

MAR 08 2013

John A. Clarke, Executive Officer/Clerk
By H. Kwon Balba, Deputy
HELEN KWON BALBA

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

LOREN KRANSKY,

Plaintiff

v.

DEPUY ORTHOPAEDICS, INC.

Defendant

) Case No. BC456086

) **VERDICT FORM**

We, the jury, answer the questions submitted to us as follows:

**SECTION A
STRICT LIABILITY (DESIGN DEFECT)**

1. At the time of sale, was the DePuy ASR XL used in Mr. Kransky's procedure defective because of its design?

 X Yes No

If your answer to Question 1 above is YES, answer Question 2 below. If your answer to Question 1 above is NO, then proceed to Section B below.

1 2. Did the defective design of the DePuy ASR XL cause injury to Plaintiff Loren
2 Kransky?

3 Yes No

4 Regardless of your answer to Question 2 above, proceed to Section B below.

5
6 **SECTION B**
STRICT LIABILITY (WARNING)

7 3. Was the ASR XL sold in a defective condition because of a failure to adequately
8 warn of those dangers which would not be readily recognized by Mr. Kransky's
9 treating physicians?

10 Yes No

11 If your answer to Question 3 above is YES, answer Question 4 below. If your answer
12 to Question 3 above is NO, then proceed to Section C below.

13
14 4. Did the failure to adequately warn Mr. Kransky's treating physicians cause injury to
15 Plaintiff Loren Kransky?

16 Yes No

17 Regardless of your answer to Question 4 above, proceed to Section C below.

18
19 **SECTION C**
NEGLIGENCE

20 5. Did DePuy Orthopaedics, Inc. fail to act as a reasonable medical device
21 manufacturer in the design or warnings of the ASR XL?

22 Yes No

23 If your answer to Question 5 above is YES, answer Question 6 below. If your answer
24 to Question 5 above is NO, then proceed to Section D below if you answered YES to both questions in
25 Section A or B above. If your answer to Question 5 above is NO and your answers to one of the
26 Questions in both A and B above were NO, then have the Presiding Juror date and sign the form.

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6. Did DePuy Orthopaedics, Inc.'s failure to act as a reasonable medical device manufacturer in the design or warnings of the ASR XL implant cause injury to Plaintiff Loren Kransky?

_____ Yes X No

If your answer to Question 6 above is YES, proceed to Section D below. If your answer to Question 6 above is NO, then proceed to Section D below if you answered YES to both questions in Section A or Section B above. If your answer to Question 6 above is NO and your answers to one of the Questions in both A and B above were NO, have the Presiding Juror date and sign the form.

**SECTION D
DAMAGES**

7. What are Plaintiff Loren Kransky's damages?

a. Economic Loss

i. Medical Expenses

\$ 338,136.12

b. Non-Economic Loss, including physical pain and emotional suffering and distress

\$ 8,000,000

If you entered an amount of damages in Section D above, proceed to Section E below.

**SECTION E
PUNITIVE DAMAGES**

8. Has Plaintiff Loren Kransky suffered injury to his person through the fraud or malice of DePuy Orthopaedics, Inc.?

_____ Yes X No

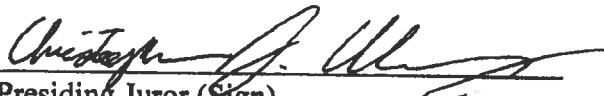
1 If your answer to Question 8 above is YES, answer Question 9 below. If your answer to
2 Question 8 above is NO, have the Presiding Juror sign and date the Special Verdict Form.

3
4 9. What amount of punitive damages, if any, do you award to Plaintiff Loren Kransky?

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6 \$ _____
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9 After you have answered Question 9, have the Presiding Juror sign and date this Special
10 Verdict Form.

11 Date: March 8, 2013


12 Presiding Juror (Sign)

13 Christopher J. Alvarez
14 Print Name
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