

CAUSE NO. CC-20-01579-E

WILLIAM GOFF as Personal
Representative of BETTY JO MCCLAIN
THOMAS, deceased; CHRISTOPHER
THOMAS, as Guardian of CHARLES
THOMAS; CINDY RINGNESS;
CHERYL GOFF; and CHARLOTTE
GLOVER,

Plaintiffs,

v.

ROY JAMES HOLDEN, JR.; and
CHARTER COMMUNICATIONS, LLC,

Defendants.

IN THE COUNTY COURT

FILED
JOHN E. WARREN
COUNTY CLERK
DALLAS COUNTY, TEXAS
2022 JUN 23 PM 5:16

AT LAW NO. 5

DALLAS COUNTY, TEXAS

CHARGE OF COURT

MEMBERS OF THE JURY:

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 experiences 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.

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 judges 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 unless you are told otherwise. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence unless you are told otherwise.

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. A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words

spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other fact proved.

8. Do not increase or reduce the amount in one answer because of your answer to any other question about damages. Do not speculate about what any party's ultimate recovery may or may not be. Any recovery will be determined by the Court when it applies the law to the answers at the time of judgment.

9. 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.

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

11. 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.

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

13. Unless otherwise instructed, the answers to the questions must be based on the decision of at least five of the six jurors. The same five jurors must agree on every answer. Do not agree to be bound by a vote of anything less than five 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.

SPECIAL INSTRUCTION

You are instructed that Charter failed to preserve video surveillance footage of the parking lot where Holden accessed a company van before and after he murdered Ms. Thomas on December 12, 2019. You may consider that this evidence would have been unfavorable to Charter on the following issues:

- a) whether Charter reasonably monitored and supervised Holden's access and use of the Spectrum van;
- b) whether an employee of Charter was aware that Holden made contact with Ms. Thomas after the December 11, 2019 visit;
- c) whether an employee of Charter was present when Holden called Ms. Thomas on December 12, 2019;
- d) whether an employee of Charter assisted Holden with accessing his van on December 12, 2019;
- e) whether an employee of Charter assisted Holden with accessing Ms. Thomas's Spectrum account on December 12, 2019;
- f) whether an employee of Charter had actual knowledge that Holden went to Ms. Thomas's home on December 12, 2019; or
- g) whether Charter recklessly tolerated the criminal act or acts, if any, of Holden.

You are instructed that any inference you draw from the missing video surveillance footage must be reasonable.

DEFINITIONS

1. "Plaintiffs" means William Goff, as Personal Representative of Betty Jo McClain Thomas, deceased, Christopher Thomas, as Guardian of Charles Thomas, Cindy Ringness, Cheryl Goff, and Charlotte Glover.
2. "Charter" means Charter Communications, LLC.
3. "Holden" means Roy James Holden, Jr.
4. "Ms. Thomas" means Betty Jo McClain Thomas, deceased.

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.

QUESTION 1

Did Holden commit an assault against Ms. Thomas?

A person commits an assault if he intentionally, knowingly, or recklessly causes bodily injury to another. You are instructed that a murder constitutes an assault.

A person intentionally causes bodily injury to another if it is the person's conscious objective or desire to cause the bodily injury to another.

A person knowingly causes bodily injury to another if the person is aware that the person's conduct is reasonably certain to cause the bodily injury to another.

A person recklessly causes bodily injury to another if the person is aware of but consciously disregards a substantial and unjustifiable risk that the person's action will cause bodily injury to another. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

Answer "Yes" or "No."

Answer: YES

QUESTION 2

Did the negligence, if any, of Charter proximately cause the death of Ms. Thomas?

“Negligence” means failure to use ordinary care, that 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, unbroken by any new and independent cause, that was a substantial factor in bringing about an injury, and without which cause such injury 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 injury, or some similar injury, could be anticipated. There may be more than one proximate cause of an injury.

