

NO. 13-CI-02484

JEFFERSON CIRCUIT COURT  
DIVISION TWELVE (12)  
JUDGE SUSAN SCHULTZ GIBSON

FAY DAVIS, Administratrix of the  
ESTATE OF FLOYD RAY DAVIS, deceased, ET AL

PLAINTIFFS

V.

**JURY INSTRUCTIONS**

UNIVERSITY OF LOUISVILLE PHYSICIANS, INC., ET AL

DEFENDANTS

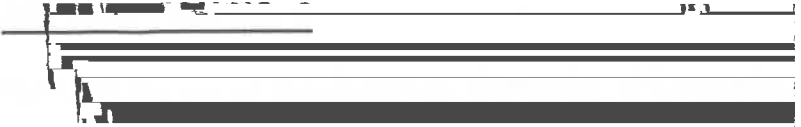
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**INSTRUCTION NO. 1:**

Immediately upon retiring to the jury room, you shall select one of your numbers as a foreperson that will preside over your deliberations and speak for you in Court.

Nine or more of you must agree in order to answer any question and reach a verdict under these instructions. The nine or more who agree on one response need not be the same jurors who agree on another. If nine or more, but less than twelve, of you agree, all who agree must sign the appropriate verdict forms. If all twelve agree, only your foreperson needs to sign.

**Please proceed to Instruction No. 2**



It was the duty of Jason Smith, M.D., as an employee of University of Louisville Physicians, Inc., to exercise the degree of care and skill expected of a reasonably competent physician specializing in general surgery and acting under similar circumstances.

If you are satisfied from the evidence that Dr. Smith failed to comply with this duty and that such failure on his part was a substantial factor in causing the death of Floyd Ray Davis, you will find for the Plaintiffs. Otherwise you will find for the Defendants, University of Louisville Physicians, Inc. and Dr. Smith.

Do you believe from the evidence that Jason Smith, M.D., as an employee of University of Louisville Physicians, Inc., failed in his duty and that such failure was a substantial factor in causing the death of Floyd Ray Davis?

PE	Yes
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<i>Antwan Davis</i>	
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PAVID WITTEN	
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<i>Hogan Sessofia</i>	
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<i>Margaret Sumner</i>	
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<i>Shan McCall</i>	
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<i>Candyn Housley</i>	
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No
<hr/>
<i>Shandelle Spitzer</i>
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<i>Rose Marie Jones</i>
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<i>Barbara Nest</i>
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If you answer "Yes," please proceed to Instruction No. 3. If you answer "No," please proceed to Verdict Form B and enter your verdict.

**VERDICT FORM B**

We, the Jury, find for the Defendants under Instruction No. 2.

FOREPERSON (If Unanimous)

Antwane Davis  
DAVID WITTEN  
Progen Susoofia  
Margaret Stegman  
Shirley McCall  
Candyn Housley

Shandeli Smith  
Roy Marie Jones  
Barbara Nest  
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**Please inform the Deputy Sheriff that you have completed your deliberations.**

**JURY INSTRUCTIONS GIVEN BY:**

  
HON. SUSAN SCHULTZ GIBSON  
Judge, Jefferson Circuit Court

ENTERED IN COURT  
DAVID L. NICHOLSON, CLERK  
NOV 19 2015  
BY \_\_\_\_\_  
DEPUTY CLERK

Date: 11/19/15

**INSTRUCTION NO. 3**

Having found for the Plaintiffs under Instruction No. 2, you will now determine from the evidence the sum or sums of money that will fairly and reasonably compensate the Plaintiffs for the damages you are satisfied from the evidence to have been sustained in this action.

If you believe from the evidence that any part of the damages claimed by the Plaintiffs were not caused by the failure of Dr. Smith to comply with his duty, but were caused at some other time or occurred as a result of some other cause, then you will not find for Plaintiffs on account of the damages which you may believe from the evidence were caused at some other time or occurred as a result of some other cause. You will only find such damages as you believe Plaintiffs sustained on account of the failure of Dr. Smith to comply with his duty to Floyd Ray Davis.

**Please proceed to Verdict Form A.**

[REDACTED]

We the Jury find for the Plaintiffs and award the following damages:

Funeral and expenses  
(not to exceed \$5,906.50)

\$

Destruction of Floyd Ray Davis' power to labor  
and earn money (not to exceed \$626,811.00)

\$

Floyd Ray Davis' mental and physical pain and  
suffering (not to exceed \$1,500,000.00)

\$

Braxtyn James Ray Parker's loss of affection and  
companionship he sustained or is reasonably certain  
to sustain during his minority and as a direct result of  
Floyd Ray Davis' death  
(not to exceed \$3,000,000.00)

\$

Total

\$

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**Please inform the Deputy Sheriff that you have completed your deliberations.**