

2013 WL 6456825 (N.Y.Sup.) (Verdict, Agreement and Settlement)
Supreme Court of New York.
Kings County

Jaelin SENCE an infant by his Parents and Natural Guardians, Jean Sence and Myrtho Sence, Plaintiff(s),
v.
Ioanis ATOYNATAN, M.D., AFAM Multispecialty Medical Group and NY Methodist Hospital, Defendant(s).

No. 3172/2008.
December 3, 2013.

Verdict Sheet

Present: Hon. Ellen M. Spodek, JSC.

This cause having been called for trial in its order on the Calendar, and six jurors having been duly drawn, empaneled and sworn to try the same, the jury comes into the Court on 15th ?? day of November ??2013?? after a Unified ?? trial and say that they find a verdict as follows??.

See Attached Rider

(A TRUE EXTRACT OF THE MINUTES OF THE CASE)

COUNTY CLERK

Nancy T. Sunshine

by: Scc:K.Barton

You must answer these questions in the order given. Please do not write anything on this form except to check "Yes" or "No" or to fill in numbers and/or percentages where applicable. At least five (5) out of six (6) jurors must agree to each answer, although it need not be the same five (5) out of six (6) on each and every answer. After each individual question you will see six (6) lines. The five (5) out of six (6) of you who agree to the answer to each question must sign your names on the lines provided. If unanimous, all six (6) must sign.

QUESTION #1(a)

Did defendant DR. IOANIS ATOYNATAN depart from accepted medical practice in his order to have the plaintiff follow-up in one week?

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

ANSWER: Yes X No _____

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

ANSWER: Yes No

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4. <<signature>>

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6. <<signature>>

DISSENTING JUROR (if any) <<signature>>

NOTE: If you answered YES to Question #2(a) please continue to Question #2(b). If you answered NO to Question #2(a), proceed to Question #3(a).

QUESTION #2(b)

Was that departure a substantial contributing factor to injury to Jaelin Sence ?

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

ANSWER: Yes No

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #3(a).

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

ANSWER: Yes No

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #6(a).

QUESTION #6(a)

Did defendant NEW YORK METHODIST HOSPITAL through its staff depart from accepted medical practice with respect to the performance of a proper examination of Jaelin Sence before he was discharged from the hospital on July 6, 2007 ?

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

ANSWER: Yes No

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DISSENTING JUROR (if any) <<signature>>

NOTE: If you answered YES to Question #6(a) please continue to Question #6(b).

If you answered NO to Question #6(a), proceed to Question #7.

QUESTION #6(b)

Was that departure a substantial contributing factor to injury to Jaelin Sence ?

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

ANSWER: Yes No

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #7

IF YOU ANSWERED "YES" TO ANY OF THE QUESTIONS 1(b), 2(b), 3(b), 4(c), 5(c) or 6(b), PROCEED TO QUESTION #7.

IF YOU DID NOT ANSWER "YES" TO ANY OF THE QUESTIONS 1(b), 2(b), 3(b), 4(c), 5(c) or 6(b), PROCEED NO FURTHER AND REPORT YOUR VERDICT TO THE COURT.

IN ANSWERING QUESTION #7 YOU WILL STATE THE PERCENTAGE OF FAULT THAT YOU ATTRIBUTE TO DEFENDANT DR. ATOYNATAN AND TO DEFENDANT NEW YORK METHODIST HOSPITAL

YOU MAY ONLY APPORTION A PERCENTAGE OF FAULT TO A DEFENDANT IF YOU HAVE FOUND THAT THE DEFENDANT DEPARTED FROM ACCEPTED MEDICAL PRACTICE AND THAT THE DEPARTURE WAS A SUBSTANTIAL CONTRIBUTING FACTOR TO INJURY TO Jaelin SENCE.

YOUR ANSWER MUST TOTAL 100%

QUESTION #7

What percentage of fault do you attribute to:

Defendant: DR. IOANIS ATOYNATAN 25 %

Defendant: NEW YORK METHODIST HOSPITAL	75 %
Total Must be	100 %

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

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #8.

QUESTION #8:

State the amount of damages, if any, you award for Jaelin Sence's pain and suffering, including loss of enjoyment of life up to the present.

ITEM OF DAMAGE	AWARD
Past Pain and Suffering, Including Loss of Enjoyment of Life	\$ 4,000,000

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

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #9

QUESTION #9:

State the amount of damages, if any, you award for Jaelin Sence's future pain and suffering, including loss of enjoyment of life and the number of years for which it is awarded.

ITEM OF DAMAGE	AWARD	NUMBER OF YEARS
Future Pain and Suffering, Including Loss of Enjoyment of Life	\$7,015,000	61

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

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #10

QUESTION #10:

For Jaelin Sence's future loss of earnings, if any, state:

(I) the current annual amount	35,000
(ii) the year in which it starts	2029
(iii) the growth rate applicable until it starts	3.275%
(iv) the number of years of lost earnings	39
(v) the growth rate applicable to those years	4.3%

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

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DISSENTING JUROR (if any) <<signature>>

NOTE: Proceed to Question #11

QUESTION #11:

For each item of damages for future expenses, if any, state the following:

Category	Annual Cost	Number of Years	Growth	Permanent	
(a) Medical Care	\$2,910	61	4.5%	Yes X	No ____
(b) Therapies	\$70,200	61	4.0%	Yes X	No ____
(c) Medical Equipment	\$10,550	61	4.3%	Yes X	No ____
(d) Home Health Aide to end of mother's life	\$80,000	26	4.3%		
(e) Home Health Aide from end of mother's life	\$150,000	35	4.3%	Yes X	No ____
(f) Private Education	0				

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

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5. <<signature>>

6. <<signature>>

DISSENTING JUROR (if any) <<signature>>

PLEASE REPORT YOUR FINDINGS TO THE COURT

<<signature>>

FOREPERSON

11/15/13

DATE

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