

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

THOMAS G. FIGANIAC and  
VALERIE A. FIGANIAC,  
as Administrators of the  
Estate of Kevin Figaniak,

Plaintiffs,

v.

Civil Action No. 5:15CV111  
(STAMP)

CRAIG TYLER PEACOCK,  
JARRETT CHANDLER,  
and TYLER JOHNSON,

Defendants.

V E R D I C T

1. Do you find that defendant Craig Tyler Peacock was negligent in connection with the facts and circumstances of this case?

Yes       No

*If your answer is "yes," proceed to Interrogatory #2; if your answer is "no," proceed to Interrogatory #3.*

2. If you answered "yes" to Interrogatory #1, do you find that defendant Craig Tyler Peacock's negligence was a proximate cause of the death of the plaintiffs' decedent, Kevin Figaniak?

Yes       No

*Proceed to Interrogatory #3.*

3. The Court has instructed you that, under the circumstances, you must find that defendant Jarrett Chandler is liable in negligence in this case and that his negligence was a cause of the death of the plaintiffs' decedent, Kevin Figaniak. Therefore, you are to answer "yes" below.

**FILED**  
JUL 31 2017  
U.S. DISTRICT COURT-WVND  
WHEELING, WV 26003

Yes

*Proceed to Interrogatory #4.*

4. Do you find that defendant Tyler Johnson was negligent in connection with the facts and circumstances of this case?

Yes  No

*If your answer is "yes," proceed to Interrogatory #5; if your answer is "no," proceed to Interrogatory #6.*

5. If you answered "yes" to Interrogatory #4, do you find that defendant Tyler Johnson's negligence was a proximate cause of the death of the plaintiffs' decedent, Kevin Figaniak?

Yes  No

*Proceed to Interrogatory #6.*

6. Do you find that the plaintiffs' decedent, Kevin Figaniak, was negligent in connection with the facts and circumstances of this case?

Yes  No

*If your answer is "yes," proceed to Interrogatory #7; if your answer is "no," proceed to Interrogatory #8.*

7. If you answered "yes" to Interrogatory #6, do you find that defendant Kevin Figaniak's negligence was a proximate cause of his death?

Yes  No

*Proceed to Interrogatory #8.*

8. Taking the combined liability for the death of the plaintiffs' decedent, Kevin Figaniak, that was a substantial factor

in bringing about the harm to Kevin Figaniak as 100%, what percentage of that causal liability was attributable to the parties, including the actions of the plaintiffs' decedent, Kevin Figaniak? Apportion liability only if you answered "yes" to Interrogatories 1 through 7. If you answered "no" to any of those Interrogatories, you should not apportion any amount of liability to that party. For any party for whom the answer was "yes," you must apportion a percentage of fault. Your apportionment must total 100%.

Craig Tyler Peacock	<u>13</u> %
Jarrett Chandler	<u>6</u> %
Tyler Johnson	<u>75</u> %
Kevin Figaniak	<u>6</u> %
TOTAL	100%

*If the percentage of liability you placed on the line for the plaintiffs' decedent, Kevin Figaniak, is less than 50%, proceed to Interrogatory #9. If the percentage of liability you placed on the line for plaintiffs' decedent, Kevin Figaniak, is 50% or more, then the plaintiffs do not recover and this form is complete and should be signed and dated by the foreperson and you should return to the courtroom with the verdict form.*

9. What monetary damages, if any, have the plaintiffs proven to be reasonably incurred:

Hospital and medical expenses for the decedent:

\$ 35,451

Funeral expenses for the decedent:

\$ 4,333

Sorrow, mental anguish and solace:

Thomas Figaniak: \$ 70,000

Valerie Figaniak: \$ 70,000

Kevin Figaniak's conscious pain and suffering:

\$ 10,000

10. What monetary damages, if any, have the plaintiffs proven to be reasonably incurred:

Loss of future income or earnings of the decedent, Kevin Figaniak:

\$ 1,500,000

11. If you answered "yes" to Interrogatories 4 and 5, do you find that the plaintiffs have proven by clear and convincing evidence that Kevin Figaniak's death was the result of conduct that was carried out by defendant Tyler Johnson with actual malice toward Kevin Figaniak or with a conscious, reckless and outrageous indifference to the health, safety and welfare of Kevin Figaniak.

Yes       No

12. If you answered "yes" to Interrogatory 11, state the amount of punitive damages you award:

\$ 1,250,000

7-31-17  
DATE

FOREPERSON