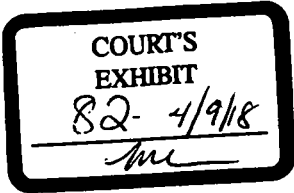


SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 13



-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION

-----X
MARY MURPHY-CLAGETT, as Temporary Administrator
for the Estate of PIETRO MACALUSO,
Plaintiff,

Index No.: 190311/2015

-against-

A. O. SMITH CORPORATION, ET.AL.,

Defendants.
-----X

COPY

VERDICT SHEET

WE THE JURY FIND AS FOLLOWS:

NOTE: At least five jurors must agree on the answer to this question, and every subsequent question, but not the same five jurors. Answer the questions in order beginning with Question "1". Follow the instructions at the end of each question.

QUESTION #1:

Was PIETRO MACALUSO exposed to asbestos or asbestos containing components used in association with boilers manufactured by A. O. SMITH CORPORATION?

At least 5 jurors must agree on the answer to this question.

YES NO

Signatures of jurors agreeing:

Arme Leuple
Clayton Nestle
[Signature]

Haney Rodriguez
Just for M
[Signature]

Dissenting juror, if any.

IF YOUR ANSWER TO THIS QUESTION IS "YES," PROCEED TO QUESTION #2. IF YOUR ANSWER TO THIS QUESTION IS "NO," PROCEED TO QUESTION #4.

COPY

QUESTION #2:

Did defendant A.O. SMITH CORPORATION, fail to exercise reasonable care by not providing an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos or asbestos containing components used in association with Defendant A.O. SMITH CORPORATIONS's boilers?

At least 5 jurors must agree on the answer to this question.

YES

NO

COPY

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting juror, if any.

IF YOUR ANSWER TO THIS QUESTION IS "YES" PROCEED TO QUESTION# 3.

IF YOUR ANSWER TO THIS QUESTION IS "NO" PROCEED TO QUESTION #4.

QUESTION #3:

Was Defendant A.O. SMITH CORPORATIONS's failure to provide an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos or asbestos containing components used in association with Defendant A.O. SMITH CORPORATION's boilers a substantial contributing factor in causing PIETRO MACALUSO's Mesothelioma ?

At least 5 jurors must agree on the answer to this question.

YES

NO

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting juror, if any.

PROCEED TO QUESTION #4.

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QUESTION #4:

Was PIETRO MACALUSO exposed to asbestos or asbestos containing components used in association with boilers manufactured by defendant BURNHAM LLC?

At least 5 jurors must agree on the answer to this question.

COPY

YES NO

Signatures of jurors agreeing:

Anne Kerpel
[Signature]
[Signature]

Nancy Rodriguez
[Signature]
[Signature]

Dissenting juror, if any.

IF YOUR ANSWER TO THIS QUESTION IS "YES" PROCEED TO QUESTION #5.
IF YOUR ANSWER TO THIS QUESTION IS "NO", PROCEED TO QUESTION #7.

QUESTION #5

Did defendant BURNHAM LLC, fail to exercise reasonable care by not providing an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos or asbestos containing components used in association with Defendant BURNHAM LLC's boilers?

At least 5 jurors must agree on the answer to this question.

YES NO

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

Nancy Rodriguez
[Signature]
[Signature]

Dissenting juror

IF YOUR ANSWER TO THIS QUESTION IS "YES" PROCEED TO QUESTION #6.
IF YOUR ANSWER TO THIS QUESTION IS "NO" PROCEED TO QUESTION #7.

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QUESTION #6:

Was Defendant BURNHAM LLC's failure to provide an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos or asbestos containing components used in association with Defendant BURNHAM LLC's boilers a substantial contributing factor in causing PIETRO MACALUSO's Mesothelioma ?

At least 5 jurors must agree on the answer to this question.

COPY

YES NO

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting juror, if any.

PROCEED TO QUESTION #7.

QUESTION #7:

Was PIETRO MACALUSO exposed to asbestos or asbestos containing components used in association with boilers manufactured by defendant PEERLESS INDUSTRIES, INC., ?

At least 5 jurors must agree on the answer to this question.

YES NO

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting juror, if any.

