

3. Since every answer that is required by the charge is important, no juror should state or consider that any required answer is not important.

4. You must not decide who you think should win, and then try to answer the questions accordingly. Simply answer the questions, and do not discuss nor concern yourselves with the effect of your answers.

5. You will not decide the answer to a question by lot or by drawing straws, or by any other method of chance. Do not return a quotient verdict. A quotient verdict means that the jurors agree to abide by the result to be reached by adding together each juror's figures and dividing by the number of jurors to get an average. Do not do any trading on your answers; that is, one juror should not agree to answer a certain question one way if others will agree to answer another question another way.

6. Unless otherwise instructed, you may answer a question upon the vote of ten or more jurors. If you answer more than one question upon the vote of ten or more jurors, the same group of at least ten of you must agree upon the answers to each of those questions.

These instructions are given you because your conduct is subject to review the same as that of the witnesses, parties, attorneys and the judge. If it should be found that you have disregarded any of these instructions, it will be jury misconduct and it may require another trial by another jury; then all of our time will have been wasted.

The presiding juror or any other who observes a violation of the court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

When words are used in this charge in a sense that varies from the meaning commonly understood, you are given a proper legal definition, which you are bound to accept in place of any other meaning.

Your answers must be based on a preponderance of the evidence unless you are otherwise instructed. The term “preponderance of the evidence” means the greater weight of credible evidence admitted in this case. 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.

“ESTATE OF HARVEY KINIKIN, JR.” means the Estate of Harvey Kinikin, Jr. and does not include any other person or entity who may be the personal representative of the estate.

You are instructed that the parties in this case have entered into a number of stipulations. This means that both sides agree that the stipulated matters are facts. You must therefore treat each stipulated fact as having been proved.

The parties have stipulated that the negligence of Harvey Kinikin, Jr. proximately caused the occurrence or death of James Robinett.

You are instructed that any monetary recovery for pecuniary loss, loss of companionship and society, mental anguish and funeral expenses is not subject to federal income taxes.

The parties have stipulated to funeral and burial expenses of \$5,910.00.

QUESTION NO. 1

What sum of money, if paid now in cash, would fairly and reasonably compensate Sherry Yvette Robinett, for her damages, if any, resulting from the death of James Robinett?

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 the 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 James Robinett.

- a. Pecuniary loss sustained in the past.

“*Pecuniary loss*” means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, that Sherry Yvette Robinett, in a reasonable probability, would have received from James Robinett had he lived.

Answer: \$ 151,338.40

- b. Pecuniary loss that, in a reasonable probability, will be sustained in the future.

Answer: \$ 873,159.20

- c. Loss of companionship and society in the past.

“*Loss of companionship and society*” means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Sherry Yvette Robinett, in a reasonable probability, would have received from James Robinett had he lived.

Answer: \$ 66,800

- d. Loss of companionship and society that, in a reasonable probability, will be sustained in the future.

Answer: \$ 60,000

- e. Mental anguish sustained in the past.

“*Mental anguish*” means the emotional pain, torment, and suffering experienced by Sherry Yvette Robinett because of the death of James Robinett.

Answer: \$ 85,000

- f. Mental anguish that, in reasonable probability, Sherry Yvette Robinett will sustain in the future.

Answer: \$ 200,000

In determining damages for elements c, d, e, and f, you may consider the relationship between Sherry Yvette Robinett and James Robinett, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

QUESTION NO. 2

What sum of money, if paid now in cash, would fairly and reasonably compensate James Devin Robinett for his damages, if any, resulting from the death of James Robinett?

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 the 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 James Robinett.

- a. Pecuniary loss sustained in the past.

“*Pecuniary loss*” means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, that James Devin Robinett, in a reasonable probability, would have received from James Robinett had he lived.

Answer: # 18,917.30

- b. Pecuniary loss that, in a reasonable probability, will be sustained in the future.

Answer: # 109,144.90

- c. Loss of companionship and society in the past.