A **“new and independent cause”** means the act or omission of a separate and independent person or entity, not reasonably foreseeable, that destroys the causal connection, if any, between the act or omission inquired about and the injury in question and thereby becomes the immediate cause of such injury.

Answer “Yes” or “No.”

Answer: YES

If you answered "Yes" to both Question 1 and Question 2, then answer the following question. Otherwise, do not answer the following question.

QUESTION 3

Assign percentages of responsibility only to those you found caused or contributed to cause the death of Ms. Thomas.

The percentages 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.

For each party you found caused or contributed to cause the death of Ms. Thomas, find the percentage of responsibility attributed to each:

1. Holden: 10 %

2. Charter: 90 %

Total: 100 %

Answer the following question if you answered "Yes" to either Question 1 or Question 2. Otherwise, do not answer the following question.

QUESTION 4

What sum of money, if any, if paid now in cash, would have fairly and reasonably compensated Ms. Thomas for her pain and mental anguish?

"Pain and mental anguish" means the conscious physical pain and emotional pain, torment, and suffering of Ms. Thomas before her death as a result of the occurrence in question.

Answer in dollars and cents for damages, if any.

Answer: \$ 100,000,000.00

Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer the following question if you answered "Yes" to either Question 1 or Question 2. Otherwise, do not answer the following question.

QUESTION 5

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Charles Thomas for his damages, if any, resulting from the death of his mother, Ms. Thomas?

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 reduce the amounts, if any, in your answers because of the negligence, if any, of Ms. Thomas. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

If the damages you found resulted in part from any preexisting injury or condition that was causing symptoms at the time of the occurrence in question, do not include any amount for any such preexisting injury or condition, except to the extent the preexisting injury or condition was aggravated by the occurrence in question.

"Pecuniary loss" means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, excluding the loss of inheritance, that Charles Thomas, in reasonable probability, would have received from Ms. Thomas had she lived.

1. Pecuniary loss sustained in the past.

Answer: \$6,000,000.00

2. Pecuniary loss that, in reasonable probability, Charles Thomas will sustain in the future.

Answer: \$18,000,000.00

"Loss of companionship and society" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Charles Thomas, in reasonable probability, would have received from Ms. Thomas had she lived.

3. Loss of companionship and society sustained in the past.

Answer: \$ 6,000,000.00

4. Loss of companionship and society that, in reasonable probability, Charles Thomas will sustain in the future.

Answer: \$ 18,000,000.00

“Mental anguish” means the emotional pain, torment, and suffering experienced by Charles Thomas because of the death of Ms. Thomas.

5. Mental anguish sustained in the past.

Answer: \$ 7,000,000.00

6. Mental anguish that, in reasonable probability, Charles Thomas will sustain in the future.

Answer: \$ 14,000,000.00

In determining damages for elements 3, 4, 5, and 6, you may consider the relationship between Charles Thomas and Ms. Thomas, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

Answer the following question if you answered "Yes" to either Question 1 or Question 2. Otherwise, do not answer the following question.

QUESTION 6

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Cindy Ringness for her damages, if any, resulting from the death of her mother, Ms. Thomas?

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 reduce the amounts, if any, in your answers because of the negligence, if any, of Ms. Thomas. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

"**Pecuniary loss**" means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, excluding the loss of inheritance, that ~~Charles Thomas~~, in reasonable probability, would have received from Ms. Thomas had she lived.

1. Pecuniary loss sustained in the past.

Answer: \$ 5,000,000.00

Cindy Ringness (90)

2. Pecuniary loss that, in reasonable probability, Cindy Ringness will sustain in the future.

Answer: \$ 12,000,000.00

"**Loss of companionship and society**" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Cindy Ringness, in reasonable probability, would have received from Ms. Thomas had she lived.

3. Loss of companionship and society sustained in the past.

Answer: \$ 5,000,000.00

4. Loss of companionship and society that, in reasonable probability, Cindy Ringness will sustain in the future.

Answer: \$ 18,000,000.00

“Mental anguish” means the emotional pain, torment, and suffering experienced by Cindy Ringness because of the death of Ms. Thomas.