IF YOUR ANSWER TO THIS QUESTION IS "YES" PROCEED TO QUESTION #8.
IF YOUR ANSWER TO THIS QUESTION IS "NO" BUT YOUR ANSWER TO QUESTIONS 1,2 AND 3, OR QUESTIONS 4, 5 AND 6 IS "YES", PROCEED TO QUESTION #10. IF YOUR ANSWER TO THIS QUESTION IS "NO" AND YOUR ANSWER TO QUESTION 1, OR 2 OR 3, AND QUESTION 4 OR 5 OR 6 IS "NO", PROCEED NO FURTHER AND REPORT YOUR VERDICT TO THE COURT.

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QUESTION #8

Did defendant PEERLESS, fail to exercise reasonable care by not providing an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos or asbestos containing components used in association with Defendant PEERLESS INDUSTRIES INC.'s boilers?

At least 5 jurors must agree on the answer to this question.

YES NO

COPY

Signatures of jurors agreeing:

[Handwritten signatures of three jurors]

[Handwritten signatures of three jurors]

Dissenting juror

IF YOUR ANSWER TO THIS QUESTION IS "YES" PROCEED TO QUESTION #9. IF YOUR ANSWER TO THIS QUESTION IS "NO" AND YOUR ANSWER TO QUESTIONS 1, 2 AND 3 OR TO QUESTIONS 4,5 AND 6 IS "YES", PROCEED TO QUESTION #10. IF YOUR ANSWER IS "NO" AND YOUR ANSWER TO QUESTIONS 1 OR 2 OR 3 AND QUESTIONS 4 OR 5 OR 6 IS "NO, PROCEED NO FURTHER AND REPORT YOUR VERDICT TO THE COURT.

QUESTION #9:

Was Defendant PEERLESS INDUSTRIES INC.'s failure to provide an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos or asbestos containing components used in association with Defendant PEERLESS INDUSTRIES INC.'s boilers a substantial contributing factor in causing PIETRO MACALUSO's Mesothelioma ?

At least 5 jurors must agree on the answer to this question.

YES NO

Signatures of jurors agreeing:

[Handwritten signatures of three jurors]

[Handwritten signatures of three jurors]

Dissenting juror, if any.

IF YOUR ANSWER TO THIS QUESTION IS "YES" PROCEED TO QUESTION #10. IF YOUR ANSWER TO THIS QUESTION IS "NO" AND YOUR ANSWER TO QUESTIONS 1, 2 AND 3 or YOUR ANSWER TO QUESTIONS 4, 5 AND 6 IS "YES", PROCEED TO QUESTION #10. IF YOUR ANSWER TO THIS QUESTION IS "NO" AND YOUR ANSWER TO QUESTION "1", OR "2" OR "3" OR "4" OR "5" OR "6" IS NO, PROCEED NO FURTHER AND RETURN YOUR VERDICT TO THE COURT.

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QUESTION #10:

Was Plaintiff PIETRO MACALUSO exposed to asbestos from products or equipment made or sold by any of the following companies?

At least 5 jurors must agree on the answer to this question.

Carrier Corp. (individually and as successor in interest to Bryant Heating and Cooling Systems)
YES NO

Crane Co.(Individually and as successor in interest to National-US Radiator Co. And Pacific Steel Boiler)
YES NO

Kohler
YES NO

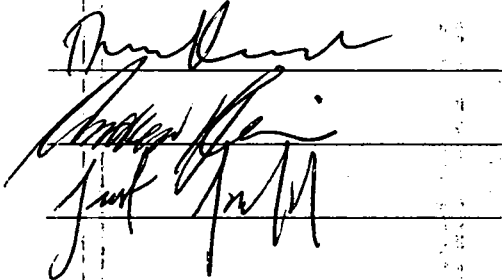
Trane U.S. Inc., f/k/a American Standard Inc. (Successor by merger to American Radiator Company)
YES NO

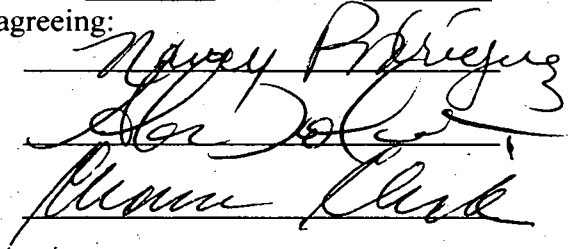
National Gypsum
YES NO

U.S. Gypsum
YES NO

Weil-Mclain
YES NO

Signatures of jurors agreeing:





