

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
MICHAEL KOZAK,

Plaintiff,

-against-

LIBERTY MARITIME CORPORATION, LIBERTY:
GLORY CORPORATION as owners of the M/V:
LIBERTY GLORY,

Defendants.
----- X

JURY VERDICT SHEET

20-CV-3684 (MMH)

MARCIA M. HENRY, United States Magistrate Judge:

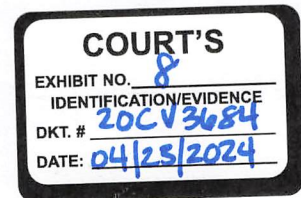
Members of the jury, please answer the following questions based on the evidence presented at trial.

The parties in this case are:

Plaintiff: Michael Kozak (referred to as "Plaintiff"); and

Defendants: Liberty Maritime Corporation and Liberty Glory Corporation (referred to as "Defendants").

To guide you through this Verdict Sheet, the court has provided instructions to you in *italic font*. **You are required to follow these instructions.**



I. PLAINTIFF'S CLAIMS

A. Jones Act Claim

1. Has Plaintiff established by a preponderance of the evidence that Defendants were negligent?

YES NO

If your answer to Question 1 is "YES," please proceed to Question 2.

If your answer to Question 1 is "NO," please proceed to Question 3.

2. Has Plaintiff established by a preponderance of the evidence that Defendants' negligence played any part, no matter how slight, in bringing about an injury to Plaintiff?

YES NO

Please proceed to Question 3.

B. Unseaworthiness Claim

3. Has Plaintiff established by a preponderance of the evidence that there was an unseaworthy condition of the vessel, its crew, or equipment?

YES NO

If your answer to Question 3 is "YES," please proceed to Question 4.

If your answer to Question 2 is "YES" and your answer to Question 3 is "NO," please proceed to Question 5.

If your answer to Question 1 or Question 2 is "NO" and your answer to Question 3 is also "NO," then do not answer any further questions. Your foreperson shall sign and date the Verdict Sheet on the last page and advise the Court in writing that a verdict has been reached.

4. Has Plaintiff established by a preponderance of the evidence that the unseaworthy condition of the vessel, its crew, or equipment played a substantial part in causing an injury to Plaintiff ?

YES NO

If your answer to Question 4 is "YES," please proceed to Question 5.

If your answer to Question 3 or Question 4 is "NO" and your answer to Question 1 or Question 2 is "NO," then do not answer any further questions. Your foreperson shall sign and date the Verdict Sheet on the last page and advise the Court in writing that a verdict has been reached.

II. DEFENSES

5. If you find that the plaintiff is entitled to recover, do you find that Defendants have established by a preponderance of the evidence that Plaintiff was himself negligent?

YES NO

If your answer to Question 5 is "YES," please proceed to Question 6.

If your answer to Question 5 is "NO," please proceed to Question 8.

6. If you find that Plaintiff is entitled to recover, do you find that Defendants have established by a preponderance of the evidence that his negligence played any part in bringing about his injury?

YES NO

If your answer to Question 5 and Question 6 is "YES," please proceed to Question 7.

If your answer to Question 5 or Question 6 is "NO," please proceed to Question 8.

7. What percentage of fault do you find should be assessed to each party?

Please summarize your findings as to the apportionment of responsibility among the parties by filling in the percentages set forth below.

Percentage of Responsibility

Plaintiff _____%

Defendants _____%

NOTE: The combined percentages above must equal 100%.

Please proceed to Question 8.

III. DAMAGES

8. Has Plaintiff established by a preponderance of the evidence that he is entitled to recover damages for past lost earnings from the date of the accident to the present as a result of Defendants' negligence or the unseaworthiness of the Vessel?

YES X NO _____

If your answer to Question 8 is "YES," please proceed to Question 9.

If your answer to Question 8 is "NO," please proceed to Question 10.

9. What amount of past lost earnings has Plaintiff proven he is entitled to by a preponderance of the evidence?

\$ ~~60,500~~ ACM 10:32am 4/23/24
\$ 130,000

Please proceed to Question 10.

10. Has Plaintiff established by a preponderance of the evidence that he is entitled to recover for future lost earnings as a result of Defendants' negligence or the unseaworthiness of the Vessel?

YES NO

If your answer to Question 10 is "YES," please proceed to Question 11.

If your answer to Question 10 is "NO," please proceed to Question 12.

11. What amount of future lost earnings has Plaintiff proven he is entitled to by a preponderance of the evidence?

\$ 300,000

Please proceed to Question 12.

12. Has Plaintiff established by a preponderance of the evidence that he is entitled to recover damages for past pain and suffering from the date of the accident to the present, taking into account the nature and extent of the injuries?

YES NO

If your answer to Question 12 is "YES," please proceed to Question 13.

If your answer to Question 12 is "NO," please proceed to Question 14.

13. What amount of past pain and suffering has Plaintiff proven he is entitled to by a preponderance of the evidence?

\$ 75,000

Please proceed to Question 14.

14. Has Plaintiff established by a preponderance of the evidence that he is entitled to recover damages for future pain and suffering?

YES X NO _____

If your answer to Question 14 is "YES," please proceed to Question 15.

If your answer to Question 14 is "NO," do not answer any further questions. Your foreperson shall sign and date the Verdict Sheet on the last page and advise the Court in writing that a verdict has been reached.

15. What amount of future pain and suffering has Plaintiff proven he is entitled to by a preponderance of the evidence?

\$ 75,000

You have reached the end of the Verdict Sheet. Please confirm that your answers accurately reflect the jury's unanimous consensus.

The jury foreperson shall sign and date the Verdict Sheet in the space below. At that point, please advise the court that a verdict has been reached. Please do not reveal any of your decisions until the court asks you to report your verdict.

Signed: 
Foreperson

Date: 4/23/24