

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

MARY M. HENDON and, JOHN THOMAS HENDON,)	
)	Civil Action
)	
Plaintiffs,)	File No. 16 EV 004416
)	
— versus —)	
)	
STEPHEN D. SMITH, C.R.N.A. and JOHN/JANE DOE(S) 1-3,)	
)	
Defendants.)	

CONSOLIDATED PRETRIAL ORDER

The following constitutes the Consolidated Pretrial Order entered in the above-styled case:

1.

The name, address and phone number of the attorneys who will conduct the trial are as follows:

For Plaintiffs

Mary M. Hendon
John Thomas Hendon

Lloyd N. Bell, Esq.
Daniel E. Holloway, Esq.
David M. Schlachter, Esq.
BELL LAW FIRM
1201 Peachtree St. N.E., Suite 2000
Atlanta, GA 30361
404-249-6768 (tel)
404-249-6764 (fax)
Bell@BellLawFirm.com
Dan@BellLawFirm.com
David@BellLawfirm.com

For Defendant

Stephen D. Smith, CRNA

Daniel J. Huff, Esq.
Sharonda B. Barnes, Esq.
HUFF POWELL & BAILEY, LLC
999 Peachtree St., NE, Suite 950
Atlanta, GA 30309
404-892-4022 (tel)

404- 892-4033 (fax)
dhuff@huffpowellbailey.com
sbarnes@huffpowellbailey.com

2.

By Plaintiffs: The estimated time required for trial is 5-6 days. The Plaintiffs will be prepared to try the case upon call of the Court absent a legal conflict.

By Defendant: The estimated time required for trial is five days. The defense has requested a special setting of this case for trial. The Defendant maintains a busy medical practice and will need a special setting of the trial of this case to arrange for patient care and coverage for his patients. Additionally, there are several physician witnesses who will testify at the trial of this case and a special setting will enable them to make arrangements for patient coverage as well. Finally, there are out-of-town expert witnesses who will similarly need to make arrangements for patient care and coverage.

3.

There are no motions or other matters pending for consideration by the Court except as follows:

For the Plaintiffs:

- a. Plaintiffs will file motions in limine prior to the start of trial;
- b. Plaintiffs will file a Motion to Bring Electronic Equipment into Courtroom for Use at Trial and for Early Entry into Fulton County Justice Center;
- c. Plaintiffs reserve the right to file additional trial briefs as necessary.

For the Defendant:

The parties reserve the right to file trial briefs, motions in limine, and requests to charge in advance of trial.

4.

The jury will be qualified as to the relationship with the following:

Mary M. Hendon;

John Thomas Hendon;

Lloyd N. Bell and Bell Law Firm;

Larry Schlachter and Schlachter Law Firm;

Stephen D. Smith, C.R.N.A.;

Georgia Anesthesia, LLC

The Medical Protection Company; and

Any other law firms or entities who have a financial interest in the
outcome of the case;

The Court shall inquire from the panel whether any members of the prospective jury are related by blood or marriage to any of the individuals named above or are shareholders in the corporations listed.

The Defendant objects to any formal jury qualifications for any individual or entity that does not have a financial interest in the outcome of the case, which includes Huff, Powell & Bailey, LLC, and individual defense counsel.

5.

(a) All discovery has been completed, unless otherwise noted, and the Court will not consider any further motions to compel discovery except for good cause shown. The parties, however, shall be permitted to take depositions of any person(s) for the preservation of evidence for use at trial..

(b) Unless otherwise noted, the names of the parties as shown in the caption to this order are

correct and complete and there is no question by any party as to the misjoinder of or non-joinder of any parties.

(c) The parties reserve the right to engage in further discovery relating to those witnesses and documents that any party discloses in the Pretrial Order if such witnesses and documents were not previously disclosed in the discovery process.

6.

The following is the Plaintiffs' brief and succinct outline of the case and contentions.

