VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

RITA S. TALBERT,	*	
	*	
Plaintiff,	*	
	*	
v.	*	At Law No.: CL 07001286
	*	
ANESTHESIA ASSOCIATES, LTD.,	*	
	*	
Defendants.	*	

FINAL ORDER
JURY TRIAL

THIS CAUSE came on for trial on March 31, 2008 through April 3, 2008, and April 7, 2008 through April 9, 2008, against Defendants Debra Hutchins and Alexandria Surgery, Ltd. upon the pleadings filed by the parties herein,

Upon consideration of the verdict of the jury in favor of Plaintiff in the amount of Four Million Dollars ($4,000,000) against Defendants Debra Hutchins and Alexandria Surgery, Ltd., and the requirements of Va. Code §§s 8.01-581.15 and 8.01-35.1, as construed by Fairfax Hosp. System v. Nevitt, 249 Va. 591 (1995), it is,

ADJUDGED, and ORDERED that judgment be and is hereby entered in favor of the Plaintiff, Rita S. Talbert, against the Defendants Debra Hutchins and Alexandria Surgery, Ltd., jointly and severally, in the sum of $885,000, to accrue post-judgment interest at the statutory rate commencing as of April 9, 2008.

It is further ADJUDGED, and ORDERED that in the event no appeal is timely filed, the Clerk of the Court be, and hereby is authorized to destroy or return to the parties, if requested, all exhibits in this case, whether identified or admitted, forty-five (45) days after this Order becomes final.

AND THIS CAUSE IS ENDED.

Entered on April 25, 2008.

Lisa Kemler

Judge Lisa Kemler

A COPY TESTE
Edward Semonian, Clerk

BY: _____ Clerk

We ask for this, except that Plaintiff objects to the reduction of the settlement proceeds from the statutory maximum, as opposed to the total jury verdict, for the reasons stated by the dissent in Fairfax Hosp. System v. Nevitt, 249 Va. 591 (1995):

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Seen and ~~objected~~ for the reason set forth ~~during trial as~~ shown in the transcript

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ASSIGNMENTS OF ERROR

I. The trial court erred in qualifying Talbert's standard of care expert witnesses Barry Cohen M.D. and Russell Williams M.D. where neither expert had performed the procedure at issue and where Williams, who was not eligible for licensure in Virginia, was found to know the standard of care in Virginia based on a single telephone conversation with Cohen, during trial, which violated the Rule on Witnesses.

II. The trial court erred in excluding Hutchins' anesthesiology expert and severely limiting the testimony of the anesthesiology witnesses, who were present during surgery and who would rebut Talbert's allegation that the Virginia standard of care required Hutchins to request the anesthesia care team to stop or reduce the use of supplemental oxygen prior to using electrocautery.

III. The trial court erred in allowing Talbert to correct her failure to highlight the passages in her Designation of Authoritative texts just one business day before trial began in violation of *Va. Stat. Ann. § 8.01-401.1.*