5. Mental anguish sustained in the past.

Answer: \$ 7,000,000.00

6. Mental anguish that, in reasonable probability, Cindy Ringness will sustain in the future.

Answer: \$ 20,000,000.00 Cindy Ringness (9)

In determining damages for elements 3, 4, 5, and 6, you may consider the relationship between ~~Charles Thomas~~ and Ms. Thomas, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

Answer the following question if you answered "Yes" to either Question 1 or Question 2. Otherwise, do not answer the following question.

QUESTION 7

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Cheryl Goff for her damages, if any, resulting from the death of her mother, Ms. Thomas?

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 reduce the amounts, if any, in your answers because of the negligence, if any, of Ms. Thomas. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

"Pecuniary loss" means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, excluding the loss of inheritance, that ~~Charles Thomas~~, in reasonable probability, would have received from Ms. Thomas had she lived.

Cheryl Goff (Cg)

1. Pecuniary loss sustained in the past.

Answer: \$ 5,000,000.00

2. Pecuniary loss that, in reasonable probability, Cheryl Goff will sustain in the future.

Answer: \$ 12,000,000.00

"Loss of companionship and society" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Cheryl Goff, in reasonable probability, would have received from Ms. Thomas had she lived.

3. Loss of companionship and society sustained in the past.

Answer: \$ 5,000,000.00

4. Loss of companionship and society that, in reasonable probability, Cheryl Goff will sustain in the future.

Answer: \$ 18,000,000.00

“**Mental anguish**” means the emotional pain, torment, and suffering experienced by Cheryl Goff because of the death of Ms. Thomas.

5. Mental anguish sustained in the past.

Answer: \$ 7,000,000.00

6. Mental anguish that, in reasonable probability, Cheryl Goff will sustain in the future.

Answer: \$ 20,000,000.00

In determining damages for elements 3, 4, 5, and 6, you may consider the relationship between Cheryl Goff and Ms. Thomas, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

Answer the following question if you answered "Yes" to either Question 1 or Question 2. Otherwise, do not answer the following question.

QUESTION 8

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Charlotte Glover for her damages, if any, resulting from the death of her mother, Ms. Thomas?

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 reduce the amounts, if any, in your answers because of the negligence, if any, of Ms. Thomas. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

"**Pecuniary loss**" means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, excluding the loss of inheritance, that ~~Charles Thomas~~, in reasonable probability, would have received from Ms. Thomas had she lived.

Charlotte Glover (C)

1. Pecuniary loss sustained in the past.

Answer: \$ 5,000,000.00

2. Pecuniary loss that, in reasonable probability, Charlotte Glover will sustain in the future.

Answer: \$ 12,000,000.00

"**Loss of companionship and society**" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Charlotte Glover, in reasonable probability, would have received from Ms. Thomas had she lived.

3. Loss of companionship and society sustained in the past.

Answer: \$ 5,000,000.00

4. Loss of companionship and society that, in reasonable probability, Charlotte Glover will sustain in the future.

Answer: \$18,000,000.00

“**Mental anguish**” means the emotional pain, torment, and suffering experienced by Charlotte Glover because of the death of Ms. Thomas.

5. Mental anguish sustained in the past.

Answer: \$7,000,000.00

6. Mental anguish that, in reasonable probability, Charlotte Glover will sustain in the future.

Answer: \$25,000,000.00

In determining damages for elements 3, 4, 5, and 6, you may consider the relationship between Charlotte Glover and Ms. Thomas, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities.

Answer the following question if you unanimously answered “Yes” to Question 2. Otherwise, do not answer the following question.

To answer “Yes” to the following question, your answer must be unanimous. You may answer “No” to the following question only upon a vote of five or more jurors. Otherwise, you must not answer the following question.

QUESTION 9

Do you find by clear and convincing evidence that the death of Ms. Thomas resulted from gross negligence of Charter?

