

FILED
KING COUNTY WASHINGTON

FEB 07 2019

SUPERIOR COURT CLERK
BY Nicolas Ceja
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE DUCKS SEPTEMBER 24, 2015
AURORA BRIDGE COLLISION

No. 15-2-28905-5 SEA

SPECIAL VERDICT FORM

We, the jury, answer the questions submitted by the Court as follows:

(Direction: You are to answer the following questions in numerical order according to the instructions provided.)

We, the Jury, answer the Questions submitted by the Court as follows:

QUESTION 1: Was RTDS negligent by breaching the duty of a common carrier as to its Duck 6 passengers?

Yes No

(DIRECTION: If you answered "Yes" to Question 1, please answer Question 2. If you answered "No" to Question 1, skip Question 2 and proceed to Question 3.)

QUESTION 2: Was RTDS' negligence as a common carrier a proximate cause of injury to the plaintiffs who were Duck 6 passengers?

Yes No

(DIRECTION: Please answer Question 3.)

QUESTION 3: As to plaintiffs who were not Duck 6 passengers, was RTDS negligent?

Yes No

(DIRECTION: If you answered "Yes" to Question 3, please answer Question 4. If you answered "No" to Question 3, skip Question 4 and proceed to Question 5.)

QUESTION 4: Was RTDS' negligence a proximate cause of injury to plaintiffs who were not Duck 6 passengers?

Yes No

(DIRECTION: Please answer Question 5.)

QUESTION 5: Was the State negligent?

Yes No

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(DIRECTION: If you answered "Yes" to Question 5, please answer Question 6(a) and Question 6(b). If you answered "No" to Question 5, skip Questions 6(a) and 6(b), and proceed to Question 7.)

QUESTION 6(a): Was the State's negligence a proximate cause of injury to the plaintiffs who were Duck 6 passengers?

Yes No

(DIRECTION: Please answer Question 6(b).)

QUESTION 6(b): Was the State's negligence a proximate cause of injury to the plaintiffs who were not Duck 6 passengers?

Yes No

(DIRECTION: Please answer Question 7.)

QUESTION 7: Was the City negligent?

Yes No

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(DIRECTION: If you answered "Yes" to Question 7, please answer Questions 8(a) and 8(b). If you answered "No" to Question 7, please skip Questions 8(a) and 8(b), and proceed to Question 9.)

QUESTION 8(a): Was the City's negligence a proximate cause of injury to the plaintiffs who were Duck 6 passengers?

Yes No

(DIRECTION: Please answer Question 8(b).)

QUESTION 8(b): Was the City's negligence a proximate cause of injury to the plaintiffs who were not Duck 6 passengers?

Yes _____ No _____

(DIRECTION: Please answer Question 9.)

QUESTION 9: Did RTDI breach a duty owed under the Products Liability Act in one of the following ways?

(a)(i). Claim 1 (Product Construction Defect): Did RTDI supply a product that was not reasonably safe in construction at the time the product left RTDI's control?

Yes No _____

(DIRECTION: If you answered yes to Question 9(a)(i), answer Question 9(a)(ii).)

(a)(ii). Was this breach of the Product Liability Act a proximate cause of injury to the plaintiffs?

Yes No _____

(b)(i). Claim 2 (Unsafe Product Design): Did RTDI supply a product that was not reasonably safe in design at the time the product left RTDI's control?

Yes No _____

(DIRECTION: If you answered yes to Question 9(b)(i), answer Question 9(b)(ii).)

(b)(ii). Was this breach of the Product Liability Act a proximate cause of injury to the plaintiffs?

Yes No _____

(c)(i). Claim 3 (Failure to Provide Warnings or Instructions with Product): Did RTDI supply a product that was not reasonably safe because adequate warnings or instructions were not provided with the product?

Yes No _____

(DIRECTION: If you answered yes to Question 9(c)(i), answer Question 9(c)(ii).)

(c)(ii). Was this breach of the Product Liability Act a proximate cause of injury to the plaintiffs?

Yes No

(d)(i). Claim 4 (Failure to Provide Warnings or Instructions after Sale): Did RTDI supply a product that was not reasonably safe because adequate warnings or instructions were not provided after the product was manufactured?

Yes No

(DIRECTION: If you answered yes to Question 9(d)(i), answer Question 9(d)(ii).)

