

Court Ex # 4 at 2:45 pm

6-25-10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/27/2010

-----X
SHIRLEY BOLES, :
 :
 Plaintiff, :
 :
 -against- :
 :
 MERCK & CO., INC., :
 :
 Defendant. :
-----X

No. 06 Civ. 09455 (JFK)

JUDGE JOHN F. KEENAN

JURY INTERROGATORIES

Please answer the following questions according to the greater weight of the evidence:

1. Do you find that Fosamax was a defective product before October 1, 2003, that is, unreasonably dangerous due to defective design, and that its defective design was a legal cause of Ms. Boles's injury?

YES Yes NO _____

(If you answered "no" to Question #1, please skip all remaining questions, date and sign this verdict form, and inform the Court Officer that a verdict for the defense has been reached. If you answered "yes" to Question #1, please proceed to Question #2.)

2. Do you find that Merck was negligent in designing Fosamax before October 1, 2003, and that such negligence was a legal cause of Ms. Boles's injury?

YES Yes NO _____

(Please proceed to Question # 3.)

3. (a) Do you find that there was negligence on the part of Ms. Boles that was a contributing legal cause of her injury?

YES _____ NO No

(b) If the answer to Question #3(a) is "yes," what percentage of Ms. Boles's injury is attributable to her own negligence?

_____ %

(Please proceed to Question #4.)

4. (a) What amount, if any, will fairly and adequately compensate Ms. Boles for her injury? That is, what is the total amount of her damages?

\$ 8,000,000

(b) If you found that Ms. Boles's negligence contributed to her injury, deduct from the amount in 4(a) the percentage attributable to her own negligence provided in response to Question # 3(b). What is the remaining amount?

\$ _____

(Please date and sign the verdict form and inform the Court Officer that a verdict has been reached.)

New York, New York, this 25th day of June, 2010.



JURY FOREPERSON