

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 03/30/2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)

This Document Relates To:
Abney, et al. v. General Motors LLC, 14-CV-5810


ORDER

-----X
JESSE M. FURMAN, United States District Judge:

For the record, the notes received from the jury during its deliberations, as well as the Court's note responding to the juror note marked as Court Exhibit 3, are attached as Exhibit 1. Attached as Exhibit 2 is a copy of the jury's completed verdict form.

SO ORDERED.

Dated: March 30, 2016
New York, New York



JESSE M. FURMAN
United States District Judge

Exhibit 1

Court Exhibit.

3 4:20 pm.

3/29/16

Question 12 has a typo as well.

"IF you answered "Yes," then proceed to question (12)."


We assume it should be to proceed to question 13.

Thank you,
Ms. Tyler

~~///~~ Juror number 4 would like to know what circumstances a verdict can be revoked? she is referring to the bottom of page 26.

We have received your note. In answer to your first question, the instruction following Question 12 should indeed state *“If you answered “Yes,” then proceed to Question 13. If you answered “No,” then proceed to the signature page.”*

In answer to Juror Number 4’s question, the Court repeats what is said in the instructions: that “once your verdict is announced by your foreperson in open court and officially recorded, it cannot ordinarily be revoked.” Whether and under what circumstances a verdict can be revoked is a legal issue that should not affect your deliberations or verdict in any way.



Jesse M. Furman
United States District Judge

Court Exhibit Y
5:00 pm
3/29/16

We are still deliberating but are ready to break for the day.

Thank You,
Ms. Tyler

Count Exhibit 5
9:55 am
3/29/16

Judge Furman,

Do we need to be unanimous as "yes" to question 1, 2 and 3 in order to move on? If we have some "no's" to #1 and/or #2, ~~no~~ but are unanimous ~~to~~ "yes" to #3, should we move on to the following questions.

Regarding #8, if we answer "no", then proceed to question #10. However question #10 instructs that ~~we~~ we should only answer the question if we selected "yes" to 6 or 9.

If we selected "no" ~~to~~ to #6 and/or #9, what should we do. Do we answer question #10? Which instructions do we follow - those on question #8 or those for question #10 (p. 4).

Thank You,
Ms. Tuler

Court Exhibit 6

3/30/16

10:58 am

Judge Furman,

We have rendered an unanimous verdict.

Thank you,

Ms. Tyler

Exhibit 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LAWRENCE BARTHELEMY and DIONNE SPAIN, :

Plaintiffs, :

-v- :

GENERAL MOTORS LLC, :

Defendant. :

14-CV-5810 (JMF)

VERDICT FORM

-----X
PLEASE CIRCLE YOUR ANSWERS

All Answers Must Be Unanimous

1. Did Plaintiffs prove by a preponderance of the evidence that Ms. Spain's 2007 Saturn Sky was unreasonably dangerous because it deviated in a material way from Old GM's specifications or performance standards for the product, or from otherwise identical products manufactured by Old GM?

YES NO

Regardless of your answer to Question 1, proceed to Question 2.

2. Did Plaintiffs prove by a preponderance of the evidence that Ms. Spain's 2007 Saturn Sky was unreasonably dangerous because there was an alternative design for Ms. Spain's 2007 Saturn Sky that could have prevented Plaintiffs' injuries and that Old GM should have adopted that design?

YES NO

Regardless of your answer to Question 2, proceed to Question 3.

[REST OF PAGE LEFT INTENTIONALLY BLANK]

3. Did Plaintiffs prove by a preponderance of the evidence that Ms. Spain's 2007 Saturn Sky was unreasonably dangerous because, at the time the product left Old GM's control in 2007, the car had a characteristic that might cause damage and Old GM failed to use reasonable care (either at the time the car left its control or upon learning later about the characteristic that might cause damage) to provide an adequate warning of that characteristic and its danger to Ms. Spain?

YES NO

If you answered "Yes" to ANY of the preceding three Questions, then proceed to Question 4. If you answered "No" to ALL three Questions, then proceed directly to the signature page.

As to Ms. Spain:

4. Did Ms. Spain prove by a preponderance of the evidence that there was actual damage to her person or property?

YES NO

If you answered "Yes," then proceed to Question 5. If you answered "No," then proceed to Question 7.

5. Did Ms. Spain prove by a preponderance of the evidence that the injury or damage she suffered was proximately caused by a characteristic of Ms. Spain's 2007 Saturn Sky that made it unreasonably dangerous and existed at the time the product left Old GM's control?

YES NO

If you answered "Yes," then proceed to Question 6. If you answered "No," then proceed to Question 7.

6. Did Ms. Spain prove by a preponderance of the evidence that the injury she suffered arose from a reasonably anticipated use of her 2007 Saturn Sky by Plaintiffs?

YES NO

Regardless of your answer to Question 6, proceed to Question 7.

As to Mr. Barthelemy:

7. Did Mr. Barthelemy prove by a preponderance of the evidence that there was actual damage to his person or property?

YES NO

If you answered "Yes," then proceed to Question 8. If you answered "No," then proceed to Question 10 on Page 4 (Damages).

8. Did Mr. Barthelemy prove by a preponderance of the evidence that the injury or damage he suffered was proximately caused by a characteristic of Ms. Spain's 2007 Saturn Sky that made it unreasonably dangerous and existed at the time the product left Old GM's control?

YES NO

If you answered "Yes," then proceed to Question 9. If you answered "No," then proceed to Question 10 on Page 4 (Damages).

9. Did Mr. Barthelemy prove by a preponderance of the evidence that the injury he suffered arose from a reasonably anticipated use of Ms. Spain's 2007 Saturn Sky by Plaintiffs?

YES NO

Regardless of your answer to Question 9, proceed to Question 10 on Page 4 (Damages).

[REST OF PAGE LEFT INTENTIONALLY BLANK]

DAMAGES

You should complete this Section ONLY if you answered “Yes” to Question 6 OR Question 9. If you answered “No” to BOTH of those Questions, then proceed to the signature page.

As to Ms. Spain:

10. If, but ONLY if, you answered “Yes” to Question 6, then you should decide on a dollar amount that will compensate Ms. Spain for the damages caused to her. Ms. Spain proved by a preponderance of the evidence that her damages totaled:

\$ _____

Regardless of your answer to Question 10, proceed to Question 11.

As to Mr. Barthelemy:

11. If, but ONLY if, you answered “Yes” to Question 9, then you should decide on a dollar amount that will compensate Mr. Barthelemy for the damages caused to him. Mr. Barthelemy proved by a preponderance of the evidence that his damages totaled:

\$ _____

Regardless of your answer to Question 11, proceed to the next page.

[REST OF PAGE LEFT INTENTIONALLY BLANK]

SIGNATURES

Sign your names in the space provided below, fill in the date and time, and inform the Court Security Officer — with a note, not the Verdict Form itself — that you have reached a verdict.

After completing the form, each juror who agrees with this verdict must sign below:

<u>Kathleen Tyler</u>	<u>[Signature]</u>
<u>Richard DeRosa</u>	<u>[Signature]</u>
<u>Rachel Berger-Hart</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>Sharon Wheel</u>

Date and Time: 3/30/16