Plaintiffs provide the following outline for the court's benefit, but objects to any or all of it being read to the jury:

In October 2014, Mary Hendon was suffering neck and back pain. Dr. Alan Binkley of Northview Associates decided to give her a series of cervical epidural steroid injections. Mrs. Hendon needed mild anesthesia in order to receive the epidural. The anesthesia had to be mild, because Dr. Binkley needed Mrs. Hendon to be awake and able to feel and report pain, if the epidural went wrong. If Dr. Binkley put the needle in too far and hit Mrs. Hendon's spinal cord, she needed to be able to feel it and tell him something was wrong before he injected the steroid. If steroid is injected into the spinal cord, the needle or the medication can cause permanent and catastrophic neurologic deficits. With too much anesthesia, Ms. Hendon wouldn't be able to feel and respond.

Defendant Stephen D. Smith was the nurse anesthetist for the procedure. He was responsible for administering the anesthesia properly, in the correct dose. He was also responsible for checking after he gave the anesthesia, to make sure he gave the right amount. He gave Ms. Hendon too much anesthesia, and he didn't check afterward, so the procedure moved forward despite the excessive dose.

During the epidural procedure, Dr. Binkley put the needle too far in. The needle went into Mrs. Hendon's spinal cord. Because the nurse anesthetist had over-sedated her, Mrs. Hendon didn't feel any pain. If she had felt pain, she would have told Dr. Binkley, and he would have pulled the needle out of the spinal cord before injecting the medication. The incidental piercing of the cord would not have caused lasting harm. But because of the over-sedation, the "epidural" injection of medication turned into a spinal-cord injection of medicine. That caused permanent, serious harm.

When Mary Hendon awoke from anesthesia, she immediately reported right arm and leg numbness and shortness of breath. She also had tingling in both arms. Within an hour of the epidural, Northview had called for an ambulance to take Mrs. Hendon to the emergency department at a nearby hospital.

Ms. Hendon never recovered. She will continue to suffer for the rest of her life. She suffers daily from pain and numbness in her arms, numbness in both feet, and decreased sensation with bowel and bladder — which not only causes ongoing embarrassment but interferes with daily life and limits where she can go and what she can do. Mrs. Hendon has a loving, faithful husband, who has been by her side through these struggles. The negligent overdose of sedation has affected both their lives.

Mrs. Hendon brings this suit against Mr. Smith for professional negligence. Mr. Hendon brings a claim for loss of his wife's consortium.

7.

The following is the Defendant's brief and succinct outline of the case and contentions:

In June of 2014, Mary M. Hendon was diagnosed with cervicgia and muscle spasms by her primary care physician. She was then referred to Dr. G. Alan Binkley, an orthopaedic

surgeon. Radiology studies were obtained which showed that Ms. Hendon suffered from a cervical herniated disc. As such, Dr. Binkley suggested epidural steroid injections (“ESIs”) for pain management. Ms. Hendon was educated about the risks and benefits of the procedure.

The first ESI was conducted on September 19, 2014 by Dr. Binkley. Sweet Dreams Nurse Anesthesiology was responsible for performing the sedation portion of the procedure. Ms. Hendon tolerated the procedure without complaint and reported a sixty percent improvement in her pain.

Ms. Hendon returned to Dr. Binkley’s office on October 20, 2014 for her second ESI. Mr. Stephen Smith, C.R.N.A. of Georgia Anesthesia, LLC was responsible for the sedation portion of the procedure. Dr. Binkley then performed Ms. Hendon’s second ESI procedure and Ms. Hendon tolerated the procedure well. Ms. Hendon awoke from her second ESI procedure in the post-anesthesia area where she complained of chest pain and numbness in her feet. Dr. Binkley ordered an EKG and consulted with a cardiologist. Ms. Hendon was then sent to Chestatee Medical Center for overnight observation. On October 29, 2014, Ms. Hendon presented to Dr. Binkley’s office for a follow-up appointment. During the visit, she complained of paresthesia on the plantar aspect of both feet and a tight sensation on her chest. She also reported issues with her bowel and bladder function. Ms. Hendon attributes her complaints to the second ESI procedure.

