



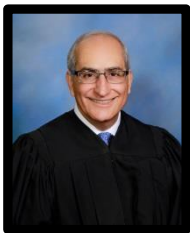
# JVR



## Jury Verdict Report

### A Monthly Report of the Bexar County Civil District Court Judges

Compiled by Lisa Dossmann, JD.  
Chief Trial Assignment Clerk



**Judge Michael Mery**  
37<sup>th</sup> District Court



**Judge Mary Lou Alvarez**  
45<sup>th</sup> District Court



**Judge Antonia 'Toni' Arteaga**  
57<sup>th</sup> District Court



**Judge David Canales**  
73rd District Court



**Judge Norma Gonzales**  
131<sup>st</sup> District Court



**Judge Monique Diaz**  
150<sup>th</sup> District Court



**Judge Laura Salinas**  
166<sup>th</sup> District Court



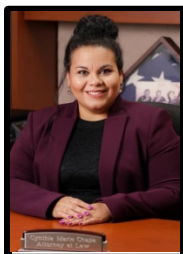
**Judge Cathleen Stryker**  
224<sup>th</sup> District Court



**Judge Peter Sakai**  
225<sup>th</sup> District Court



**Judge Aaron Haas**  
285<sup>th</sup> District Court



**Judge Cynthia Marie Chapa**  
288<sup>th</sup> District Court



**Judge<sup>th</sup> Karen Pozza**  
407<sup>th</sup> District Court



**Judge Angelica Jimenez**  
408<sup>th</sup> District Court



**Judge Rosie Alvarado**  
438<sup>th</sup> District Court

MVA

CAUSE NO. 2016-CI-19712 – LIZETH PUENTE VS. ALFRED J. RAMIREZ (11/04/19-11/06/19) –  
KYLE L. MATHIS and ROBERT RODERY, THE LAW OFFICE OF THOMAS J. HENRY, for Plaintiff;  
EDWARD L. OSUNA and CHRISTOPHER LAYNE, CURNEY, FARMER, HOUSE, OSUNA & JACKSON,  
PC, for Defendant –

DESCRIPTION: Accident while merging on/off IH-10. Plaintiff had not seen any doctor for over 3 years.

VERDICT: 50-50 negligence; \$17,000.00

HONORABLE NORMA GONZALES, JUDGE PRESIDING, 131<sup>st</sup> DISTRICT COURT.

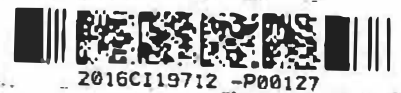
Other information of note:

Plaintiff's Doctor: Dr. Sanjay Misra (video)

Defendant's Doctor: Dr. Gilbert Meadows (video)

**ORIGINAL**

CAUSE NO. 2016CI19712



**LIZETH PUENTE**  
*Plaintiff*

v.

**ALFRED JOHNNY RAMIREZ,**  
*Defendant*

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**IN THE DISTRICT COURT**

**131<sup>st</sup> JUDICIAL DISTRICT**

**BEXAR COUNTY, TEXAS**

**CHARGE OF THE COURT**

**MEMBERS OF THE JURY:**

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*C. Anderson*

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experience with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason. I will give you a number where others may contact you in case of an emergency.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions:

1. Do not let bias, prejudice or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judge of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All the questions and answers are important. No one should say that any question or answer is not important.
6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of the credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

8. Do not answer questions by drawing straws or by any method of chance.

9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

11. The answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

## DEFINITIONS

“Negligence” means failure to use ordinary care, which is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

“Ordinary care” means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

“Proximate cause” means a cause that was a substantial factor in bringing about an occurrence, and without which cause such occurrence would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the occurrence or some similar occurrence might reasonably result therefrom. There may be more than one proximate cause of an occurrence.

**QUESTION NO. 1:**

Did the negligence, if any, of those named below proximately cause the occurrence in question?

Answer "Yes" or "No" for each of the following:

a. Lizeth Puente

yes

b. Alfred Johnny Ramirez

yes

If you have answered "Yes" to Question No. 1 for more than one of those named below, then answer the following question. Otherwise, do not answer the following question.

Assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentage you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found. The percentage attributable to any one need not be the same percentage attributed to that one in answering another question.

**QUESTION NO. 2:**

For each person you found caused or contributed to <sup>cause</sup>~~cause~~ the occurrence, find the percentage of responsibility attributable to each ry

a. Lizeth Puente	<u>50</u>	%
b. Alfred Johnny Ramirez	<u>50</u>	%
Total	<u>100</u>	%



**QUESTION NO. 3:**

What sum of money, if paid now in cash, would fairly and reasonably compensate Lizeth Puente for her injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any.

Do not include any amount for any condition that did not result from the occurrence in question.

Do not include any amount for any condition existing before the occurrence in question, except to the extent, if any, that such other condition was aggravated by any injuries that resulted from the occurrence in question.

Do not reduce the amounts in your answers because of the negligence, if any, that you have attributed to Lizeth Puente in Questions 1 and 2. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

1. Physical pain and mental anguish sustained in the past.

Answer: \$ 5000

2. Physical pain and mental anguish that, in reasonable probability, *Lizeth Puente* will sustain in the future.

Answer: 0

3. Disfigurement that, in reasonable probability, *Lizeth Puente* will sustain in the future.

Answer: 0

4. Physical impairment sustained in the past.

Answer: 0

5. Physical impairment that, in reasonable probability, *Lizeth Puente* will sustain in the future.

Answer: 0

6. *Medical care expenses* incurred in the past.

Answer: <sup>\$</sup>12,000

7. *Reasonable expenses* of necessary medical care that, in reasonable probability, *Lizeth Puente* will incur in the future.

Answer: 0

After you retire to the jury room, you will select your own presiding juror. The first thing the presiding juror will do is to have this complete charge read aloud and then you will deliberate upon your answers to the questions asked.

### **Presiding Juror:**

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
  - (a) Have the complete charge read aloud if it will be helpful to your deliberations;
  - (b) Preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
  - (c) Give written questions or comments to the bailiff who will give them to the Judge;
  - (d) Write down the answers you agree on;
  - (e) Get the signatures for the verdict certificate; and
  - (f) Notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

**Instructions for Signing the Verdict Certificate:**

1. You may answer the questions on a vote of ten jurors. The same ten jurors must agree on every answer in the charge. This means you may not have one group of ten jurors agree on one answer and a different group of ten jurors agree on another answer.

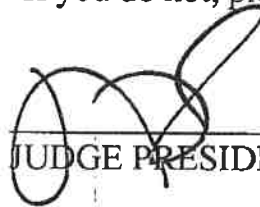
2. If ten jurors agree on every answer, those ten jurors sign the verdict.

If eleven jurors agree on every answer, those eleven jurors sign the verdict.

If all twelve of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

3. All jurors should deliberate on every question. You may end up with all twelve of you agreeing on some answers, while only ten or eleven of you agree on other answers. But when you sign the verdict, only those ten who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.



JUDGE PRESIDING

**Norma Gonzales  
Presiding Judge  
131st Judicial District  
Bexar County, Texas**

**Verdict Certificate**

Check one:

Our verdict is unanimous. All twelve of us have agreed to each and every answer. The presiding juror has signed the certificate for all twelve of us.

*Ramona Serna*  
Signature of Presiding Juror

Lorraine Serna  
Printed Name of Presiding Juror

Our verdict is not unanimous. Eleven of us have agreed to each and every answer and have signed the certificate below.

Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

	SIGNATURE	NAME PRINTED
1.	_____	_____
2.	_____	_____
3.	_____	_____
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*Lorraine Serna*  
DEPUTY

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