

1 return the verdict sheet to the jury foreperson and then I
2 will ask the questions on the record and ask the foreperson
3 to respond with the answer. However, whoever the foreperson
4 is, please do not respond until I finish reading the entire
5 question.

6 In the matter of Daniel Sullivan, plaintiff,
7 against Robert Snow, New York and Presbyterian Hospital and
8 others, under index 805366 of 2016.

9 The answer, members of the jury, to question 1a:

10 Did the defendant, Robert Snow M.D., depart from
11 good and accepted medical practice by not diagnosing
12 infection by not ordering repeat blood tests on April 8,
13 2014? Yes or no?

14 THE FOREPERSON: No.

15 THE COURT: That was unanimous, correct?

16 THE FOREPERSON: Correct.

17 THE COURT: 2a: Did the defendant, Robert Snow
18 M.D., depart from food and accepted medical practice by not
19 diagnosing infection by not ordering repeat blood tests or
20 an MRI on April 15th, 2014? Yes or no?

21 THE FOREPERSON: Yes.

22 THE COURT: And that was also unanimous, correct?

23 THE FOREPERSON: Yes.

24 THE COURT: 2b: Was that departure a substantial
25 factor in causing Daniel Sullivan's injuries? Yes or no?

1 THE FOREPERSON: Yes.

2 THE COURT: And that was unanimous, correct?

3 THE FOREPERSON: Yes.

4 THE COURT: 3a: State the amount of damages, if
5 any, you award plaintiff, Daniel Sullivan, for pain and
6 suffering from April 15, 2014 to the date of your verdict.
7 If you do not make an award for this item insert the word
8 none. And the amount awarded?

9 THE FOREPERSON: 8 million.

10 THE COURT: \$8 million, correct?

11 THE FOREPERSON: Correct.

12 THE COURT: That was unanimous?

13 THE FOREPERSON: Correct.

14 THE COURT: 3b: State the amount of damages, if
15 any, you award plaintiff, Daniel Sullivan, for lost earnings
16 from April 15, 2014 to the date of your verdict?

17 If do you not make an award for this item insert
18 the word none. The amount awarded was?

19 THE FOREPERSON: \$6,400,000.

20 THE COURT: \$6,400,000. That was unanimous,
21 correct?

22 THE FOREPERSON: Correct.

23 THE COURT: With respect to Future Damages, number
24 4:

25 State the amount of damages, if any, you award

1 plaintiff, Daniel Sullivan, for pain and suffering from the
2 date of your verdict into the future and the number of years
3 for which your award is intended to provide compensation.

4 If do you not make an award for this item insert
5 the word none. And the amount awarded?

6 THE FOREPERSON: 4,500,000.

7 THE COURT: \$4,500,000. Over how many years?

8 THE FOREPERSON: 32.

9 THE COURT: That was unanimous, correct?

10 THE FOREPERSON: Correct.

11 THE COURT: 5. State the amount of damages, if
12 any, you award plaintiff, Daniel Sullivan, for future
13 earning ability, the number of years for which your award is
14 intended to provide compensation, and the growth rate, as a
15 percentage, during those years. If you do not make an award
16 for this item insert the word none.

17 Annual impairment in current dollars. - the amount
18 is?

19 THE FOREPERSON: 300,000.

20 THE COURT: \$300,000. The number of years the
21 impairment will continue?

22 THE FOREPERSON: Six years.

23 THE COURT: The growth rate during those years?

24 THE FOREPERSON: Zero.

25 THE COURT: Zero percent. Okay. Thank you very

1 much. Please return the verdict sheet to the officer.

2 Ladies and gentlemen, with the rendition of your
3 verdict this obviously concludes your services for this term
4 of the Court. I won't keep you much longer so you can all
5 get back to your regular lives, but I want to thank you on
6 behalf, obviously, of myself and the Unified Court System.

7 Particularly in this case, which went on for longer
8 than many, I want to thank you for your time, attention and
9 the conscientious manner in which you carried out your
10 services as jurors in this case.

11 Not to be trifle, but clearly you have participated
12 in what's known as in Government by and for the people. We
13 only need to read today's papers or listen to the news to
14 see there are a number of places in the world where people
15 are fighting and actually losing their lives for the
16 democracy we have, which of course includes a constitutional
17 right to trial by jury. Fortunately, in this country, we
18 have trial by jury for civil cases as well as criminal.
19 Many cases only provide trial by jury in criminal matters.