Mr. Smith complied with the standard of care and was otherwise not negligent in his care and treatment of Ms. Hendon and no act or omission to act on the part of Mr. Smith caused or contributed to Plaintiffs’ injuries. For these reasons, Mr. Smith is not liable to the Plaintiffs and the jury should return a verdict in favor of the Defendant.

The Defendant objects to the Court reading or otherwise presenting to the jury the Parties' outline of the case.

8.

The issues for determination by the jury are as follows:

For the Plaintiffs:

- a. Ordinary (Professional) Negligence as to Mr. Smith;
- b. Causation;
- c. Damages;
- d. Apportionment; and
- e. Loss of Consortium.

For the Defendant:

- (a) Whether Stephen D. Smith, C.R.N.A. was professionally negligent in his care and treatment of Ms. Mary Hendon;
- (b) Whether the alleged professional negligence by Stephen D. Smith, C.R.N.A. proximately caused the injuries to Plaintiffs;
- (c) What damages, if any, resulted for the alleged negligent acts or omissions of Stephen D. Smith, C.R.N.A.
- (d) Whether Dr. G. Alan Binkley was at fault and whether his actions were the proximate cause or contributing cause of the injuries of Plaintiffs;
- (e) The amount of fault of Dr. G. Alan Binkley and/or Northview Associates, P.C. that caused and contributed to the damages being claimed; and
- (f) If Stephen D. Smith, C.R.N.A. was negligent and caused any damages, the amount of damages, if any.

The Defendant does not concede that the Plaintiffs will present sufficient evidence to establish genuine issues of material act as to any of these issues.

9.

Specifications of negligence including the applicable code sections are as follows:

(a) For Plaintiffs:

1. Failure to communicate with Dr. Binkley as to an anesthetic plan for a cervical epidural steroid injection;
2. Failure to maintain a minimal to moderate sedation state that would allow lucid verbal communication as to the presence of parasthesias or pain during the performance of an cervical epidural steroid injection;
3. Failure to recognize that the medications administered would result in a deep sedative anesthetic state;
4. Failure to communicate to Dr. Binkley that the patient was in an anesthetic depth which rendered the patient unable to appropriately communicate during the procedure.
5. Negligent use of Propofol to achieve sedation in a cervical epidural injection procedure.

(b) For the Defendant.:

The Defendant denies he was negligent or that he caused or contributed to Plaintiffs' alleged injuries.

The Defendant requests that the Plaintiffs set forth their specific allegations of negligence fully and completely in this Consolidated Pretrial Order as required under the Georgia Civil Practice Act. The Defendant objects to the introduction of any testimony, reference, or any

evidence whatsoever of any alleged negligence not identified with specificity in this Consolidated Pretrial Order. The Defendants object to any specification of negligence not previously identified in discovery, supported by expert testimony and causally related to the injuries and damages being claimed.

10.

If the case is based on a contract, either oral or written, the terms of the contract are as follows (or, contract is attached as an Exhibit to this Order):

This case is not based on contract.

11.

The types of damages and the applicable measure of those damages are stated as follows:

For the Plaintiffs:

1. Past General Damages: General damages constituting just compensation for Plaintiff's pain and suffering from October 20, 2014 until the time of trial, pursuant to O.C.G.A. § 51-12-4.
2. Past Expenses: Special damages constituting reimbursement for medical, hospital and other related expenses from October 20, 2014 until the time of trial pursuant to O.C.G.A. § 51-12-7. The measure of these damages is the amount of expenses incurred as a result of the injury, disease or disability as proven in any manner to permit calculation of the amount with reasonable certainty. *Whitley v. Ditta*, 209 Ga. App. 553 (1993); *see also* O.C.G.A. §§ 51-12-2, 51-12-3 and 51-12-13.
3. Future General Damages: General damages constituting just compensation for Plaintiff's pain and suffering from the date of trial throughout the

remainder of her life pursuant to O.C.G.A. § 51-12-4; *Baxter v. Bryan*, 122 Ga. App. 817 (1970). The measure of such damage is the enlightened conscience of fair and impartial jurors.

