

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

BETSY MEDINA, an Infant by her Mother and Natural
Guardian ZOILA FUENTES MEDINA,

Plaintiff(s),

VERDICT SHEET

-against-

Index No.: 13345/2008

YVES RICHARD JEAN-GILLS, M.D.,

Defendant(s).

QUESTION #1(A):

DID THE DEFENDANT, YVES RICHARD JEAN-GILLS, M.D., DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE WITH REGARD TO THE ESTIMATION OF FETAL WEIGHT ON FEBRUARY 19, 2007?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION:

ANSWER TO QUESTION #1(A): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|------------------------------|------------------------------|
| 1. <u><i>[Signature]</i></u> | 4. <u><i>[Signature]</i></u> |
| 2. <u><i>[Signature]</i></u> | 5. <u><i>[Signature]</i></u> |
| 3. <u><i>[Signature]</i></u> | 6. <u><i>[Signature]</i></u> |

I, the undersigned juror, do not concur in the above.

1. _____

NOTE: IF YOUR ANSWER TO QUESTION # 1(A) IS "YES", PROCEED TO QUESTION #1(B)

IF YOUR ANSWER TO QUESTION # 1(A) IS "NO", PROCEED TO QUESTION #2(A)

QUESTION #1(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION:

ANSWER TO QUESTION #1(B): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|----------------------------|------------------------|
| 1. <u>Denise Reid</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. <u>[Signature]</u> |
| 3. <u>Sharon Hernandez</u> | 6. <u>Bryan Harris</u> |

I, the undersigned juror, do not concur in the above.

1. _____

NOTE: PROCEED TO QUESTION # 2(A)

QUESTION #2 (A):

DID THE DEFENDANT, YVES RICHARD JEAN-GILLS, M.D., DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE WITH REGARD TO NOT OFFERING THE INFANT PLAINTIFF'S (BETSY MEDINA) MOTHER A CESARIAN SECTION ON FEBRUARY 19, 2007?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

ANSWER TO QUESTION #2(A): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

1. Denize Reid 4. [Signature]
2. [Signature] 5. [Signature]
3. Shante Hammond 6. Bryan Harris

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

I, _____

NOTE: IF YOUR ANSWER TO QUESTION # 2(A) IS "YES", PROCEED TO QUESTION #2(B)

IF YOUR ANSWER TO QUESTION # 2(A) IS "NO", PROCEED TO QUESTION #3(A)

QUESTION #2(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

ANSWER TO QUESTION #2(B): YES ✓ NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

1. Danzel Reid

4. [Signature]

2. [Signature]

5. [Signature]

3. Shane Hancock

6. Bryan Harris

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

I, _____

NOTE: PROCEED TO QUESTION # 3(A)

QUESTION #3(A):

DID THE DEFENDANT, YVES RICHARD JEAN-GILLS, M.D., DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE WITH REGARD TO NOT HAVING A SHOULDER DYSTOCIA DELIVERY PLAN?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #3(A): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|------------------------|------------------------|
| 1. <u>Deuz Reid</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. <u>[Signature]</u> |
| 3. <u>Shane Howard</u> | 6. <u>Bryan Harris</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: IF YOUR ANSWER TO QUESTION # 3(A) IS "YES", PROCEED TO QUESTION #3(B)

IF YOUR ANSWER TO QUESTION # 3(A) IS "NO", PROCEED TO QUESTION #4(A)

QUESTION #3(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #3(B): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

1. Dem Zeneed 4. [Signature]
2. [Signature] 5. [Signature]
3. Shane Howard 6. Bryan Harris

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: PROCEED TO QUESTION # 4(A)

QUESTION #4(A):

DID THE DEFENDANT, YVES RICHARD JEAN-GILLS, M.D., DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE WITH REGARD TO THE DELIVERY OF THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #4(A): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

1. Denize Reid

4. [Signature]

2. [Signature]

5. [Signature]

