

FORM OF THE VERDICT

RE: HARRIET ROSE as Administrator of the Estate of Bennett Rose and Harriet Rose, Individually v. JONATHAN ZINBERG, M.D. and SOUTH SHORE GASTROENTEROLOGY, P.C.,

INDEX NO: 003595/09

- 1. DID THE DEFENDANT, DR. JONATHAN ZINBERG, DEPART FROM ACCEPTED MEDICAL PRACTICE BY FAILING TO OBSERVE A TUMOR IN THE CECUM AREA DURING THE COLONOSCOPY OF DECEMBER 14, 2006?

At least 5 jurors must agree on the answer to this question.

YES _____ NO

If your answer to Question 1 is No, sign below and proceed to Question 3. If your answer to Question 1 is Yes, sign below and proceed to Question 2.

Genova Ellis
Juror #1 Signature

Wail O'Donnell
Juror #4 Signature

Joel Linnick
Juror #2 Signature

Michael Zickler
Juror #5 Signature

Juan Milson
Juror #3 Signature

Alan Brooker
Juror #6 Signature

Dissenting juror, if any:

Signature

Court Exhibit IV
3-25-13

2. WAS THE DEPARTURE ON THE PART OF THE DEFENDANT, DR. JONATHAN ZINBERG, A SUBSTANTIAL FACTOR IN CAUSING INJURY TO BENNETT ROSE?

At least 5 jurors must agree on the answer to this question.

YES _____ NO _____

Juror #1 Signature

Juror #4 Signature

Juror #2 Signature

Juror #5 Signature

Juror #3 Signature

Juror #6 Signature

Dissenting juror, if any:

Signature

Proceed to Question 3

3. **DID THE DEFENDANT, DR. JONATHAN ZINBERG, DEPART FROM ACCEPTED MEDICAL PRACTICE BY FAILING TO OBSERVE A TUMOR IN THE CECUM AREA DURING THE COLONOSCOPY OF OCTOBER 11, 2007 ?**

At least 5 jurors must agree on the answer to this question.

YES NO

If your answer to Question 3 is No, sign below and proceed to Question 5.
If your answer to Question 3 is Yes, sign below and proceed to Question 4.

_____ Juror #1 Signature	<u>Gail O'Donnell</u> Juror #4 Signature
<u>[Signature]</u> Juror #2 Signature	<u>[Signature]</u> Juror #5 Signature
<u>[Signature]</u> Juror #3 Signature	<u>[Signature]</u> Juror #6 Signature

Dissenting juror, if any:

[Signature]
Signature

4. **WAS THE DEPARTURE ON THE PART OF THE DEFENDANT, DR. JONATHAN ZINBERG, A SUBSTANTIAL FACTOR IN CAUSING INJURY TO BENNETT ROSE?**

At least 5 jurors must agree on the answer to this question.

YES NO

_____ Juror #1 Signature	_____ Gail O'Donnell Juror #4 Signature
_____ Joan Smith Juror #2 Signature	_____ Michael Zelnick Juror #5 Signature
_____ Jan Nielsen Juror #3 Signature	_____ Tom B... Juror #6 Signature

Dissenting juror, if any:

Sandra Ellis
Signature

If you answered Yes to any one or more of Questions 1 and 2, and/or 3 and 4, you have found defendant to be liable.

If you found defendant to be liable, proceed to Question 5.

If you did not find defendant to be liable, stop and report your verdict.

5. STATE THE AMOUNT, IF ANY, AWARDED FOR CONSCIOUS PAIN AND SUFFERING, INCLUDING THE LOSS OF ENJOYMENT OF LIFE INCURRED BY BENNETT ROSE, FROM THE DATE OF A DEPARTURE THAT CAUSED INJURY UP TO THE TIME OF HIS DEATH.

\$ 500,000

If you decide not to make an award as to that item, you will insert the word "NONE".

At least five jurors must agree on the answer to this question.

_____ Juror #1 Signature	Gail O'Donnell / _____ Juror #4 Signature
Joan Smith _____ Juror #2 Signature	Michael Zuhlen _____ Juror #5 Signature
Joan Nielsen _____ Juror #3 Signature	Dan Borden _____ Juror #6 Signature

Dissenting juror, if any:

Denise Ellis
Signature

Proceed to Question 6.

6. a) **HAS THE PLAINTIFF'S SPOUSE HARRIET ROSE SUSTAINED A LOSS OF HER SPOUSE'S SERVICES?**

YES NO

At least five jurors must agree on the answer to this question.

_____ Juror #1 Signature	_____ Gail O'Donnell Juror #4 Signature
_____ Joan Smith Juror #2 Signature	_____ Michael Rehrig Juror #5 Signature
_____ Joan Nielsen Juror #3 Signature	_____ Glen Broderick Juror #6 Signature

Dissenting juror, if any:

Denise Ellis
Signature

(b) **IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES" STATE THE TOTAL DOLLAR AMOUNT THAT WOULD FAIRLY AND JUSTLY COMPENSATE THE PLAINTIFF' SPOUSE, FOR THE LOSS OF HER SPOUSE'S SERVICES FROM THE DATE OF A DEPARTURE THAT CAUSED INJURY TO HER SPOUSE, UP TO THE DATE OF HIS DEATH.**

From the date of the injury to the date of death of Bennett Rose.

\$ 200,000

At least five jurors must agree on the answer to this question.

_____ Juror #1 Signature	_____ Gail O'Donnell Juror #4 Signature
_____ Joan Smith Juror #2 Signature	_____ Michael Rehrig Juror #5 Signature
_____ Joan Nielsen Juror #3 Signature	_____ Glen Broderick Juror #6 Signature

Dissenting juror, if any:

Denise Ellis
Signature

REPORT YOUR VERDICT