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CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 28 2014

Sherri R. Carter, Executive Officer/Clerk
By Raul Sanchez, Deputy

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF LOS ANGELES

11 DONNA SALLER, individually and as
Personal Representative of the ESTATE OF
12 WILLIAM SALLER; LORI SALLER; and
SHERI JOCIS,

13 Plaintiffs,

14 vs.

15 BONDEX INTERNATIONAL, INC., *et al.*,
16 Defendants.

Case No. BC 342363

[Assigned to Hon. Anthony J. Mohr]


17 NOTICE OF ENTRY OF JUDGMENT

18
19
20 TO DEFENDANT CROWN, CORK & SEAL, AND THEIR ATTORNEYS OF RECORD:

21 NOTICE IS HEREBY GIVEN that on [DATE], the Court entered judgment in this
22 action. A copy of the judgment is attached hereto as Exhibit A.

23
24 Dated: August 28, 2014

WATERS KRAUS & PAUL

25
26 By: 
PAUL C. COOK
Attorneys for Plaintiff
27
28

EXHIBIT

A

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 26 2014

Sherri R. Carter, Executive Officer/Clerk
By Michele Gonzalez, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DONNA SALLER, individually and as Personal
Representative of the ESTATE OF WILLIAM
SALLER; LORI SALLER; and SHERI JOCIS,

Plaintiffs,

vs.

BONDEX INTERNATIONAL, INC., *et al.*,

Defendants.

Case No. BC 342 363

~~[PROPOSED]~~ JUDGMENT ON JURY
VERDICT

This action came on for trial on or about November 18, 2013, in Department 61 of this Court, with the Honorable Anthony J. Mohr presiding. Plaintiffs Donna Saller, Lori Saller, and Sheri Jocis (collectively, "Plaintiffs") and Defendant Crown Cork & Seal Company, Inc. ("Defendant Crown Cork") appeared by and through their attorneys of record. A jury of twelve persons was impaneled and sworn. Witnesses were sworn and testified.

After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on special issues. The jury deliberated and, on or about December 13, 2013, returned into court with a special verdict finding, as

1 follows:

2 WE, THE JURY in the above-entitled action, find the following jury verdict on the
3 questions submitted to us:

4 **EXPOSURE:**

5 **QUESTION NO. 1:** Was decedent William Saller exposed to asbestos-containing pipe
6 insulation manufactured, sold, or distributed by Mundet/Crown Cork & Seal Company, Inc?

7
8 ANSWER: Yes No

9 If your response to this question is "No," then proceed to the end and sign, date, and return this
10 verdict form. If your response to this question is "Yes," then proceed to Question No 2.

11
12 **PRODUCT DEFECT:**

13 **QUESTION NO. 2:** Was there a defect in design of asbestos containing pipe insulation
14 manufactured, sold, or distributed by Mundet/Crown Cork & Seal Company, Inc. in that the pipe
15 insulation failed to perform as safely as an ordinary user would expect?

16 ANSWER: Yes No

17 If your response to this question is "No," then proceed to Question No. 4. If your response to
18 this question is "Yes," then continue to Question No. 3.

19 **QUESTION NO. 3:** Was the defect found by you in your answer to Question No. 2 a
20 substantial contributing factor in causing decedent William Saller's mesothelioma?

21 ANSWER: Yes No

22 Answer the next question.

23
24 **FAILURE TO WARN:**

25 **QUESTION NO. 4:** Was there a defect in asbestos containing pipe insulation
26 manufactured, sold, or distributed by Mundet/Crown Cork & Seal Company, Inc. in that there was
27 a failure to warn of potential risks which were known, or knowable, in light of generally recognized
28 and prevailing best medical and scientific knowledge at the time of manufacture, sale, and

1 distribution?

2 ANSWER: Yes No

3 If your response to this question is "No," then proceed to Question No. 6. If your response to
4 this question is "Yes," then continue to Question No. 5.

5 QUESTION NO. 5: Was the defect found by you in your answer to Question No. 4 a
6 substantial contributing factor in causing decedent William Saller's mesothelioma?

