

Original

**SECOND JUDICIAL DISTRICT COURT, FARMINGTON DEPARTMENT
IN AND FOR DAVIS COUNTY, STATE OF UTAH**

**TIMOTHY D. SYMES; and AMY
SYMES,**

Plaintiffs,

vs.

**SHANICE C. BURCH, an individual;
LUBE MANAGEMENT CORP., a Utah
Corporation; PARTSCO, L.C., d/b/a
MIGHTY AUTO PARTS; and JOHN
DOES 1-10,**

Defendants.

SPECIAL VERDICT FORM

Case No. 180701236

Judge: MICHAEL D. DIREDA

MEMBERS OF THE JURY:

Please answer the following questions in the order presented. Answer the following questions 1 through 7 from a preponderance of the evidence standard. If you find that the issue has been proved by a preponderance of the evidence, answer "Yes," if not, answer "No." Questions 8, 9, and 10 must be answered from a clear and convincing evidence standard. If you find that the issue has been proved by clear and convincing evidence, answer "Yes," if not, answer "No."

Because this is not a criminal case, your verdict does not have to be unanimous. At least six jurors must agree on the answer to each question, but they do not have to be the same six jurors on each question.

As soon as six or more of you agree on the answer to all of the required questions, the foreperson should sign and date the verdict form and tell the bailiff you have finished. The bailiff will escort you back to the courtroom; you should bring the completed Special Verdict form with you.

Negligent Employment

1. Is Lube Management or PartsCo at fault for negligent hiring, failing to train, or failing to supervise Shanice Burch?

Yes

No

If you answer "No" to Question 1 then skip to Question 3.

2. Was Lube Management or PartsCo's negligent hiring, failure to train, or failure to supervise Shanice Burch a cause of Tim Symes' harm?

Yes

No

Gross Negligence

3. In causing the crash with Tim Symes, was Shanice Burch grossly negligent?

Yes

No

Damages

4. What amount fairly compensates Tim Symes for:

Damages	Amount
Past Medical Expenses	\$ 113,625.64
Future Medical Expenses	\$ 2,300,000.00
Noneconomic Damages	\$ 1,200,000.00
TOTAL	\$ 3,613,625.64

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Loss of Consortium

5. Did Tim Symes suffer a significant permanent injury that substantially changed his lifestyle?

Yes

No

If you answer "No" to Question 5 then skip Question 6 and go to Question 7.

6. What amount fairly compensates Amy Symes for loss of consortium?

Damages	Amount
Loss of Consortium	\$ 500,000

Punitive Damages

7. Do you find that Shanice Burch operated a motor vehicle while voluntarily intoxicated or under the influence of any drug or combination of alcohol and drugs?

Yes

No

Answer the following questions (and only the following questions) based upon a clear and convincing evidence standard. If you find that the issue has been proved by clear and convincing evidence, answer "Yes," if not, answer "No."

8. Do you find that Shanice Burch’s actions manifested a knowing and reckless indifference toward, and disregard of, the rights of others, including Tim Symes?

Yes

No

9. Do you find that Lube Management’s actions manifested a knowing and reckless indifference toward, and disregard of, the rights of others, including Tim Symes?

Yes

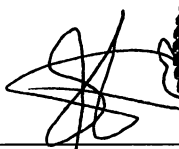
No

10. Do you find that PartsCo’s actions manifested a knowing and reckless indifference toward, and disregard of, the rights of others, including Tim Symes?

Yes

No

DATED this 15th day of July 2022.



Jury Foreperson