Dissenting juror

IF YOU ANSWERED "YES" FOR ANY OF THE COMPANIES LISTED, THEN PROCEED TO QUESTION 11. HOWEVER BEFORE YOU PROCEED TO QUESTION 11, IF YOU ANSWERED "NO" TO QUESTION "10" FOR ANY COMPANY (OR COMPANIES), THEN CROSS OUT THAT COMPANY'S NAME (OR THOSE COMPANIES' NAMES) FROM THE LIST FOR QUESTIONS 10 AND 11. IF YOU ANSWERED "NO" FOR ALL THE COMPANIES LISTED PROCEED TO QUESTION #13.

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QUESTION #11:

Did any of the following companies fail to exercise reasonable care by not providing an adequate warning to PIETRO MACALUSO about the hazards of exposure to asbestos from their products or equipment?

At least 5 jurors must agree on the answer to this question.

Carrier Corp. (individually and as successor in interest to Bryant Heating and Cooling Systems)

YES ✓ NO

Crane Co.(Individually and as successor in interest to National-US Radiator Co. And Pacific Steel Boiler)

YES ✓ NO

Kohler

YES ✓ NO

Trane U.S. Inc., f/k/a American Standard Inc. (Successor by merger to American Radiator Company)

YES ✓ NO

National Gypsum

YES ✓ NO

U.S. Gypsum

YES ✓ NO

Weil-Mclain

YES ✓ NO

Signatures of jurors agreeing:

Jim Ford
Clayton Clark
Alan Dell

Nancy Rodriguez
Justin Smith
Shirley

Dissenting juror, if any.

IF YOU ANSWERED "YES" FOR ANY OF THE COMPANIES LISTED, THEN PROCEED TO QUESTION 12. HOWEVER BEFORE YOU PROCEED TO QUESTION 12, IF YOU ANSWERED "NO" TO QUESTION "11" FOR ANY COMPANY (OR COMPANIES), THEN CROSS OUT THAT COMPANY'S NAME (OR THOSE COMPANIES' NAMES) FROM THE LIST FOR QUESTIONS 11 AND 12.

IF YOU ANSWERED "NO" FOR ALL THE COMPANIES LISTED PROCEED TO QUESTION #13.

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QUESTION #12:

Was the failure to warn by any of the following companies about the hazards of exposure to asbestos from their product or equipment, a substantial contributing factor in causing PIETRO MACALUSO's mesothelioma?

At least 5 jurors must agree on the answer to this question.

Carrier Corp. (individually and as successor in interest to Bryant Heating and Cooling Systems)

YES ✓ NO

Crane Co.(Individually and as successor in interest to National-US Radiator Co. And Pacific Steel Boiler)

YES ✓ NO

Kohler

YES ✓ NO

Trane U.S. Inc., f/k/a American Standard Inc. (Successor by merger to American Radiator Company)

YES ✓ NO

National Gypsum

YES ✓ NO

U.S. Gypsum

YES ✓ NO

Weil-Mclain

YES ✓ NO

Signatures of jurors agreeing:

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

Dissenting juror, if any.

PROCEED TO QUESTION #13

HOWEVER BEFORE YOU PROCEED TO QUESTION 13, IF YOU ANSWERED "NO" TO QUESTION "12" FOR ANY COMPANY (OR COMPANIES), THEN CROSS OUT THAT COMPANY'S NAME (OR THOSE COMPANIES' NAMES) FROM THE LIST FOR QUESTION 13. IF YOU ANSWERED "NO" TO QUESTION 1 OR 2 OR 3, OR TO QUESTION 4 OR 5 OR 6, OR TO QUESTION 7 OR 8 OR 9 CROSS OUT FROM THE LIST FOR QUESTION 13 THE NAME OF THE COMPANY(OR COMPANIES) TO WHICH YOUR "NO" ANSWER TO THOSE QUESTIONS APPLIES.

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QUESTION #13:

List the Percentage of fault attributable to each of the following companies for causing PIETRO MACALUSO's mesothelioma. The total must add up to 100%.

At least 5 jurors must agree on the answer to this question.