7 ANSWER: Yes No

8 Answer the next question.

9
10 **NEGLIGENCE:**

11 QUESTION NO. 6: Was defendant Mundet/Crown Cork & Seal Company, Inc.,
12 negligent?

13 ANSWER: Yes No

14 If your response to this question is "No," but you answered "Yes" to either Question Nos. 3
15 or 5, then proceed to Question No. 8. If your response to this question is "No," and you either
16 answered "No" to Questions 3 and 5, or you were not asked to answer those questions, then date,
17 sign, and return the verdict form. If your response to this question is "Yes," then answer the
18 next question.

19 QUESTION NO. 7: Was such negligence a substantial contributing factor in causing
20 decedent William Saller's mesothelioma?

21 ANSWER: Yes No

22 If you answered "Yes" to any of Question Nos. 3, 5, and/or 7, then answer the next
23 question. If you either answered "No" to Questions Nos. 3, 5, and 7, or you were not asked to
24 answer those questions, then date, sign, and return the verdict form.

25
26 **DAMAGES:**

27 QUESTION NO. 8: What do you find to be the total amount of economic and non-
28 economic damages, if any, suffered by DONNA SALLER, individually and as a representative of

1 the estate of William Saller, as a result of Decedent WILLIAM SALLER's malignant mesothelioma
2 and death?

3 ANSWER: Economic Damages \$ 516,000.00
4 Non-Economic Damages \$ 4,000,000.00

5 Answer the next question.

6 QUESTION NO. 9: What do you find to be the total amount of non-economic damages, if
7 any, suffered by LORI SALLER as a result of Decedent WILLIAM SALLER's malignant
8 mesothelioma and death?

9 ANSWER: Non-Economic Damages \$ 275,000.00

10 Answer the next question.

11 QUESTION NO. 10: What do you find to be the total amount of non-economic damages,
12 if any, suffered by SHERRI JOCIS as a result of Decedent WILLIAM SALLER's malignant
13 mesothelioma and death?

14 ANSWER: Non-Economic Damages \$ 275,000.00

15 Answer the next question.

16

17 APPORTIONMENT OF FAULT:

18 QUESTION NO. 11: If 100% represents the total fault that was the cause of Plaintiffs'
19 injury, due to the death of decedent William Saller, what percentage of this 100% was due to
20 the fault of defendant who you have determined was a substantial factor and others listed
21 below?

22 ANSWER:

23 Mundet/Crown Cork & Seal Company, Inc.	30 %
24 Honeywell International, Inc., as successor-	3 %
25 in-interest to Bendix Corp.	
26 Bondex International, Inc.	0.6 %
27 Chevron USA, Inc.	40 %
28 ACDELCO, a division of General Motors,	3 %

1	Inc., formerly known as Delco	
2	Dowman Products, Inc.	0.6 %
3	Garlock Seal Technologies, LLC	5 %
4	Georgia-Pacific Corp.	0.6 %
5	Johns-Manville Corp.	10 %
6	Kaiser Gypsum Co., Inc.	0.6 %
7	Kelly Moore Paint Co., Inc., as successor-in-	0.6 %
8	interest to Paco Textures, Inc.	
9	Los Angeles County Sanitation District	6 %
10	Total	100 %

11 Answer the next Question.

12

13 **MUNDET CONDUCT:**

14 **QUESTION NO. 12:** Do you find by clear and convincing evidence that Mundet/Crown,
 15 Cork & Seal Company whose conduct was a substantial factor in causing decedent William Saller's
 16 mesothelioma was guilty of malice in the conduct upon which you base your finding of liability
 17 against that Defendant?

