

49

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY


SECOND JUDICIAL DISTRICT

Dhevyn Blackburn, a minor child,  
by Meshell Davis, his parent and  
natural guardian; and Meshell  
Davis Individually,

Plaintiffs,

FILED  
Court Administrator

NOV - 1 2006

By  Deputy

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER FOR JUDGMENT

vs.

Court File No. C9-05-5488

Aspen Medical Group, P.A.;  
Samuel Patrick Donegan, M.D.; and  
Allina Health System d/b/a United  
Hospital; Julie Worwa; and  
Heather Iverson,

Defendants.

This matter came before the **Honorable David C. Higgs** on October 16. The case  
was tried to a jury.

**Stephen C. Offutt, Esq.,**

L.L.C., Woodholme Center, 1829 Reisterstown Road, Suite 320, Baltimore, Maryland  
21208, appeared for an on behalf of Plaintiffs.

**J. Richard Bland, Esq., and Amy Baumgarten, Esq.,** Meagher & Geer,

P.L.L.P., 33 South Sixth Street, Suite 4400, Minneapolis, MN 55402, appeared for and on  
behalf Defendants Aspen Medical Group, P.A., and Samuel Patrick Donegan, M.D.

Defendant Allina Health System d/b/a United Hospital, and its agents Julie  
Worwa and Heather Iverson, settled with Plaintiffs prior to trial of this matter.

The Court submitted certain issues to the jury by way of a Special Verdict Form  
on October 26, 2006, and the jury made the following answers:

1. Was Defendant Samuel Patrick Donegan, M.D., as an agent of Aspen Medical Group, P.A., negligent in his care and treatment of Plaintiff Meshell Davis?

ANSWER: YES  X  NO \_\_\_\_\_

2. *If your answer to Question 1 was "Yes," then answer this question:*

Was Defendant Samuel Patrick Donegan, M.D.'s negligence in that care and treatment a direct cause of injury to Plaintiff Dhevyn Blackburn?

ANSWER: YES  X  NO \_\_\_\_\_

3. Was Defendant Allina Health System d/b/a United Hospital, by its agents Julie Worwa, Heather Iverson, and/or Michelle Murray, negligent in its care and treatment of Plaintiff Meshell Davis?

ANSWER: YES  X  NO \_\_\_\_\_

4. *If your answer to Question 3 was "Yes," then answer this question:*

Was Defendant Allina Health System d/b/a United Hospital's negligence in that care and treatment a direct cause of the injury to Plaintiff Dhevyn Blackburn?

ANSWER: YES  X  NO \_\_\_\_\_

*If your answers to both Question 2 and Question 4 were "Yes," then answer Question 5.*

5. Taking all of the negligence that contributed as a direct cause of the injury to Plaintiff Dhevyn Blackburn to be 100%, what percentage do you attribute to:

Defendant Samuel Patrick Donegan, M.D.,  
as an agent of Aspen Medical Group  90  %

Defendant Allina Health System  
d/b/a United Hospital  10  %

TOTAL  100  %

*You must answer the following questions, regardless of your answers to any other questions on this Special Verdict Form.*

6. What amount of money, if any, will fairly and adequately compensate Plaintiff Dhevyn Blackburn for damages up until the date of this verdict for past pain, disability, embarrassment, and emotional distress?

\$ \_\_100,000.00\_\_

7. What amount of money, if any, will fairly and adequately compensate Plaintiff Dhevyn Blackburn for damages reasonably certain to occur in the future from the date of this verdict for:

- a. Future life care and health care expenses?

\$ \_\_9,083,605.00\_\_

- b. Loss of future earning capacity after reaching the age of 18 years?

\$ \_\_1,200,000.00\_\_

- c. Future pain, disability, embarrassment, and emotional distress?

\$ \_\_4,000,000.00\_\_

8. What amount of money, if any, will fairly and adequately compensate Plaintiff Meshell Davis for damages for

- a. Past health care supplies, hospital services, and health care services necessary in caring for Dhevyn Blackburn from the time of the injury up to the date of this verdict?

\$ \_\_141,543.50\_\_

- b. Loss of Dhevyn Blackburn's services that Meshell Davis would have received from the time of the injury until Dhevyn Blackburn reaches the age of 18 years.

\$ \_\_1,000,000.00\_\_

Based upon all the evidence, the jury's answers to the Special Verdict Form and all of the files, records and proceedings herein, the Court makes the following:

#### FINDINGS OF FACTS

1. Defendant Samuel Patrick Donegan, M.D., as an agent of Aspen Medical Group, P.A., was negligent in his care and treatment of Plaintiff Meshell Davis.

2. Defendant Samuel Patrick Donegan, M.D.'s negligence in that care and treatment was a direct cause of the injury to Plaintiff Dhevyn Blackburn.
3. Defendant Samuel Patrick Donegan, M.D.'s percentage of fault in directly causing the injury to Plaintiff Dhevyn Blackburn is 90 percent.
4. The amount of money that will fairly and adequately compensate Plaintiff Meshell Davis and Plaintiff Dhevyn Blackburn for past and future damages is \$ 15,525,148.50.00.

Based upon the foregoing Findings of Fact, the Court makes the following:

**CONCLUSIONS OF LAW**

Plaintiff Meshell Davis and Plaintiff Dhevyn Blackburn are entitled to judgment in their favor, together with costs and disbursements necessarily incurred in this matter.

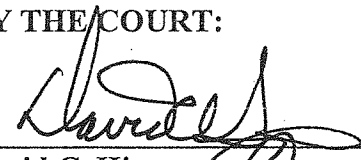
Based upon the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED:**

1. That judgment be entered in favor of Plaintiffs, and against Aspen Medical Group, P.A., and Samuel Patrick Donegan, M.D., in the amount of \$ 13,972,633.65, together with costs and disbursements necessarily incurred in this matter.
2. That pursuant to Minnesota Rule of Civil Procedure 58.02, the entry of judgment in this matter is hereby stayed for 30 days.

Dated: October 30, 2006

BY THE COURT:

  
 \_\_\_\_\_  
 David C. Higgs  
 District Court Judge

58 JUDGMENT

The foregoing shall constitute the judgment of the court.

Entered: 12/11/06 LYNAE K.E. OLSON  
 Court Administrator

By: Barbara Higgs  
 Deputy Clerk  
 C. Steven D. Emmings  
 John R. Bland  
 Stephen C. Offutt