

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-98-56
JRA-KEJ-3/29/01

RANDY ELWELL,

Plaintiff

v.

JOHN MARGOLIS, M.D.,

Defendant

VERDICT FORM

1. Was Defendant John Margolis negligent, and was the Defendant's negligence a proximate cause of damages to the Plaintiff?

Yes No

If the answer to question 1 is "No", answer no further questions. If the answer to question 1 is "Yes", answer question 2.

2. What are the Plaintiff's total damages?

\$ 500,000

Number of jurors concurring in verdict (6)

Number of jurors not concurring in verdict (2)

DATED: 3/29/01

[Signature]
Foreperson

Action Medical Medical-Practice

J. ATWOOD

Randy S. Elwell

vs. John L. Margolis, M.D.

Plaintiff's Attorney

Christopher C. Dinan, Esq.
PO Box 7046
Portland, Maine 04112

Defendant's Attorney

Jeffrey Edwards, Esq.
Daniel Rapaport, Esq. (8/2/99)
443 Congress Street
PO Box 9546
Portland, Maine 04112

Date of
Entry

7/21/99	Complaint, filed. s/Dinan, Esq. (filed 7/19/99) Case File Notice mailed to atty. ***** Jury fee paid
8/2/99	Letter regarding deadlines relating to expert and discovery issues filed. s/Rapaport, Esq.
8/2/99	Answer and affirmative defenses filed. s/Rapaport, Esq.
8/3/99	SCHEDULING ORDER, Studstrup, J "Scheduling Order filed. Discovery deadline is April 2, 2000 Copies mailed to attys. of record.
8/11/99	Acknowledgement of receipt of complaint filed. s/Rapaport, Esq.
10/28/99	Notification of Discovery Service, filed. s/Rapaport, Esq. Defendant Dr. Margolis' Request for Production of Documents served on Christopher Dinan, esq. on 10/22/99
3/10/00	Notification of Discovery Service, filed. s/Dinan, Esq. (filed 3/9/00) Deposition Notice of Jo Buyske, M.D. served on Daniel Rapaport, Esq. on 3/7/00
3/20/99	Notification of Discovery Service, filed. s/Rapaport, Esq. Defendant Dr. Margolis' Notice to Take Oral Depositions served on Christopher Dinan, Esq. on 3/16/00
-----	Joint Motion to Extend Discovery Deadline, filed. / Rapaport, Esq. Proposed Order, filed.
3/23/00	ORDER ON MOTION TO EXTEND DISCOVERY, Atwood, J.

Date of Entry	Docket No.
5/24/00	Notification of Discovery Service, filed. s/Edwards, Esq. Amended Notice to Take Oral Deposition of Randy and Michelle Elwell served on Christopher Dinan, Esq. on 5/22/00
8/16/00	Statement of Counsel, filed. s/Dinan, Esq. Time for trial is 3 days.
8/21/00	Letter from attorney Dinan amended time for trial to 4 days, filed.
8/23/00	Defendant's Witness and Exhibit List, filed. s/Rapaport, Esq.
	Notice of setting for <u>10/16 - 11/2/00</u> sent to attorneys of record.
9/18/00	Notice of Appearance, filed. s/Edwards, Esq.
9/20/00	Letter from attorney Rapaport requesting protection October 23, 24, November 2,3 and if in trial in another county.
-----	Motion for Substitution of Counsel, filed. s/Rapaport, Esq. Affidavit of Daniel Rapaport, filed. Proposed Order, filed.
9/22/00	Defendant's Requested Jury Instructions, filed. s/Rapaport, Esq. Proposed Special Verdict Form, filed.
9/27/00	Plaintiff's Trial Management Memorandum, filed. s/Dinan, Esq. Proposed Verdict Form, filed. Plaintiff's Jury Instructions, #1-#9, filed. Plaintiff's Motion to Continue, filed. s/Dinan, Esq. Affidavit of Christopher Dinan, Esq.
10/2/00	MOTION TO CONTINUE, Atwood, J. Motion granted. Case continued to the next trial list. Copies mailed to attys of record.
1/24/01	PRETRIAL ORDER, Atwood, J. Rule 16(b) Pretrial Order entered. Copies mailed to attys of record.
2/9/01	Defendant's Motion in Limine to Admit Evidence of Plaintiff's Prior Criminal Convictions, filed. s/Rapaport, Esq. Memorandum of Law in Support of Defendant's Motion in Limine to Admit Evidence of Plaintiff's Prior Criminal Conviction, filed. s/Rapaport, E
2/20/01	Notification of Discovery Service of Deposition Notice of Ronald F. Martin, M.D. served on Daniel Rapaport, Esq. on 2/14/01, filed. s/C. Dinan, Esq. Plaintiff's Trial Management Memorandum, filed. s/Dinan, Esq.
2/27/01	ORDER OF TRIAL MANAGEMENT CONFERENCE, Atwood, J. (dated 2/23/01) Copies mailed to attys of record.
3/2/01	Notification of Discovery Service, filed. s/Dinan, Esq.

