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CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

MICHAEL BINGHAM; ELIZABETH BINGHAM,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN FRANCISCO, JUDY JONES,

Defendants.

Case No. 304-967

~~[PROPOSED]~~ JUDGMENT ON SPECIAL VERDICT

Date Action Filed: July 16, 1999
Trial Date: November 2, 2001

This action came on regularly for trial on October 24, 2001 in Department 414 of the Superior Court for the City and County of San Francisco, the Honorable Susan M. Breall, presiding. Deputy City Attorneys Brian Gearinger appeared on behalf of defendants Judy Jones and the City and County of San Francisco (collectively "Defendants"). Mary E. Alexander, Esq. of The Cartwright & Alexander Law Firm, LLP appeared on behalf of plaintiffs Michael Bingham and Elizabeth Bingham ("Plaintiffs").

A jury of twelve persons was regularly impaneled and sworn. Witnesses were sworn and testified. Evidence was admitted. After hearing the evidence and arguments of counsel, this Court instructed the jury and the cause was submitted to the jury with directions to return a verdict on special issues.

The first issue was as follows: "Was defendant Judy Jones negligent?" By a vote of 9-2 with one juror abstaining, the jury answered this question as follows: "Yes."

The second issue was as follows: "Was such negligence a cause of injury, damage, loss or harm to the plaintiff Michael Bingham?" By a vote of 9-3, the jury answered this question as follows: "No."

This Court then polled the jury and confirmed the above votes. A copy of the Special Verdict is attached as Exhibit A.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That Defendants have judgment in their favor and that Plaintiffs take nothing from Defendants as a result of this judgment; and

2. That Defendants shall recover their costs from Plaintiffs, pursuant to Code of Civil Procedure Sections 1032 and 1033.5, as shall be submitted in Defendants' Memorandum of Costs.

Dated: November 8, 2001

The Honorable Susan M. Breall
JUDGE OF THE SUPERIOR COURT

SPECIAL VERDICT

We, the jury in the above-entitled case, find the following special verdict on the questions presented to us:

Question No. 1: Was defendant Judy Jones negligent?

	Yes	No
Answer (check one):	✓	

If your answer to question number 1 is "no," then sign and return this verdict.

If your answer to question number 1 is "yes," then answer the next question.

Question No. 2: Was such negligence a cause of injury, damage, loss or harm to the plaintiff Michael Bingham?

	Yes	No
Answer (check one):		✓

If your answer to question number 2 is "no,", then sign and return this verdict.

If your answer to question number 2 is "yes," then answer the next question.

Question No. 3: Without taking into consideration the reduction of damages due to the negligence of the plaintiff Michael Bingham, if any, what do you find to be the total amount of damages, including economic and non-economic, if any, suffered by the plaintiff Michael Bingham caused by the accident?

Economic Damages $_____

Non-economic Damages $_____

Total $_____.

If your answer to question no. 3 is "zero," then sign and return this verdict.

If your answer to question no. 3 is anything other than "zero", then answer the next question.

Question No. 4: Was the plaintiff Michael Bingham negligent?

	Yes	No
Answer (check one):		

///

If your answer to question number 4 is "no", do not answer question number 5. Instead, proceed directly to question number 6.

If you answer question number 4 "yes", then answer the next question.

Question No. 5: Was the negligence of the plaintiff Michael Bingham a cause of injury, damage, loss or harm to such plaintiff?

	Yes	No
Answer (check one):	_____	_____

Question No. 6: Assuming that 100% represents the total negligence which was the cause of the plaintiff Michael Bingham's injury, damage, loss or harm, what percentage of this 100% is due to the contributory negligence of the plaintiff Michael Bingham and what percentage of this 100% is due to the negligence of defendant Judy Jones?

The negligence of plaintiffs Michael Bingham	_____%
The negligence of defendant Judy Jones	_____%
Total	100%

Answer the next question.

Question No. 7: If you find that defendant Judy Jones was negligent and her negligence was a cause of injury to the plaintiff Michael Bingham, was her negligence also a cause of loss of consortium to plaintiff Elizabeth Bingham?

	Yes	No
Answer (check one):	_____	_____

If your answer to question number 7 is "no,", then sign and return this verdict

If your answer to question number 7 is "yes," then answer the next question.

Question No. 8: What do you find to be the total amount of loss of consortium, if any, suffered by the plaintiff Elizabeth Bingham?

Total $_____.

Dated: november 2, 2001

Katherine Jumel
Jury Foreperson