3. Shane Hammond

6. Bryan Harris

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: IF YOUR ANSWER TO QUESTION # 4(A) IS "YES", PROCEED TO QUESTION #4(B)

IF YOUR ANSWER TO QUESTION # 4(A) IS "NO", PROCEED TO QUESTION #5(A)

QUESTION #4(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #4(B): YES ✓ NO _____

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

1. Denize Reid 4. [Signature]
2. [Signature] 5. [Signature]
3. Shanee Howard 6. Bryan Harris

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: **PROCEED TO QUESTION # 5(A)**

QUESTION #5(A):

DID THE DEFENDANT, YVES RICHARD JEAN-GILLS, M.D., DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE WITH REGARDS TO THE USE OF PITOCIN ON FEBRUARY 19, 2007?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #5(A): YES _____ NO _____

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|------------------------|------------------------|
| 1. <u>Denise Reid</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. _____ |
| 3. <u>Shame Howard</u> | 6. <u>Byron Harris</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, [Signature] [Signature]

NOTE: IF YOUR ANSWER TO QUESTION # 5(A) IS "YES", PROCEED TO QUESTION #5(B)

IF YOUR ANSWER TO QUESTION # 5(A) IS "NO ", BUT YOU ANSWERED "YES" TO EITHER QUESTION # 1(B), #2(B), #3(B) OR # 4(B) PROCEED TO QUESTION #6(A)

IF YOUR ANSWER TO QUESTION # 5(A) IS "NO", AND YOUR ANSWERS TO QUESTIONS # 1 (A) OR # 1(B) IS "NO", AND 2(A) OR 2(B) IS "NO" , AND #3(A) OR # 3(B) IS "NO", AND # 4(A) OR 4(B) IS "NO", PROCEED NO FURTHER AND REPORT YOUR VERDICT TO THE COURT.

QUESTION #5(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #5(B): YES _____ NO _____

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE IF YOUR ANSWER TO QUESTION # 5(B) IS "YES", PROCEED TO QUESTION #6(A)

IF YOUR ANSWER TO QUESTION # 5(B) IS "NO ", BUT YOU ANSWERED "YES" TO EITHER QUESTION # 1(B), #2(B), #3(B) OR # 4(B), PROCEED TO QUESTION #6(A)

IF YOUR ANSWER TO QUESTION # 5(B) IS "NO", AND YOUR ANSWERS TO QUESTIONS # 1 (A) OR # 1(B) IS "NO", AND 2(A) OR 2(B) IS "NO", AND #3(A) OR # 3(B), IS "NO", AND # 4(A) OR 4(B) IS "NO, PROCEED NO FURTHER AND REPORT YOUR VERDICT TO THE COURT.

QUESTION #6(A):

DID PATRICK ELLIS, M.D. DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE IN RELATION TO THE DELIVERY OF THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #6(A): YES ✓ NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|--------------------------|------------------------|
| 1. <u>Denise Reid</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. <u>[Signature]</u> |
| 3. <u>Thomas Hannard</u> | 6. <u>Bryan Harris</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: IF YOUR ANSWER TO QUESTION # 6(A) IS "YES", PROCEED TO QUESTION #6(B)

IF YOUR ANSWER TO QUESTION # 6(A) IS "NO", PROCEED TO QUESTION #7(A)

QUESTION #6(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #6(B): YES ✓ NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|-------------------------|------------------------|
| 1. <u>Denise Reid</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. <u>[Signature]</u> |
| 3. <u>Sharon Hammer</u> | 6. <u>Bryan Harris</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: PROCEED TO QUESTION # 7(A)

QUESTION #7(A):

DID PATRICK ELLIS, M.D. DEPART FROM ACCEPTED STANDARDS OF MEDICAL CARE BY NOT CALLING FOR DEFENDANT, YVES RICHARD JEAN-GILLS, M.D. OR ANOTHER MEDICAL PROFESSIONAL FOR HELP AT THE TIME HE ENCOUNTERED SHOULDER DYSTOCIA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

