IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF JEFFERSON

NANETTE AURDAL and ARNOR STEVEN AURDAL, wife and husband,

Plaintiffs.

NO. 04 2 00362 7

SPECIAL VERDICT FORM

VS.

PHILLIP B. HUNTINGFORD and "JANE DOE" HUNTINGFORD, husband and wife, and the marital community composed thereof, CHARLES R. **HUNTINGFORD and "JANE DOE"** HUNTINGFORD, husband and wife, and the marital community composed thereof, GLEN J. **HUNTINGFORD and "JANE DOE"** HUNTINGFORD, husband and wife, and the marital community composed thereof, as individuals and as a partnership doing business as OUT R WAY FARM, UNITED TELEPHONE COMPANY OF THE NORTHWEST, dba SPRINT, an Oregon corporation doing business in the State of Washington, JOHN BURNSTON and "JANE DOE" BURNSTON, husband and wife, and the marital community composed thereof.

Defendants.

We, the jury, answer the questions submitted by the court as follows:

QUESTION 1: Were any of the defendants negligent?

(Answer "yes" or "no" after the name of each defendant.)

Answer:		Yes	<u>No</u>
Defendants	John Burnston & United Telephone Company of the Northwest	X	
Defendants	Phillip B. Huntingford, Charles R. Huntingford and "Jane Doe" Huntingford, and Glen J. Huntingford and "Jane Doe" Huntingford		<u>X</u>
(INSI this verdict Question 2.)	TRUCTION: If you answered "no" to Qu form. If you answered "yes" to Question	estion 1 as to n 1 as to any	each defendant, sign defendants, answer
QUE plaintiffs?	STION 2: Was such negligence a pro-	ximate cause	of damages to the
•	wer "yes" or "no" after the name of each d tion 1.)	efendant found	d negligent by you in
Answer:	•	Yes	<u>No</u>
Defendants	John Burnston & United Telephone Company of the Northwest	X	
Defendants	Phillip B. Huntingford, Charles R. Huntingford and "Jane Doe" Huntingford, and Glen J. Huntingford and "Jane Doe" Huntingford		
(INS) this verdict Question 3	TRUCTION: If you answered "no" to Qu form. If you answered "yes" to Question and 4.)	estion 2 as to 2 as to any de	all defendants, sign fendant, answer
damages? (I	STION 3: What do you find to be the plai Do not consider the issue of contributory n	egligence, if a	Aurdal's amount of ny, in your answer.)
Ansv	wer (a) Past Economic Damages \$ 47	3,907	
Ansv	wer (b) Future Economic Damages \$	112,195	
Ansv	wer (c) Non-Economic Damages \$	00,000	

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(INSTRUCTION: If you answered Question Question 4. If you found no damages in Question 3	3 with any amount of , sign this verdict form	money, answer .)
QUESTION 4: What do you find to be the parount of damages?	plaintiff Arnor Steven	Aurdal's
Answer (a) Past Economic Damages \$	3,000	
Answer (b) Non-Economic Damages \$ 2	5,000	
QUESTION 5: Was the plaintiff Nanette Au	ardal also negligent?	
Answer: (Write "yes" or "	no")	
(INSTRUCTION: If you answered "no" to answer Question 7. If you answered "yes" to Ques		
QUESTION 6: Was the Plaintiff Nanette A of the injury or damage to the plaintiffs?	Aurdal's negligence a p	proximate cause
Answer: (Write "yes" or	r "no")	
(INSTRUCTION: If you answered "no" to answered "yes" to Question 6, skip Question 7 and		uestion 7. If you
QUESTION 7: Assume that 100% representation proximately caused the plaintiffs' damages. attributable to each defendant whose negligence was been a proximate cause of the damages to the plainting.	What percentage of the sound by you in Que	is 100% is estion 2 to have
	Answer	Percentage
To Defendants John Burnston & United Telephone Company of the Northwest	M	<u>100</u> %
To Defendants Phillip B. Huntingford, Charles R. Huntingford and "Jane Doe" Huntingford, and Glen J. Huntingford and "Jane Doe" Huntingford	NONE	<u>\%</u> %

Sign this verdict form and notify the bailiff.

