

CAUSE NO. 2015CV06454

FILED IN CLERK'S OFFICE
GERALD F. HICKS, CLERK
COUNTY CLERK OF BEXAR CO.

AB

RAMON [REDACTED]

2018 MAY 22 PM 3:41
IN THE COUNTY COURT

VS.

AT LAW NO. 10

BEXAR COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss this case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

33,327,067.44

Here are the instructions for answering the questions:

1. Do not let bias, prejudice or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All the questions and answers are important. No one should say that any question or answer is not important.
6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." 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.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.
8. Do not answer questions by drawing straws or by any method of chance.

9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

11. The answers to the questions must be based on the decision of at least five (5) of the six (6) jurors. The same five (5) jurors must agree on every answer. Do not agree to be bound by a vote of anything less than five (5) jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

The Court now gives you certain definitions of terms used in this charge, by which you will be governed in arriving at your answers to the questions submitted to you.

DEFINITIONS

"Negligence" 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.

"Ordinary care" means that degree of care that would be used by a person of ordinary prudence 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.

QUESTION NO. 1:

Did the negligence, if any, of those named below proximately cause the occurrence in question?

Answer "Yes" or "No" for each of the following:

a.

[REDACTED]

yes

b. Ramon

[REDACTED]

no

If you answered "Yes" to Question No. 1 for more than one of those named below, then answer Question No. 2. Otherwise, do not answer Question No. 2.

Assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentages you find must total 100%. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one named below 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.

QUESTION NO: 2

What percentage of the negligence that caused the occurrence do you find to be attributable to each of those found by you, in your answer to Question No. 1, to have been negligent?

a.		<u>100</u> %
b.	Ramon 	<u>0</u> %
	Total	<u>100</u> %

Answer Question No. 3 if you answered "Yes" for [REDACTED] to Question No. 1 and answered:

1. "No" for Ramon [REDACTED] to Question No. 1; or
2. 50 percent or less for Ramon [REDACTED] to Question No. 2.

Otherwise, do not answer Question No. 3.

QUESTION NO. 3:

What sum of money, if paid now in cash, would fairly and reasonably compensate **Ramon** [REDACTED] for his injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money of 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 of 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 **Ramon** [REDACTED]. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer separately, in dollars and cents, for damages, if any.

- a. Physical pain and mental anguish sustained in the past.

Answer: \$ 100,000.00

- b. Physical pain and mental anguish that, in reasonable probability, **Ramon** [REDACTED] will sustain in the future.

Answer: \$ 760,000.00

- c. Loss of earning capacity sustained in the past.

Answer: \$ 96,000.00

- d. Loss of earning capacity that, in reasonable probability, **Ramon** [REDACTED] will sustain in the future.

Answer: \$ 23,000,000.00

- e. Physical impairment sustained in the past.

Answer: \$ 100,000.00

- f. Physical impairment that, in reasonable probability, **Ramon** [REDACTED] will sustain in the future.

Answer: \$ 9,000,000.00

- g. Medical care expenses incurred in the past.

Answer: \$ 21,067.44

- h. Medical care expenses that, in reasonable probability, **Ramon** [REDACTED] will incur in the future.

Answer: \$ 250,000.00

PRESIDING JUROR

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. to have the complete charge read aloud if it will be helpful to your deliberations;
 - b. to preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
 - c. to give written questions or comments to the bailiff who will give them to the judge;
 - d. to write down the answers you agree on;
 - e. to get the signatures for the verdict certificate; and
 - f. to notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

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.

JUDGE PRESIDING

Date: 5/22/18

INSTRUCTIONS FOR SIGNING THE VERDICT CERTIFICATE:

1. Unless otherwise instructed you may answer the questions on a vote of 5 jurors.

The same five (5) jurors must agree on every answer in the charge. This means you may not have one group of five (5) jurors agree on one answer and a different group of five (5) jurors agree on another answer.

2. If five (5) jurors agree on every answer, those five (5) jurors sign the verdict. If all six (6) of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

3. All jurors should deliberate on every question. You may end up with all six (6) of you agreeing on some answers, while only five (5) of you agree on other answers. But when you sign the verdict, only those five (5) who agree on every answer will sign the verdict.

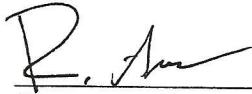
Do you understand these instructions? If you do not, please tell me now.


Judge Presiding

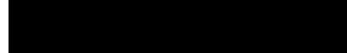
Verdict Certificate

Check one:

☒ Our verdict is unanimous. All 6 of us have agreed to each and every answer. The presiding juror has signed the certificate for all six(6) of us.



Signature of Presiding Juror



Printed Name of Presiding Juror

_____ Our verdict is not unanimous. Five (5) of us have agreed to each and every answer and have signed the certificate below.

SIGNATURE

NAME PRINTED

1. _____

2. _____

3. _____

4. _____

5. _____
