

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 unless you are told otherwise. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence unless you are told otherwise.

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. A fact may be established by direct evidence or circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by a witness who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

8. 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.

9. Do not answer questions by drawing straws or by any method of chance.

10. 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.

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

12. Unless otherwise instructed, the answers to the questions must be based on the decision of at least 10 of the 12 jurors. The same 10 jurors must agree on every answer. Do not agree to be bound by a vote of anything less than 10 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.

DEFINITIONS & INSTRUCTIONS

"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.

You are instructed that any monetary recovery for Scott Rankin's loss of earning capacity, if any, is subject to federal income taxes. Any recovery for physical pain and mental anguish, disfigurement, physical impairment, medical care expenses, loss of consortium, and loss of parental consortium, if any, are not subject to federal income taxes.

QUESTION 1

When the accident occurred, was the UPS package car stopped, parked, or standing outside of a "residence district" as defined below?

"Residence district" means the territory adjacent to and including a highway, if at least 300 feet of the highway frontage is primarily improved with (a) residences or (b) buildings used for business purposes and residences.

Answer "Yes" or "No":

Yes

If you answered "Yes" to Question 1, then answer the following question. Otherwise, do not answer the following question and proceed to Question 3.

QUESTION 2

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

"Negligence" when used with respect to the conduct of Scott Rankin 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.

The law prohibits stopping, parking, or leaving standing an attended or unattended vehicle on the main traveled part of a highway **outside a business or residence district unless:**

- (1) stopping, parking, or leaving the vehicle off the main traveled part of the highway is not practicable;
- (2) a width of highway beside the vehicle is unobstructed and open for the passage of other vehicles; and
- (3) the vehicle is in clear view for at least 200 feet in each direction on the highway.

A failure to comply with this law by Roland Leal, if any, is negligence in itself.

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

- a. Roland Leal Yes
- b. Scott Rankin Yes

QUESTION 3

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

“Negligence” when used with respect to the conduct of Roland Leal and Scott Rankin 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.

In your determination of this question, you shall not consider whether Roland Leal failed to comply with the law regarding parking outside of a business or residence district, but rather only consider the negligence standard set forth above for both Roland Leal and Robert Scott Rankin.

Answer “Yes” or “No” for each of the following:

- a. Roland Leal Yes
- b. Scott Rankin Yes

If you answered "Yes" to Question 2 or 3 for more than one of those named below, then answer the following question. Otherwise, do not answer the following question.

Assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found.

QUESTION 4

For each person you found caused or contributed to cause the occurrence, find the percentage of responsibility attributable to each:

a.	Roland Leal	<u>50</u>	%
b.	Scott Rankin	<u>50</u>	%
	Total	<u>100</u>	%

QUESTION 5

What sum of money, if paid now in cash, would fairly and reasonably compensate Scott Rankin 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 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 interest on any amount of damages you find.

Do not include any amount for any condition resulting from the failure, if any, of Scott Rankin to have acted as a person of ordinary prudence would have done under the same or similar circumstances in caring for and treating his injuries, if any, that resulted from the occurrence in question.

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 Scott Rankin. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

1. Physical pain and mental anguish sustained in the past.

Answer: \$ 500,000

2. Physical pain and mental anguish that, in reasonable probability, Robert Scott Rankin will sustain in the future.

Answer: \$ 250,000

3. Loss of earning capacity sustained in the past and in reasonable probability, Robert Scott Rankin will sustain in the future.

Answer: \$ 1,300,000

4. Disfigurement sustained in the past.

Answer: \$ 200,000

5. Disfigurement that, in reasonable probability, Robert Scott Rankin will sustain in the future.

Answer: \$ 100,000

6. Physical impairment sustained in the past.

Answer: \$ 200,000

7. Physical impairment that, in reasonable probability, Scott Rankin will sustain in the future.

Answer: \$ 400,000

8. Reasonable expenses of necessary medical care that, in reasonable probability, Robert Scott Rankin will incur in the future.

Answer: \$ 4,100,000

QUESTION 6

What sum of money, if paid now in cash, would fairly and reasonably compensate Rachelle Rankin for injuries, if any, to her husband, Scott Rankin, 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 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 interest on any amount of damages you find.

1. Loss of household services. "Household services" means the performance of household and domestic duties by a spouse to the marriage.
2. Loss of consortium. "Consortium" means the mutual right of the husband and wife to that affection, solace, comfort, companionship, society, assistance, sexual relations, emotional support, love, and felicity necessary to a successful marriage.

Answer in dollars and cents for damages, if any, that—

were sustained in the past;

Answer: \$ 269,000

in reasonable probability will be sustained in the future.

Answer: \$ 692,000

QUESTION 7

Was the physical injury to Robert Scott Rankin a serious, permanent and disabling injury?

Answer "Yes" or "No".

Answer: yes

QUESTION 8

What sum of money, if paid now in cash, would fairly and reasonably compensate Avery Rankin for the loss, if any, of parental consortium that resulted from the physical injury to Scott Rankin?

“Parental consortium” means the positive benefits flowing from the parent’s love, affection, protection, emotional support, services, companionship, care, and society.