QUESTION 8: Assume that 100% represents the total combined fault that proximately caused the plaintiffs' damages. What percentage of this 100% is attributable to the plaintiff's negligence and what percentage of this 100% is attributable to the negligence of each defendant whose negligence was found by you in Question 2 to have been a proximate cause of the damages to the plaintiffs? Your total must equal 100%.

	Answer	<u>Percentage</u>
To Plaintiffs	NONE	8 %
To Defendants John Burnston & United Telephone Company of the Northwest	ALL	<u>100</u> %
To Defendants Phillip B. Huntingford, Charles R. Huntingford and "Jane Doe" Huntingford, and Glen J. Huntingford and "Jane Doe" Huntingford	NONE	<u> </u>
		TOTAL 100%

(INSTRUCTION: Sign this verdict form and notify the bailiff.)

DATED: $7 - \rightarrow$.2010.

Presiding Juror

JEFFERSON COUNTY

NAMETTE AURDAL AND AURNOR STEVEN AURDAL, HUSBAND AND WIFE V. PHILLIP B. HUNTINGFORD AND "JANE DOE" HUNTINGFORD HUSBAND AND WIFE, AND THE MARITAL COMMUNITY COMPOSED THEREOF, CHARLES R. HUNTINGFORD, AND "JANE DOE" HUNTINGFORD, HUSBAND AND WIFE AND THE MARITAL COMMUNITY COMPOSED THEREOF, AS INDIVIDUALS AND AS PARTNERSHIP DOING BUSINESS AS OUT R WAY FARM; UNITED TELEPHONE COMPANY OF THE NORTHWEST D/B/A SPRINT, AN OREGON CORPORATION DOING BUSINESS IN THE STATE OF WASHINGTON, JOHN BURNSTON AND "JANE DOE" BURNSTON, HUSBAND AND WIFE, AND THE MARTIAL COMMUNITY COMPOSED THEREOF

Number: 04-2-00362-7

Trial Date: 6/21/10 (8-day trial)

Plff Atty: William McGonagle of Sherrard McGonagle & Tozzano (Bainbridge Island)

Def. Atty: Eric B. Johnson, Law Offices of Eric B. Johnson (Seattle) for Def. Huntingford; Matthew T. Boyle of Mitchell, Lang & Smith (Seattle) for Def. Sprint

Insurance Co.: Mutual Enumclaw for Def. Huntingford; CNA for Def. Sprint

Plff Med.: Stuart DuPen MD (Anesthesiologist/Pain Management):
Bellevue; Donna Moore MD (Physiatrist) Bremerton; Sara
Vanvick MD (Family Practice) Port Townsend; Lawrence
Hartford MD (Pain Management) Bremerton

Def. Med.: Lawrence Murphy MD (Neurologist/IME) Seattle, for all Defs.

Plff Exp.: Edward Wells (Accident Reconstructionist) Olympia; William Brandt (Economist) Bainbridge Island; Karen Tobie-Shearer (Life Care Planner) Federal Way; Kathy Countryman (Equestrian Fencing & Horse Containment) Bainbridge Island

Def. Exp.: David Temple (Trucking/Accident Safety) Concrete; Sally Collins (Equestrian Fencing & Horse Containment) Stanwood, both for Def. Huntingford

Trial Judge: Hon. Craddock Verser

LIVESTOCK NEGLIGENCE; SINGLE VEHICLE ACCIDENT (HORSE/CAR)

BACK INJURY

12/14/01 - Plff, female age 36 at time of incident, service station manager. The Huntingford family owned a dairy farm in Jefferson County where they kept their niece's black horse that strayed onto the adjoining public highway through an open gate. A Sprint affiliate telephone company employee, Def. Burnston, driving a company utility bucket truck, struck the horse in this rural area

