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CASE NUMBER: 12-2-08537-4 SEA

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KING COUNTY SUPERIOR COURT OF WASHINGTON

HARTLEY McGRATH,

Plaintiff,

v.

**VESTUS LLC; and WINDERMERE
REAL ESTATE/EAST, INC.,**

Defendants.

NO. 12-2-08537-4 SEA

**PLAINTIFF'S PROPOSED SPECIAL
VERDICT FORM**

Plaintiff submits her proposed special verdict form, attached.

Dated this 5th day of August 2013

REAUGH OETTINGER & LUPPERT, P.S.

By: 
Sylvia Luppert, WSBA 14802
Attorneys for Hartley McGrath

KING COUNTY SUPERIOR COURT OF WASHINGTON

HARTLEY McGRATH,

Plaintiff,

v.

**VESTUS LLC; and WINDERMERE
REAL ESTATE/EAST, INC.,**

Defendants.

NO. 12-2-08537-4 SEA

SPECIAL VERDICT FORM

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

1. Claim for Breach of Contract:

QUESTION NO. 1(a): Did Vestus breach its promises to Hartley McGrath?

Answer "Yes" or "No" _____

If you answered Question No. 1(a) "No," proceed directly to Question No. 2(a). If you answered "Yes," proceed to Question No. 1(b).

QUESTION NO. 1(b): Was the defendants' breach a proximate cause of injury or damage to Hartley McGrath?

Answer "Yes" or "No" _____

Proceed to Question No. 2(a).

2. Claim for Negligent Misrepresentation:

QUESTION NO. 2(a): Did Vestus negligently misrepresent information in its possession to Hartley McGrath?

Answer "Yes" or "No" _____

If you answered Question No. 2(a) "No," proceed directly to Question No. 3(a). If you answered "Yes," proceed to Question No. 2(b).

QUESTION NO. 2(b): Was Vestus' negligent misrepresentation a proximate cause of injury or damage to Hartley McGrath?

Answer "Yes" or "No" _____

Proceed to Question No. 3(a).

3. Claim for Negligence

QUESTION NO. 3(a): Were defendants negligent ?

Answer "Yes" or "No" _____

If you answered Question 3(a) "No", proceed directly to Question No. 4(a).

If you answered "Yes", proceed to Question No. 3(b).

QUESTION NO. 3(b): Was such negligence a proximate cause of injury or damage to Hartley McGrath?

(Answer "Yes" or "No")

Proceed to Question No. 4(a).

4. Claim for Violation of Consumer Protection Act:

QUESTION NO. 4(a): Did Vestus commit one or more violations of the Consumer Protection Act?

Answer "yes" or "no".

If you answered Question No. 4(a) "No", proceed directly to the Instruction for Question No. 5. If you answered "Yes," proceed to Question No. 4(b).

QUESTION NO. 4(b): Did Vestus' violation of the Consumer Protection Act proximately cause actual economic loss to Hartley McGrath?

(Answer "yes" or "no")

Proceed to the Instruction for Question No. 5.

5. Damages

INSTRUCTION: If you did not answer "Yes" to any of the questions set forth above, skip the remaining questions and sign and date the verdict form. Additionally, if you did not answer "Yes" to Question Nos. 1(b), 2(b), 3(b), or 4(b), skip the remaining questions and sign and date the verdict form. Otherwise, proceed to Question No. 5(a).

QUESTION NO. 5(a): If you answered "Yes" to 1(b), 2(b), 3(b), or 4(b), what do you find to be the damages suffered by Hartley McGrath, if any?

Claim for economic damages \$ _____

5(b) If you answered "yes" to 2(b) or 3(b), what do you find to be the damages for non-economic damages suffered by Hartley McGrath, if any \$ _____

Claim for noneconomic Damages \$ _____

TOTAL \$ _____

If you answered \$0 for the total amount of damages, please sign and date the verdict form otherwise proceed to Question 6(a).

6. Fault of Hartley McGrath

QUESTION NO. 6(a): Was Hartley McGrath's fault a proximate cause of her injury or damage?

Answer "Yes or "No" _____

If you answered "No," please sign and date the verdict form. Otherwise proceed to Question 6(b).

QUESTION NO. 6(b): Did Hartley McGrath use reasonable care to avoid or minimize her loss?

Answer "Yes" or "No" _____

If you answered "Yes" proceed to Question 6(d) otherwise proceed to question 6(c).

QUESTION 6(c): What amount from the Total Damages could have been avoided or minimized by Hartley McGrath using reasonable care?.

Amount avoidable or of minimizing \$ _____

QUESTION NO. 6(b): If you answered Question 3(b) or 4(b) "Yes," assume that 100% represents the total fault that proximately caused Hartley McGrath's injury or damage. What percentage of this 100% is attributable to the fault of defendants or Hartley McGrath to have been a proximate cause of the injury or damage to Hartley McGrath? Your total must equal 100%.

Defendants Vestus and Windermere: _____%

Hartley McGrath: _____%

TOTAL 100%

Please sign and date this verdict form.

DATED this _____ day of August, 2013

[signature] Presiding Juror