

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KADLEC MEDICAL CENTER, et al.

CIVIL ACTION

VERSUS

No. 04-0997

LAKEVIEW ANESTHESIA ASSOCIATES, et al.

SECTION 1/3

INTERROGATORIES TO THE JURY

1. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT ONE OR MORE OF THE DEFENDANTS MADE AN INTENTIONAL MISREPRESENTATION TO KADLEC MEDICAL CENTER AND THAT THE DEFENDANT'S INTENTIONAL MISREPRESENTATION WAS A PROXIMATE CAUSE OF THE DAMAGES TO PLAINTIFFS?

ANSWER "YES" OR "NO" SEPARATELY AS TO EACH DEFENDANT.

DR. DENNIS:	YES <u> ✓ </u>	NO <u> </u>
DR. PREAU:	YES <u> ✓ </u>	NO <u> </u>
LRMC HOSPITAL:	YES <u> ✓ </u>	NO <u> </u>

If you answered "Yes" as to either Dr. Dennis or Dr. Preau, go to Question No. 2.

If you answered "No" as to both Dr. Dennis and Dr. Preau, skip Question No. 2 and go to Question No. 3.

2. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT THE ACTS OR OMISSIONS RELATED TO ANY INTENTIONAL MISREPRESENTATIONS MADE BY DR. DENNIS OR DR. PREAU WERE PERFORMED WITHIN THE

COURSE AND SCOPE OF HIS EMPLOYMENT WITH LAKEVIEW ANESTHESIA ASSOCIATES?

ANSWER "YES" OR "NO" SEPARATELY AS TO EACH DEFENDANT YOU ANSWERED "YES" TO IN QUESTION NO. 1.

Dr. Dennis: YES NO

Dr. Preau: YES NO

Go to Question No. 3.

3. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT ONE OR MORE OF THE DEFENDANTS MADE A NEGLIGENT MISREPRESENTATION TO KADLEC MEDICAL CENTER AND THAT THE DEFENDANT'S NEGLIGENT MISREPRESENTATION WAS A PROXIMATE CAUSE OF THE DAMAGES TO PLAINTIFFS?

ANSWER "YES" OR "NO" SEPARATELY AS TO EACH DEFENDANT.

DR. DENNIS: YES NO

DR. PREAU: YES NO

LRMC HOSPITAL: YES NO

With respect to both Questions No. 1 and No. 3: If you answered "No" as to each defendant in both Questions No. 1 and No. 3, you need not answer any of the following questions. Instead, the foreperson should sign and date this form and hand it to the Marshal.

With respect to only Question No. 3: If you answered "Yes" as to either Dr. Dennis or Dr. Preau, go to Question No. 4. If you answered "No" as to both Dr. Dennis and Dr. Preau in Question No.

3, skip Question No. 4 and go to Question No. 5.

4. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT THE ACTS OR OMISSIONS RELATED TO ANY NEGLIGENT MISREPRESENTATIONS MADE BY DR. DENNIS OR DR. PREAU WERE PERFORMED WITHIN THE COURSE AND SCOPE OF HIS EMPLOYMENT WITH LAKEVIEW ANESTHESIA ASSOCIATES?

ANSWER "YES" OR "NO" SEPARATELY AS TO EACH DEFENDANT YOU ANSWERED "YES" TO IN QUESTION NO. 3.

Dr. Dennis: YES NO

Dr. Preau: YES NO

Go to Question No. 5.

5. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT DR. DENNIS WAS ACTING AS AN AGENT OF LRMC HOSPITAL?

YES NO

Go to Question No. 6.

6. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT PLAINTIFF, KADLEC MEDICAL CENTER, WAS NEGLIGENT IN A MANNER THAT WAS A PROXIMATE CAUSE OF ITS OWN DAMAGES?

YES NO

Go to Question No. 7.

7. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT DR. BERRY WAS NEGLIGENT IN A MANNER THAT WAS A PROXIMATE CAUSE OF PLAINTIFFS' DAMAGES?

