

QUESTION NO. 1

Did the negligence, if any, of those named below proximately cause the death of Denton James Ward?

With respect to the condition of the premises, McDonald's was negligent if:

1. the condition posed an unreasonable risk of harm; and
2. McDonald's knew or reasonably should have known of the danger; and
3. McDonald's failed to exercise ordinary care to protect Denton James Ward from the danger, by both failing to adequately warn Denton James Ward of the condition and failing to make the condition reasonably safe.

"Ordinary care," when used with respect to the conduct of McDonald's 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.

"Negligence," when used with respect to the conduct of Samantha Bean, Tanner Bryce Giesen, Marcus Jemal Jones, and John Does, 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.

"Negligence," when used with respect to the conduct of Hurricane Harry's, means failure to use ordinary care, that is, failing to do that which an establishment of ordinary prudence would have done under the same or similar circumstances or doing that which an establishment of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary care," when used with respect to the conduct of Samantha Bean, Tanner Bryce Giesen, Marcus Jemal Jones, and John Does means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

“Ordinary care,” when used with respect to the conduct of Hurricane Harry’s means that degree of care that would be used by an establishment of ordinary prudence under the same or similar circumstances.

If Samantha Bean was confronted by an “emergency” arising suddenly and unexpectedly, which was not proximately caused by any negligence on her part and which, to a reasonable person, requires immediate action without time for deliberation, her conduct in such an emergency is not negligence or failure to use ordinary care, if, after such emergency arises, she acts as a person of ordinary prudence would have acted 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:

1. McDonald’s: Yes
2. Marcus Jemal Jones: Yes
3. John Does: Yes
4. Hurricane Harry’s: No
5. Tanner Giesen: No
6. Samantha Bean: No

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.

QUESTION NO. 2

Assign percentages of responsibility only to those you found caused or contributed to the Death of Denton James Ward. 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.

For each person you found caused or contributed to cause the death of Denton James Ward, find the percentage of responsibility attributable to each:

1. McDonald's: 97 %

2. Marcus Jemal Jones: 2 %

3. John Does: 1 %

4. Hurricane Harry's: — %

5. Tanner Giesen: — %

6. Samantha Bean: — %

Total: 100%

QUESTION NO. 3

Did the negligence, if any, of those named below proximately cause the death of Lauren Bailey Crisp?

With respect to the condition of the premises, McDonald's was negligent if:

1. the condition posed an unreasonable risk of harm; and
2. McDonald's knew or reasonably should have known of the danger; and
3. McDonald's failed to exercise ordinary care to protect Lauren Bailey Crisp from the danger, by both failing to adequately warn Lauren Bailey Crisp of the condition and failing to make the condition reasonably safe.

"Ordinary care," when used with respect to the conduct of McDonald's 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.

"Negligence," when used with respect to the conduct of Samantha Bean, Tanner Bryce Giesen, Marcus Jemal Jones, Lauren Bailey Crisp, and John Does 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.

"Negligence," when used with respect to the conduct of Hurricane Harry's, means failure to use ordinary care, that is, failing to do that which an establishment of ordinary prudence would have done under the same or similar circumstances or doing that which an establishment of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary care," when used with respect to the conduct of Samantha Bean, Tanner Bryce Giesen, Marcus Jemal Jones, Lauren Bailey Crisp, and John Does means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

“Ordinary care,” when used with respect to the conduct of Hurricane Harry’s means that degree of care that would be used by an establishment of ordinary prudence under the same or similar circumstances.

If Samantha Bean and Lauren Bailey Crisp were confronted by an “emergency” arising suddenly and unexpectedly, which was not proximately caused by any negligence on their part and which, to a reasonable person, requires immediate action without time for deliberation, their conduct in such an emergency is not negligence or failure to use ordinary care, if, after such emergency arises, they act as a person of ordinary prudence would have acted 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:

1. McDonald’s: Yes
2. Marcus Jemal Jones: Yes
3. John Does: Yes
4. Hurricane Harry’s: No
5. Tanner Giesen: No
6. Samantha Bean: No
7. Lauren Bailey Crisp: No

If you answered "Yes" to Question No. 3 for more than one of those named below, then answer the following Question. Otherwise, do not answer the following Question.

