

JAN 10 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

By:  DEPUTY

SCOTT L. TINIUS,  
Plaintiff,

vs.

ST. ANTHONY REGIONAL  
HOSPITAL, INC., DAVID McCOY,  
and TAMMY ROETMAN,  
Defendants.

No. C 03-3001-MWB

**VERDICT FORM**

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On the claims of plaintiff Scott L. Tinius, we, the Jury, find as follows:



FALSE IMPRISONMENT		VERDICT					
<b>Step 1: Proof of Claim</b>	Has plaintiff Scott L. Tinius proved his claim of "false imprisonment," as explained in Preliminary Jury Instruction No. 5, against one or more defendants? (If your answer is "no," do not answer any more questions in this section. Instead, go on to consider your verdict on Mr. Tinius's "medical battery" claim. However, if your answer is "yes," please continue with the remaining steps in this section of the Verdict Form.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
<b>Step 2: Liable Defendant(s)</b>	<p>If your answer in Step 1 was "yes," which one or more of the following defendants do you find is liable for "false imprisonment"? (Remember that St. Anthony Regional Hospital, Inc. (St. Anthony), can only be liable on this claim if one of its employees is also liable on this claim.)</p> <p><input type="checkbox"/> Dr. McCoy      <input type="checkbox"/> Ms. Roetman      <input type="checkbox"/> St. Anthony</p>						
<b>Step 3: Compensatory or Nominal Damages</b>	<p>If your answer in Step 1 was "yes," please award "compensatory damages" in some amount, as explained in Final Jury Instruction No. 6, or "nominal damages" of \$1.00, as explained in Final Jury Instruction No. 7.</p> <table border="1"> <tr> <td>\$ _____ for past emotional distress</td> <td rowspan="4">\$ _____ for nominal damages</td> </tr> <tr> <td>\$ _____ for future emotional distress</td> </tr> <tr> <td>\$ _____ for past physical pain and suffering</td> </tr> <tr> <td>\$ _____ for future physical pain and suffering</td> </tr> </table>	\$ _____ for past emotional distress	\$ _____ for nominal damages	\$ _____ for future emotional distress	\$ _____ for past physical pain and suffering	\$ _____ for future physical pain and suffering	
\$ _____ for past emotional distress	\$ _____ for nominal damages						
\$ _____ for future emotional distress							
\$ _____ for past physical pain and suffering							
\$ _____ for future physical pain and suffering							
<b>Step 4: Punitive Damages</b>	<p>If your answer in Step 1 was "yes," what amount of punitive damages, if any, do you award against each defendant found liable in Step 2, as punitive damages are explained in Final Jury Instruction No. 8? (Remember that no punitive damages can be awarded against St. Anthony Regional Hospital, Inc.)</p> <table border="1"> <tr> <td>Dr. McCoy: \$ _____</td> <td>Ms. Roetman: \$ _____</td> </tr> <tr> <td>Was the conduct of this defendant directed specifically at Mr. Tinius? ___ Yes ___ No</td> <td>Was the conduct of this defendant directed specifically at Mr. Tinius? ___ Yes ___ No</td> </tr> </table>	Dr. McCoy: \$ _____	Ms. Roetman: \$ _____	Was the conduct of this defendant directed specifically at Mr. Tinius? ___ Yes ___ No	Was the conduct of this defendant directed specifically at Mr. Tinius? ___ Yes ___ No		
Dr. McCoy: \$ _____	Ms. Roetman: \$ _____						
Was the conduct of this defendant directed specifically at Mr. Tinius? ___ Yes ___ No	Was the conduct of this defendant directed specifically at Mr. Tinius? ___ Yes ___ No						