YES NO

Go to Question No. 8.

8. DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT STAFF CARE WAS NEGLIGENT IN A MANNER THAT WAS A PROXIMATE CAUSE OF PLAINTIFFS' DAMAGES?

YES _____ NO ✓

Go to Question No. 9.

9. INDICATE WHAT PERCENTAGE, IF ANY, OF PLAINTIFFS' DAMAGES YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE HAVE BEEN CAUSED BY:

(Answer separately as to each person or entity. Your apportionment of responsibility, if any, must add up to 100%.)

- a. Defendant, Dr. Dennis: ~~20~~ 20 %
(Answer Question No. 9a. only if you checked "Yes" as to Dr. Dennis in Question No. 1 or 3).
- b. Defendant, Dr. Preau: 5 %
(Answer Question No. 9b. only if you checked "Yes" as to Dr. Preau in Question No. 1 or 3.)
- c. Defendant, LPMC Hospital: 25 %
(Answer Question No. 9c. only if you checked "Yes" as to LPMC Hospital in Question No. 1 or 3.)
- d. The negligence of the plaintiff, Kadlec Medical Center: 17 %
(Answer Question No. 9d. only if you checked "Yes" to Question No. 6.)
- e. The negligence of Dr. Berry: 32 %
(Answer Question No. 9e. only if you answered "Yes" to Question No. 7.)

f. The negligence of Staff Care:
(Answer Question No. 9f.
only if you answered "Yes"
to Question No. 8.)

0 %

THE TOTAL MUST EQUAL 100%

Go to Question No. 10.

10. WHAT AMOUNT, IF ANY, DO YOU FIND FROM THE PREPONDERANCE OF EVIDENCE WILL FAIRLY AND ADEQUATELY COMPENSATE THE PLAINTIFFS, KADLEC MEDICAL CENTER AND WESTERN PROFESSIONAL INSURANCE COMPANY, FOR THEIR DAMAGES SUSTAINED AS A RESULT OF THE CONDUCT OF THE DEFENDANT OR DEFENDANTS?

(Do not make any deductions for the negligence of Kadlec Medical Center, if any, or the negligence of any other non-party, if any. The Court will make any necessary calculations).

\$ 8,244,225.33

Go to Question No. 11.

11. WITH RESPECT TO KADLEC MEDICAL CENTER'S KNOWLEDGE, DO YOU FIND FROM A PREPONDERANCE OF THE EVIDENCE THAT ON ANY DATE BEFORE APRIL 8, 2003, KADLEC MEDICAL CENTER WAS AWARE OR SHOULD HAVE BEEN AWARE OF ANY FACTS THAT WOULD INDICATE TO A REASONABLE PERSON THAT EITHER AN INTENTIONAL MISREPRESENTATION OR A NEGLIGENT MISREPRESENTATION MADE BY ANY NAMED DEFENDANT HAD BEEN MADE CONCERNING DR. BERRY?

YES _____

NO _____

If you answered "No" to Question No. 11, skip Question No.

11a. and the foreperson should sign and date this form and hand it to the Marshal.

If you answered "Yes" to Question No. 11, complete Question No. 11a.

11a. ON ANY DATE BEFORE APRIL 8, 2003, WAS KADLEC MEDICAL CENTER AWARE OF, OR SHOULD IT HAVE BEEN AWARE OF, ANY MISREPRESENTATIONS MADE BY THE FOLLOWING DEFENDANTS: ANSWER "YES" OR "NO" SEPARATELY AS TO EACH DEFENDANT.

(However, if you answered "No" to both Questions No. 1 and No. 3 as to any of the following defendants, you should leave blank the line adjacent to that defendant's name.)

DR. DENNIS'S: _____

DR. PREAU'S: _____

LRMC HOSPITAL'S: _____

THE FOREPERSON SHOULD DATE AND SIGN THIS FORM AND HAND IT TO THE MARSHAL.

New Orleans, Louisiana, this 26 day of May, 2006.

Susan P. Bourg
FOREPERSON