4. Future Expenses: Special damages constituting just compensation for future medical expenses for Plaintiff throughout the remainder of her life, pursuant to O.C.G. A. § 51-12-7. The measure of these damages is the reasonable value of such expenses as are reasonably necessary.
5. Loss of Consortium: Special damages constituting just compensation for Plaintiff John Thomas Hendon's loss of his wife's consortium caused by Defendant's negligence. The measure of these damages is an amount to be determined by the enlightened conscience of a fair and impartial jury.

For the Defendant:

The Defendant denies that the Plaintiffs are entitled to any damages.

12.

If the case involves divorce, each party shall present to the Court at the pre-trial conference the affidavits required by Rule 24.2:

Not applicable.

13.

The following facts are stipulated:

None at this time. The parties may stipulate to a redacted set of medical records to be used as a joint exhibit at trial.

14.

The following is a list of all documentary and physical evidence that will be tendered at

the trial by the parties. The parties have stipulated as to the authenticity of the documents listed and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel, and copies provided to opposing counsel, prior to trial so as not to delay the trial before the jury.

By the Plaintiffs: See attached exhibit list attached to this Order as Exhibit A. Plaintiffs reserve the right to amend and/or supplement this list of documentary evidence and physical evidence upon giving reasonable advance notice prior to trial of such additional evidence to opposing counsel. Plaintiffs also reserve the right to revise the order of trial exhibits listed in Exhibit A prior to trial.

Plaintiffs may introduce and rely on any document on Defendant's exhibit list.

For the Defendant:

- (1) Any and all medical records and bills for Mary M. Hendon maintained by:
 - a. Northview Orthopaedic Associates, P.C.;
 - b. Emory University Hospital;
 - c. Longstreet Clinic in Gainesville;
 - d. United Healthcare System;
 - e. Blue Cross Blue Shield;
 - f. Chestatee Regional Medical Center;
 - g. Resurgens Orthopaedics;
 - h. Mountain Eye Care, P.C.
 - i. High Mountain Healthcare, LLC;
 - j. Union General Hospital;
 - k. Sweet Dreams Nurse Anesthesiology;

- l. Georgia Anesthesiology;
 - m. Alliance Spine and Pain Medicine;
 - n. Pain Solutions Treatment Center;
 - o. Any other materials maintained by an identified medical provider that are related to or created as a result of decedent's care and treatment;
- (2) Any *curriculum vitae* of the Defendant.
 - (3) Any *curriculum vitae* of any expert.
 - (4) All documents identified and/or produced during the course of discovery by any party.
 - (5) All documents identified during the course of depositions, or attached as exhibits to depositions.
 - (6) All pleadings filed.
 - (7) Any materials contained in the files of the Plaintiffs' experts, including all notes and invoices.
 - (8) Any materials provided to the Plaintiffs' experts.
 - (9) All exhibits listed by the Plaintiffs.
 - (10) Demonstrative exhibits including anatomical models, charts, models, timelines, diagrams, illustrations, photographs, videos, enlargements of medical records and animations.
 - (11) Enlarged portions of Mary Hendon's medical records and/or radiology studies.
 - (12) Any documents or other physical evidence listed by the Plaintiffs in the Pretrial Order.

The Defendant respectfully reserves the right to amend this list of documentary and physical evidence by giving appropriate notice to opposing counsel prior to trial. The Defendant requests the opportunity to inspect and copy documents listed by the Plaintiffs prior to trial. Further, the Defendant reserves the right to use impeachment materials and demonstrative aids as allowed by law without being listed herein. The Defendant does not stipulate to the admissibility of any documents or exhibits listed by the Plaintiffs, except for the medical records of Mary Hendon maintained by the medical providers identified above, if a certification of authenticity was produced with such records. The parties are interested in using a joint medical records exhibit.

The Defendant requests that each side is permitted to use demonstrative evidence during the trial of this case that will not go back with the jury. Such demonstrative evidence includes, but is not limited to charts, models, graphs, timelines, diagrams, photographs, exemplars, drawings and animations.

