8:10-cv-00038-LSC-FG3 Doc # 314 Filed: 06/25/13 Page 1 of 3 - Page ID # 5981

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA

JUN 2 5 2013

OFFICE OF THE CLERK

UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

8:10CV38

VS.

PROGRESS RAIL SERVICES CORPORATION.

Defendant.

VERDICT FORM 1
DEWITT DERAILMENT

This verdict form relates to the DeWitt, lowa, Derailment, as submitted in Instruction No. 7. Complete this form by placing an "X" on the appropriate line, or by writing the name required by your verdict, according to the directions provided to you with respect to a given question.

•		
1.	With r	respect to Union Pacific's negligence claim as submitted in Instruction No. 7
§ I., w	e, the	jury find:
	a.	Union Pacific has met its burden of proof.
	b.	Union Pacific has <u>not</u> met its burden of proof.

If you find that Union Pacific <u>has</u> met its burden of proof with respect to the DeWitt, Iowa, Derailment, please proceed to Question 2.

If you find that Union Pacific has <u>not</u> met its burden of proof, you must return a verdict for Progress Rail. Please proceed to Question 4.

2.	With	respect to Progress Rail's affirmative defense as submitted in Instruction
No. 7 § II., we, the jury find:		
	a.	Progress Rail has met its burden of proof with respect to its
		affirmative defense of comparative negligence.
	b.	Progress Rail has <u>not</u> met its burden of proof with respect to its
		affirmative defense of comparative negligence.

If you find that Progress Rail <u>has</u> met its burden of proof with respect to its affirmative defense of comparative negligence, please proceed to Question 3.

If you find that Progress Rail has <u>not</u> met its burden of proof with respect to its affirmative defense, you must return a verdict for Union Pacific. Please proceed to Question 4.

3. With respect to Progress Rail's affirmative defense of comparative negligence as submitted in Instruction No. 7 § III., we, the jury find as follows:

a. Union Pacific's negligence was \_\_\_\_\_% of the total negligence of all parties.

b. Progress Rail's negligence was \_\_\_\_\_% of the total negligence of all parties.

NOTE: The total negligence must add up to 100%

If you find that Union Pacific's negligence was equal to 50% or more, then you must return a verdict for Progress Rail. Please proceed to Question 4.

If you find that Union Pacific's negligence was less than 50%, then you must return a verdict for Union Pacific and, using Instruction No. 12, you must determine the total amount of damage suffered by Union Pacific. Please Proceed to Question 4.

4. We, the jury, find in favor of:

Progress Rail")

(write "Union Pacific" or "Progress Rail")

If you wrote Progress Rail on the line above, you have finished your deliberations with respect to the DeWitt, Iowa, Derailment. Please have your foreperson sign and date the last page of this verdict form, and proceed to fill out Verdict Form 2. If you have already completed Verdict Form 2, call the Judge's chambers because you have completed your deliberations.

If you wrote Union Pacific on the line above, please proceed to Question 5.

5.	As submitted in Instruction No. 12, we find Union Pacific's total damages to be:
	\$(state the amount, or if none, write the word "none")
If you Union 5.	did not answer Question 3, above, and you answered Question 5, above, Pacific will be awarded the total amount of damage you listed in Question
award Quest follow have reduc Pacific Pacific reduc	answered Question 3 above, the amount of money that will actually be led to Union Pacific is not the total amount of damage you have listed in ion 5. The amount of money Union Pacific will receive will be figured as some you have returned your verdict, the Court will take the figure you entered as the total amount of Union Pacific's damage in Question 5, and e it by the percentage of the negligence you have attributed to Union c. That amount is the amount of money that will be awarded to Union c. In other words, if Union Pacific's negligence was X%, then the judge will be Union Pacific's total damages by X%, and the remainder will be awarded on Pacific.
You have finished your deliberations with respect to the DeWitt, Iowa, Derailment. Please have your foreperson sign and date this verdict form, and proceed to fill out Verdict Form 2. If you have already completed Verdict Form 2, call the Judge's chambers because you have completed your deliberations.	
DATE	D: 6/25/13
	FOREPERSON

