 FEB 13 AM 10:45

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BEXAR COUNTY, TEXAS

FEB 13 2020

DEPUTY
Maria Rios

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.

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 state or consider 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.

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

1) **“NEGLIGENCE”** means the 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.

2) **“ORDINARY CARE”** means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

3) **“PROXIMATE CAUSE”** means a cause that was a substantial factor in bringing about an event, and without which 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.

QUESTION NO. 1

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

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

a. **ANDREW RIOS**

NO

If you answered "Yes" to Question No. 1, answer Question No. 2. Otherwise, do not answer Question No. 2.

QUESTION NO. 2

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff **PRISCILLA VILLANUEVA** 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 find.

You are instructed that any recovery for physical pain and mental anguish, disfigurement, physical impairment and medical expenses are not subject to federal income taxes.

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

a. **Physical pain and mental anguish sustained in the past.**

Answer: _____

b. **Physical pain and mental anguish that, in reasonable probability, Priscilla Villanueva will sustain in the future.**

Answer: _____

c. **Loss of earning capacity sustained in the past.**

Answer: _____

d. **Physical impairment sustained in the past.**

Answer: _____

e. **Physical impairment that, in reasonable probability, Priscilla Villanueva will sustain in the future.**

Answer: _____

f. **Medical care expenses incurred in the past.**

Answer: _____

g. **Medical care expenses that, in reasonable probability, Priscilla Villanueva will incur in the future.**

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 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 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. 2018-CI-11431 – CHRISTINA CASTILLO VS. STEVE G. TRICKEL (2/11/2020 - 2/14/2020) – JERRY V. HERNANDEZ and CARLOS GARCIA, DAVIS LAW FIRM, for Plaintiff; DANIEL C. ANDREWS and KACIE STARR, LAW OFFICES OF BRAD A. ALLEN, for Defendant –

DESCRIPTION: Plaintiff sought damages for injuries from a MVA claiming defendant negligence of failing to maintain proper lookout and failing to timely apply brakes.

VERDICT: No negligence.

HONORABLE CYNTHIA CHAPA, JUDGE PRESIDING, 288th DISTRICT COURT.

ORIGINAL



CAUSE NO. 2018CI11431

CHRISTINA CASTILLO

v.

STEVE G. TRICKEL

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IN THE DISTRICT COURT

288TH JUDICIAL DISTRICT

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.

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.

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FEB 14 2020

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.

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 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, 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.

"INJURY" means a person is injured if she or he receives damage or harm to the physical structure of the body. Such damage or harm includes diseases and infections as naturally result there from, and the incitement, acceleration or aggravation of any previously existing disease or condition by reason of such damage or harm to the physical structure of the body.

"PREPONDERANCE OF THE EVIDENCE" means the greater weight of credible evidence presented in the case. If you do not find that a preponderance of 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.

QUESTION NO.1:

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

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

a. STEVE G. TRICKEL NO

If you have answered "Yes" to STEVE G. TRICKEL, answer the following question.

QUESTION NO. 2

What sum of money, if paid now in cash, would fairly and reasonably compensate CHRISTINA CASTILLO 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 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 CHRISTINA CASTILLO. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

- a. Physical pain and mental anguish CHRISTINA CASTILLO sustained in the past

Answer: _____

- b. Physical pain and mental anguish that, in reasonable probability, CHRISTINA CASTILLO will sustain in the future

Answer: _____

- c. Medical care expenses CHRISTINA CASTILLO sustained in the past

Answer: _____

- d. Medical care expenses that, in reasonable probability, CHRISTINA CASTILLO will incur in the future

Answer: _____

- e. Physical impairment CHRISTINA CASTILLO sustained in the past

Answer: _____

- f. Physical impairment that, in reasonable probability, CHRISTINA CASTILLO will sustain in the future

Answer: _____

Presiding Juror:

1. When you go into the jury room, 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 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.