15.

Special authorities relied upon by the Plaintiffs relating to peculiar evidentiary or other legal questions are as follows:

Plaintiffs reserve the right to provide the Court with additional motions or trial briefs as necessitated by pre-trial activities, and authorities and briefs on issues that may arise before or during the trial.

16.

Special authorities relied upon by Defendant relating to peculiar evidentiary or other legal questions are as follows:

The jury is entitled to apportion damages among all those whose negligence caused or

contributed to Plaintiffs' injuries, including but not limited to G. Alan Binkley, M.D. and Northview Associates, P.C. pursuant to O.C.G.A. § 51-12-33.

The Defendant expects that he will file trial briefs on any issues or other peculiar evidentiary or legal questions that may arise, and he will cite to particular authorities and as appropriate in those pleadings. The Defendant reserves the right to cite other special authorities following Plaintiffs' identification of the special authorities they contend relate to peculiar evidentiary or other legal questions.

By Plaintiffs: Plaintiffs object to anyone being placed on the verdict form for apportionment purposes who is not a) a settling party or b) a person or entity properly identified in a notice of intent to apportion damages.

17.

All requests to charge anticipated at the time of trial will be filed in accordance with Rule 10.3.

18.

The testimony of the following persons may be introduced by deposition:

For the Plaintiffs: Any medical providers listed in Section 14 above as well as any witness listed in paragraph 19(a) or (b) who becomes unavailable to attend trial in person. Depositions (or portions thereof) of all live witnesses may be introduced for purposes of impeachment. Any objection to the depositions or questions or arguments in the depositions shall be called to the attention of the Court prior to the trial. Plaintiffs object to the Defendants' introduction of testimony by deposition absent a showing of unavailability.

For Defendant:

The Defendant objects to the presentation of any witness by deposition without the

requisite showing of unavailability or a stipulation by counsel. The Defendant reserves the right to use deposition testimony for purposes of impeachment.

The Parties reserve the right to take any evidentiary depositions prior to trial and these may be introduced at the time of trial. Any objections to the depositions or questions or arguments in the deposition shall be called to the attention of the Court prior to trial.

19.

For the Plaintiffs:

The following are a list of witnesses the

- a. Plaintiffs will have present at trial: Mary M. Hendon and John Thomas Hendon
- b. Plaintiffs may have present at trial:

- 1. Neil Buettner, CRNA
- 2. Kate Spina, CRNA
- 3. Stephen Smith, CRNA
- 4. Michael Schaufele, MD
- 5. Alan Binkley, MD
- 6. David Hochschild, MD
- 7. Lynn Cooper
- 8. Ramona Fahey
- 9. Erica McMahan
- 10. Robin Milford
- 11. Dulce Torres
- 12. Jordan Yearwood, RN
- 13. Christine Hendon Williams

14. Michael Hendon
15. Jeffrey McIntire, MD
16. Cindy Starke, MD
17. Paul Jeffords, MD
18. Karl Shultz, MD
19. Suzanne Nunn, MD
20. Lavaniia Rusu, LMT
21. Joe Livingston, MD
22. Jeremy Cushing, CRNA
23. Richard Rauck, M.D.
24. Gilbert Kandrak, CRNA
25. Lyubov Zavelina, CRNA
26. Kathy Deavers, NP
27. Jeffrey McIntire, MD
28. Karl D. Schultz, M.D
29. Dale Erwin, MD
30. Cindy Starke, MD
31. Any healthcare provider not otherwise listed above who is identified in any medical records set forth in Paragraph 14 above;
32. Any witness listed by Defendant in his portion of the Pre-trial Order; and
33. Any witness necessary for purposes of record authentication and/or foundational requirements

Plaintiffs reserve the right to amend and supplement the foregoing list of potential witnesses upon reasonable notice so as not to constitute an unjust surprise or impose undue delay

upon the trial of the case.