NAMETTE AURDAL AND AURNOR STEVEN AURDAL, HUSBAND AND WIFE V. PHILLIP B. HUNTINGFORD AND "JANE DOE" HUNTINGFORD HUSBAND AND WIFE, AND THE MARITAL COMMUNITY COMPOSE THEREOF, CHARLES R. HUNTINGFORD, AND "JANE DOE" HUNTINGFORD, HUSBAND AND WIFE AND THE MARITAL COMMUNITY COMPOSED THEREOF, AS INDIVIDUALS AND AS PARTNERSHIP DOING BUSINESS AS OUT R WAY FARM; UNITED TELEPHONE COMPANY OF THE NORTHWEST D/B/A SPRINT, AN OREGON CORPORATION DOING BUSINESS IN THE STATE OF WASHINGTON, JOHN BURNSTON AND "JANE DOE" BURNSTON, HUSBAND AND WIFE, AND THE MARTIAL COMMUNITY COMPOSED THEREOF - JEFFERSON COUNTY - CONT'D

Facts Cont'd:

on a dark overcast December night in 2001. He did not stop and investigate the whereabouts of the horse, which was killed and lying in the travel lane. ImmediateLy thereafter another motorist came into the area and slowed down when he saw the telephone company truck driving away slowly. After reducing his speed, he immediately saw an object in his lane of travel that he swerved to avoid. He stopped and recognized the object was a dead horse. He then called his wife and asked her to call the sheriff and report a dead animal on the road, and then he drove further down the road in an attempt to find the owner to help get the horse off the road. Eight to ten minutes later after an unsuccessful attempt to contact anyone at a close farmhouse, another following driver was about a quarter of a mile from the horse at an intersection when he looked back up the road and saw the lights of Plff's vehicle come around a bend in the road and hit the horse and went up over it about 2 feet and came crashing down on the undercarriage with sparks flying. Plff's vehicle bounced and came to rest about 200 feet from the point of impact. The Def. Burnston claimed he only left the scene for about two (2) minutes before returning.

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Injuries:

Plff sustained injuries that were initially diagnosed as a cervical, thoracic and lumbar strains. She did not respond to conservative therapies and was diagnosed with myofascial pain syndrome. She was later referred to a pain specialist, who didn't think her symptoms could be explained on the basis of a myofascial pain diagnosis only. After several months he later diagnosed a myelopathic condition, which involved an injury to the spinal cord. At trial there was a dispute whether myelopathy can be diagnosed in the absence of a visible spinal cord lesion. According to the Frankel and Nurick classification systems of myelopathy can occur in the absence of a visible spinal cord lesion. The defense familiar with not witness was classification systems. Treatment for Plff's chronic pain eventually resulted in the surgical implantation of a pain pump that delivers non-opioid medication by catheter directly to the spinal cord. This was a life

JULY 2010

NAMETTE AURDAL AND AURNOR STEVEN AURDAL, HUSBAND AND WIFE V. PHILLIP B. HUNTINGFORD AND "JANE DOE" HUNTINGFORD HUSBAND AND WIFE, AND THE MARITAL COMMUNITY COMPOSE THEREOF, CHARLES R. HUNTINGFORD, AND "JANE DOE" HUNTINGFORD, HUSBAND AND WIFE AND THE MARITAL COMMUNITY COMPOSED THEREOF, AS INDIVIDUALS AND AS PARTNERSHIP DOING BUSINESS AS OUT R WAY FARM; UNITED TELEPHONE COMPANY OF THE NORTHWEST D/B/A SPRINT, AN OREGON CORPORATION DOING BUSINESS IN THE STATE OF WASHINGTON, JOHN BURNSTON AND "JANE DOE" BURNSTON, HUSBAND AND WIFE, AND THE MARTIAL COMMUNITY COMPOSED THEREOF - JEFFERSON COUNTY - CONT'D

Injuries Cont'd:

altering injury, that permanently disabled Plff from working and she can no longer pursue her former active lifestyle of skiing, motorcycle riding and gardening, among others. Plff was only present for jury selection and her testimony. Def. claimed Plff only had a temporary straining injury that should have required eight weeks treatment.

Specials: Med. \$203,819 (past), \$1,325,000 (futures); Lost Wages \$740,000; Days in Hosp. - none; Prop. Damage \$8,000 (vehicle totaled).

Settlement: Demand: \$3,000,000. Plff asked the jury for \$2,268,818+ and general damages to be determined by the jury. Offer: none. The Def. asked the jury for a defense verdict.

Result: PLAINTIFF VERDICT for \$2,714,102 against Def. Sprint only.