

**ORIGINAL**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHEILA HACKERT, Individually, and as  
Administratrix of the Goods, Chattels, and  
Credits of William P. Hackert, Jr., and Christine  
M. Hackert, Deceased; and JOHN ANTHONY  
HACKERT,

Plaintiffs,

1:03-CV-216

vs

FIRST ALERT, INC.; and BRK BRANDS, INC.,

Defendants.

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U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

APR 21 2006

LAWRENCE K. BAERMAN, Clerk  
UTICA

VERDICT FORM

Dated: April 18, 2006  
Utica, New York.

Court Exhibit No. 1

**PRODUCT LIABILITY**

1. Was the design of the ionization smoke alarm defective?

Yes   X   No \_\_\_\_\_

**NEGLIGENCE**

2. Were the defendants negligent in failing to use ordinary care in the design, testing, marketing and sale of the ionization smoke alarm?

Yes   X   No \_\_\_\_\_

If You answered NO to Questions 1, and 2, proceed to the last page of this Verdict Form, sign and date in the space provided, and inform the Marshal that you have reached a verdict.

If you answered YES to Questions 1 or 2, proceed to Questions 3 and 4.

**POWER**

3. Was the dining room ionization smoke alarm powered at the time of the fire?

Yes   X   No \_\_\_\_\_

4. Was the kitchen ionization smoke alarm powered at the time of the fire?

Yes \_\_\_\_\_ No   X  

If you answered NO to Questions 3 and 4, proceed to the last page of this Verdict Form, sign and date in the space provided, and inform the Marshal that you have reached a verdict.

If you answered YES to Questions 3 or 4, proceed to Questions 5 and 6.

**PROXIMATE CAUSE**

If you answered NO to Question 1, do not answer Question 5.

5. If you answered YES to Question 1, was the design defect a substantial factor in the personal injuries and deaths from the fire?

Yes   X   No     

If you answered NO to Question 2, do not answer Question 6.

6. If you answered YES to Question 2, was the defendants' negligence a substantial factor in the personal injury and deaths from the fire?

Yes   X   No     

If you answered YES to Questions 5 or 6, proceed to Question 7.  
Otherwise, proceed to the last page of this Verdict Form, sign and date in the space provided, and inform the Marshal that you have reached a verdict.

**COMPENSATORY OR ACTUAL DAMAGES**

7. (A) William Hackert

(1) Set forth the amount of damages, if any, to be awarded plaintiff Shelia Hackert on account of the death of William Hackert for each of the following:

- (a) Economic loss to date   247,415
- (b) Future economic loss   173,218
- (c) Number of years, if any.     1

(2) Set forth the amount of damages, if any, to be awarded plaintiff John Hackert on account of the death of William Hackert for each of the following:

- (a) Economic loss to date     5,000
- (b) Future economic loss     5,000
- (c) Number of years, if any.     1

(3) Set forth the amount of damages, if any, sustained by William Hackert for conscious pain and suffering.

\$ 3,000,000

(B) Christine Hackert

(1) Set forth the amount of damages, if any, to be awarded plaintiff Shelia Hackert on account of the death of Christine Hackert for each of the following:

(a) Economic loss to date 84,224

(b) Future economic loss 16,845

(2) Set forth the amount of damages, if any, sustained by Christine Hackert for conscious pain and suffering.

\$ 3,000,000

(C) John Hackert's Emotional Distress Claim

Set forth the amount of damages, if any, to be awarded to John Hackert for personal injuries and/or severe emotional distress

(a) To date 0

(b) Future loss 0

(c) Number of years, if any. 0

**COMPARATIVE NEGLIGENCE AND APPORTIONMENT OF FAULT**

8. (A) Were the plaintiffs and the decedents negligent in the care and maintenance of the fire and smoke alarm system?

Yes X No \_\_\_\_\_

If you answered NO to Question 8(A), proceed to Question 9.

If you answered YES to Question 8(A) proceed to Question 8(B).

(B) Was the plaintiffs' and the decedents' negligence a substantial factor in the personal injuries and deaths from the fire?

Yes X No \_\_\_\_\_

If you answered NO to Question 8(B) proceed to Question 9.

If you answered YES to Question 8(B) proceed to Question 8(C).

(C) Percentage of Fault

Defendants 65 %

Plaintiffs and Decedents 35 %

Total 100%

**PUNITIVE DAMAGES**

9. Do you find that the plaintiffs and decedents are entitled to an award of punitive damages against the defendants?

Yes X No \_\_\_\_\_

Proceed to the final page of this form, sign in the space provided, and notify the Marshal that you have a verdict

Jurors'  
signatures  
have been  
redacted