

NO. 02-CI-007754

JEFFERSON CIRCUIT COURT

DIVISION THREE

JEFFREY ALAN VAUGHN

PLAINTIFF

v.

JURY INSTRUCTIONS

WAYNE TUCKSON, M.D.

DEFENDANT

* * * * *

THE COURT INSTRUCTS THE JURY AS FOLLOWS:

INSTRUCTION NO. 1

It was the duty of the Defendant, Wayne Tuckson, M.D., in his treatment of Jeffrey Vaughn to exercise that degree of care and skill which is normally exercised by a reasonably competent colorectal surgeon, acting under the same or similar circumstances as those in this case. If you are satisfied from the evidence that Dr. Wayne Tuckson failed to comply with this duty and that such failure was a substantial factor in causing the alleged injury to Jeffrey Vaughn, then you shall find for the Plaintiff and answer "Yes" in the following Jury Verdict Form A, otherwise, you will find for Dr. Tuckson and answer "No" to Jury Verdict Form A.

VERDICT FORM A

Do you find from the evidence that Dr. Wayne Tuckson failed to exercise the degree of care and skill expected of a reasonably competent colorectal surgeon acting under the same or similar circumstances, and that such failure was a substantial factor in causing injury to Jeffrey Vaughn?

Yes X

No _____

T. Douglas Koway
FOREPERSON

Sammy McLaughlin

Janette M. Jacobs

Janet Kelly

Norma Neuman

Betty Morris

Blinda Blocker

Scott Red

Cynthia McFarland

Lynn McNeill

If your answer is "No", sign this Interrogatory and return to the courtroom. Otherwise, proceed to Instruction No. 2.

INSTRUCTION NO. 2

It was the duty of Kashif Haider, M.D. in his treatment of Jeffrey Vaughn to exercise the degree of care and skill which is normally exercised by a reasonably competent gastroenterologist, acting under the same or similar circumstances as those in this case. If you are satisfied from the evidence that Dr. Kashif Haider failed to comply with this duty and that such failure was a substantial factor in causing the alleged injury to Jeffrey Vaughn, then you shall answer "Yes" in the attached Verdict Form B, otherwise, you will answer "No" to Jury Verdict Form B.

VERDICT FORM B

Do you find from the evidence that Dr. Kashif Haider failed to exercise the degree of care and skill expected of a reasonably competent gastroenterologist acting under the same or similar circumstances, and that such failure was a substantial factor in causing injury to Jeffrey Vaughn?

Yes X

No _____

R. Douglas Krawitz
FOREPERSON

Proceed to Jury Verdict Form C.

VERDICT FORM C

If you are satisfied from the evidence that Wayne Tuckson, M.D., and Kashif Haider, M.D., failed to comply with one or more of their respective duties, and that such failure was a substantial factor in causing the injuries alleged herein, then you will determine from the evidence and indicate in the following blank spaces what percentage of the fault was attributable to the failure of each to perform such duties.

Wayne Tuckson, M.D.	<u>20</u> %
Kashif Haider, M.D.	<u>80</u> %
Total:	100%

In determining the percentages of fault, you shall consider both the nature of the conduct of each person at fault, and the extent of the causal relationship between his conduct and the damages claimed.

Douglas Krawyl
FOREPERSON

Jimmy McHenry

Janet M. Jacobs

Janet J. Kelly

Norma Keenan

Betty Morris

Richard Blocker

Kathy

Cynthia McFarland

Gynn McNeill

JURY VERDICT FORM D

If you found for the Plaintiff, Jeffrey Vaughn, then you will determine from the evidence and award him a sum of money that you believe will fairly and reasonably compensate for the damages you believe from the evidence he has sustained.

Past medical expenses (Not to exceed \$38,011.27)	\$ <u>38,011.27</u>
Future supplies and water (Not to exceed \$15,335.46)	\$ <u>15,335.46</u>
Pain and suffering (Not to exceed \$5,000,000.00)	\$ <u>3,000,000</u>
TOTAL	\$ <u>3,053,346.73</u>

T. Douglas Brown
FOREPERSON

Jimmy [unclear]

James M. [unclear]

Janet L. Kelly

Norma Neuman

Betty Morris

Blenda Block

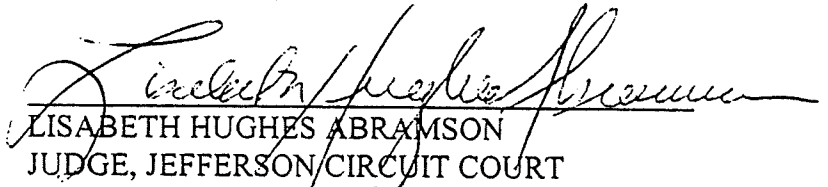
Keith [unclear]

Cynthia McFarland

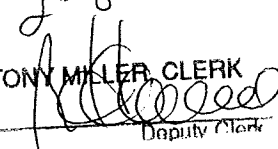
Lynn McKeel

INSTRUCTION NO. 3

Nine or more of you may agree upon a verdict. The nine or more who agree on one verdict need not be the same jurors who agree on other verdicts. If less than twelve agree upon a verdict, all who agree thereto will sign it. However, if any of your verdicts is unanimous, only your foreperson, whom you yourselves will choose, need sign it.


LISABETH HUGHES ABRAMSON
JUDGE, JEFFERSON CIRCUIT COURT

February 8 2005
DATE ENTERED IN COURT

2-8-05
TONY MILLER, CLERK
By  Deputy Clerk