

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

HUNTER WILLIAM FOOTE, JR.

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 24CI1:16-cv-00186

DUDLEY S. BURWELL, M.D., ADVANCED
ORTHOPEDIC ASSOCIATES, P.C., AND
MEMORIAL HOSPITAL AT GULFPORT

DEFENDANTS

JURY INTERROGATORY AND SPECIAL VERDICT FORM

27

It is not necessary that all twelve (12) of you agree upon a verdict in this case. When any nine (9) or more of your members have agreed upon a verdict, it may be returned to the Court as the verdict of the entire jury. The Court instructs the jury that when you reach a verdict in this case, you should write it as follows:

1. (a). Do you find from a preponderance of the evidence that the Defendants, Dudley S. Burwell, M.D./Advanced Orthopedic Associates, P.C., breached the applicable standard of care in the care and treatment of the Plaintiff on June 5, 2015, as such breach is defined in other instructions of the Court?

YES _____ NO _____

1. (b). Do you find from a preponderance of the evidence that the Defendant, Memorial Hospital at Gulfport (by and through Dr. Graham), breached the applicable standard of care in the care and treatment of the Plaintiff on June 5, 2015, as such breach is defined in other instructions of the Court?

YES _____ NO _____

If your answer to question 1(a) or 1(b) is "NO", stop and proceed to page 5 of this instruction before proceeding further.

If your answer to question 1(a) or 1(b) is "YES", proceed to the next page.

FILED

at 9:42 - A .M.

SEP 06 2019

CONNIE LADNER, CIRCUIT CLERK

By [Signature] D.C.
GIVEN _____ REFUSED _____

FILED

SEP 06 2019

CONNIE LADNER

By [Signature] D.C.

D-20b(DB)

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2. (a). If you answered "YES" to 1(a), that the Defendants, Dudley S. Burwell, M.D./Advanced Orthopedic Associates, P.C., breached the applicable standard of care on June 5, 2015, as such breach has been defined in other instructions of the Court, do you find that the breach was a proximate cause of Plaintiff's injuries?

YES ✓ NO _____

2. (b). If you answered "YES" to 1(b), that the Defendant, Memorial Hospital at Gulfport (by and through Dr. Graham), breached the applicable standard of care on June 5, 2015, as such breach has been defined in other instructions of the Court, do you find that the breach was a proximate cause of Plaintiff's injuries?

YES ✓ NO _____

If your answer to question 2(a) or 2(b) is "NO", stop and proceed to page 6 of this instruction before proceeding any further.

If your answer to question 2(a) or 2(b) is "YES", proceed to the next page.

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at 8:42 - A .M.

SEP 06 2019

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D-20b(DB)

CONNIE LADNER, CIRCUIT CLERK

By CONNIE LADNER D.C.

GIVEN

REFUSED

3. If you find for the Plaintiff and award damages, itemize those damages as follows. If the Plaintiff has not proven an item of damages by a preponderance of the evidence, then enter a "0" in the appropriate blank, below.

(a) Past, present and future physical pain and suffering and resulting mental anguish;

\$ 994,000.00

(b) Reasonable and necessary medical expenses already incurred;

\$ 880,074.20

(c) Past lost wages;

\$ 107,058
508.00

(d) Any future disability or impairment that is reasonably probable to occur, its duration and effect, if any, on the Plaintiff's future earnings or earning capacity. In arriving at the amount of your award, if any, for loss of future earnings or earning capacity, you should consider what the Plaintiff's health, physical ability, age and earning power were before the injury and the effect of the Plaintiff's injuries upon them.

\$ 125,769.00

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at 9:42 - A .M.

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CONNIE LADNER, CIRCUIT CLERK

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D-20b(DB)

By [Signature] D.C.

GIVEN [Signature] REFUSED

4. You are required to apportion the fault of each of the persons/entities you find to be at fault. Plaintiff contends that Dudley S. Burwell, M.D. was negligent in the care and treatment of him. Plaintiff also contends that Memorial Hospital at Gulfport (by and through Dr. Graham) was negligent in the care and treatment of him. It will therefore be your duty to determine the percentage of fault, if any, attributable to Dr. Burwell and/or Dr. Graham, which proximately caused Plaintiff's injuries. The total must equal 100%.

a. What percentage of fault do you find was proximately caused by Dr. Burwell?

75 %

b. What percentage of fault do you find was proximately caused by Dr. Graham?

25 %

This constitutes your verdict. Return to the Courtroom with this Instruction.

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at 9:42 - A .M.

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By [Signature] D.C.

GIVEN

If you answered "NO" to 1(a), then circle the immediately below language.

We, the jury, find for the Defendants, Dudley S. Burwell, M.D. and Advanced Orthopedic Associates, P.C.

If you answered "NO" to 1(b), then circle the immediately below language.

We, the jury, find for the Defendant, Memorial Hospital at Gulfport.

This constitutes your verdict as to the Defendant(s) circled. If you circled each of the Defendants, you should return to the Courtroom with this Instruction.

With regard to the non-circled Defendant(s), please go back to page 3 and follow the remaining instructions.

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By [Signature] D.C.
GIVEN [Signature] REFUSED

If you answered "NO" to 2(a), then circle the immediately below language.

We, the jury, find for the Defendants, Dudley S. Burwell, M.D. and Advanced Orthopedic Associates, P.C.

If you answered "NO" to 2(b), then circle the immediately below language.

We, the jury, find for the Defendant, Memorial Hospital at Gulfport.

This constitutes your verdict as to the Defendant(s) circled. If you circled each of the Defendants, you should return to the Courtroom with this Instruction.

With regard to the non-circled Defendant(s), please go back to page 4 and follow the remaining instructions.

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at 8:42 - A .M.

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D-20b(DB)

By [Signature]

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D.C.

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REFUSED