

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

THEODORE ELWOOD FINLEY,

Plaintiff,

v.

Case No.: 7:20cv170-MW/GRJ

3M, et al.,

Defendants.

\_\_\_\_\_ /

VERDICT FORM

I. MR. FINLEY'S CLAIMS

Please answer each of Questions 1 through 6.

1. Was there a design defect in the CAEv2 at the time it left 3M's possession that was a producing cause of Mr. Finley's injuries?

YES  NO

2. Was there a defect in the warnings and/or a defect in the instructions at the time the CAEv2 left the possession of 3M that was a producing cause of Mr. Finley's injuries?

YES  NO

3. Was 3M negligent in designing the CAEv2 at the time it left 3M's possession, and was that negligence, if any, a proximate cause of Mr. Finley's injuries?

YES  NO

4. Was 3M negligent in warning and/or instructing regarding use of the CAEv2 at the time it left 3M's possession, and was that negligence, if any, a proximate cause of Mr. Finley's injuries?

YES  NO

FILED IN OPEN COURT THIS  
12/10/2021 CM  
CLERK, U.S. DISTRICT  
COURT, NORTH. DIST. FLA.

5. Do you find by clear and convincing evidence that 3M's gross negligence proximately caused Mr. Finley's injuries?

YES  NO

6. Did 3M make a fraudulent misrepresentation on which Mr. Finley justifiably relied, and that proximately caused Mr. Finley's injuries?

YES  NO

**If you answered NO to each of Questions 1 through 6, your verdict is for 3M and your work is complete. Please have the foreperson sign and date the verdict form.**

**If you answered YES to any of Questions 1 through 6, your verdict is for Mr. Finley on those questions, and you must proceed to Section II.**

## **II. AFFIRMATIVE DEFENSE: PROPORTIONATE RESPONSIBILITY**

**Answer Questions 7 and 8 only if you answered YES to any of Questions 1 through 6, above.**

7. Was Mr. Finley's own negligence a proximate cause of his injuries?

YES  NO

If you answered YES to Question 7, your verdict on this issue is for 3M; you should consider the percentage of fault that should be apportioned to Mr. Finley, and record that below.

If you answered NO to Question 7, your verdict on this issue is for Mr. Finley, and you should not apportion any fault to Mr. Finley below.

Proceed to Question 8.

8. Was the United States Military's negligence a proximate cause of Mr. Finley's injuries?

YES \_\_\_\_\_ NO ✓

If you answered YES to Question 8, your verdict on this issue is for 3M; you should consider the percentage of fault that should be apportioned to the United States Military, and record that below.

If you answered NO to Question 8, your verdict on this issue is for Mr. Finley, and you should not apportion any fault to the United States Military below.

If you found for 3M in Questions 7 or 8, above, then it is necessary for you to determine the percentage of fault attributable to Mr. Finley, the United States Military, and/or 3M. Your allocation of fault must total 100%. If you found for Mr. Finley in both Questions 7 and 8, above, then you must apportion 100% of fault to 3M.

Mr. Finley	<u>0</u> %
United States Military	<u>0</u> %
3M	<u>100</u> %

These percentages must total 100%.

Proceed to Questions 9 and 10.

9. Did Mr. Finley actually discover, or should Mr. Finley, in the exercise of reasonable diligence, have discovered both (1) his injuries and (2) that the cause of his injuries were the wrongful acts of 3M by January 18, 2018?

YES \_\_\_\_\_ NO ✓

10. Did Mr. Finley actually discover, or should Mr. Finley, in the exercise of reasonable diligence, have discovered both (1) his injuries and (2) that the cause of his injuries were the wrongful acts of 3M by January 18, 2016?

YES \_\_\_\_\_ NO ✓

**If you answered YES to Questions 9 and 10, your verdict on this issue is for 3M and your work is complete. Please have the foreperson sign and date the verdict form. If you answered NO to either Question 9 or Question 10, you must proceed to Section III.**

### III. COMPENSATORY DAMAGES

**Only complete this section if you answered "Yes" to any of Questions 1 through 6, above.**

11. What sum of money, if paid now in cash, would fairly and reasonably compensate Mr. Finley for his injuries, if any, that resulted from the occurrence in the question?

a. Past pain and suffering (physical pain, mental anguish, and physical impairment).

Answer: \$ 1,500,000

b. Future pain and suffering (physical pain, mental anguish, and physical impairment).

Answer: \$ 6,000,000



#### IV. EXEMPLARY DAMAGES

You may, but are not required to, complete this Section if you awarded damages to Mr. Finley in Section III, above.

12. Do you find, by clear and convincing evidence, that Mr. Finley's injuries resulted from fraud, malice, or gross negligence by 3M?

YES ✓ NO       

If you answered NO to Question 12, your verdict on this issue is for 3M, and your work is complete. Please have the foreperson sign and date the verdict form.

If you answered YES to Question 12, proceed to Question 13.

13. What exemplary damages, if any, do you find for Mr. Finley for 3M's fraud, malice, or gross negligence?

Exemplary damages: \$5,000,000

Proceed to Section V.

#### V. SECURING EXECUTION OF MEDICAL PROCUREMENT ITEM DESCRIPTION BY DECEPTION

Only complete this section if you awarded Plaintiff exemplary damages in Section IV, above.

14. Do you find that Mr. Finley has proven by clear and convincing evidence that 3M knowingly secured execution of a Medical Procurement Item Description for the Combat Arms Earplugs, version 2, by deception, affecting his pecuniary interest?

YES ✓ NO       

If you answered NO to Question 14, please skip Question 15 and have the foreperson sign and date the verdict form.

If you answered YES to Question 14, please proceed to Question 15.

15. Do you find that Mr. Finley has proven beyond a reasonable doubt that 3M knowingly secured execution of a Medical Procurement Item Description for the Combat Arms Earplugs, version 2, by deception, affecting his pecuniary interest?

YES ✓

NO \_\_\_\_\_

PLEASE SIGN AND DATE THE VERDICT FORM BELOW.

12/10/2021

DATE



FOREPERSON