UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: PACIFIC FERTILITY CENTER LITIGATION

Case No. 18-cv-01586-JSC

VERDICT FORM

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

I. CHART'S AFFIRMATIVE DEFENSE: MISUSE OR MODIFICATION

1. Was the Product misused or modified after it left Chart's possession?

____ Yes ✓ No

If you answered yes to question 1, then answer question 2. If you answered no, skip question 2 and go to question 3.

2. Was the misuse or modification so highly extraordinary that it was not reasonably foreseeable to Chart and therefore was the sole cause of Plaintiffs' harm?

____ Yes ✓ No

If you answered no to question 2, then answer question 3. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form on the last page.

II. CLAIM 1: MANUFACTURING DEFECT

3. Did Tank 4 contain a manufacturing defect when it left Chart's possession?

X Yes ____ No

If your answer to question 3 is yes, answer question 4. If you answered no, do not answer question 4 and go to question 5.

4. Was the manufacturing defect a substantial factor in causing harm to Plaintiffs?

Rosalynn Enfield: ✓ Yes ____ No

Laura Parsell: ✓ Yes ____ No

Kevin Parsell: ✓ Yes ____ No

Chloe Poynton: ✓ Yes ____ No

Adrienne Sletten: ✓ Yes ____ No

Proceed to question 5.

III. DESIGN DEFECT

CLAIM 2: CONSUMER EXPECTATIONS TEST

5. Did Tank 4 fail to perform as safely as an ordinary user of cryogenic storage tanks would have expected when used or misused in an intended or reasonably foreseeable way?

✓ Yes ____ No

Regardless of your answer to question 5, proceed to question 6.

CLAIM 3: RISK BENEFIT TEST

6. Did the benefits of the tank's design outweigh the risks of the design?

____ Yes ___/No

- *If you answered yes to question 5 or no to question 6, answer question 7.*
- *If you answered no to question 5 and yes question 6, skip question 7 and proceed to question 8.*

7. Was the tank's design a substantial factor in causing harm to plaintiffs?

Rosalynn Enfield: ___/ Yes ____ No

Laura Parsell: ____ Yes ____ No

Kevin Parsell: ___/ Yes ____ No

Chloe Poynton: ___/ Yes ____ No

Adrienne Sletten: ___/ Yes ____ No

Proceed to question 8.

IV. CLAIM 4: NEGLIGENT FAILURE TO RECALL OR RETROFIT

8. Did Chart know or should it reasonably have known that Tank 4's controller was dangerous or was likely to be dangerous when used in a reasonably foreseeable manner?

__✓__ Yes ____ No

If your answer to question 8 is yes, then answer question 9. If you answered no, do not answer questions 9 - 12 and go to question 13.

9. Did Chart become aware of this defect after the tank was sold?

__✓__ Yes ____ No

If your answer to question 9 is yes, then answer question 10. If you answered no, do not answer questions 10 - 12 and go to question 13.

10. Did Chart fail to recall or retrofit the tank's controller?

__✓__ Yes ____ No

If your answer to question 10 is yes, then answer question 11. If you answered no, do not answer questions 11 - 12 and go to question 13.

11. Would a reasonable manufacturer under the same or similar circumstances have recalled or retrofitted the tank's controller?

__✓__ Yes ____ No

If your answer to question 11 is yes, then answer question 12. If you answered no, do not answer question 12 and go to question 13.

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12. Was Chart's failure to recall or retrofit the tank's controller a substantial factor in causing harm to plaintiffs?

Rosalynn Enfield: ✓ Yes ___ No

Laura Parsell: ✓ Yes ___ No

Kevin Parsell: ✓ Yes ___ No

Chloe Poynton: ✓ Yes ___ No

Adrienne Sletten: ✓ Yes ___ No

Proceed to next page

V. COMPENSATORY DAMAGES

- *If you answered yes to **any** of questions 4, 7, or 12 (as to at least one plaintiff), answer question 13 as to each plaintiff for whom you answered yes in questions 4, 7, or 12.*
- *If you answered no to or skipped questions 4, 7, **and** 12 as to every plaintiff, stop here, answer no further questions, and have the presiding juror sign and date this form on the last page.*

13. What are each plaintiff's damages?

Rosalynn Enfield:

Economic loss

Value of damaged/lost eggs: $ 100,000

Noneconomic loss

Pain, suffering, and emotional distress: $ 2,500,000

Rosalynn Enfield TOTAL $ 2,600,000

Laura & Kevin Parsell:

Economic loss

Value of damaged/lost embryos: $ 200,000

Noneconomic loss

Laura Parsell pain, suffering, and emotional distress: $ 3,5

Kevin Parsell pain, suffering, and emotional distress: $ 3,5

Laura & Kevin Parsell TOTAL $ 7,200,000

Chloe Poynton:

Economic loss

Value of damaged/lost eggs: $ 100,000

Noneconomic loss

Pain, suffering, and emotional distress: $ 3,000,000

Chloe Poynton TOTAL $ 3,100,000

Adrienne Sletten:

Economic loss

Value of damaged/lost eggs: $ 75,000

Noneconomic loss

Pain, suffering, and emotional distress: $ 2,000,000

Adrienne Sletten TOTAL $ 2,075,000

Proceed question 14.

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VI. APPORTIONMENT OF FAULT

14. Was Pacific Fertility Center negligent with respect to Tank 4?

✓ Yes ____ No

If your answer to question 14 is yes, then answer question 15. If you answered no, insert the number zero next to Pacific Fertility Center in question 16.

15. Was Pacific Fertility Center's negligence a substantial factor in causing harm to the plaintiffs?

✓ Yes ____ No

If your answer to question 15 is yes, then answer question 16. If you answered no, insert the number zero next to Pacific Fertility Center in question 16.

16. What percentage of responsibility for the plaintiffs' harm do you assign to:

Chart:	90 %
Pacific Fertility Center:	10 %
TOTAL	100 %

Proceed to the next question.

Signed: _____ Presiding Juror

Dated: June 10, 2021

After this verdict form has been signed, notify the clerk that you are ready to present your verdict in the courtroom.

United States District Court
Northern District of California