

Alameda County Superior Court
Case No. RG20061303

FILED
ALAMEDA COUNTY

AUG 23 2021

CLERK OF THE SUPERIOR COURT
By *A. Mendez* Deputy

Negligence

1. Was defendant negligent?

Johnson & Johnson

Yes ☒

No ☐

Johnson & Johnson Consumer Inc.

Yes ☒

No ☐

If "Yes" as to any defendant, answer the next question as to that defendant. If "No" as to any defendant, then go to question 3 as to that defendant. If "No" as to all defendants, go to question 3.

2. Was defendant's negligence a substantial factor in contributing to Christina Prudencio's risk of developing mesothelioma?

Johnson & Johnson

Yes ☒

No ☐

Johnson & Johnson Consumer Inc.

Yes ☒

No ☐

Answer the next question.

Strict Product Liability – Design Defect

3. Did defendant's product fail to perform as safely as an ordinary consumer would expect when used in an intended or a reasonably foreseeable way?

Johnson & Johnson

Yes ☒

No ☐

Johnson & Johnson Consumer Inc.

Yes ☒

No ☐

If "Yes" as to any defendant, answer the next question as to that defendant. If "No" as to any defendant, then go to question 5 as to that defendant. If "No" as to all defendants, go to question 5.

4. Was defendant's product's failure to perform safely a substantial factor contributing to Christina Prudencio's risk of developing mesothelioma?

Johnson & Johnson Yes ☒ No ☐

Johnson & Johnson Consumer Inc. Yes ☒ No ☐

Answer the next question.

Strict Product Liability – Failure to Warn

5. Did defendant's product have potential risks that were known or knowable in light of the scientific and medical knowledge that was generally accepted in the scientific community available at the time of manufacture, distribution, or sale?

Johnson & Johnson Yes ☒ No ☐

Johnson & Johnson Consumer Inc. Yes ☒ No ☐

If "Yes" as to any defendant, answer the next question as to that defendant. If you answered "No" as to any defendant, then skip questions 6-9 as to that defendant. If you answered "No" as to all defendants, then skip questions 6-9 and proceed to the Damages Instructions prior to question 10.

6. Did the potential risks present a substantial danger to persons using the product in an intended or reasonably foreseeable way?

Johnson & Johnson Yes ☒ No ☐

Johnson & Johnson Consumer Inc. Yes ☒ No ☐

If "Yes" as to any defendant, answer the next question as to that defendant. If you answered "No" as to any defendant, then skip questions 7-9 as to that defendant. If you answered "No" as to all defendants, then skip questions 7-9 and proceed to the Damages Instructions prior to question 10.

7. Would ordinary consumers have failed to recognize the potential risks of defendant's products?

Johnson & Johnson

Yes ☒

No ☐

Johnson & Johnson Consumer Inc.

Yes ☒

No ☐

If "Yes" as to any defendant, answer the next question as to that defendant. If you answered "No" as to any defendant, then skip questions 8-9 as to that defendant. If you answered "No" as to all defendants, then skip questions 8-9 and proceed to the Damages Instructions prior to question 10.

8. Did defendant fail to adequately warn of the potential risks?

Johnson & Johnson

Yes ☒

No ☐

Johnson & Johnson Consumer Inc.

Yes ☒

No ☐

If "Yes" as to any defendant, answer the next question as to that defendant. If you answered "No" as to any defendant, then skip question 9 as to that defendant. If you answered "No" as to all defendants, then skip question 9 and proceed to the Damages Instructions prior to question 10.

9. Was the lack of sufficient warning a substantial factor in contributing to Christina Prudencio's risk of developing mesothelioma?

Johnson & Johnson

Yes ☒

No ☐

Johnson & Johnson Consumer Inc.

Yes ☒

No ☐

Damages Instructions: *If you answered "Yes" as to any defendant for question 2, 4, or 9, answer question 11. If you either did not answer or answered "No" for all defendants as to question 2, 4, and 9, then answer no further questions and have the Presiding Juror sign and date this form.*

Economic Damages

10. As a result of her mesothelioma, what is the total amount of Christina Prudencio's economic damages for past and future medical expenses?

\$800,000

11. As a result of her mesothelioma, what is the total amount of Christina Prudencio's economic damages for the present value of past and future income loss?

\$ 7,101,469

Answer the next question.

12. As a result of her mesothelioma, what is the total amount of Christina Prudencio's economic damages for the present value of past and future household services?

\$ 1,571,498

Answer the next question.

Non-Economic Damages

13. A. What are Christina Prudencio's damages for past physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, anxiety, and emotional distress, disfigurement, and humiliation?

\$ 5,000,000

- B. What are Christina Prudencio's damages for future physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, anxiety, and emotional distress, disfigurement, and humiliation?

\$ 15,000,000

Answer the next question.

14. What percentage of responsibility, if any, for Christina Prudencio's mesothelioma do you assign to each of the following? (The total must equal 100%):

Johnson & Johnson 85 %

Johnson & Johnson Consumer Inc. 15 %

TOTAL 100%

If you answered "Yes" as to defendant Johnson & Johnson for question 2, 4, or 9, then answer question 15. If you either did not answer or answered "No" as to defendant Johnson & Johnson for question 2, 4, and 9, then go to the instructions prior to question 17.

15. Has plaintiff Christina Prudencio proven by clear and convincing evidence that defendant Johnson & Johnson acted with any of the following in the conduct upon which you base your finding of liability?

Malice Yes ☒ No ☐

Oppression Yes ☒ No ☐

If "Yes" as to any choice in question 15 above, answer the next question. If "No" as to all choices in question 15 above, go to the instructions prior to question 17.

16. Do you find by clear and convincing evidence that the conduct constituting malice or oppression was committed or authorized by one or more of the officers, directors, or managing agents of defendant Johnson & Johnson, acting on behalf of defendant Johnson & Johnson?

Yes ☒ No ☐

If you answered "Yes" as to defendant Johnson & Johnson Consumer Inc. for question 2, 4, or 9, answer question 17. If you either did not answer or answered "No" as to defendant Johnson & Johnson Consumer Inc. in question 2, 4, and 9, then answer no further questions and have the Presiding Juror sign and date this form.

17. Has plaintiff Christina Prudencio proven by clear and convincing evidence that defendant Johnson & Johnson Consumer Inc. acted with any of the following in the conduct upon which you base your finding of liability?

Malice

Yes ☒

No ☐

Oppression

Yes ☒

No ☐

If "Yes" as to any choice in question 17 above, answer the next question. If "No" as to all choices in question 17 above, then answer no further questions and have the Presiding Juror sign and date this form.

18. Do you find by clear and convincing evidence that the conduct constituting malice or oppression was committed or authorized by one of more of the officers, directors, or managing agents of defendant Johnson & Johnson Consumer Inc., acting on behalf of defendant Johnson & Johnson Consumer Inc.?

Yes ☒

No ☐

Please have the presiding juror sign and date this form and return it to the Court Attendant.

DATED: 8/19/2021

Brian Smith
Presiding Juror