(d)(ii). Was this breach of the Product Liability Act a proximate cause of injury to the plaintiffs?

Yes No

(e)(i). Claim 5 (Crashworthiness): As to Duck 6 passengers, did RTDI supply a product that was not reasonably safe in reasonably foreseeable collisions?

Yes No

(DIRECTION: If you answered yes to Question 9(e)(i), answer Question 9(e)(ii).)

(e)(ii). Was this breach of the Product Liability Act a proximate cause of injury to the plaintiffs who were Duck 6 passengers?

Yes No

(DIRECTION: If you found that no defendant was negligent or breached the Product Liability Act or that no defendant's negligence or breach proximately caused plaintiffs' injuries, sign the verdict and notify the bailiff. Otherwise, please answer Questions 10, 11, and 12.)

QUESTION 10 (As to Plaintiffs who were Duck 6 passengers): For all plaintiffs who were Duck 6 passengers, assume that 100% represents the total combined negligence or fault that proximately caused the plaintiffs' injuries. What percentage of this 100% is attributable to each defendant you answered "yes" to in Questions 2, 6(a), 8(a), and 9(a)(ii), (b)(ii), (c)(ii), (d)(ii), or (e)(ii)? Your total must equal 100%.

ANSWER:

Ride the Ducks of Seattle

30%

State of Washington

0%

City of Seattle

0%

Ride the Ducks International

70%

QUESTION 11 (As to Plaintiffs Tam Nguyen and Mazda Hutapea who were not Duck 6 passengers): As to Plaintiffs Tam Nguyen and Mazda Hutapea, no fault may be attributed to the State. Assume that 100% represents the total combined negligence or fault that proximately caused these Plaintiffs' injuries. What percentage of this 100% is attributable to each defendant you answered "yes" to in Questions 4, 8(b), and 9(a)(ii), (b)(ii), (c)(ii), or (d)(ii)? Your total must equal 100%.

ANSWER:

Ride the Ducks of Seattle

33%

City of Seattle

0%

Ride the Ducks International

67%

QUESTION 12 (As to Plaintiffs who were not Duck 6 passengers): For all plaintiffs who were not Duck 6 passengers except Tam Nyugen and Mazda Hutapea, assume that 100% represents the total combined negligence or fault that proximately caused the plaintiffs' injuries. What percentage of this 100% is attributable to each defendant you answered "yes" to in Questions 4, 6(b), 8(b), and 9(a)(ii), (b)(ii), (c)(ii), or (d)(ii)? Your total must equal 100%.

ANSWER:

Ride the Ducks of Seattle	<u>33</u> %
State of Washington	<u>0</u> %
City of Seattle	<u>0</u> %
Ride the Ducks International	<u>67</u> %

(DIRECTION: If you found any defendant liable for plaintiffs' injuries, please answer the following questions as applicable to the particular plaintiffs.)

SEOHEE BAK (Bus) (Instruction No. 31)

QUESTION 13: What do you find to be Seohee Bak's damages?

Non-Economic Damages

\$ 550 K

RHONDA COOLEY (Duck 6) (Instruction No. 35)

QUESTION 14: What do you find to be Rhonda Cooley's damages?

Past medical care, treatment and services

Undisputed Amount: \$ 69,470.25

Disputed Amount: \$ 117 K

Past Lost Earnings

\$ 44,700

Future Economic Damages

\$ 535,000

Non-Economic Damages

\$ 6.25 M

JOANNE GERKE (Duck 6) (Instruction No. 35)

QUESTION 15: What do you find to be JoAnne Gerke's damages?

Past medical care, treatment and services

Undisputed Amount:	\$ 44,423.40
Disputed Amount:	\$ <u>65,500</u>
Past Lost Earnings	\$ <u>Ø</u>
Future Economic Damages	\$ <u>250,000</u>
Non-Economic Damages	\$ <u>3M</u>

11 (cd)

DON CLOUSE (Bus) (Instruction No. 34)

QUESTION 16: What do you find to be Don Clouse's damages?

Future Economic Damages	\$ <u>42,400</u>
Non-Economic Damages	\$ <u>1.5M</u>

ESTATE OF CLAUDIA DERSCHMIDT (Bus) (Instruction No. 45)

QUESTION 17: What do you find to be the Estate of Claudia Derschmidt's damages?

