

2012 WL 12538141 (N.Y.Sup.) (Verdict, Agreement and Settlement)  
Supreme Court of New York.  
Civil Term Part 45  
Kings County

Andrew FEINSTEIN and Linda Cohen, as Co-Administrators of the Estate of  
Frances Feinstein, and Andrew Feinstein and Linda Cohen, individually, Plaintiffs,

v.

NORWEGIAN CHRISTIAN HOME & HEALTH CENTER, INC., and Olena Ksovreli, M.D., Defendants.

No. 157/2009.  
November 9, 2012.

**Verdict**

We the undersigned jurors, duly drawn and sworn to try the above entitled action, say that we answer the questions submitted as follows:

**QUESTION ONE:**

Did defendant Olena Ksovreli, M.D. depart from good and accepted medical practice in her treatment of Frances Feinstein during her residency at Norwegian Christian Home?

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

YES *X* NO \_\_\_\_\_

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Dissenting Juror (If Any) <<signature>>

**IF YOUR ANSWER TO QUESTION ONE IS 'YES' THEN PROCEED TO QUESTION TWO.**

**IF YOUR ANSWER TO QUESTION ONE IS 'NO', PLEASE REPORT YOUR VERDICT TO THE COURT.**

**QUESTION TWO:**

Was that departure a substantial factor in causing Frances Feinstein to suffer a brain injury during the period of July 8, 2006 to September 14, 2007?

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

YES *X* NO \_\_\_\_\_

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Dissenting Juror (If Any) <<signature>>

**IF YOUR ANSWER TO QUESTION TWO IS 'YES', PROCEED TO QUESTION THREE.**

**IF YOUR ANSWER TO QUESTION TWO IS 'NO', PLEASE REPORT YOUR VERDICT TO THE COURT.**

**QUESTION THREE:**

Was defendant Norwegian Christian Home & Health Center, Inc. negligent with respect to its care and treatment of Frances Feinstein?

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

YES  NO \_\_\_\_\_

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Dissenting Juror (If Any) \_\_\_\_\_

**IF YOUR ANSWER TO QUESTION THREE IS 'YES', PROCEED TO QUESTION FOUR.**

**IF YOUR ANSWER TO QUESTION THREE IS 'NO', PROCEED TO QUESTION SIX.**

**QUESTION FOUR**

Was the negligence of defendant Norwegian Christian Home & Health Center, Inc. a substantial factor in causing Frances Feinstein to suffer a brain injury during the period of July 8, 2006 to September 14, 2007?

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

YES  NO \_\_\_\_\_

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Dissenting Juror (If Any) \_\_\_\_\_

**IF YOUR ANSWER TO QUESTION FOUR IS 'YES', PROCEED TO QUESTION FIVE.**

**IF YOUR ANSWER TO QUESTION FOUR IS 'NO', PROCEED TO QUESTION SIX.**

**QUESTION FIVE:**

What was the percentage of fault, if any, of each defendant? (If you find a party is not at fault, write in "NONE")

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

<b>Defendant Norwegian Christian Home</b>	30%
<b>Defendant Olena Ksovreli, M.D.</b>	70%
	<b>Total must be 100%</b>

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Dissenting Juror (If Any) <<signature>>

**PROCEED TO QUESTION SIX.**

**QUESTION SIX:**

State the amount of damages awarded, if any, for Frances Feinstein's conscious pain and suffering and loss of enjoyment of life caused by her brain injuries from July 8, 2006 to September 14, 2007?

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

\$ 1,500,000 (Fill in dollar amount)

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Dissenting Juror (If Any) \_\_\_\_\_

**PLEASE REPORT YOUR VERDICT TO THE COURT.**