UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv125-RJC-DCK

FILED
CHARLOTTE, NC
JUL 19 2011
US DISTRICT COURT
WESTERN DISTRICT OF NC

TAMMY LOU FONTENOT, as Administratrix of the Estate of DARRYL WAYNE TURNER, deceased	)	
Plaintiff,	)	**VERDICT FORM**
v.	)	
TASER INTERNATIONAL, INC.,	)	
Defendant.	)	

1. Did the defendant fail, prior to March 20, 2008, to provide an adequate warning or instruction with the TASER ECD that was shipped to the Charlotte Mecklenburg Police Department on April 24, 2006 and deployed on Darryl Turner on March 20, 2008, and did this failure proximately cause the plaintiff's death?

a) First, did TASER fail to provide an adequate warning or instruction?
__✓__Yes _____No

b) If so, was TASER's failure to provide an adequate warning or instruction unreasonable?
__✓__Yes _____No

c) If so, at or after the time the TASER ECD left the control of the defendant without an adequate warning or instruction, did the TASER ECD create an unreasonably dangerous condition that the defendant knew or, in the exercise of ordinary care should have known, posed a substantial risk of harm to a reasonably foreseeable claimant?
__✓__Yes _____No

d) If so, was TASER's failure to provide an adequate warning or instruction a proximate cause of Darryl Turner's death on March 20, 2008?
__✓__Yes _____No

If you have answered "No" on any of the questions (a)-(d) above, then you have found for the defendant and should not proceed any further. If, on the other hand, you have answered "Yes" to all of the questions (a)-(d) above, proceed to the Second Issue below.

2. **<u>If your answer to Question 1 is "Yes,</u>" was Darryl Turner's death caused by Officer Jerry Dawson's use of the TASER ECD in a manner contrary to any express and adequate instructions or warnings which he knew or should have known were delivered by the defendant?**

a. First, did Officer Dawson use the TASER ECD contrary to instructions or warnings delivered with instructions regarding the TASER ECD?
_____Yes ___✓___No

b. Second, were such instructions or warnings express and adequate?
_____Yes ___✓___No

c. Third, did Officer Dawson know, or in the exercise of ordinary care should have known, of the existence of such instructions or warnings?
_____Yes ___✓___No

d. Fourth, was Darryl Turner's death caused by Officer Dawson's use of the TASER ECD contrary to the instructions or warnings?
_____Yes ___✓___No

If you have answered "Yes" to all of the questions (a)-(d) above, then the answer to Issue Two is "Yes," and TASER is entitled to the affirmative defense of Officer Dawson's misuse. If, however, you answered "No" to any of questions (a)-(d) above, then proceed to the Third Issue below.

3. **<u>If your answer to Question 1 is "Yes," and your answer to Question 2 is "No</u>," what, if any, amount of compensatory damages is the estate of Darryl Turner entitled to recover for wrongful death?**

$ 10 million