Net Accumulations	\$ <u>300,000</u>
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FELIX DERSCHMIDT (Non-Duck 6, Non-Bus) (Instruction No. 46)

QUESTION 18: What do you find to be Felix Derschmidt's damages?

Economic Damages	\$ <u>80,000</u>
Non-Economic Damages	\$ <u>10M</u>

1 (cd)

MORITZ DERSCHMIDT (Non-Duck 6, Non-Bus) (Instruction No. 46)

QUESTION 19: What do you find to be Moritz Derschmidt's damages?

Economic Damages \$ 6,400
Non-Economic Damages \$ 10M

1 @

PHUONG DINH (Bus) (Instruction No. 37)

QUESTION 20: What do you find to be Phuong Dinh's damages?

Past medical care, treatment and services \$ 613,109.03
Future Economic Damages \$ 5.3M
Non-Economic Damages \$ 20M

LI LIU EDWARDS (Duck 6) (Instruction 31)

QUESTION 21: What do you find to be Li Liu Edward's damages?

Non-Economic Damages \$ 525,000

1 @

JENNIFER EMERY (Duck 6) (Instruction 31)

QUESTION 22: What do you find to be Jennifer Emery's damages?

Non-Economic Damages \$ 750,000

SUSAN GESNER (Duck 6) (Instruction 41)

QUESTION 23: What do you find to be Susan Gesner's damages?

Non-Economic Damages \$ 800,000

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TIMOTHY GESNER (Duck 6) (Instruction No. 41)

QUESTION 24: What do you find to be Timothy Gesner's damages?

Non-Economic Damages \$ 800,000 11 cts

KENICHIRO HIRAOKA (Duck 6) (Instruction No. 40)

QUESTION 25: What do you find to be Kenichiro Hiraoka's damages?

Future Economic Damages \$ 0 1 cts

Non-Economic Damages \$ 600,000

SONOKO HIRAOKA (Duck 6) (Instruction No. 44)

QUESTION 26: What do you find to be Sonoko Hiraoka's damages?

Past medical care, treatment and services \$ 167,947.90

Future Economic Damages \$ 98,000 1 cts

Non-Economic Damages \$ 7M

TOSHIHIKO HIRAOKA (Duck 6) (Instruction No. 42)

QUESTION 27: What do you find to be Toshihiko Hiraoka's damages?

Future Economic Damages \$ 0

Non-Economic Damages \$ 2M

YOUSUKE HIRAOKA (Duck 6) (Instruction 31)

QUESTION 28: What do you find to be Yousuke Hiraoka's damages?

Non-Economic Damages \$ 500,000

MAZDA HUTAPEA (Bus) (Instruction 37)

QUESTION 29: What do you find to be Mazda Hutapea's damages?

Past medical care, treatment and services \$ 81,803.29
Future Economic Damages \$ 200,000
Non-Economic Damages \$ 5.5 M

SARAH JOHNSON (Duck 6) (Instruction No. 31)

QUESTION 30: What do you find to be Sarah Johnson's damages?

Non-Economic Damages \$ 600,000

MIN KYEONG KANG (Bus) (Instruction No. 33)

QUESTION 31: What do you find to be Min Kyeong Kang's damages?

Future Medical Damages \$ 87,000
Future Earning Capacity \$ ∅ 1 ed
Non-Economic Damages \$ 575,000

ESTATE OF HARAM KIM (Bus) (Instruction No. 47)

QUESTION 32: What do you find to be the Estate of HaRam Kim's damages?

Undisputed Healthcare Expenses \$273,389.72
Net Accumulations \$ 3.1 M 11 ed

SANG WOO KIM (Duck 6) (Instruction No. 31)

QUESTION 33: What do you find to be Sang Woo Kim's damages?

Non-Economic Damages \$ 500,000

YOUNG KI KIM (Duck 6) (Instruction No. 41)

QUESTION 34: What do you find to be Young Ki Kim's damages?

Non-Economic Damages

\$ 550,000

YUNSU KIM (Duck 6) (Instruction No. 31)

QUESTION 35: What do you find to be Yunsu Kim's damages?

Non-Economic Damages

\$ 600,000 | 

YOUNG YEE LEE (Duck 6) (Instruction No. 41)

QUESTION 36: What do you find to be Young Yee Lee's damages?