QUESTION NO. 4

Assign percentages of responsibility only to those you found caused or contributed to the death of Lauren Bailey Crisp. 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.

For each person you found caused or contributed to cause the death of ~~Deonton James~~ ^{LAUREN BAILEY CRISP,} find the percentage of responsibility attributable to each:

1. McDonald's: 97 %
 2. Marcus Jemal Jones: 2 %
 3. John Does: 1 %
 4. Hurricane Harry's: — %
 5. Tanner Giesen: — %
 6. Samantha Bean: — %
 7. Lauren Bailey Crisp — %
- Total: 100%

Answer the following question if you answered "Yes" to Question No. 1 for McDonald's. Otherwise, do not answer the following Question.

QUESTION NO. 5

What sum of money, if paid now in cash, would fairly and reasonably compensate Denise Whitaker for her damages, if any, resulting from the death of Denton James Ward?

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 monetary recovery is not subject to federal or state income taxes.

Answer separately in dollars and cents for damages, if any. In answering this question, do not consider any answer to any other question.

1. Loss of companionship and society.

"Loss of companionship and society" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Denise Whitaker, in reasonable probability, would have received from Denton James Ward had he lived.

Loss of companionship and society sustained in the past by Denise Whitaker:

\$ 1,000,000 (1 million)

Loss of companionship and society that, in reasonable probability, will be sustained in the future by Denise Whitaker:

\$ 2,000,000 (2 million)

2. Mental anguish.

“Mental anguish” means the emotional pain, torment, and suffering experienced by Denise Whitaker because of the death of Denton James Ward.

Mental anguish sustained in the past by Denise Whitaker:

\$ 4,000,000 (4 million)

Mental anguish that, in reasonable probability, will be sustained in the future by

Denise Whitaker:

\$ 4,000,000 (4 million)

In determining damages for elements (1) and (2), you may consider the relationship between Denton James Ward and his mother, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

Answer the following question if you answered "Yes" to Question No. 1 for McDonald's.
Otherwise, do not answer the following Question.

QUESTION NO. 6

What sum of money would have fairly and reasonably compensated Denton James Ward for:

1. Pain and mental anguish.

"Pain and mental anguish" means the conscious physical pain and emotional pain, torment, and suffering experienced by Denton James Ward before his death as a result of the occurrence in question.

Answer in dollars and cents for damages, if any.

Answer: \$ 5,000,000 (5 million)

Answer the following question if you answered "Yes" to Question No. 3 for McDonald's. Otherwise, do not answer the following Question.

QUESTION NO. 7

What sum of money, if paid now in cash, would fairly and reasonably compensate William Paul Crisp, Jr. and J. Nicole Crisp for their damages, if any, resulting from the death of Lauren Bailey Crisp?

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 monetary recovery is not subject to federal or state income taxes.

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 Lauren Bailey Crisp. Any recovery will be determined by the Court when it applies the law to your answers at the time of judgment.

1. Loss of companionship and society.

"Loss of companionship and society" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that William Paul Crisp, Jr. and J. Nicole Crisp, in reasonable probability, would have received from Lauren Bailey Crisp had she lived.

Loss of companionship and society sustained in the past by:

| | | |
|--------------------------|-------------------|----------------------|
| William Paul Crisp, Jr.: | \$ <u>500,000</u> | (5 Hundred Thousand) |
| J. Nicole Crisp: | \$ <u>500,000</u> | (5 Hundred Thousand) |

Loss of companionship and society that, in reasonable probability, will be sustained in the future by:

William Paul Crisp, Jr.: \$ 1,000,000 (1 million)
J. Nicole Crisp: \$ 1,000,000 (1 million)

2. Mental anguish.

“Mental anguish” means the emotional pain, torment, and suffering experienced by William Paul Crisp, Jr. and J. Nicole Crisp because of the death of Lauren Bailey Crisp.

Mental anguish sustained in the past by:

William Paul Crisp, Jr.: \$ 2,000,000 (2 million)
J. Nicole Crisp: \$ 2,000,000 (2 million)

Mental anguish that, in reasonable probability, will be sustained in the future by:

William Paul Crisp, Jr.: \$ 2,000,000 (2 million)
J. Nicole Crisp: \$ 2,000,000 (2 million)

In determining damages for elements (1) and (2), you may consider the relationship between Lauren Bailey Crisp and her parents, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.