

## **INSTRUCTION NO. 1**

Your first responsibility will be to choose a foreperson. Nine (9) or more of you must agree in order to reach any of the decisions required by these Instructions. The nine or more who agree on any given decision required by these Instructions need not be the same nine or more who agree on any other. If all twelve (12) of you agree, then only the foreperson need sign. However, if less than twelve (12) but at least nine (9) of you agree, all of those agreeing must sign. Please let the bailiff know if you have a question and when you have completed your deliberations.

**INSTRUCTION NO. 2**

It was the duty of Phillip Ellegood, CRNA, while employed by Anesthesiology of Paducah, P.S.C., in caring for Rachel King, to exercise the degree of care and skill expected of a reasonable and prudent certified nurse anesthetist acting under the same or similar circumstances.

Are you satisfied from the evidence (1) that CRNA Phillip Ellegood failed to comply with this duty and (2) that such failure on his part was a substantial factor in causing any injury to Rachel King?

Select one: Yes  No

Sherril Osborne  
Foreperson

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If you answered "No" to Instruction No. 2, then your verdict is complete. Please return to the courtroom. If you answered "Yes" to Instruction No. 2, then proceed to the next Instruction.

**INSTRUCTION NO. 3**

If you have found in favor of Rachel King under Instruction No. 2, you will award her a sum or sums of money you determine from the evidence that will fairly and reasonably compensate her for her damages she has received directly by reason of the actions of CRNA Phillip Ellegood.

You will consider, and may award, the following elements of damages:

- (a) reasonable and necessary medical expenses incurred  
(not to exceed \$9,152): \$ 9152.00
  
  - (b) past physical pain and mental and emotional suffering  
(not to exceed \$375,000): \$ 375,000.00
  
  - (c) physical pain and mental and emotional suffering she is reasonably certain to experience in the future  
(not to exceed \$175,000): \$ 125,000
- TOTAL: \$ 509,152.00

*Sherril Osborne*  
Foreperson

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Please return to the Courtroom