

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MILTON OMAR COLON and ARLENE  
DAVIS,  
*Plaintiffs,*

v.

METRO-NORTH COMMUTER  
RAILROAD COMPANY, and  
METROPOLITAN TRANSPORTATION  
AUTHORITY,  
*Defendants,*

v.

UNITED ILLUMINATING COMPANY,  
*Third-Party Defendant.*

United States District Court  
District of Connecticut  
FILED AT NEW HAVEN

8-22 2017  
Roberta D. Tabora, Clerk  
By *J. Gutierrez*  
Deputy Clerk

No. 3:13-cv-00325 (JAM)

JURY VERDICT FORM

We, the jury, unanimously find:

LIABILITY FOR OMAR COLON CLAIM

**Question #1 (Negligence Claim against Metro-North):** Has plaintiff Omar Colon proven by a preponderance of the evidence all five elements of the claim of negligence against defendant Metro-North Commuter Railroad Company?

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

*If you answer "Yes" to Question #1, then answer each of the "Special Interrogatories" below and then proceed to Question #2 (Metro-North and MTA Joint Venture). If you answer "No" to Question #1, then answer each of the "Special Interrogatories" below and then skip ahead to Question #8 (Third Party Claim).*

**Special Interrogatories:** Do you find that plaintiff Omar Colon has proven the following elements of the negligence claim against Metro-North?

- First Element – Possessor of the Property: Yes  No
- Second Element – Injury Caused by a Serious Hidden Danger: Yes  No
- Third Element – Knowledge of Constant Intrusion in Limited Area: Yes  No
- Fourth Element – Failure to Reasonably Warn: Yes  No
- Fifth Element – Injury Caused Because of Failure to Reasonably Warn: Yes  No

**Question #2 (Metro-North and MTA Joint Venture):** Has plaintiff Omar Colon proven that defendants Metro-North and MTA were in a joint venture with respect to the control of the property on the railroad right of way such that MTA should be equally liable as Metro-North to pay any damages that are owed to plaintiffs?

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

*Proceed to Question #3.*

**Question #3 (Contributory Negligence):** Have defendants Metro-North and MTA proven by a preponderance of the evidence that plaintiff Omar Colon was contributorily negligent?

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

*If you answer "Yes" to Question #3, then proceed to Question #4 (Percentage of Contributory Negligence). If you answer "No" to Question #3, then proceed to Question #5 (Compensatory Damages).*

**Question #4 (Percentage of Contributory Negligence):** To what extent did defendants Metro-North and MTA prove that Mr. Colon's own negligence contributed to his injuries?

\_\_\_\_\_ % of Mr. Colon's negligence  
\_\_\_\_\_ % of Metro-North's negligence  
*(The total of your two entries must equal 100%)*

*If you answer that Omar Colon was more than 50% contributorily negligent, then the defendants are not liable at all to Omar Colon, and you should proceed to Question #8 (Third Party Claim). If you answer that Omar Colon was 50% or less contributorily negligent, then the Court will reduce your "Total Damages" award by the same percentage that you have found Omar Colon to be contributorily negligent.*

#### **DAMAGES FOR OMAR COLON CLAIM**

**Question #5 (Compensatory Damages):** Please enter the amount of damages that Omar Colon has proven by a preponderance of the evidence to be fair and reasonable compensation for his injuries:

\$ \_\_\_\_\_ Total damages for Omar Colon

*Please note that the Court will reduce this "Total Damages" amount by any percentage amount between 1% to 50% that you have found Omar Colon to be contributorily negligent.*

**LIABILITY FOR ARLENE DAVIS CLAIM**

**Question #6 (Loss of Consortium):** Has plaintiff Arlene Davis proven by a preponderance of the evidence that she is entitled to an award of compensatory damages for loss of consortium caused by Mr. Colon's injuries?

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

**DAMAGES FOR ARLENE DAVIS CLAIM**

**Question #7 (Loss of Consortium Damages):** Please enter the amount of damages that Ms. Davis has proven by a preponderance of the evidence to be fair and reasonable compensation for her loss of consortium as a result of Mr. Colon's injuries:

\$ \_\_\_\_\_ Total Damages for Arlene Davis

*Please note that the Court will reduce this "Total Damages" amount for Arlene Davis by any percentage amount between 1% to 50% that you have found Omar Colon to be contributorily negligent.*

**SPECIAL INTERROGATORY FOR THIRD-PARTY CLAIM**

*Regardless whether you found that Metro-North and MTA should be liable to plaintiffs, please answer the following special interrogatory (Question #8) that is relevant to the third-party claim asserted by Metro-North and the MTA against UI. Please note that if you answered "No" to Special Interrogatory #2 for Question #1, then you must answer "No" to this question.*

**Question #8 (Causation of Injuries by UI Wires):** Do you find that UI's wires atop catenary tower #1043 directly or indirectly caused the injuries to plaintiff Omar Colon?

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

ALL YOUR ANSWERS MUST BE UNANIMOUS.

*Please double check the accuracy and consistency of your answers above and then sign and date this verdict form.*

/s/

Foreperson

8/22/17  
Date

*Please note that the signature of the Foreperson will be redacted in official court records in order to protect against public disclosure of the Foreperson's name.*