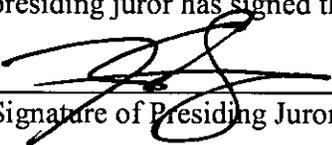
Do you understand these instructions? If you do not, please tell me now.


Cynthia McQueen
JUDGE PRESIDING

Verdict Certificate

Check one:

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


Signature of Presiding Juror

Kenneth A Lore Jr
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. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
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10. _____	_____
11. _____	_____

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BY Maria Garcia
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BY Maria Garcia
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VERDICT

20 FEB 14 PM 2:16

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BEXAR CO. TEXAS

MVA

CAUSE NO. 2017-CI-21419 – ANGELA KLOTH VS. KATHLEEN TAYLOR (2/18/2020 - 2/20/2020) – R. SCOTT MELLEN, DAVIS LAW FIRM, for Plaintiff; DANIEL C. ANDREWS and KACIE STARR, LAW OFFICES OF BRAD A. ALLEN, for Defendant –

DESCRIPTION: Plaintiff pedestrian hit by car when crossing Walzem Road in crosswalk resulting in broken wrist and laceration to forehead requiring stitches. Past medicals of \$2,629.16 stipulated. Plaintiff seeking recovery for past medicals, past pain and suffering and past impairment. Proportionate responsibility submitted.

VERDICT: \$4,814.58 – 50/50 negligence, past medicals \$2,629.16, past pain and suffering, \$3,000, past impairment \$4,000.

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

-original-



No. 2017-CI-21419

Angela Kloth

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In the District Court

vs.

407th Judicial District

Kathleen Taylor

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.

FILED
10:19 O'CLOCK A M

FEB 20 2020

MARY ANGIE GARCIA
District Clerk, Bexar County, Texas

BY *Mary Velasco*

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.

"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 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.

Question No. 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:

Kathleen Taylor

Yes

Angela Kloth

Yes

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.

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.

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 answer to Question No. 1, to have been negligent?

Kathleen Taylor	<u>50%</u>
Angela Kloth	<u>50</u>
Total	<u>100</u> %

Answer Question No. 3 if you have answered "Yes" for Kathleen Taylor to Question No.

1 and answered:

1. "No" for Angela Kloth to Question No. 1, or
2. 50 percent or less for Angela Kloth 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 Angela Kloth 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 find.

Answer separately, in dollars and cents, for damages, if any. Do not include any amount for any condition existing before the occurrence in question, except to the extent, if any, that such other condition was aggravated by any injuries that resulted from the occurrence in question.

- a. Medical care expenses incurred in the past.

Answer: Agreed @ \$ 2,629.16

- b. Physical pain sustained in the past.

Answer: \$ 3000.00

- c. Physical impairment sustained in the past.

Answer: \$ 4000.00

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:

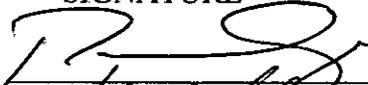
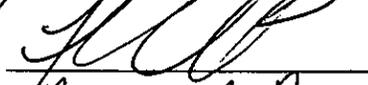
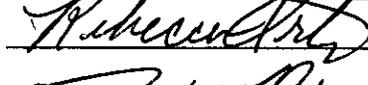
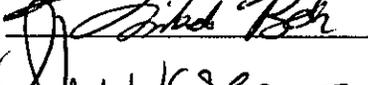
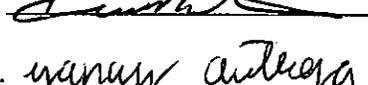
___ Our verdict is unanimous. All 12 of us have agreed to each and every answer. The presiding juror has signed the certificate for all 12 of us.

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.

