**07.09 STRICT LIABILITY IN TORT – SPECIAL VERDICT FORM: ONE DEFENDANT**

We, the jury in the above-entitled case, find the following special verdict submitted to us in the above-captioned case:

**(1) Was the product [made, sold, or rented] by the defendant defective?**

 **Answer "yes" or "no." Answer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If you answer Question No. 1 "no," do not answer any further questions. Your foreperson should date and sign this verdict.

However, if you answer "yes" to Question No. 1, then answer Question No. 2.

**(2) Was the product defective when it left the possession of the defendant?**

 **Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If you answer Question No. 2 "no," do not answer any further questions. Your foreperson should date and sign this verdict.

However, if you answer "yes" to Question No. 2, then answer Question No. 3.

**(3) Was a defect in the product a legal cause of harm to the plaintiff?**

 **Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**If you answer Question No. 3 "no," do not answer any further questions. Your foreperson should date and sign this verdict.

However, if you answer "yes" to Questions 1, 2 and 3, then answer Question No. 4.

**(4) What amount of damages, if any, suffered by the plaintiff were legally caused by a defect in the product?**

 **(a) Past economic loss $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(b) Past non-economic loss $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(c) Future economic loss $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(d) Future non-economic loss $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **TOTAL: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[If the total amount entered in response to Question 4 is $0, do not answer any further questions. Your foreperson should date and sign this verdict.

However, if you stated any sum of money in Question No. 4, then answer Question No. 5.

**(5) Was plaintiff negligent?**

 **Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If you answer Question No. 5 "no", do not answer Question 6 or Question 7. Answer Question No. 8.

However, if you answer "yes" to Question No. 5, then answer Question No. 6.

**(6) Was the negligence of plaintiff a legal cause of harm to him/her?**

 **Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If you answer Question No. 6 "no", do not answer Question No. 7. Answer Question No. 8.

However, if you answer "yes" to Question No. 5 and "yes" to Question No. 6, then answer Question No. 7.

**(7) Assuming the combined responsibility of plaintiff and of defendant to be 100 percent, what percentage of responsibility is attributable to:**

 **The defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **The plaintiff, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **TOTAL 100%** ]

**[(8) Is the plaintiff entitled to an award of punitive damages from the defendant?**

 **Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If you answer Question No. 8 "no," do not answer any further questions. Your foreperson should date and sign this verdict.

However, if you answer "yes" to Question No. 8, answer Question No. 9.

**(9) In addition to the damages stated in Question No. 4, we, the jury, award the plaintiff the following amount of punitive damages: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]**

DATED at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alaska, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Foreperson of the Jury

Use Note

Questions 5, 6 and 7 must be given in any case in which comparative negligence of the plaintiff is to be submitted to jury. Questions 8 and 9 must be given in any case in which a punitive damage claim is to be submitted to the jury.

The directions in the form are formulated for a case in which the jury considers comparative negligence and punitive damages (i.e., a case in which Questions 5, 6, 7, 8 and 9 are included). If Questions 5,6, and 7 are omitted, or if Questions 8 and 9 are omitted, the directions must be revised to take these changes into account.

This verdict form is suitable for use only in cases with the following characteristics: 1) one defendant; 2) no third party defendants joined pursuant to Alaska Civil Rule 14(c); 3) no released parties whose fault must be determined under AS 09.17.080; and 4) no claims against the defendant for negligence or breach of warranty.

Where there are multiple defendants, or third party defendants pursuant to Rule 14(c), or released parties, the verdict form must be modified to allow the jury to make separate determinations as to the liability of each party/released party, and to allow the jury to allocate fault to any party/released party whose fault contributed to plaintiff's damages. See AS 09.17.080, .900; Alaska Civil Rule 14(c); Benner v. Wichman, 874 P.2d 949 (1994). In a case where there are negligence or breach of warranty claims, the verdict form must be modified to allow the jury to make determinations as to the elements of these claims for each party/released party against whom the claims are asserted.