ANSWER TO QUESTION #7(A): YES NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- 1. Denzel Dild
- 2. [Signature]
- 3. Shanise Howard
- 4. [Signature]
- 5. [Signature]
- 6. Bryan Harris

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, _____

NOTE: IF YOUR ANSWER TO QUESTION #7(A) IS "YES", PROCEED TO QUESTION #7(B)

IF YOUR ANSWER TO QUESTION # 7(A) IS "NO", AND YOUR ANSWERS TO QUESTIONS # 6 (A) OR # 6(B) IS "NO", PROCEED TO QUESTION # 9

QUESTION #7(B):

WAS THE DEPARTURE A SUBSTANTIAL FACTOR IN CAUSING THE INJURY TO THE INFANT PLAINTIFF, BETSY MEDINA?

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

ANSWER TO QUESTION #7(B): YES ✓ NO

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

- | | |
|-------------------------|------------------------|
| 1. <u>Denze Reed</u> | 4. <u>[Signature]</u> |
| 2. <u>[Signature]</u> | 5. <u>[Signature]</u> |
| 3. <u>Shamee Howard</u> | 6. <u>Bryan Harris</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

I, _____

NOTE IF YOUR ANSWER TO QUESTION #7(B) IS "YES", PROCEED TO QUESTION # 8

IF YOUR ANSWER TO QUESTION #7(B) IS "NO", BUT YOUR ANSWER TO QUESTIONS # 6 (B) IS "YES", PROCEED TO QUESTION # 8

IF YOUR ANSWER TO QUESTION # 7(B) IS "NO", AND YOUR ANSWERS TO QUESTIONS # 6 (A) OR # 6(B) IS "NO", PROCEED TO QUESTION # 9

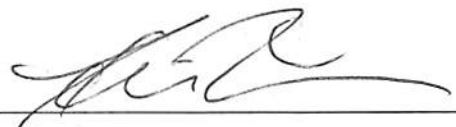


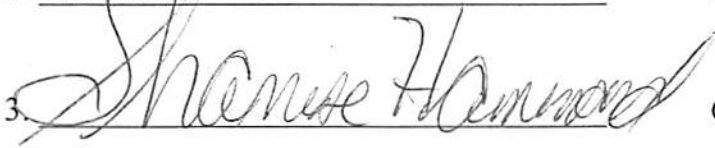
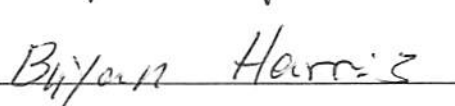
QUESTION #8:

WHAT IS THE PERCENTAGE OF FAULT, IF ANY, OF:


YVES RICHARD JEAN-GILLS, M.D.	<u>80</u>	%
PATRICK ELLIS, M.D.	<u>20</u>	%
TOTAL MUST BE 100%	<u>100</u>	%

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW:

1. _____	4. 
2. 	5. 
3. 	6. 

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I, 

NOTE: PROCEED TO QUESTION # 9

QUESTION # 9

PLEASE SET FORTH THE AMOUNT OF DAMAGES TO AWARD/COMPENSATE THE INFANT PLAINTIFF, BETSY MEDINA, FOR EACH OF THE FOLLOWING:

ANSWER TO QUESTION #9

a) Past pain and suffering: Betsy's Medina's past pain and suffering and loss of quality and enjoyment of life from the date of her birth on February 18, 2007 up to the date of your verdict:

\$ 275,000.00

If you make no award, you will insert the word "none"

b). Future pain and suffering: Betsy's Medina's pain and suffering and loss of quality and enjoyment of life from the date for your verdict for the remainder of her life to be incurred in the future and the period of years over which such award is intended to provide compensation.

\$ 2,750,000.00

If you make no award, you will insert the word "none"

If you make an award then you must state the period of years over which such award is intended to provide compensation. Do not state an amount per year but a total amount for the entire period.

71 YEARS

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

1. [Signature] 4. [Signature]
2. [Signature] 5. [Signature]
3. [Signature] 6. Bryan Harris

I, the undersigned juror, do not concur in the above.