A.O. Smith Corporation	<u>25</u> %
Burnham LLC	<u>25</u> %
Peerless Industries, Inc.	<u>25</u> %
Carrier Corp. (individually and as successor in interest to Bryant Heating and Cooling Systems)	<u>2.5</u> %
Crane Co.(Individually and as successor in interest to National-US Radiator Co. And Pacific Steel Boiler)	<u>2.5</u> %
Kohler	<u>10</u> %
Trane U.S. Inc., f/k/a American Standard Inc. (Successor by merger to American Radiator Company)	<u>2.5</u> %
National Gypsum	<u>2.5</u> %
U.S. Gypsum	<u>2.5</u> %
Weil-Mclain	<u>2.5</u> %
 TOTAL	 <u>100%</u>

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

[Signature]
Dissenting juror, if any.

PROCEED TO QUESTION #14.

COPY

QUESTION #16:

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If you made an award to JACKSON MACALUSO to compensate him for the death of his father PIETRO MACALUSO then state the number of years over which this award is intended to provide compensation:

Number of Years: 21

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting Juror, if any

PROCEED TO QUESTION #17

QUESTION #17:

State the sum of money that will fairly and justly compensate NORA GRACE MACALUSO for the death of her father PIETRO MACALUSO:

At least 5 jurors must agree on the answer to this question

If you decide not to make an award as to this item you will insert the word "none" as to this item.

\$ 18,000,000

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

[Signature]
Dissenting juror, if any.

PROCEED TO QUESTION #18.

COPY

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QUESTION #18:

If you made an award to NORA GRACE MACALUSO to compensate her for the death of her father PIETRO MACALUSO then state the number of years over which this award is intended to provide compensation:

Number of Years: 21

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting Juror, if any

IF YOU ANSWERED "YES" TO QUESTIONS 1,2 AND 3, THEN ANSWER QUESTION #19. IF YOU ANSWERED "YES" TO QUESTIONS 4,5 AND 6 THEN ANSWER QUESTION #20. IF YOU ANSWERED "YES" TO QUESTIONS 7, 8 AND 9, THEN ANSWER QUESTION #21. IF YOU ANSWERED "NO" TO QUESTIONS 1 OR 2 OR 3 DO NOT ANSWER QUESTION #19. IF YOU ANSWERED "NO" TO QUESTIONS 4 OR 5 OR 6 DO NOT ANSWER QUESTION #20. IF YOU ANSWERED "NO" TO QUESTIONS 7 OR 8 OR 9 DO NOT ANSWER QUESTION #21.

QUESTION#19:

Did Defendant A.O. SMITH CORPORATION act with reckless disregard for the safety of others, namely PIETRO MACALUSO?

At least 5 jurors must agree on the answer to this question.

YES NO

COPY

Signatures of jurors agreeing:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

Dissenting juror

PROCEED TO QUESTION #20 IF YOU ANSWERED "YES" TO QUESTIONS 4, 5 AND 6. IF YOU ANSWERED "NO" TO QUESTIONS 4 OR 5 OR 6, BUT YOU ANSWERED YES TO QUESTIONS 7,8 AND 9 PROCEED TO QUESTION #21. IF YOU ANSWERED "NO" TO QUESTIONS 7 OR 8 OR 9 STOP PROCEED NO FURTHER AND REPORT YOUR VERDICT TO THE COURT.

QUESTION#20:

Did Defendant BURNHAM act with reckless disregard for the safety of others, namely PIETRO MACALUSO?

At least 5 jurors must agree on the answer to this question.

COPY

YES

NO

Signatures of jurors agreeing:

[Handwritten signatures of three jurors]

[Handwritten signatures of three jurors]

Dissenting juror

PROCEED TO QUESTION #21 IF YOU ANSWERED "YES" TO QUESTIONS 7, 8 AND 9. IF YOU ANSWERED "NO" TO QUESTIONS 7 OR 8 OR 9 PROCEED NO FURTHER, STOP AND RETURN YOUR VERDICT TO THE COURT.

QUESTION#21:

Did Defendant PEERLESS act with reckless disregard for the safety of others, namely PIETRO MACALUSO?

At least 5 jurors must agree on the answer to this question.

YES

NO

Signatures of jurors agreeing:

[Handwritten signatures of three jurors]

[Handwritten signatures of three jurors]

Dissenting juror

PROCEED NO FURTHER, STOP AND TELL THE COURT OFFICER THAT YOU HAVE REACHED A VERDICT, AND RETURN YOUR VERDICT TO THE COURTROOM.

COPY