20 Up to this point, I have been advising you that you
21 should not discuss the case with anybody. From this point
22 on you can discuss it with anybody you like. By the same
23 token, you don't have to discuss it with anybody.

24 Frequently in cases of this nature there are interested
25 parties, particularly the attorneys, who want to get insight

1 from the jurors to help them in future cases perhaps, and
2 perhaps even in this case, but that's entirely up to you.
3 Do not feel bad about refusing to talk to anybody about the
4 case.

5 Now, as the nature of these cases, usually somebody
6 is not happy with the result. Frequently nobody is happy
7 with the result, but that's just the nature of the business,
8 but I'm confident that counsel, in spite of their opinions
9 and their feelings about the case, also agree with me and
10 thank you for your services and the conscientious manner in
11 which you attended to them during the course of this trial.

12 With that, I wish everybody well. Hopefully we
13 will see each other in a number of years on future jury
14 service. If you have any further questions, any
15 administrative issues you can discuss it with the officers.
16 I'm sure they have most of the answers for you. If not,
17 I'll get back to you. So I believe I've covered everything
18 I need to at this point, and again, I want to thank you and
19 look forward to seeing you again in the future.

20 THE COURT OFFICER: All rise. Jury exiting.

21 (Whereupon, the sworn jurors exit the courtroom.)

22 THE COURT: All right. I presume there's nothing
23 left for the record here.

24 MR. BRENES: No, your Honor. Not in light of the
25 final agreement.

1 THE COURT: Very good. All right. I want to thank
2 counsel for the professional and thorough way in which you
3 both tried the case. It wasn't as pleasurable as it could
4 be, under the circumstances, but I wish everybody well.

5 MR. BRENES: Thank you, Judge.

6 MR. AWAD: Judge, I thank you very much. I thank
7 particularly, Judge, the access that you have always
8 provided to us. We did raise -- as much as we tried to
9 consent to things, we did raise some very substantial issues
10 that were always addressed by your Honor and Mr. Collins
11 immediately and that sets a very high standard for all of
12 your colleagues, I can say that.

13 I very much appreciated the way we were treated
14 here as professionals and what was communicated to the jury
15 about the sanctity of these type of proceedings, I think
16 that we need to have some renewal, particularly in the local
17 region, as to how wonderful it is to have access to justice.

18 As we have already said, we very much appreciate
19 the great work that our Court Reporters did and I will, as
20 well as our officers, and I think both sides will let the
21 Administrative Judge know about this.

22 THE COURT: Appreciate it. I have always felt it
23 was best to have effectively an open door policy to hear
24 from counsel because I don't know all the facts of your
25 case, I certainly don't know all the issues and I do want to

1 reiterate my appreciation for the professionalism in which
2 both counsel and the assistance of co-counsel throughout
3 this trial. It's not lost on the Court the cooperation
4 between the assistants and getting the material on the
5 board, particularly sharing one wire, which is -- which has
6 been an issue in the past. And, of course, your comments
7 about our Court Reporters are well-earned and
8 well-established. Frankly, it was kind of -- the transcript
9 in these cases, in this case was kind of magical in many
10 respects because of the difficulties with being able to hear
11 what was going on. Thank you for your magic.

12 All right. So hope to see you all in the future.

13 MR. BRENES: Absolutely. I share in those
14 sentiments that Mr. Awad expressed as well, your Honor. It
15 was a pleasure.

16 THE COURT: Thank you. I appreciate your
17 appreciation. See you soon.

18 (Court's Exhibit I, Verdict Sheet, and Court's
19 Exhibit II, jury note were previously marked by the Court
20 Reporter.)

* * * *

21 CERTIFIED THAT THE FOREGOING IS A TRUE
22 AND ACCURATE TRANSCRIPT OF THE ORIGINAL
STENOGRAPHIC MINUTES IN THIS CASE.

23 _____
Lynnette Y. Cruz, CRR, RPR

24 _____
Charisse Kitt, CRI, CSR, RDR, FCRR
25 Senior Court Reporters