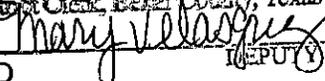
Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

SIGNATURE	NAME PRINTED
1. 	Rene Fernandez
2. 	FERNANDO VARELA
3. Norma A. Ramos	NORMA A. RAMOS
4. Anthony Dowd	Anthony Dowd
5. 	José Zertuche
6. 	Rebecca Ortiz
7. 	Nicholas Bales
8. 	Sheena Vasquez
9. 	RICHARD NEWTON
10. Yancy Arteaga	Yancy Arteaga
11. _____	_____

FILED
1:08 O'CLOCK P M

FEB 20 2020

MARY ANGE GARCIA
District Clerk, Bexar County, Texas

BY  DEPUTY

Can we have the Law on pedestrians in crosswalks?

FILED
DISTRICT CLERK
BEXAR CO. TEXAS

20 FEB 10 AM 11:04

CLERK

Mary Velazquez

Rene Fernandez Sr.



No. 2017-CI-21419

Angela Kloth

vs.

Kathleen Taylor

§
§
§
§
§
§
§

In the District Court

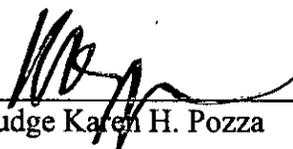
407th Judicial District

Bexar County, Texas

Members of the Jury:

You have asked, "Can we have the law on pedestrians in crosswalks?"

Thank you for your question, however, all necessary legal definitions have been provided to you in the charge of the court.



Judge Karen H. Pozza

PERSONAL INJURY

CAUSE NO. 2016-CI-09279 – ROBERT LEE WAMMACK, JR. VS. HOWELL CRANE & RIGGING, INC.
(1/28/2020 - 2/12/2020) – GEORGE L. SALINAS, JR. and JOHN R. BOZADA, II, LAW OFFICES OF
GEORGE SALINAS, for Plaintiff; BRYAN D. WENDT, LAW OFFICES OF BURT BARR & ASSOCIATES,
L.L.P., for Defendant –

DESCRIPTION: PLAINTIFF alleged serious bodily injury resulted from the improper rigging by
DEFENDANT of an HVAC unit that rolled on top of PLAINTIFF and struck PLAINTIFF. DEFENDANT
claimed that PLAINTIFF'S negligence and that of his employer were the cause of the PLAINTIFF'S
injuries.

VERDICT: The jury found negligence on the part of HOWELL CRANE AND RIGGING (70%), the
PLAINTIFF (10%), and SERVICE MECHANICAL GROUP (the employer) (20%). The jury awarded a
total of 44,675,000.00 in damages resulting from the occurrence in question.

HONORABLE ANGELICA JIMENEZ, JUDGE PRESIDING, 408th DISTRICT COURT.

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.

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.

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 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 AND INSTRUCTIONS

“HOWELL CRANE AND RIGGING” means Howell Crane and Rigging, Inc. HOWELL CRANE AND RIGGING includes the acts of its employees acting in the scope of their employment if they are acting in the furtherance of the business of their employer.

“ROBERT WAMMACK” means Robert Lee Wammack, Jr.

“SERVICE MECHANICAL GROUP” means Service Mechanical Group, LLC. SERVICE MECHANICAL GROUP includes the acts of its employees acting in the scope of their employment if they are acting in the furtherance of the business of their employer but does not include ROBERT WAMMACK.

QUESTION NO. 1

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

“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.

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

1. HOWELL CRANE AND RIGGING
2. ROBERT WAMMACK
3. SERVICE MECHANICAL GROUP

Yes
Yes
Yes

If you answered "Yes" to Question No. 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 injury. 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 NO. 2

For each of those named below that you found caused or contributed to cause the injury, find the percentage of responsibility attributable to each:

1.	HOWELL CRANE AND RIGGING	<u>70</u>	%
2.	ROBERT WAMMACK	<u>10</u>	%
3.	SERVICE MECHANICAL GROUP	<u>20</u>	%
	Total	<u>100</u>	%

Answer Question No. 3 if you answered "Yes" for HOWELL CRANE AND RIGGING to Question No. 1 and answered:

1. "No" for ROBERT WAMMACK to Question No. 1, or
2. 50 percent or less for ROBERT WAMMACK 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 ROBERT WAMMACK 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.

