

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

MICHAEL RODGERS,

Plaintiff,

v.

Civil Action No. 19-C-561  
Judge Tera L. Salango

JOHN R. ORPHANOS, M.D.

Defendant.

VERDICT FORM

Please respond to the questions listed on this Verdict Form. When you have reached unanimous agreement as to your verdict, have your Foreperson fill in, date, and sign the Verdict Form and then return with your verdict to the courtroom.

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1. Do you find that the first surgery performed on Michael Rodgers was an emergency surgery?

Yes \_\_\_\_\_

No  \_\_\_\_\_

*Please proceed to Question No. 2.*

2. Do you find, by a preponderance of the evidence, that the defendant, John R. Orphanos, M.D., was negligent in his care and treatment of Michael Rodgers related to his paraplegia in June 2017?

Yes  \_\_\_\_\_

No \_\_\_\_\_

*If you answered "No" to this question, then do not answer any of the remaining questions. Please have the foreperson sign the verdict form and notify the bailiff that your deliberations are completed.*

*If you answered "Yes", please proceed to Question No. 3.*

3. Do you find, by a preponderance of the evidence that John R. Orphanos, M.D.'s breach of the standard of care was that his negligence caused or contributed to Michael Rodgers' paraplegia in June 2017?

Yes  No

*If you answered "No" to this question, then do not answer any of the remaining questions. Please have the foreperson sign the verdict form and notify the bailiff that your deliberations are completed.*

*If you answered "Yes", please proceed to Question No. 4.*

4. Do you find, by a preponderance of the evidence, that the defendant, John R. Orphanos, M.D., was reckless in his care and treatment of Michael Rodgers and that his recklessness caused or contributed to Michael Rodgers' paraplegia?

Yes  No

*Please proceed to Question No. 5.*

5. We the jury award damages to Michael Rodgers for his paraplegia arising from the 2017 spinal surgery as follows:

a. Past expenses for care and treatment	\$ <u>1,374,079</u>
b. Lost Earning Capacity	\$ <u>591,166</u>
c. Future care, treatment and renovation expenses	\$ <u>6,511,940</u>
d. Past pain, suffering and loss of enjoyment of life	\$ <u>1,000,000</u>
e. Future pain, suffering and loss of enjoyment of life	\$ <u>1,500,000</u>
TOTAL:	\$ <u>10,386,19</u>

*Please proceed to Question No. 6.*

6. Do you find, by a preponderance of the evidence, Dr. Orphanos' negligence caused or contributed to Michael Rodgers' stroke in July 2020?

Yes

No

*Please proceed to Question 7.*

7. Do you find, by a preponderance of the evidence, that Michael Rodgers was negligent in failing to present to an emergency department in July of 2020 and that this was a proximate cause of Michael Rodgers' stroke?

Yes

No

*Please proceed to Question 8.*

8. In relation to Michael Rodgers' stroke in July 2020, please identify what percentage of fault should be applied to John R. Orphanos, M.D. (if any) and what percentage of fault should be assigned to Michael Rodgers (if any) for the stroke. Do not assign a percentage of fault to Dr. Orphanos and Michael Rodgers unless you answered "Yes" to Questions 5 and 6. The total percent assigned to each party should combine for a total of 100%

Fault of John R. Orphanos, M.D.: 100 %

Fault of Michael Rodgers: 0 %

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Total: 100%

*If you find the percentage of fault assigned to Michael Rodgers is greater than the percentage of fault assigned to Dr. Orphanos, then do not answer any of the remaining*

questions. Please have the foreperson sign the verdict form and notify the bailiff that your deliberations are completed. If you find that Michael Rodgers' percentage of fault is less than the percentage of fault assigned to Dr. Orphanos, please proceed to Question 9.

9. We the jury award damages to Michael Rodgers for his stroke as follows:

- a. Additional future care and treatment \$ 1,793,690
  
- b. Future pain, suffering and loss of enjoyment of life associated with his stroke \$ 5,000,000
  
- TOTAL: \$ 6,793,690

After you have answered Question No.9, please have the foreperson sign and date this Verdict Form and notify the bailiff that your deliberations are over.

  
\_\_\_\_\_  
Foreperson

3-24-2022  
Date