MEDICAL BATTERY		VERDICT
<b>Step 1: Proof of Claim</b>	Has plaintiff Scott L. Tinius proved his claim of "medical battery," as explained in Preliminary Jury Instruction No. 6, against one or more defendants? (If your answer is "no," do not answer any more questions in this section. Instead, go on to consider your verdict on Mr. Tinius's "intentional infliction of emotional distress" claim. However, if your answer is "yes," please continue with the remaining steps in this section of the Verdict Form.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Step 2: (a) Affirmative Defense</b>	Have the defendants proved the affirmative defense explained in Preliminary Jury Instruction No. 10? (If your answer in Step 2(a) was "yes," answer the question in Step 2(b), but do not answer any other questions in this section. Instead, go on to consider your verdict on Mr. Tinius's claim of "intentional infliction of emotional distress." However, if your answer in Step 2(a) was "no," please consider the questions in Steps 3, 4, and 5 of this section.)	<input type="checkbox"/> Yes  <input type="checkbox"/> No
<b>(b) Ground(s)</b>	If your answer in Step 2(a) was "yes," on which one or more grounds do you find that the defendants have proved the affirmative defense?	
	<input type="checkbox"/> Mr. Tinius was incapable of giving consent by reason of mental disability	<input type="checkbox"/> An emergency made it impractical to obtain Mr. Tinius's consent
<b>Step 3: Liable Defendant(s)</b>	If your answer to Step 1 was "yes," and your answer to Step 2(a) was "no," which one or more of the following defendants do you find is liable for "medical battery"? (Remember that St. Anthony Regional Hospital, Inc. (St. Anthony), can only be liable on this claim if one of its employees is also liable on this claim.)	
	<input type="checkbox"/> Dr. McCoy	<input type="checkbox"/> Ms. Roetman
		<input type="checkbox"/> St. Anthony
<b>Step 4: Compensatory or Nominal Damages</b>	If your answer to Step 1 was "yes," and your answer to Step 2(a) was "no," please award "compensatory damages" in some amount, as explained in Final Jury Instruction No. 6, or "nominal damages" of \$1.00, as explained in Final Jury Instruction No. 7.	
	\$ _____ for past emotional distress \$ _____ for future emotional distress \$ _____ for past physical pain and suffering \$ _____ for future physical pain and suffering	\$ _____ for nominal damages

<b>Step 5: Punitive Damages</b>	If your answer to <b>Step 1</b> was "yes," and your answer to <b>Step 2(a)</b> was "no," what amount of punitive damages, if any, do you award against each defendant found liable in <b>Step 3</b> , as punitive damages are explained in Final Jury Instruction No. 8? ( <i>Remember that no punitive damages can be awarded against St. Anthony Regional Hospital, Inc.</i> )	
	Dr. McCoy: \$ _____	Ms. Roetman: \$ _____
	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No
<b>INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS</b>		<b>VERDICT</b>
<b>Step 1: Proof of Claim</b>	Has plaintiff Scott L. Tinius proved his claim of "intentional infliction of emotional distress," as explained in Preliminary Jury Instruction No. 7, against one or more defendants? ( <i>If your answer is "no," do not answer any more questions in this section. Instead, go on to consider your verdict on Mr. Tinius's "invasion of privacy" claim. However, if your answer is "yes," please continue with the remaining steps in this section of the Verdict Form.</i> )	___ Yes <input checked="" type="checkbox"/> No
<b>Step 2: (a) Affirmative Defense</b>	Have the defendants proved the affirmative defense explained in Preliminary Jury Instruction No. 10? ( <i>If your answer in Step 2(a) was "yes," answer the remainder of the questions in this section, but in Step 3(b), the defendants can only be held liable, if at all, for "intentional infliction of emotional distress" on the basis of confining Mr. Tinius.</i> )	___ Yes ___ No
<b>(b) Ground(s)</b>	If your answer in <b>Step 2(a)</b> was "yes," on which one or more grounds do you find that the defendants have proved the affirmative defense?	
	___ Mr. Tinius was incapable of giving consent by reason of mental disability	___ An emergency made it impractical to obtain Mr. Tinius's consent