Plaintiffs object to any witness on Defendants' "may call" list that is not identified by name.

Opposing counsel may rely on representation by the designated party that they will have a witness present unless notice to the contrary is given in sufficient time prior to trial to allow the other party to subpoena the witness or obtain his testimony by other means.

For the Defendant:

- c. Defendant will have present at trial: Stephen D. Smith
- d. Defendant may have present at trial:
 - 1. Jeremy Cushing, CRNA;
 - 2. Richard Rauck, M.D.;
 - 3. G. Alan Binkley, M.D.;
 - 4. Gil Kandrac, CRNA;
 - 5. Lynn Cooper;
 - 6. Ramona Fahey, R.N.;
 - 7. Mary M. Hendon;
 - 8. John Hendon;
 - 9. David Hochschild, M.D.;
 - 10. Erica McMahan;
 - 11. Robin Milford;
 - 12. Michael Schaufele, M.D.;
 - 13. Dulce Torres;
 - 14. Jordan Yearwood, R.N.;

15. Richard Arasi, M.D.;
16. John Turner, O.D.;
17. Karl D. Schultz, M.D.;
18. Paul R. Jeffords, M.D.;
19. Suzanne Nunn, M.D.;
20. Lyubov Zavelina, CRNA;
21. Kathy Deavers, NP;
22. Jeffrey McIntire, MD;
23. Dale Erwin, M.D.;
24. Cindy Starke, M.D.;
25. Any healthcare provider identified in Plaintiff's medical records;
26. All persons identified in response to discovery or depositions; and
27. Any witness listed by any other party.

The parties reserve the right to call other witnesses for the purposes of impeachment or rebuttal.

Opposing counsel may rely on representation by the designated party that the designated party will have a witness present unless notice to the contrary is given in sufficient time prior to trial to allow the other party to subpoena the witness or obtain his testimony by other means.

The parties reserve the right to call other witnesses for the purposes of impeachment or rebuttal.

20.

The form of all possible verdicts to be considered by the jury are as follows:

By Plaintiff: See proposed verdict form attached as Exhibit B.

The Defense cannot submit a verdict form until the conclusion of evidence at trial. The Defense will submit a proposed verdict form as directed by the Court during the trial of this case.

21.

- (a) The possibilities of settling the case are poor.
- (b) The parties want the case reported.
- (c) The costs of take-down will be shared equally between the parties.
- (d) The Defendant requests a special setting of this case for trial with adequate notice to allow patient coverage during the trial.

This 26th day of March, 2020.

/s/ Lloyd N. Bell

LLOYD N. BELL
Georgia Bar No. 048800
David M. Schlachter
Georgia Bar No. 653949
BELL LAW FIRM
1201 Peachtree St. N.E., Suite 2000
Atlanta, GA 30361
404-249-6767 (tel)
404-249-6764 (fax)

*Attorneys for Plaintiffs Mary M. Hendon and
John Thomas Hendon*

/s/ Sharonda Barnes

DANIEL J. HUFF
Georgia Bar No. 374860
Sharonda B. Barnes
Georgia Bar No. 245438
HUFF POWELL & BAILEY, LLC
999 Peachtree St., NE, Suite 950
Atlanta, GA 30309
404-892-4022 (tel)
404- 892-4033 (fax)

*Attorneys for Defendant Stephen D. Smith,
C.R.N.A.*

It is hereby ordered that the foregoing, including the attachments thereto, constitutes the PRE-TRIAL ORDER in the above case and supersedes the pleadings, which may not be further amended except by order of the court to prevent manifest injustice.

IT IS SO ORDERED, this the ____ day of _____, 2020.

