

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

LUKE ESTES,

Plaintiff,

vs.

3M COMPANY, 3M
OCCUPATIONAL SAFETY LLC,
AEARO HOLDING LLC,
AEARO INTERMEDIATE LLC,
AEARO LLC, and AEARO
TECHNOLOGIES LLC,

Defendants.

Case No. 7:20cv137-MCR-GRJ

VERDICT FORM

We, the jury, in the above entitled and numbered case, unanimously find, by a preponderance of the evidence, as follows on Plaintiff Luke Estes' claims and 3M's affirmative defenses, based on the Court's instructions on the law and evidence:

FILED IN OPEN COURT THIS

4-30-2021

**CLERK, U.S. DISTRICT
COURT, NORTH DIST. FLA**

SPS

Plaintiff's Claims:

- (1) Strict Liability—Design Defect
 Proven Not Proven

- (2) Strict Liability—Failure to Warn
 Proven Not Proven

- (3) Negligent Design
 Proven Not Proven

- (4) Negligent Failure to Warn
 Proven Not Proven

- (5) Negligence Per Se
 Proven Not Proven

- (6) Fraudulent Misrepresentation
 Proven Not Proven

- (7) Fraudulent Concealment
 Proven Not Proven

- (8) Negligent Misrepresentation
 Proven Not Proven

(9) Breach of Express Warranty

Proven Not Proven

(10) Breach of Implied Warranty

Proven Not Proven

If you have found any claim above proven by a preponderance of the evidence, you will consider 3M's affirmative defenses. If you have not found any claim above proven, your work is complete and you should have the Foreperson sign and date the Verdict Form.

3M's Affirmative Defenses:

(1) Superseding Cause

Proven Not Proven

(2) Avoidance of Consequences

Proven Not Proven

(3) Statute of Limitations

Proven Not Proven

If you have found affirmative defenses (1), (2), or (3) proven by a preponderance of the evidence, your verdict will be in favor of 3M on all claims.

(4) Apportionment—~~Luke Estes~~

Proven Not Proven

(5) Apportionment—~~United States Army~~

Proven Not Proven

If you have found affirmative defenses (4) or (5) proven by a preponderance of the evidence, you should consider the percentage of fault that should be apportioned to that party when considering damages and reflect that on Page 5 below.

Compensatory Damages:

If you have found in favor of Mr. Estes on any of the above claims, what damages, if any, do you find for:

| | |
|--|---------------------------------|
| Medical expenses | \$ <u>36,000.⁰⁰</u> |
| Lost earnings | \$ <u>147,500.⁰⁰</u> |
| Pain and suffering (mental and physical) | \$ <u>167,000.⁰⁰</u> |

Apportionment of Fault:

If you have found that any of the individuals or organizations listed below was negligent and thereby caused or contributed to Mr. Estes' injuries, then it is necessary for you to determine the percentage of fault for each. If you find no fault, then you should place a "0" by that name. Your allocation of fault must equal 100%.

| | |
|--------------------|--------------|
| Defendants | <u>100</u> % |
| United States Army | <u>∅</u> % |
| Mr. Estes | <u>∅</u> % |

If you awarded compensatory damages to Mr. Estes, you should consider his claim for punitive damages. If you did not award compensatory damages, your deliberations are complete, and the foreperson should sign and date this Verdict Form.

Punitive Damages

Proven, by clear and convincing evidence Not Proven

If you found punitive damages were proven, please list the amount imposed below. If you found punitive damages were not proven, your deliberations are complete.

\$ 2,100,000.00

Once you have answered this question, your deliberations are complete, and the foreperson should sign and date this Verdict Form.

SO SAY WE ALL, this 30th day of April, 2021



Foreperson's Signature