

STATE OF INDIANA

MONROE CIRCUIT COURT 1

COUNTY OF MONROE

CAUSE NO. 53Co1-1902-CT-315

Matthew Stout, by his Surviving Spouse Danell Stout,

Plaintiff

vs.

Dr. Steven Cam Gabrielsen and Monroe Hospital,

Defendants

PLAINTIFF'S MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION IN
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Comes now the Plaintiff, by counsel, and for Plaintiff's Memorandum in Support of Plaintiff's Motion in Opposition to Defendant's Motion for Summary Judgment would state as follows:

Statement of Facts

The Plaintiff adopts the Statement of Facts set forth in the Memorandum in Support of the Motion for Summary Judgment filed by the Defendants.

Argument

The Plaintiff has tendered an Affidavit by a qualified healthcare provider, Dr. Ashley Lankford, indicating that her opinion that the care provided by Defendants, fell below the standard of care in the enumerated manners and ways set forth in said Affidavit, attached hereto as Exhibit A.

Further, Plaintiff has tendered to the Court, a CV of Dr. Ashley Lankford, setting forth her qualifications as an expert witness and would hereby ask the Court to adopt the same as pleadings in the above cause.

Pursuant to the Affidavit filed in this matter, and the opposing pleadings by Plaintiff in this cause, this matters sets forth a genuine issue of material fact concerning whether Defendants rendered care that fell below the standard of care, ultimately leading to the death of Matthew Stout in this matter and the damages requested by the Defendants.

Wherefore, Plaintiff contends that this pleading now establishes a question of fact to be determined by a jury and now requests the Court to deny the Motion for Summary Judgment and all other relief just and proper in the premises.

/s/ John D. Boren
John D. Boren, #2840-55
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record via IEFS this 1st day of June, 2021.

/s/ John D. Boren
John D. Boren, #2840-55
Attorney for Plaintiff

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