1. _____

QUESTION # 10

STATE SEPARATELY THE AMOUNT THAT YOU AWARD TO THE INFANT PLAINTIFF, BETSY MEDINA, FOR EACH OF THE FOLLOWING:

ANSWER TO QUESTION #10

If you decide not to make an award, as to any of these items, you will insert the word "none" as to that item.

ECONOMIC LOSSES

A) IMPAIRMENT OF EARNING ABILITY

The annual amount in current dollars: \$ 18,184.⁰⁰
The growth rate during those years 3.5 %
The number of years during which the impairment will continue 50 YEARS

B) COST OF FUTURE CARE

1) Cost of Support Care \$ 14,595.⁰⁰
The growth rate during those years ~~10~~ 5 %
The number of years 60 YEARS

2) Cost of Therapeutic Care for Occupational Therapists \$ 5,600.⁰⁰
The growth rate during those years 5 %
The number of years 10 YEARS

3) Cost of Therapeutic Care for Physical Therapists \$ 4,000.⁰⁰
The growth rate during those years 5 %
The number of years 10 YEARS

4) Cost of Therapeutic Evaluations
for Occupational Therapists

\$ 550.00

The growth rate during those years

5 %

The number of years

71.6 YEARS

5) Cost of Therapeutic Evaluations
for Physical Therapists

\$ 150.00

The growth rate during those years

5 %

The number of years

10 YEARS

6) Cost of Medical Evaluations
for Doctors including Psychiatrists

\$ 300.00

The growth rate during those years

5 %

The number of years

71.6 YEARS

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

1. [Signature]

4. [Signature]

2. [Signature]

5. [Signature]

3. [Signature]

6. Bryan Harris

I, the undersigned juror, do not concur in the above.

1. _____

NOTE: REPORT YOUR VERDICT TO THE COURT.

DATE: MARCH 19, 2018

QUESTION # 10

STATE SEPARATELY THE AMOUNT THAT YOU AWARD TO THE INFANT PLAINTIFF, BETSY MEDINA, FOR EACH OF THE FOLLOWING:

ANSWER TO QUESTION #10

If you decide not to make an award, as to any of these items, you will insert the word "none" as to that item.

ECONOMIC LOSSES

A) IMPAIRMENT OF EARNING ABILITY

The annual amount in current dollars:

\$ 18,184.⁰⁰

The growth rate during those years

3.5 %

The number of years during which the impairment will continue

50 YEARS

Commencement Age 20

B) COST OF FUTURE CARE

1) Cost of Support Care

The growth rate during those years

\$ 14,595.⁰⁰

The number of years

~~5~~ 5 %

Commencement Age 21

60 YEARS

2) Cost of Therapeutic Care for Occupational Therapists

The growth rate during those years

\$ 5,600.⁰⁰

The number of years

5 %

Commencement now

10 YEARS

3) Cost of Therapeutic Care for Physical Therapists

The growth rate during those years

\$ 4,000.⁰⁰

The number of years

5 %

Commencement now

10 YEARS

**4) Cost of Therapeutic Evaluations
for Occupational Therapists**

\$ 550.00

The growth rate during those years

5 %

The number of years

71.6 YEARS

commencement now

**5) Cost of Therapeutic Evaluations
for Physical Therapists**

\$ 150.00

The growth rate during those years

5 %

The number of years

10 YEARS

commencement now

**6) Cost of Medical Evaluations
for Doctors including Psychiatrists**

\$ 300.00

The growth rate during those years

5 %

The number of years

71.6 YEARS

commencement now

**AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS
QUESTION**

Jurors, after answering the above question will sign their names below:

1. [Signature]

4. [Signature]

2. [Signature]

5. [Signature]

3. [Signature]

6. Bryan Harris

I, the undersigned juror, do not concur in the above.

1. _____

NOTE: REPORT YOUR VERDICT TO THE COURT.

DATE: MARCH 19, 2018