

ORIGIN

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
CIVIL BRANCH
THIRD DIVISION
NO. 06-CI-5075

LATRACIA SATTERWHITE

PLAINTIFF

V. JURY INSTRUCTIONS

DR. MICHAEL SEKELA

and

SURGICAL ASSOCIATES OF LEXINGTON, P.S.C.; DEFENDANTS

GENERAL INSTRUCTIONS

Immediately upon retiring to the Jury Room, you shall select one of your members to act as foreperson of the Jury.

Nine (9) or more of you may agree upon a verdict. If all twelve (12) agree, the verdict need be signed only by the foreperson; otherwise it must be signed by the nine (9) or more who agree to it.

The nine (9) or more who agree to one verdict need not be the same nine (9) or more who agree on the other verdicts.

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INSTRUCTION NO. 1

It was the duty of Michael Sekela, M.D., of Surgical Associates of Lexington, in his treatment of Latracia Satterwhite, to exercise that degree of care as would be expected of a reasonably competent heart surgeon acting under the same or similar circumstances as in this case.

PLEASE PROCEED TO THE NEXT PAGE

QUESTION NO. 1

Do you believe from the evidence that Michael Sekela, M.D., failed to comply with this duty, and that such failure was a substantial factor in causing the injuries complained of by the Plaintiff?

Yes:

No:

FOREPERSON

NO.

#614	<u>Anthony A. Muscarella</u>	#	<u>522 Elizabeth Shelton</u>
#571	<u>Marta Alexander</u>	460	<u>Sylvia F. Aldrich</u>
#498	<u>Dianne Luby</u>	#650	<u>Monica Q. Stinson</u>
#471	<u>Christian B. Congdon</u>	415	<u>Marietta R. Duncan</u>
#527	<u>Larry Smyth</u>		
#513	<u>Clara B. Jucit</u>		

If you answer "Yes" to this question, please proceed to the next page. If you answer "No" to this question, then you have completed your verdict and should return to the courtroom.

INSTRUCTION NO. 2

It was the duty of John Sanders, M.D., of Central Kentucky Anesthesia, in his treatment of Latracia Satterwhite, to exercise that degree of care as would be expected of a reasonably competent cardiac anesthesiologist acting under the same or similar circumstances as in this case.

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QUESTION NO. 2

Do you believe from the evidence that John Sanders, M.D., failed to comply with this duty, and that such failure was a substantial factor in causing the injuries complained of by the Plaintiff?

Yes:

No:

Anthony J. Murrell
FOREPERSON NO. 619

PLEASE PROCEED TO THE NEXT PAGE

INSTRUCTION NO. 3

It was the duty of Bridgett Fomby, of Fresenius Medical Care, to exercise that degree of care as would be expected of a reasonably competent perfusionist acting under the same or similar circumstances as in this case.

PLEASE PROCEED TO THE NEXT PAGE

QUESTION NO. 3

Do you believe from the evidence that Bridgett Fomby failed to comply with this duty, and that such failure was a substantial factor in causing the injuries complained of by the Plaintiff?

Yes:

No:

Anthony M. DeWitt
FOREPERSON NO. 619

PLEASE PROCEED TO THE NEXT PAGE

INSTRUCTION NO. 4

If you have answered Question No. 1 "Yes," you will determine from the evidence and state the sum or sums of money that will fairly and reasonably compensate Latracia Satterwhite for such of the following damages that you believe from the evidence she has sustained directly by reason of the incident in question without regard to fault:

(a) Medical expenses incurred to date:

(not to exceed \$ 455,229.06)

\$ 455,229.06

(b) Medical expenses reasonably expected to be incurred in the future:

(not to exceed \$ 4,426,408.72)

\$ 4,426,408.72

(c) Loss of her Power to Labor and Earn Money:

(not to exceed \$ 482,538.00)

\$ 482,538.00

(d) Mental and physical pain and suffering to date or reasonably expected to be incurred in the future:

(not to exceed \$ 10,000,000.00)

\$ 4,500,000

TOTAL \$ 9,864,175.78

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FOREPERSON

NO.

619 Constance M. Marshall
Mary Alexander 579

410 Syle - R. Aldrich

650 Martha G. Johnson

498 Dianne J. Kirby

415 Marietta D. Dinsmore

#471 Christian B. Conforti

527 Kay J. Miller

#513 Clara B. Pruitt

522 Elizabeth Skelton

INSTRUCTION NO. 5

If you have answered "Yes" to Question No. 1 and/or Question No. 2 and/or Question No. 3, you will determine from the evidence and indicate in the following blank spaces what percentage of the total fault was attributable to all parties who you found at fault as follows:

Michael Sekela, M.D.	<u>31</u>	%
John Sanders, M.D.	<u>23</u>	%
Bridgett Fomby	<u>46</u>	%
Total:	100	%

(In determining the percentages of fault you shall consider both the nature of the conduct of each of the parties and the extent of the causal relation between his or her conduct and the damages claimed.)

FOREPERSON

NO.

619 <u>Anthony Muscarella</u>	460 <u>Sylvia R. Aldrich</u>
<u>Martha Alexander 579</u>	650 <u>Christa D. Johnson</u>
498 <u>Dianne J. Ruby</u>	415 <u>Marietta P. Duncan</u>
#471 <u>Christi B. Goff</u>	_____
#513 <u>Clara B. Zucchi</u>	_____
# 522 <u>Elizabeth Skelton</u>	_____

YOU HAVE COMPLETED YOUR DELIBERATIONS AND MAY RETURN TO THE COURTROOM.