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**FILED**  
Superior Court of California  
County of Los Angeles

JAN 15 2020

Sherri R. Carter, Executive Officer/Clerk  
By Reanna Redmond Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – VAN NUYS COURTHOUSE EAST**

M. SHERRIL PHILLIPS, by and through her  
Guardian Ad Litem, LYDIA PHILLIPS,

Plaintiff,

v.

AVANTGARDE SENIOR LIVING, a  
California corporation; and DOES 1 through  
100, inclusive,

Defendants.

Case No.: 19STCV11501

[Assigned to Hon. Huey Cotton, Dept. A]

**JOINT VERDICT FORM**

Action Filed: April 3, 2019  
Trial Date: November 12, 2019  
(Preference Trial)

We the jury answer the questions submitted to us as follows:

**CAUSE OF ACTION NO. 1 - NEGLIGENCE**

1. Was AvantGarde Senior Living negligent?

Answer:  X         
Yes No

If you answered "Yes" to Question 1, answer the next question. If you answered "No" to  
Question 1, proceed to Question 3.

1           2.       Was AvantGarde Senior Living's negligence a substantial factor in causing harm  
2 to Sherril Phillips?

3  
4 Answer:                      X                     
                                  Yes                No

5                   *If you answered "Yes" to Question 2, answer the next question. If you answered "No" to*  
6 *Question 2, proceed to Question 3.*

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8                                    **CAUSE OF ACTION NO. 2 – ELDER ABUSE/NEGLECT**

9           3.       Was Sherril Phillips 65 years of age or older while she was in AvantGarde Senior  
10 Living's care of custody?

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12 Answer:                      X                     
                                  Yes                No

13                   *If you answered "Yes" to Question 3, answer the next question. If you answered "No"*  
14 *to Question 3 and you answered "Yes" to Questions 1 and 2, proceed to Question 7. If you*  
15 *answered "No" to Question 3 and you answered "No" to Questions 1 or 2, stop here, answer no*  
16 *further questions, and have the presiding juror sign and date this form.*

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18           4.       Did AvantGarde have care or custody of Sherril Phillips?

19  
20 Answer:                      X                     
                                  Yes                No

21                   *If you answered "Yes" to Question 4, answer the next question. If you answered "No"*  
22 *to Question 4 and you answered "Yes" to Questions 1 and 2, proceed to Question 7. If you*  
23 *answered "No" to Question 4 and you answered "No" to Questions 1 or 2, stop here, answer no*  
24 *further questions, and have the presiding juror sign and date this form.*

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26           5.       Did one or more of AvantGarde Senior Living's employees fail to use that degree  
27 of care that a reasonable person in the same situation would have used in providing for Sherril  
28 Phillips's basic needs, including:

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- a. assisting in activities of daily living; or
- b. assisting in personal hygiene or in the provision of food, clothing, or shelter;  
or
- c. protecting Sherril Phillips from health and safety hazards; or
- d. preventing malnutrition or dehydration.

Answer:                      X                              
                                   Yes                                    No

*If you answered "Yes" to Question 5, answer the next question. If you answered "No" to Question 5 and you answered "Yes" to Questions 1 and 2, proceed to Question 7. If you answered "No" to Question 5 and you answered "No" to Questions 1 or 2, stop here, answer no further questions, and have the presiding juror sign and date this form.*

6. Was the conduct of one or more of AvantGarde Senior Living's employees a substantial factor in causing harm to Sherril Phillips?

Answer:                      X                              
                                   Yes                                    No

*If you answered "Yes" to Question 6, answer the next question. If you answered "No" to Question 6 and you answered "Yes" to Questions 1 and 2, proceed to Question 7. If you answered "No" to Question 6 and you answered "No" to Questions 1 or 2, stop here, answer no further questions, and have the presiding juror sign and date this form.*

**DAMAGES**

7. What are Sherril Phillips's damages? Do not reduce the damages based on the fault, if any, of Sherril Phillips.

a. Total Past Non-Economic Damages                    \$ 4,000,000  
 (physical pain, mental suffering,  
 loss of enjoyment of life, disfigurement,  
 physical impairment, inconvenience,  
 grief, anxiety, humiliation, and  
 emotional distress)

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b. Total Future Non-Economic Damages  
(physical pain, mental suffering,  
loss of enjoyment of life, disfigurement,  
physical impairment, inconvenience,  
grief, anxiety, humiliation, and  
emotional distress)

\$ 1,500,000

*If you awarded damages and you answered "Yes" to every one of Questions 3 through 6, answer the next question. If you awarded damages and you answered "No" to any one of Questions 3 through 6, stop here, answer no further questions, and have the presiding juror sign and date this form.*

**ENHANCED REMEDIES**

- 8. Did Sherril Phillips prove by clear and convincing evidence that:
  - a. the employee who committed the acts was an officer, a director, or a managing agent of AvantGarde Senior Living acting on behalf of AvantGarde Senior Living; or
  - b. an officer, a director, or a managing agent of AvantGarde Senior Living had advance knowledge of the unfitness of the employee who committed the acts and employed [him/her] with a knowing disregard of the rights or safety of others; or
  - c. an officer, a director, or a managing agent of AvantGarde Senior Living authorized the conduct of the employee who committed the acts; or
  - d. an officer, a director, or a managing agent of AvantGarde Senior Living knew of the wrongful conduct of the employee who committed the acts and adopted or approved the conduct after it occurred.

Answer:

<u>X</u>	_____
Yes	No

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*If you answered "Yes" to Question 8, answer the next question. If you answered "No" to Question 8, stop here, answer no further questions, and have the presiding juror sign and date this form.*

9. Did Sherril Phillips prove questions 3 through 6 above by clear and convincing evidence and also prove by clear and convincing evidence that an officer, a director, a managing agent, or an employee of AvantGarde Senior Living acted with recklessness, malice, oppression, or fraud?

Answer:  Yes  No

*Have the presiding juror sign and date this form.*

Dated: 1/15/2020   
Foreperson

*After this verdict form has been signed, notify the clerk that you are ready to present your verdict in the courtroom.*

**RECEIVED**  
JAN 16 2020  
BY: .....