HONORABLE PATSY PORTER
Judge, State Court of Fulton County

EXHIBIT A - PLAINTIFFS' LIST OF TRIAL EXHIBITS

The following is a list of all documentary and physical evidence that may be tendered at the trial by the Plaintiffs. Counsel reserves the right to revise the order of these exhibits prior to trial:

1. Mary M. Hendon Medical Records:
 - (a) Northview Orthopedic Associates
 - (b) Alliance Spine & Pain Management/Pain Solutions Treatment Centers
 - (c) Atlanta Gastroenterology
 - (d) Chestatee Regional Hospital
 - (e) High Mountain Healthcare
 - (f) Health 4 Hands
 - (g) Hillcrest Family Clinic
 - (h) Longstreet Clinic
 - (i) Lumpkin County EMS
 - (j) Mountain Eye Care
 - (k) North Georgia Family Medicine
 - (l) Pinnacle Orthopedics
 - (m) Resurgens Orthopedics
 - (n) Georgia Anesthesiology
 - (o) Union General Hospital
 - (p) Woodstock Dermatology

2. Radiology Films/Fluoroscope Images
Northview Orthopedics Associates

3. Lumpkin County 911 records

4. Northview Orthopedic Floorplan

5. Northview Orthopedic Organizational Chart

6. NVA Agreement with Anesthesia Services
7. Nurse Smith's Privileges at NVA
8. CV of Stephen Smith CRNA
9. NVA Appointment Detail for 10-20-2014
10. CV of Michael Schaufele, MD
11. Binkley 08-04-2016 letter re: Mary Hendon
12. Dr. Binkley Certificate of Completion - NASS
13. Dr. Binkley Certificate of Completion – cervical injection
14. CV of Neil Buettner, Jr., BSN, CRNA
15. CV of Kate Spina CRNA
16. Chart of medical expenses with supporting documentation
17. Photographs of Mary Hendon following surgery
18. Photographs of Plaintiff with Family
19. National Vital Statistics Report CDC 2-15 / 1949 Mortality Table
20. Medical articles that were exhibits to depositions
21. Operator Guide for 1k x 1k Mobile Work Station
22. Operato Guide for C-Arm
23. C-Arm Service documents
24. Medical Illustrations and other visual aids
25. Medical Devices and Equipment
26. Medical Articles, Manuals, Textbooks and/or Guidebooks
27. All pleadings including Complaint with attached affidavits on file in this case
28. All discovery served in this case
29. Any and all exhibits to depositions taken in this case subject to foundation objections
30. Exhibits to any motions filed in this case

31. Any document produced by a party or non-party during the course of discovery
32. Any document produced by Defendants in the course of discovery
33. Any documents produced by Plaintiffs in the course of discovery
34. Any and all CVs produced by any physician and/or expert
35. Any and all Affidavits prepared by any physician and/or expert.
36. Photographs, videotapes, DVDs, CDs, illustrations and diagrams for medical and illustrative purposes
37. Photographs, videotapes, DVDs, CDs, illustrations and diagrams for purposes of rebuttal and or impeachment;
38. Any and all documents and/or evience identified or tendered by Defendants during the course of this case
39. Any document listed as an exhibit by Defendant
40. Any document for the purpose of impeachment or rebuttal

EXHIBIT B – PLAINTIFFS’ PROPOSED JURY VERDICT

**IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

MARY M. HENDON and)	
JOHN THOMAS HENDON,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
vs.)	
)	FILE NO. 16EV004416
STEPHEN D. SMITH, C.R.N.A.,)	
)	
)	
Defendant.)	

JURY VERDICT

A. _____ We, the jury, find for Plaintiff Mary Hendon as follows:

1. We award Plaintiff, Mary Hendon, damages in the amount of

*(Do NOT reduce this number if you find fault of any party or non-party.
The Court will do that based on the percentages below)*

2. The percentages of fault are as follows: *(If you find that any of the following are not liable, then put 0% next to their name)*

_____ % Defendant Stephen D. Smith, C.R.N.A.

_____ % G. Alan Binkley, M.D./Northview Associates

(Note: Percentages must total 100%)

B. _____ We, the jury, find for Plaintiff John Thomas Hendon on his loss of consortium claim and award damages in the amount of

OR

C. _____ We, the jury, find for the Defendant, Stephen D. Smith, C.R.N.A.

Date

Foreperson (Signature)

(Printed Name)