

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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CYNTHIA FRENCHMAN, as Executrix of the Estate of
GERALD FRENCHMAN, deceased and CYNTHIA
FRENCHMAN, Individually,

Plaintiffs,

-against-

Index No. 2300/03

WESTCHESTER MEDICAL CENTER, et al,

Defendants.

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VERDICT SHEET

At least five jurors must agree on the answer to each of the questions below. The same five jurors do not have to agree on the answer to each question.

PART I - LIABILITY

1. Did the defendant Richard Moggio, M.D. depart from good and accepted standards of medical practice in his treatment of Gerald Frenchman?

Yes No

If you answered yes, proceed to question 2. Otherwise proceed to question 3.

2. Was such departure a substantial factor in causing injury to Gerald Frenchman?

Yes No

Proceed to question 3.

3. Did the defendant Ronald Smith, M.D. depart from good and accepted standards of medical practice in his treatment of Gerald Frenchman?

Yes No

If you answered yes, proceed to question 4. Otherwise proceed to question 5.

4. Was such departure a substantial factor in causing injury to Gerald Frenchman?

Yes No

Proceed to question 5.

5. Did the defendant David Wolf, M.D. depart from good and accepted standards of medical practice in his treatment of Gerald Frenchman?

Yes No

If you answered yes, proceed to question 6. Otherwise proceed to question 7.

6. Was such departure a substantial factor in causing injury to Gerald Frenchman?

Yes No

Proceed to question 7.

7. Did the defendant Westchester Medical Center depart from good and accepted standards of medical practice in its' treatment of Gerald Frenchman?

Yes No

If you answered yes, proceed to question 8. Otherwise proceed to question 9.

8. Was such departure a substantial factor in causing injury to Gerald Frenchman?

Yes No

Proceed to question 9.

PART II - LIABILITY

9. Did defendant Ronald Smith, M.D., before obtaining consent to the PEG/J tube procedure, provide appropriate information?

Yes No

If your answer is yes, proceed to question 12. Otherwise proceed to question 10.

10. Would a reasonably prudent person in Gerald Frenchman's position, at the time consent was given, have given such consent if given appropriate information?

Yes No

If your answer is yes, proceed to question 12. Otherwise proceed to question 11.

11. Was the procedure a substantial factor in causing injury to Gerald Frenchman?

Yes _____ No

Proceed to question 12.

12. Did defendant Westchester Medical Center, by Goslan Sylvan, M.D., before obtaining consent to the PEG/J tube procedure, provide appropriate information?

Yes No _____

If your answer is yes, proceed to the instructions following question 14. Otherwise proceed to question 13.

13. Would a reasonably prudent person in Gerald Frenchman's position, at the time consent was given, have given such consent if given appropriate information?

Yes No _____

If your answer is yes, proceed to the instructions following question 14. Otherwise proceed to question 14.

14. Was the procedure a substantial factor in causing injury to Gerald Frenchman?

Yes _____ No

If you answered yes to any combination of questions 2, 4, 6, 8, 11 and 14, proceed to question 15 to apportion liability. If you answered yes to only one of the foregoing questions, proceed to question 16 to fix damages. Otherwise stop and report to the Court.

PART III - APPORTIONMENT

15. What was the percentage of fault attributable to each defendant that you found to be negligent and to have caused injury to Gerald Frenchman?

Defendant Richard Moggio, M.D.	<u>25</u>	%
Defendant Ronald Smith, M.D.	<u>15</u>	%
Defendant David Wolf, M.D.	<u>0</u>	%
Defendant Westchester Medical Center	<u>60</u>	%

The total must equal 100%. Proceed to question 16.

PART IV - DAMAGES

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

16. What is the amount awarded plaintiff, if any, for pain and suffering by Gerald Frenchman, as the result of defendants' negligence, until the time of his death?

\$ 1 million

Proceed to question 17.

17. What is the amount awarded plaintiff, if any, for loss of services of Gerald Frenchman, as the result of defendants' negligence, until the time of his death?

\$ 150,000

Proceed to question 18.

18. What is the amount awarded plaintiff, if any, for the following items of damages incurred, as the result of defendants' negligence, by Gerald Frenchman prior to his death or for which his estate was responsible:

Medical Expenses

\$ 335,000

Loss of Earnings

\$ 100,000

Funeral Expenses, including burial lot

\$ 15,000

Proceed to question 19.

19. What is the amount of economic loss, if any, to each of the following distributees, as the result of defendants' negligence, due to Gerald Frenchman's death?

Cynthia Frenchman

\$ 100,000

Peter Frenchman

\$ 0

Kenneth Frenchman

\$ 0

Robert Frenchman

\$ 0

Jill Frenchman

\$ 10,000

Proceed to question 20.

20. For each person for whom an award was made in question 19, state the period of years over which the amount awarded is intended to provide compensation:

Cynthia Frenchman

1 years

Peter Frenchman

None years

Kenneth Frenchman

None years

Robert Frenchman

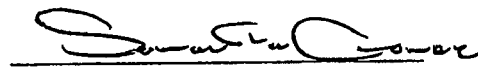
None years

Jill Frenchman

1 years

Dated:

January 29, 2006
White Plains, New York


Juror Foreperson