Do not include any amount for any condition existing before the occurrence in question, except to the extent, if any, that such other condition was aggravated by any injuries that resulted from the occurrence in question.

You are instructed that a condition, which merely makes a person more susceptible to injury, does not lessen that person's right to compensation for all of their damages resulting from an injury. In other words, if a dormant or latent condition itself does not cause pain, impairment, or other damages, but that condition plus an injury brings about such pain, impairment, or other damages, the injury, and not the dormant condition, is the proximate cause of the damages, if any.

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 ROBERT WAMMACK. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

1. Physical pain sustained in the past.

Answer: \$ 300,000

2. Physical pain that, in reasonable probability, ROBERT WAMMACK will sustain in the future.

Answer: \$ 750,000

3. Mental anguish sustained in the past.

Answer: \$ 225,000

4. Mental anguish that, in reasonable probability, ROBERT WAMMACK will sustain in the future.

Answer: \$1,000,000

5. Physical impairment sustained in the past.

Answer: \$300,000

6. Physical impairment that, in reasonable probability, ROBERT WAMMACK will sustain in the future.

Answer: \$850,000

7. Medical care expenses incurred in the past.

Answer: \$300,000

8. Medical care expenses that, in reasonable probability, ROBERT WAMMACK will incur in the future.

Answer: \$950,000

Presiding Juror

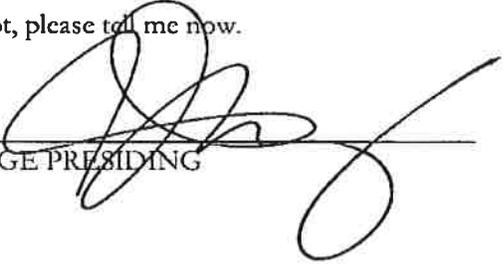
1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. preside over your deliberations, meaning manage 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 answer 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.
4. There are some special instructions before Questions 5 and 6 explaining how to answer those questions. Please follow the instructions. If all twelve of you answer those questions, you will need to complete a second verdict certificate for those questions.

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

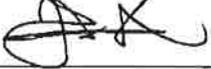


JUDGE PRESIDING

Verdict Certificate

Check one:

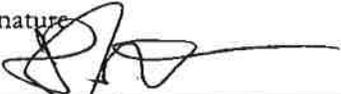
Our verdict is unanimous. All twelve of us have agreed to these answers. The presiding juror has signed the certificate for all twelve of us.

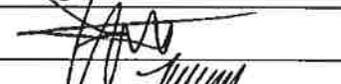
 JH
Signature of Presiding Juror

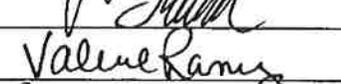
Joshua Harris JH
Printed Name of Presiding Juror

Our verdict is not unanimous. Ten or eleven of us have agreed to these answers and those ten or eleven have signed the certificate below.

Signature

1. 

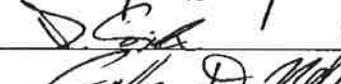
2. 

3. 

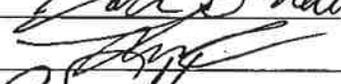
4. Valerie Ramirez

5. Rachel Haloot

6. Timothy Singletary

7. 

8. John Nellis

9. 

10. 

11. _____

Printed Name of Juror

Joshua Harris

Kevin Jones

Jose M. Nunez

Valerie Ramirez

Rachel Haloot

Timothy Singletary

Dallas Smith

John Nellis

Lawrence Culwell

Chris Smith

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
20 FEB 12 PM 4:42
DEPUTY
W. Sullivan

Additional Certificate

I certify that the jury was unanimous in answering Questions 4 and 5. All twelve of us agreed to each of the answers. The presiding juror has signed the certificate for all twelve of us.

Signature of Presiding Juror

Printed Name of Presiding Juror