In considering your answer to this question, you may consider only the following factors: the severity of the injury to the parent and its actual effect on the parent-child relationship, the child’s age, the nature of the child’s relationship with the parent, the child’s emotional and physical characteristics, and whether other consortium-giving relationships are available to the child.

Do not include interest on any amount of damages you find. Do not reduce the amounts, if any, in your answer because of the negligence, if any, of Scott Rankin. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer in dollars and cents for damages, if any, that—

were sustained in the past;

Answer: \$ 150,000

in reasonable probability will be sustained in the future.

Answer: \$ 300,000

QUESTION 9

What sum of money, if paid now in cash, would fairly and reasonably compensate Kara Rankin for the loss, if any, of parental consortium that resulted from the physical injury to Scott Rankin?

“Parental consortium” means the positive benefits flowing from the parent’s love, affection, protection, emotional support, services, companionship, care, and society.

In considering your answer to this question, you may consider only the following factors: the severity of the injury to the parent and its actual effect on the parent-child relationship, the child’s age, the nature of the child’s relationship with the parent, the child’s emotional and physical characteristics, and whether other consortium-giving relationships are available to the child.

Do not include interest on any amount of damages you find. Do not reduce the amounts, if any, in your answer because of the negligence, if any, of Scott Rankin. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer in dollars and cents for damages, if any, that—

were sustained in the past;

Answer: \$ 150,000

in reasonable probability will be sustained in the future.

Answer: \$ 300,000

QUESTION 10

What sum of money, if paid now in cash, would fairly and reasonably compensate Samuel Rankin for the loss, if any, of parental consortium that resulted from the physical injury to Scott Rankin?

“Parental consortium” means the positive benefits flowing from the parent’s love, affection, protection, emotional support, services, companionship, care, and society.

In considering your answer to this question, you may consider only the following factors: the severity of the injury to the parent and its actual effect on the parent-child relationship, the child’s age, the nature of the child’s relationship with the parent, the child’s emotional and physical characteristics, and whether other consortium-giving relationships are available to the child.

Do not include interest on any amount of damages you find. Do not reduce the amounts, if any, in your answer because of the negligence, if any, of Scott Rankin. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer in dollars and cents for damages, if any, that—

were sustained in the past;

Answer: \$ 150,000

in reasonable probability will be sustained in the future.

Answer: \$ 300,000

Presiding Juror:

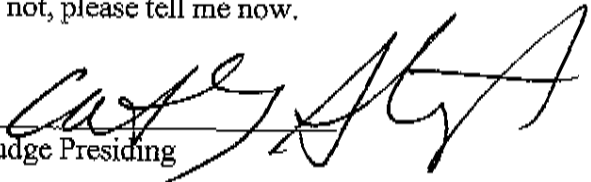
1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. preside over your deliberations, meaning manage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

Instructions for Signing the Verdict Certificate:

1. Unless otherwise instructed, you may answer the questions on a vote of 10 jurors. The same 10 jurors must agree on every answer in the charge. This means you may not have one group of 10 jurors agree on one answer and a different group of 10 jurors agree on another answer.
2. If 10 jurors agree on every answer, those 10 jurors sign the verdict.
If 11 jurors agree on every answer, those 11 jurors sign the verdict.
If all 12 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 12 of you agreeing on some answers, while only 10 or 11 of you agree on other answers. But when you sign the verdict, only those 10 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:



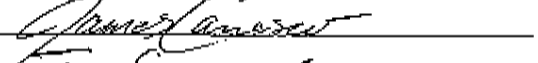
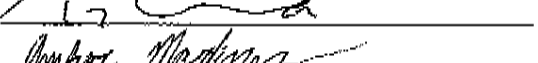

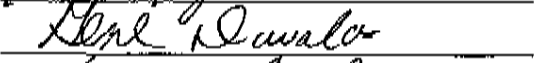
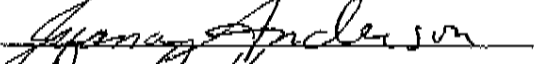

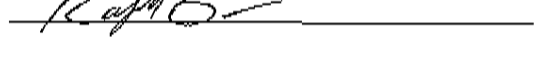
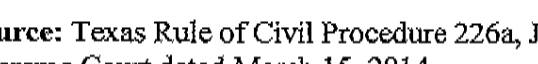
Our verdict is unanimous. All 12 of us have agreed to each and every answer. The presiding juror has signed the certificate for all 12 of us.

Signature of Presiding Juror

Printed Name of Presiding Juror

Our verdict is not unanimous. Eleven of us have agreed to each and every answer and have signed the certificate below.

Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

	SIGNATURE	NAME PRINTED
1.		Christina Dimyan
2.		David E. Cook
3.		James Carrasco
4.		Tony Camarena
6.		Amber Martinez
7.		Scott Hughes
8.		GENE DAVALOS
9.		Juana Anderson
10.		Pam Outten
11.		Ralph Garcia

Source: Texas Rule of Civil Procedure 226a, Jury Instructions prescribed by the Order of the Texas Supreme Court dated March 15, 2014.