

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA**

**FILED**  
ALAMEDA COUNTY

MAY 21 2024

VIRGINIA HANKES, et al.,  
  
Plaintiffs,  
  
vs.  
  
O'REILLY AUTO ENTERPRISES, LLC (FKA  
CSK AUTO INC.),  
  
Defendants.

Case No.: RG18899286

CLERK OF THE SUPERIOR COURT  
By Pam Williams  
Deputy

**SPECIAL VERDICT FORM**

**We, the Jury, answer the following questions submitted to us:**

**NEGLIGENCE - PRODUCTS LIABILITY**

1. Was O'Reilly Auto Enterprises, LLC, a.k.a. Checker Auto Parts, negligent in selling Bendix brand brakes and Borg-Warner brand clutches?  
  
Yes \_\_\_\_\_ No

*If your answer to Question 1 is "Yes," then answer Question 2. If your answer is "No," skip to Question 3.*

2. Was the negligence of O'Reilly Auto Enterprises, LLC, a.k.a. Checker Auto Parts, in selling Bendix brakes and Borg-Warner clutches a substantial factor in causing Gene Hankes, Sr.'s mesothelioma?  
  
Yes \_\_\_\_\_ No \_\_\_\_\_

*Answer the next question.*

**STRICT LIABILITY - PRODUCTS**

3. Did the Bendix brand brakes and Borg-Warner brand clutches sold by O'Reilly Auto Enterprises, LLC, a.k.a. Checker Auto Parts, fail to perform as safely as an ordinary consumer would have expected when used in an intended or reasonably foreseeable way?  
  
Yes  No \_\_\_\_\_

*If your answer to Question 3 is "Yes," then answer Question 4. If your answer to Question 3 is "No," and your answer to Question 2 was "Yes," then skip to Question 5.*

*If your answer to Question 3 is "No," and your answer to Question 1 or 2 was "No," stop here, answer no further questions, and have the Presiding Juror sign and date this form.*

4. Was the failure of Bendix brakes and Borg-Warner clutches sold by O'Reilly Auto Enterprises, LLC, a.k.a. Checker Auto Parts, to perform as safely as an ordinary consumer would have expected a substantial factor in causing Gene Hankes, Sr.'s mesothelioma?

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

*If you answered "Yes" to either Questions 2 or 4, then answer the next question. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.*

**ECONOMIC DAMAGES**

5. What is the amount, if any, of the economic damages of Virginia Hankes?

\$ \_\_\_\_\_

*Answer the next question.*

**NON-ECONOMIC DAMAGES**

6. What is the amount of the non-economic damages, if any, of Plaintiffs Virginia Hankes, Sheila Neuburger, Gene Hankes, Jr., Lora Pearce, and Leanne Montagna for the loss of Gene Hankes, Sr.'s love, companionship, comfort, care, assistance, protection, affection, society, and moral support? (*Do not include any amounts for Gene Hankes, Sr.'s own pain and suffering and do not reduce the amount by the percentage of fault, if any, you attribute to any other party.*)

Virginia Hankes: \$ \_\_\_\_\_

Sheila Neuburger, Gene Hankes, Jr., Lora Pearce, and Leanne Montagna: \$ \_\_\_\_\_

*Answer the next question.*

**APPORTIONMENT**

7. Assuming that 100% represents the total fault for Mr. Gene Hankes, Sr.'s mesothelioma, what percentage of this 100%, if any, was due to the fault of those listed below?

Gene Hankes, Sr.: \_\_\_\_\_ %

O'Reilly Auto Enterprises, LLC, a.k.a. Checker Auto Parts: \_\_\_\_\_ %

All Others: \_\_\_\_\_ %

**Total = 100 %**

Dated: 5/20/2024

*Vanessa Sege*  
PRESIDING JUROR