“*Loss of companionship and society*” means the loss of the positive benefits flowing from the love, comfort, companionship, and society that James Devin Robinett, in a reasonable probability, would have received from James Robinett had he lived.

Answer: # 8,350

- d. Loss of companionship and society that, in a reasonable probability, will be sustained in the future.

Answer: \$ 130,000

- e. Mental anguish sustained in the past.

“*Mental anguish*” means the emotional pain, torment, and suffering experienced by James Devin Robinett because of the death of James Robinett.

Answer: \$ 85,000

- f. Mental anguish that, in reasonable probability, James Devin Robinett will sustain in the future.

Answer: \$ 200,000

In determining damages for elements c, d, e, and f, you may consider the relationship between James Devin Robinett and James Robinett, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

QUESTION NO. 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Desiray Jynae Johnson for her damages, if any, resulting from the death of James Robinett?

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 the 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 James Robinett.

- a. Pecuniary loss sustained in the past.

“*Pecuniary loss*” means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, that Desiray Jynae Johnson, in a reasonable probability, would have received from James Robinett had he lived.

Answer: \$ 18,917.30

- b. Pecuniary loss that, in a reasonable probability, will be sustained in the future.

Answer: \$ 109,144.90

- c. Loss of companionship and society in the past.

“*Loss of companionship and society*” means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Desiray Jynae Johnson, in a reasonable probability, would have received from James Robinett had he lived.

Answer: \$ 8,350

- d. Loss of companionship and society that, in a reasonable probability, will be sustained in the future.

Answer: \$ 130,000

- e. Mental anguish sustained in the past.

“*Mental anguish*” means the emotional pain, torment, and suffering experienced by

Desiray Jynae Johnson because of the death of James Robinett.

Answer: \$ 85,000

- f. Mental anguish that, in reasonable probability, Desiray Jynae Johnson will sustain in the future.

Answer: \$ 200,000

In determining damages for elements c, d, e, and f, you may consider the relationship between Desiray Jynae Johnson and James Robinett, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

After you retire to the jury room, you will select your own presiding juror. The first thing the presiding juror will do is to have this complete charge read aloud and then you will deliberate upon your answers to the questions asked.

It is the duty of the presiding juror—

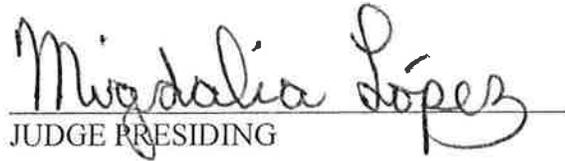
1. to preside during your deliberations,
2. to see that your deliberations are conducted in an orderly manner and in accordance with the instructions in this charge,
3. to write out and hand to the bailiff any communications concerning the case that you desire to have delivered to the judge,
4. to vote on the questions,
5. to write your answers to the questions in the spaces provided, and
6. to certify to your verdict in the space provided for the presiding juror's signature or to obtain the signatures of all the jurors who agree with the verdict if your verdict is less than unanimous.

You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room. Should anyone attempt to talk to you about the case before the verdict is returned, whether at the courthouse, at your home, or elsewhere, please inform the judge of this fact.

When you have answered all the questions you are required to answer under the instructions of the judge and your presiding juror has placed your answers in the spaces provided and signed the verdict as presiding juror or obtained the signatures, you will inform the bailiff at

the door of the jury room that you have reached a verdict, and then you will return into court with your verdict.

Signed: September 27, 2012.

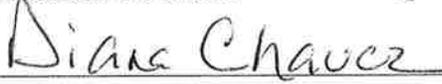

Migdalia López
JUDGE PRESIDING

CERTIFICATE

We, the jury, have answered the above and foregoing questions as herein indicated, and herewith return same into court as our verdict.

(To be signed by the presiding juror if the jury is unanimous.)



PRESIDING JUROR


Printed Name of Presiding Juror

(To be signed by those rendering the verdict if the jury is not unanimous.)

Jurors' Signatures

Jurors' Printed Names
