

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

BRANDON ADKINS,

Plaintiff,

v.

Case No. 7:20cv12-MCR-GRJ

3M COMPANY, 3M
OCCUPATIONAL SAFETY LLC,
AEARO HOLDING LLC,
AEARO INTERMEDIATE LLC,
AEARO LLC, and AEARO
TECHNOLOGIES LLC,

Defendants.

VERDICT FORM

We, the jury, in the above entitled and numbered case, unanimously find as follows on Plaintiff Brandon Adkins's claims and 3M's affirmative defenses, based on the Court's instructions on the law and evidence:

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I. Plaintiff's Claims:

(1) Strict Liability—Design Defect

Proven Not Proven

(2) Strict Liability—Failure to Warn and/or Instruct

Proven Not Proven

(3) Negligent Failure to Warn and/or Instruct After Manufacture

Proven Not Proven

(4) Fraudulent Misrepresentation

Proven Not Proven

(5) Fraudulent Concealment

Proven Not Proven

If you have found any claim proven—claims (1), (2) and (3) by a preponderance of the evidence and claims (4) and (5) by clear, cogent, and convincing evidence—continue to the next page.

If you have not found any claim above proven, your work is complete, and you should have the Foreperson sign and date the Verdict Form.

II. 3M's Affirmative Defenses:

(1) Statute of Limitations

Proven as to strict liability and negligence claims Not Proven

Proven as to fraud claims Not Proven

If you have found affirmative defense (1) proven by a preponderance of the evidence for all claims, your work is complete and your verdict will be in favor of 3M on all claims. You should have the Foreperson sign and date the Verdict Form.

If you found affirmative defense (1) proven as to the strict liability and negligence claims but not proven as to the fraud claims, and if you found Plaintiff has proven either claim (4) or claim (5)—the fraud claims [regardless of your verdict on claims (1), (2) and (3)], proceed to the next page, Compensatory Damages (Section III), to decide the total amount of damages due, then your work is complete and you should have the Foreperson sign and date the Verdict Form.

If you found affirmative defense (1) not proven as to the strict liability and negligence claims, and if you found Plaintiff has proven claims (1), (2) or (3) [regardless of your verdict on claims (4) and (5)], you must first address affirmative defense (2) on apportionment of fault.

(2) Apportionment Defense
(strict liability and negligence claims only)

(a) Mr. Adkins

Proven Not Proven

(b) United States Army

Proven Not Proven

If you have found affirmative defense (2)(a) or (2)(b) proven by a preponderance of the evidence, you should proceed to the next page to decide the total amount of Compensatory Damages in Section III, and the percentage of fault attributable to each party found to be at fault, as instructed in Section IV,

Apportionment of Fault. In determining compensatory damages in Section III, you should not make any reduction in the amount of damages you award based on the fault, if any, of Mr. Adkins and/or the United States Army. The Court in entering judgment will take into account your allocation of fault among all persons or entities who you find contributed to Mr. Adkins's damages.

III. Compensatory Damages:

If you have found in favor of Mr. Adkins on any of his claims, state the total damages, if any, you find for: Past and future noneconomic damages (pain and suffering, mental and physical) \$ 8.2 million

IV. Apportionment of Fault:

If you have found any of the persons or entities listed below was at fault and thereby caused or contributed to Mr. Adkins's injuries, then it is necessary for you to determine the percentage of fault that should be apportioned to each. If you find no fault, then you should place a "0" by that name. Your allocation of fault must equal 100%.

3M	<u>100</u> %
United States Army	<u>0</u> %
Mr. Adkins	<u>0</u> %

Once you have answered this question, your deliberations are complete, and

the Foreperson should sign and date this Verdict Form.

SO SAY WE ALL, this 1st day of October, 2021.

A large black rectangular redaction box covering the signature area.

~~Foreperson's Signature~~