

*Original*

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION 7  
CIVIL ACTION NO: 19-CI-0453**

**BRENT THOMAS McDAVID**

**PLAINTIFF**

v.

**KEVIN RICHARD BAUEREIS, MD**

**DEFENDANT**

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**JURY INSTRUCTIONS**

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**INSTRUCTION NO. 1**

(a) Immediately upon retiring to the jury room, you shall elect one of your members as foreperson.

(b) Nine or more of your number must agree in order to answer any of the questions or make any determinations required by these Instructions.

(c) If all twelve of you agree on answers to all the questions and determinations to which you are required to respond, the Foreperson can sign for you.

(d) Each answer to a question that is not unanimous must be signed by the nine or more of you who agree.

(e) The nine or more jurors who agree on one question need not be the same nine or more jurors for each question.

**PROCEED TO INSTRUCTION NO. 2**

**INSTRUCTION NO. 2**

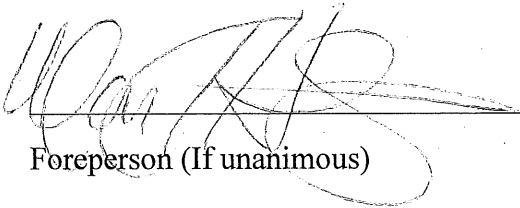
It was the duty of the Defendant, Kevin Bauereis, M.D., in the treatment of Brent Thomas McDavid, to exercise that degree of care and skill ordinarily expected of a reasonably competent anesthesiologist acting under similar circumstances.

**Question No. 1**

Do you believe from the evidence that Dr. Bauereis failed in his duty as described under Instruction No. 2?

Yes \_\_\_\_\_

No  \_\_\_\_\_

  
Foreperson (If unanimous)

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(If not unanimous)

**If you answered "No" to Instruction No. 2, your verdict is complete, and you may return to the Courtroom.**

**If you answered "Yes" to Instruction No. 2, please proceed to Question No. 2.**

**Question No. 2**

Having answered that you believe that Kevin Bauereis, M.D., failed in his duty, do you also believe from the evidence that such failure on his part was a substantial factor in causing Brent Thomas McDavid's injuries, if any?

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Foreperson (If unanimous)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(If not unanimous)

**If you answered "No" to Question No. 2, your verdict is complete, and you may return to the Courtroom.**

**If, and only if, you answered "Yes" to Question No. 2, please proceed to Instruction No. 3.**

**INSTRUCTION NO. 3**

If you answered "Yes" to Question No. 2, you will determine from the evidence and award Brent Thomas McDavid a sum of money that will fairly and reasonably compensate him for the following damages as you believe from the evidence were sustained directly by reason of the failure of the Kevin Bauereis' failure, to comply with his respective duty:

Brent Thomas McDavid's past and future pain and suffering  
(Not to Exceed \$1,000,000): \$ \_\_\_\_\_

\_\_\_\_\_  
Foreperson (If unanimous)


(If not unanimous)

**YOUR VERDICT IS NOW COMPLETE AND  
YOU MAY RETURN TO THE COURTROOM**