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

8:10-cv-00038-LSC-FG3 Doc # 316 Filed: 06/25/13 Page 1 of 3 - PagFIDL#5 087 US DISTRICT COURT DISTRICT OF NEBRASKA JUN 2 5 2013 OFFICE OF THE CLERK

UNION PACIFIC RAILROAD COMPANY,	
Plaintiff,	8:10CV38
vs. PROGRESS RAIL SERVICES CORPORATION,	VERDICT FORM 2 MARTIN BAY DERAILMENT
Defendant.	
This verdict form relates to the Martin Bay Instruction No. 8. Complete this form by or by writing the name required by you provided to you with respect to a given que	placing an "X" on the appropriate line, ir verdict, according to the directions
1. With respect to Union Pacific's neglige	nce claim as submitted in Instruction No. 8
§ I., we, the jury find:	
a. Union Pacific has met its l	burden of proof.

If you find that Union Pacific has met its burden of proof with respect to the Martin Bay, Nebraska, Derailment, please proceed to Question 2.

Vinion Pacific has <u>not</u> met its burden of proof.

If you find that Union Pacific has not met its burden of proof, you must return a verdict for Progress Rail. Please proceed to Question 4.

2.	With r	espect to Progress Rail's affirmative defense of comparative negligence as
submitted in Instruction No. 8 § II., we, the jury find:		
	a.	Progress Rail has met its burden of proof with respect to its
		affirmative defense of comparative negligence.
	b.	Progress Rail has <u>not</u> met its burden of proof with respect to its
		affirmative defense of comparative negligence.

If you find that Progress Rail has met its burden of proof with respect to its affirmative defense of comparative negligence, please proceed to Question 3.

If you find that Progress Rail has not met its burden of proof with respect to its affirmative defense, you must return a verdict for Union Pacific. Please proceed to Question 4.

(write	"Unio	on Pacific"	or '	Progress Rail")
		f	rogress	Rα,΄/ "Progress Rail")
4.	We, th	ne jury, find in favor of:		
deteri	i find i a ve mine the estion	he total amount of dama	gligence was l and, using l ge suffered by	ess than 50%, then you must nstruction No. 12, you must Union Pacific. Please Proceed
If you must	i find t return	that Union Pacific's neg a verdict for Progress R	ligence was ec ail. Please pro	qual to 50% or more, then you ceed to Question 4.
	NOTE	: The total negligence n	nust add up to	100%
	parties	S.		
	b.	Progress Rail's negligend	ce was	% of the total negligence of all
	parties	S.		
	a.	Union Pacific's negligeno	e was	_% of the total negligence of all
submi	tted in	Instruction No. 8 § III., we	, the jury find as	follows:
3.	With r	respect to Progress Rail's	affirmative defer	nse of comparative negligence as

If you wrote Progress Rail on the line above, you have finished your deliberations with respect to the Martin Bay, Nebraska, Derailment. Please have your foreperson sign and date the last page of this verdict form. If you have also completed Verdict Form 1, call the Judge's chambers because you have completed your deliberations. If you have not completed Verdict Form 1, please proceed to fill out Verdict Form 1.

If you wrote Union Pacific on the line above, please proceed to Question 5.

(write "Union Pacific"

5.	As submitted in Instruction No. 12, we find Union Pacific's total damages to be:
	\$(state the amount, or if none, write the word "none")
If you Union 6.	did not answer Question 3, above, and you answered Question 5, above, Pacific will be awarded the total amount of damage you listed in Question
quest follow have reduc Pacific Pacific reduc	answered Question 3 above, the amount of money that will actually be led to Union Pacific is not the total amount of damage you have listed in ion 5. The amount of money Union Pacific will receive will be figured as second or
Derail have have	nave finished your deliberations with respect to the Martin Bay, Nebraska, ment. Please have your foreperson sign and date this verdict form. If you also completed Verdict Form 1, call the Judge's chambers because you completed your deliberations. If you have not completed Verdict Form 1, e proceed to fill out Verdict Form 1.
DATE	D: 6/25/13
	FOREPERSON