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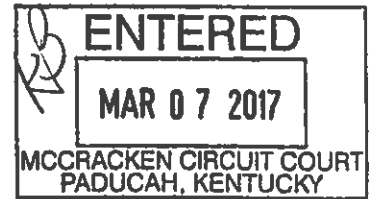
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14-CI-00390

03/07/2017

Kim Channell, McCracken Circuit Clerk

COMMONWEALTH OF KENTUCKY
McCRACKEN CIRCUIT COURT
CIVIL ACTION NO. 14-CI-000390
DIVISION I



RACHEL KING

PLAINTIFF

v.

TRIAL ORDER AND JUDGMENT
(electronically filed)

ANESTHESIOLOGY OF PADUCAH, P.S.C.

DEFENDANT

This action came on for trial at 9:00 a.m. Monday, February 20, 2017, and the case was recorded by the Court's videotape system. A more complete record of the proceedings will appear in the Court videotaped transcript.

The Plaintiff, Rachel King, was represented by the Honorable Michael A. Augustus and the Defendant, Anesthesiology of Paducah, P.S.C. was represented by the Honorable James A. Sigler.

All parties, by counsel, announced ready. A panel of jurors was called, sworn, and examined by attorneys for Plaintiff and Defendant. Peremptory challenges were exercised, and the following 14 jurors were sworn to try the case:

Lou Ann Metcalf
Sally A. Vaughn
Karen Bradley
Charles Eaves
Sherri Osborne
Phillip Willett
Robin Walker

Leigh Womble
Robert Smith
Temple Bradley
Karla Nichols
Tabitha Pastor-Perez
Robert Cantrell
Jeffrey Brinkley

Each party, by counsel, gave an opening statement. Following opening statements, the Plaintiff presented her proof. At the conclusion of the Plaintiff's case-in-chief, Defendant moved for a directed verdict on all claims. The court granted Defendant's motions for a directed verdict as to the Plaintiff's claim for punitive damages, lost wages, destruction of earning capacity, and

future medical expenses. The Court partially granted Defendant's motion for a directed verdict on Plaintiff's claim for past medical expenses, limiting that request to \$9,152.00. Defendant's motion for a directed verdict on liability was denied. Defendant presented its proof. Defendant announced that its proof was complete and closed. Defendant then renewed its motion for a directed verdict as to all of Plaintiff's remaining claims. Plaintiff presented no rebuttal proof. Defendant's renewed motion for a directed verdict was denied.

Instructions were read to the jury by the Court. Each party gave a closing argument. Jurors, Temple Bradley and Karla Nichols were selected as the alternates and relieved of service. The Court swore the bailiffs to take charge of the jury, and the jury retired to deliberate, with all exhibits and a written version of the jury instructions.

After deliberation, the jury returned with the following verdict:

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

/s/ Sherrie Osborne
Foreperson


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):	<u>\$9,152.00</u>
(b)	past physical pain and mental and emotional suffering (not to exceed \$375,000):	<u>\$375,000.00</u>
(c)	physical pain and mental and emotional suffering she is reasonable certain to experience in the future (not to exceed \$175,000):	<u>\$125,000.00</u>
TOTAL:		<u>\$509,152.00</u>

WHEREFORE, IT IS ORDERED AND ADJUDGED that judgment be, and hereby is, entered in favor of Plaintiff, Rachel King, with same to incur statutory interest until satisfied in full. Plaintiff's Complaint, and all claims asserted therein shall be and hereby are dismissed, with prejudice, recoverable costs to be assessed against the Defendant. This is a final and appealable order and judgment.

This 1 day of March, 2017.



 TIM KALTENBACH, JUDGE
 McCracken Circuit Court
 Division One

HAVE SEEN AND AGREED AS TO FORM:

/s/ Michael A. Augustus (w/permission)

Michael A. Augustus
Bolus Law Offices
600 W. Main Street, Suite 500
Louisville, KY 40202
Attorney for Plaintiff

/s/ James A. Sigler

James A. Sigler, Esq.
Whitlow, Roberts, Houston & Straub
P.O. Box 995
Paducah, KY 42002-0995
Attorney for Defendant

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served this 7 day of Mar 2017, by email addressed to the following:

Michael A. Augustus, Esq., Bolus Law Offices, 600 West Main Street, Suite 500, Louisville KY 40202

James A. Sigler, Esq., Whitlow, Roberts, Houston & Straub, PLLC, P.O. Box 995, Paducah, KY 42002-0995

This 7 day of March, 2017.

Kim Bell dc
Clerk, McCracken Circuit Court

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