3/21/01

Deposition of Dr. Jo Buyske, filed.
Deposition of Thomas Gouge, M.D., filed.
Deposition of Randy Elwell, filed.
Deposition of Randy Elwell, filed.

3/21/01

Proposed Jury Instruction, filed. s/Rapaport, Esq.

3/29/01

Case open to drawn on 3/19/01 and jury trial held on 3/26/01 with Hon. Justice John Atwood, presiding.
Christopher Dinan, Esq. for the Plaintiff and Daniel Rapaport, Esq. for the Defendant. Phil Galucki, Court Reporter.

Plaintiff presents opening statements to the jury at 9:45 a.m.
Defendant presents opening statements to the jury at 10:10 a.m.

Plaintiff presents evidence to the jury.
Plaintiff calls Dr. John Margolis as a witness.
Plaintiff's exhibits #21,22,23,24,25,26,27,28,29,30,31,31A,32,33,35,37,38,39, are marked, offered and admitted without objection. #40,41,42,43,44,45,46,47,48,49,50,51,53 are admitted without objection. #67 is marked. #78 is marked.
Jury trial recesses at 3:50 p.m.

Jury trial resumes at 8:45 a.m. on 3/27/01 with Hon. Justice John Atwood, presiding.
Plaintiff presents video deposition of Dr. Buyske to the jury.
Plaintiff calls Randy Elwell and Dr. Thomas Gouge as witnesses.
Plaintiff exhibits #2,2A,15-20,52,54,55,56,57,58,60,62 are admitted without objection. #79 is marked.
Plaintiff rests at 1:22 p.m.

Defendant presents evidence to the jury.
Defendant calls Ronald Martin and re-calls Dr. Margolis as witnesses.
Defendants exhibits #7,1,2,3,5,6,13,31 are admitted without objection. #32 is marked.
Defendant rests at 3:00 p.m.
Plaintiff rests finally at 3:00 p.m.

Jury trial resumes at 9:20 a.m. on 3/28/01 with Hon. Justice John Atwood, presiding.
Plaintiff presents closing statements to the jury.
Defendant presents closing statements to the jury.
Judge Atwood instructs the jury of the law.
Jury retires to deliberate at 11:10 p.m.
Jury returns notes to be re-instructed by Judge Atwood.
Jury released at 4:30 to return at 5:15 p.m. to deliberate.
Jury released at 6:50 p.m. to return at 9:00 a.m. to deliberate.

Jury returns to deliberate at 9:00 a.m. on 3/29/01
Jury returns verdict at 1:45 p.m.

VERDICT FORM, s/Naddeau, Foreperson

1. Was Defendant John Margolis negligent, and was the Defendant's negligence a proximate cause of damages to the Plaintiff? Yes
2. What are the Plaintiff's total damages? \$3000,000

Number of jurors concurring in verdict (6)
Number of jurors not concurring in verdict (2)