Non-Economic Damages

\$ 600,000

JAE YOUNG PARK (Duck 6) (Instruction No. 31)

QUESTION 37: What do you find to be Jae Young Park's damages?

Non-Economic Damages

\$ 450,000

JIN YOUNG PARK (Duck 6) (Instruction No. 31)

QUESTION 38: What do you find to be Jin Young Park's damages?

Non-Economic Damages

\$ 375,000

SIMON LEE (Non-Duck 6, Non-Bus) (Instruction No. 32)

QUESTION 39: What do you find to be Simon Lee's damages?

Non-Economic Damages

\$ 40,000

ALENA LUTZ (Duck 6) (Instruction No. 31)

QUESTION 40: What do you find to be Alena Lutz's damages?

Non-Economic Damages

\$ 500,000

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YUTA MASUMOTO (Bus) (Instruction 38)

QUESTION 41: What do you find to be Yuta Matsumoto's damages?

Past medical care, treatment and services

\$ 341,098.91

Future Economic Damages

\$ 381,000

11 ✓

Non-Economic Damages

\$ 15 M

TAM NGUYEN (Non-Duck 6, Following Bus) (Instruction 39)

QUESTION 42: What do you find to be Tam Nguyen's damages?

Past Economic Damages

\$ ∅

Future Economic Damages

\$ 30,000

Non-Economic Damages

\$ 215,000

KWANG HYEON PARK (Bus) (Instruction No. 33)

QUESTION 43: What do you find to be Kwang Hyeon Park's damages?

Future Medical Damages

\$ 40,000

Future Earning Capacity

\$ ∅

Non-Economic Damages

\$ 425,000

1 ✓

MINJE SA (Bus) (Instruction No. 31)

QUESTION 44: What do you find to be Minje Sa's damages?

Non-Economic Damages

\$ 375,000

AYANE SAWADA (Bus) (Instruction No. 31)

QUESTION 45: What do you find to be Ayane Sawada's damages?

Non-Economic Damages

\$ 675,000

11 cb

KATHLEEN SHELDON (Duck 6) (Instruction No. 41)

QUESTION 46: What do you find to be Kathleen Sheldon's damages?

Non-Economic Damages

\$ 550,000

RICHARD SHELDON (Duck 6) (Instruction No. 43)

QUESTION 47: What do you find to be Richard Sheldon's damages?

Past medical care, treatment and services

\$ 110,778.97

Past Economic Damages

\$ 0

Future Economic Damages

\$ 36,800

Non-Economic Damages

\$ 6.25M

1 cb

RONALD SHELDON (Duck 6) (Instruction No. 41)

QUESTION 48: What do you find to be Ronald Sheldon's damages?

Non-Economic Damages

\$ 600,000

TERRY SHELDON (Duck 6) (Instruction No. 41)

QUESTION 49: What do you find to be Terry Sheldon's damages?

Non-Economic Damages

\$ 850,000

YU ZHUANG (Bus) (Instruction No. 33)

QUESTION 50: What do you find to be Yu Zhuang's damages?

Future Medical Damages \$ 130,000
Future Earning Capacity \$ 0
Non-Economic Damages \$ 600,000

FENNA ZIELINSKI (Duck 6) (Instruction No. 36)

QUESTION 51: What do you find to be Fenna Zielinski's damages?

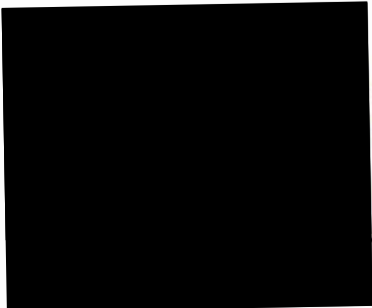
Past medical care, treatment and services \$113,864.44
Past Lost Earnings \$ 12,500
Future Economic Damages \$ 57,500
Non-Economic Damages \$ 10 M

GUNTER ZIELINSKI (Duck 6) (Instruction No. 41)

QUESTION 52: What do you find to be Gunter Zielinski's damages?

Non-Economic Damages \$ 800,000

(DIRECTION: Please sign this verdict form and notify the bailiff)



Feb 7, 2019

Presiding Juror