“**Clear and convincing evidence**” means the measure or degree of proof that produces a firm belief or conviction of the truth of the allegations sought to be established.

“**Gross negligence**” means an act or omission by Charter,

1. which when viewed objectively from the standpoint of Charter at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and
2. of which Charter has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.

You are further instructed that Charter may be found grossly negligent because of a criminal act of Holden if, but only if:

1. Holden was unfit and Charter acted with malice in retaining him, or
2. Charter or a manager of Charter ratified or approved the criminal act,
or
3. Holden’s criminal act was recklessly tolerated by a high managerial agent acting on behalf of Charter and within the scope of the managerial agent’s employment.

“**Malice**” means a specific intent by Charter to cause substantial injury or harm to Ms. Thomas. In order to have specific intent, the party must have desired to cause the consequences of the act or believed the consequences were substantially certain to result from it.

“**Ratification**” is the adoption or confirmation by a party with knowledge of all material facts of a prior act which did not then legally bind it and which it had the right to repudiate. Ratification may occur by express act or word or it may be inferred from a party’s course of conduct. An unauthorized signature, even that of a forger, may be ratified.

A party acts “**recklessly**” with respect to circumstances surrounding its conduct or the result of its conduct when it is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor’s standpoint.

A person is a manager of Charter if:

- A. that person has authority to employ, direct, and discharge an employee of Charter; or
- B. Charter has confided to that person the management of the whole or a department or division of the business of Charter.

A high managerial agent is:

- A. an officer of Charter; or
- B. an agent of Charter who has duties of such responsibility that his conduct reasonably may be assumed to represent the policy of Charter.

Answer “Yes” or “No.”

Answer: YES

Instructions for Signing the Verdict Certificate:

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

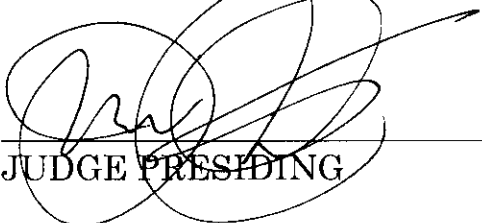
2. If five jurors agree on every answer, those five jurors sign the verdict.

If all six 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 six of you agreeing on some answers, while only five of you agree on other answers. But when you sign the verdict, only those five who agree on every answer will sign the verdict.

4. There are some special instructions before Question 9 explaining how to answer that question. Please follow the instructions. If all six of you answer Question 9, you will need to complete a second verdict certificate for that question.

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

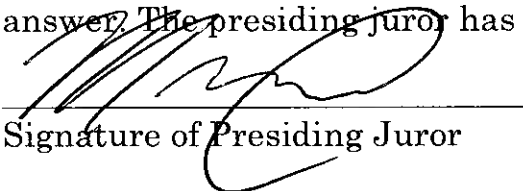


JUDGE PRESIDING

Verdict Certificate

Check one:

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



Signature of Presiding Juror

GAVIN CASH

Printed Name of Presiding Juror

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

Signature

Name Printed

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

If you have answered any part of Questions 1 through 9, then you must sign this certificate also.

Additional Certificate

I certify that the jury was unanimous in answering the following questions. All six of us agreed to each of the answers. The presiding juror has signed the certificate for all six of us.

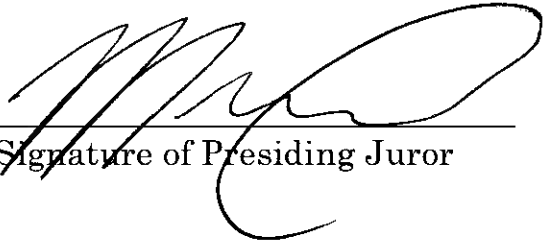
Answer "yes" or "no" for each of the following:

Question No. 2

YES

Question No. 9

YES



Signature of Presiding Juror

GAVIN CASH
Printed Name of Presiding Juror