18 ANSWER: YES X NO _____

19

20 Dated: December 13, 2013

/s/ Azar Kattan

FOREPERSON

21

22

23 Thereafter, the same jury heard evidence and argument, and was instructed on the law, for
 24 punitive damages. The issue of punitive damages was submitted to the jury with directions to return
 25 another special verdict. The jury deliberated and thereafter returned into court with its verdict
 26 consisting of the special issue submitted to the jury and the answer was given thereto by the jury,
 27 which said verdict was in words and figures as follows:

1 WE, THE JURY in the above-entitled action, find the following on the question of
2 punitive damages:

3 **QUESTION NO. 1:** What amount of punitive damages, if any, do you award Plaintiffs
4 against Defendant Mundet/Crown Cork & Seal?

5
6 ANSWER: \$3,600,000.00

7
8 Dated: December 16, 2013

/s/ Azar Kattan

9 **PRESIDING JUROR**

10 It appearing by reason of said special verdict that Plaintiffs DONNA SALLER, invidually and as
11 personal representative of the estate of WILLIAM SALLER; LORI SALLER; and SHERI JOCIS are
12 entitled to judgment as follows:

13 1. Against Defendant CROWN CORK & SEAL COMPANY, INC. in the amount of
14 \$1,365,000.00 for non-economic damages; and

15 2. Against Defendant CROWN CORK & SEAL COMPANY, INC., in the amount of
16 \$131,543.22 for economic damages.

17 3. Against Defendant CROWN CORK & SEAL COMPANY, INC., in the amount of
18 \$3,600,000.00 for punitive damages.

19 ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

20 1. Plaintiffs DONNA SALLER, invidually and as personal representative of the estate of
21 WILLIAM SALLER; LORI SALLER; and SHERI JOCIS take \$1,365,000.00 from Defendant CROWN
22 CORK & SEAL COMPANY, INC. as and for non-economic damages;

23 2. Plaintiff DONNA SALLER, invidually and as personal representative of the estate of
24 WILLIAM SALLER, take \$131,543.22 from Defendant CROWN CORK & SEAL COMPANY, INC.,
25 as and for economic damages;

26 3. Plaintiffs DONNA SALLER, as personal representative of the estate of WILLIAM
27 SALLER, take \$3,600,000.00 from Defendant CROWN CORK & SEAL COMPANY, INC. as and for
28 punitive damages; and

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4. Plaintiffs DONNA SALLER, individually and as personal representative of the estate of WILLIAM SALLER; LORI SALLER; and SHERI JOCIS take \$ _____ from Defendant CROWN CORK & SEAL COMPANY, INC. as and for costs of suit in this action

DATED: Aug 20, 2014

ANTHONY J. MOHR

HONORABLE ANTHONY J. MOHR
JUDGE OF THE LOS ANGELES SUPERIOR COURT

1 **PROOF OF SERVICE**

2 *Saller, et al. v. Bondex International, Inc., et al.*
3 *Los Angeles Court Case No. BC342363*

4 STATE OF CALIFORNIA)
5)
6 COUNTY OF LOS ANGELES)

7 I, PHILIP KWAN, declare:

8 I am over eighteen years of age and not a party to the within action; my business address is 222
9 North Sepulveda Boulevard, Suite 1900, El Segundo, California. I am employed in Los Angeles
10 County, California.

11 On August 28, 2014, I served a copy of the following document(s):

12 • **NOTICE OF ENTRY OF JUDGMENT**

13 in this action to be served by placing the true and correct copies thereof enclosed in sealed envelopes
14 addressed as stated as follows:

15 (By Mail) I caused each envelope with postage fully prepaid, to be placed in the United States
16 Mail at El Segundo, California to:

17 Dean A. Olson
18 Morris Polich & Purdy
19 1055 West 7th Street, 24th Floor
20 Los Angeles, California 90017
21 *Attorneys for Defendant Crown, Cork & Seal Company, Inc.*

22 William H. Armstrong
23 Armstrong & Associates
24 One Kaiser Plaza, Suite 625
25 Oakland, California 94612
26 *Attorneys for Defendant Crown, Cork & Seal Company, Inc.*

27 (State) I declare under penalty of perjury under the laws of the State of California that the above
28 is true and correct.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at El Segundo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

Executed on August 28, 2014 at El Segundo, California.


PHILIP KWAN