

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

**FILED**  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

NOV 19 2024

BY Jennifer Medina  
JENNIFER MEDINA, DEPUTY

JESUS FONSECA

Plaintiff,

vs.

Case No. CIVDS1909501

WAL-MART ASSOCIATES, INC., ET AL

Defendant(s).

USED X

NOT USED

VERDICT FORM

DEPARTMENT S24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

JESUS FONSECA

Plaintiff,

v.

WAL-MART ASSOCIATES, INC., a  
corporation; et al.

Defendants.

Case No.: CIVDS1909501

*[Assigned for All Purposes to: Hon. Carlos M.  
Cabrera; Dept. S24]*

**SPECIAL VERDICT FORM**

We answer the questions submitted to us as follows:

**VF-1705: DEFAMATION PER QUOD**

1. Did Walmart make any of the following statements to a person other than Jesus Fonseca?
- a. Jesus Fonseca committed gross misconduct - integrity; or
  - b. Jesus Fonseca committed gross misconduct based on an integrity issue.

Yes X                      No     

If your answer to question 1 is yes, answer question 2. If you answered no to question 1,  
stop here, answer no further questions and have the Presiding Juror sign and date this form.

2. Did the person or people to whom the statement(s) was/were made reasonably understand that the statement(s) was/were about Jesus Fonseca?

Yes X No     

If your answer to question 2 is yes, answer question 3. If you answered no to question 2, stop here, answer no further questions and have the Presiding Juror sign and date this form.

3. Did Walmart fail to use reasonable care to determine the truth or falsity of the statement(s)?

Yes X No     

If your answer to question 3 is yes, answer question 4. If you answered no to question 3, stop here, answer no further questions and have the Presiding Juror sign and date this form.

4. Did the statement(s) tend to injure Jesus Fonseca in his occupation?

Yes X No     

If your answer to question 4 is yes, answer question 5. If you answered no to question 4, stop here, answer no further questions and have the Presiding Juror sign and date this form.

5. Did Jesus Fonseca suffer harm to his property, business, profession or occupation?

Yes X No     

If your answer to question 5 is yes, answer question 6. If you answered no to question 5, stop here, answer no further questions and have the Presiding Juror sign and date this form.

6. Did Walmart make the statement(s) with malice as defined by instruction 1723?

Yes X No     

If your answer to question 6 is yes, answer question 7. If you answered no to question 6, stop here, answer no further questions and have the Presiding Juror sign and date this form.

7. For all statement(s) that you found in question 1 that Walmart made, did Walmart prove that the statement(s) was/were substantially true?

Yes      No X

1 If your answer to question 7 is no, answer question 8. If you answered yes to question 7,  
2 stop here, answer no further questions and have the Presiding Juror sign and date this form.

3  
4 8. Was Walmart's making the statement(s) a substantial factor in causing Jesus Fonseca actual  
harm?

5 Yes X No     

6 If your answer to question 8 is yes, answer question 9. If you answered no to question 8,  
7 stop here, answer no further questions and have the Presiding Juror sign and date this form.

8  
9 **VF: DAMAGES**

10 9. What are Jesus Fonseca's damages?

11 a. Past economic loss including lost wages, earnings, benefits and harm to business,  
12 trade, profession or occupation?

13 \$ 522,323

14 b. Future economic loss including lost wages, earnings, benefits and harm to business,  
15 trade, profession or occupation?

16 \$ 677,926

17 c. Past noneconomic loss including loss of enjoyment of life, mental suffering, grief,  
18 inconvenience, emotional distress, shame, mortification, hurt feelings and/or harm to  
19 reputation?

20 \$ 3.5 million

21 d. Future noneconomic loss including loss of enjoyment of life, mental suffering, grief,  
22 inconvenience, emotional distress, shame, mortification, hurt feelings and/or harm to  
23 reputation?

24 \$ 5.0 million

25 If Jesus Fonseca has not proved any actual damages, stop here, answer no further questions,  
26 and have the presiding juror sign and date this form. If you awarded actual damages, answer  
27 question 10.  
28

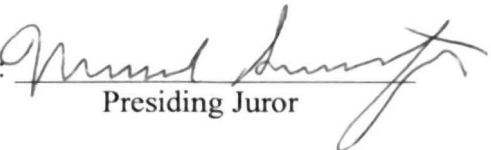
VF: PUNITIVE DAMAGES

10. Has Jesus Fonseca proven by clear and convincing evidence that an officer, director or managing agent of Defendant Walmart was guilty of malice, fraud or oppression (as defined in instruction 3946) in engaging in the conduct upon which you base your liability verdict against Defendant Walmart?

Yes X No     

Please have the Presiding Juror sign and date this form.

Dated: 11/19/2021

Signed:   
Presiding Juror

After this verdict form has been signed and dated, notify the court attendant that you are ready to present your verdict in the courtroom.