

**FILED**  
Superior Court of California  
County of Los Angeles

JUL 21 2017

Sherri R. Carter, Executive Officer/Clerk  
By Felipe Rojas Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

HILARIO CRUZ, an individual,  
Plaintiff,  
v.  
NISSAN NORTH AMERICA, INC.  
Defendant.  
AND ALL RELATED ACTIONS.

**CASE NO. BC493949**  
[Consolidated with Case Nos. BC529912  
and BC577815]  
Assigned to: Hon. Randolph M. Hammock  
Dept.: 47  
**SPECIAL VERDICT FORM**

We answer the questions submitted to us as follows:

**A. Liability Claims for Hilario Cruz, Araceli Mendez and Solomon Mathenge**

1. Was the design of the 2004 Infiniti QX56's braking system a substantial factor in causing harm to Hilario Cruz, Araceli Mendez and Solomon Mathenge?

X Yes      \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no to question 1, then answer no further questions, and have the presiding juror sign and date this form.

1 2. Did the benefits of the design of the 2004 Infiniti QX56's braking system  
2 outweigh the risks of the design?

3  Yes  No

4 If your answer to question 2 is no, then answer question 3. If you answered yes  
5 to question 2, then answer no further questions, and have the presiding juror sign and  
6 date this form.

7 3. Was Nissan negligent in failing to recall the 2004 Infiniti QX56?

8  Yes  No

9 If your answer to question 3 is yes, then answer question 4. If you answered no  
10 to question 3, then skip question 4 and answer question 5.

11 4. Was Nissan's negligence in failing to recall the 2004 Infiniti QX56 a  
12 substantial factor in causing harm to Hilario Cruz, Araceli Mendez and Solomon  
13 Mathenge?

14  Yes  No

15 Go to the next question

16  
17 **B. Solomon Mathenge Negligence**

18 5. Was Solomon Mathenge negligent?

19  Yes  No

20 If your answer to question 5 is yes, then answer question 6. If you answered no  
21 to question 5, then insert the number zero next to Solomon Mathenge's name in your  
22 answer to question 13, skip question 6 and answer question 7.

23 6. Was Solomon Mathenge's negligence a substantial factor in causing harm  
24 to Hilario Cruz and Araceli Mendez?

25  Yes  No

26 If your answer to question 5 is yes, but your answer to question 6 is no, then  
27 insert the number zero next to Solomon Mathenge's name in your answer to question  
28 13 and answer question 7. If your answer to question 6 is yes, then answer question 7.

1 **C. Compensatory Damages for Hilario Cruz**

2 7. What are Hilario Cruz's noneconomic damages for the wrongful death of  
3 Hilda and Stephanie Cruz?

4  
5 a. Hilario Cruz's loss of Hilda Cruz's love,  
6 companionship, comfort, care, assistance,  
7 affection, society, and moral support, from  
8 August 29, 2012 to the present

\$ 875,000

9 b. Hilario Cruz's loss of Hilda Cruz's love,  
10 companionship, comfort, care, assistance,  
11 affection, society, and moral support, from today  
12 forward

\$ 6,125,000

13 c. Hilario Cruz's loss of Stephanie Cruz's love,  
14 companionship, comfort, care, assistance,  
15 affection, society, and moral support, from  
16 August 29, 2012 to the present

\$ 875,000

17 d. Hilario Cruz's loss of Stephanie Cruz's love,  
18 companionship, comfort, care, assistance,  
19 affection, society, and moral support, from today  
20 forward

\$ 6,125,000

TOTAL: \$ 14,000,000

21 Go to the next question

22  
23 8. What amount, if any, did Hilario Cruz, as successor in interest to Hilda and  
24 Stephanie Cruz, incur in economic damage as a result of the August 29, 2012 crash  
25 and prior to the deaths of Hilda and Stephanie Cruz?

26 Economic Damages for Hilda Cruz: \$ 20

27 Economic Damages for Stephanie Cruz: \$ 20

28 Go to the next question

1 **D. Compensatory Damages for Araceli Mendez**

2 9. What are Araceli Mendez's economic damages for the wrongful death of  
3 Saida Mendez?

- 4 a. Future financial support that Saida Mendez would have contributed to Araceli Mendez \$ 109,284
- 5 b. Past losses of gifts or benefit that Araceli Mendez would have expected to receive from Saida Mendez \$ 2,000
- 6 c. Future losses of gifts or benefit that Araceli Mendez would have expected to receive from Saida Mendez \$ 20,000
- 7 d. Future household services that Saida Mendez would have provided to Araceli Mendez \$ 299,735
- 8
- 9
- 10
- 11 TOTAL: \$ 431,019

12 Go to the next question

13

14

15 10. What are Araceli Mendez's noneconomic damages for the wrongful death  
16 of Saida Mendez?

- 17 a. Araceli Mendez's loss of Saida Mendez's love, companionship, comfort, care, assistance, affection, society, and moral support, from August 29, 2012 to the present \$ 875,000
- 18
- 19
- 20 b. Araceli Mendez's loss of Saida Mendez's love, companionship, comfort, care, assistance, affection, society, and moral support, from today forward \$ 6,125,000
- 21
- 22
- 23 TOTAL: \$ 7,000,000

24 Go to the next question

25

26 11. What amount, if any, did Araceli Mendez, as successor in interest to Saida  
27 Mendez, incur in economic damage as a result of the August 29, 2012 crash and prior  
28 to the death of Saida Mendez?

Economic Damages: \$ 50

Go to the next question

**E. Compensatory Damages for Solomon Mathenge**

12. What are Solomon Mathenge's damages?

- a. Past medical expenses \$ 0
  - b. Past noneconomic loss, including physical pain and mental suffering \$ 2,000,000
  - c. Future noneconomic loss, including physical pain and mental suffering \$ 1,500,000
- TOTAL: \$ 3,500,000

Go to the next question

**F. Comparative Responsibility**

13. 100% represents the total responsibility for Hilario Cruz's and Araceli Mendez's harm. What percentage of responsibility of harm do you assign to:

Nissan: 100 %

Solomon Mathenge: \_\_\_\_\_ %

TOTAL: 100 %

Go to the next question

**G. Exemplary Damages**

14. Did Nissan engage in the conduct alleged by Hilario Cruz, Araceli Mendez and Solomon Mathenge with malice, oppression, or fraud?

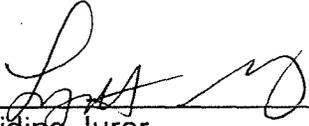
\_\_\_\_\_ Yes      X No

If your answer to question 14 is yes, then answer question 15. If your answer to question 14 is no, then stop here, answer no further questions, and have the presiding juror sign and date this form.

1           15. Was the conduct alleged by Hilario Cruz, Araceli Mendez and Solomon  
2 Mathenge constituting malice, oppression, or fraud committed by one or more officers,  
3 directors, or managing agents of Nissan acting on behalf of Nissan?

4                   \_\_\_\_\_ Yes                   \_\_\_\_\_ No

5  
6 Signed:

7   
8 \_\_\_\_\_  
9 Presiding Juror

8 Dated:

9 \_\_\_\_\_ 7/21/17

10 After this verdict form has been signed, notify the court attendant that you are ready to  
11 present your verdict in the courtroom.

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