<b>Step 3: (a) Liable Defendant(s)</b>	If your answer to Step 1 was "yes," which one or more of the following defendants do you find is liable for "medical battery"? ( <i>Remember that St. Anthony Regional Hospital, Inc. (St. Anthony), can only be liable on this claim if one of its employees is also liable on this claim.</i> ) In Step 3(b), please indicate whether the outrageous conduct of any defendant held liable on this claim consisted of confining Mr. Tinius in St. Anthony Regional Hospital, subjecting him to a catheterization procedure without his consent, or both. ( <i>If you answered "yes" to Step 2(a), then you cannot choose the "catheterizing" alternative in Step 3(b).</i> )		
	<input type="checkbox"/> Dr. McCoy	<input type="checkbox"/> Ms. Roetman	<input type="checkbox"/> St. Anthony
<b>(b) Ground(s)</b>	<input type="checkbox"/> confining <input type="checkbox"/> catheterizing	<input type="checkbox"/> confining <input type="checkbox"/> catheterizing	<input type="checkbox"/> confining <input type="checkbox"/> catheterizing
<b>Step 4: Compensatory or Nominal Damages</b>	If your answer to Step 1 was "yes," please award "compensatory damages" in some amount, as explained in Final Jury Instruction No. 6, or "nominal damages" of \$1.00, as explained in Final Jury Instruction No. 7.		
	\$ _____ for past emotional distress \$ _____ for future emotional distress \$ _____ for past physical pain and suffering \$ _____ for future physical pain and suffering	\$ _____ for nominal damages	
<b>Step 5: Punitive Damages</b>	If your answer in Step 1 was "yes," what amount of punitive damages, if any, do you award against each defendant found liable in Step 3, as punitive damages are explained in Final Jury Instruction No. 8? ( <i>Remember that no punitive damages can be awarded against St. Anthony Regional Hospital, Inc.</i> )		
	Dr. McCoy: \$ _____	Ms. Roetman: \$ _____	
	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No	

INVASION OF PRIVACY		VERDICT
<b>Step 1: Proof of Claim</b>	Has plaintiff Scott L. Tinius proved his claim of "invasion of privacy," as explained in Preliminary Jury Instruction No. 8, against one or more defendants? (If your answer is "no," do not answer any more questions in this section. Instead, go on to consider your verdict on Mr. Tinius's "negligence" claim. However, if your answer is "yes," please continue with the remaining steps in this section of the Verdict Form.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Step 2: (a) Affirmative Defense</b>	Have the defendants proved the affirmative defense explained in Preliminary Jury Instruction No. 10? (If your answer in Step 2(a) was "yes," answer the question in Step 2(b), but do not answer any other questions in this section. Instead, go on to consider your verdict on Mr. Tinius's "negligence" claim." However, if your answer in Step 2(a) was "no," please consider the questions in Steps 3, 4, and 5 of this section.)	<input type="checkbox"/> Yes  <input type="checkbox"/> No
<b>(b) Ground(s)</b>	If your answer in Step 2(a) was "yes," on which one or more grounds do you find that the defendants have proved the affirmative defense?	
	<input type="checkbox"/> Mr. Tinius was incapable of giving consent by reason of mental disability	<input type="checkbox"/> An emergency made it impractical to obtain Mr. Tinius's consent
<b>Step 3: Liable Defendant(s)</b>	If your answer to Step 1 was "yes," and your answer to Step 2(a) was "no," which one or more of the following defendants do you find is liable for "invasion of privacy"? (Remember that St. Anthony Regional Hospital, Inc. (St. Anthony), can only be liable on this claim if one of its employees is also liable on this claim.)	
	<input type="checkbox"/> Dr. McCoy	<input type="checkbox"/> Ms. Roetman
		<input type="checkbox"/> St. Anthony
<b>Step 4: Compensatory or Nominal Damages</b>	If your answer to Step 1 was "yes," and your answer to Step 2(a) was "no," please award "compensatory damages" in some amount, as explained in Final Jury Instruction No. 6, or "nominal damages" of \$1.00, as explained in Final Jury Instruction No. 7.	
	\$ _____ for past emotional distress	\$ _____ for nominal damages
	\$ _____ for future emotional distress	
	\$ _____ for past physical pain and suffering	
	\$ _____ for future physical pain and suffering	

<b>Step 5: Punitive Damages</b>	If your answer to Step 1 was "yes," and your answer to Step 2(a) was "no," what amount of punitive damages, if any, do you award against each defendant found liable in Step 3, as punitive damages are explained in Final Jury Instruction No. 8? <i>(Remember that no punitive damages can be awarded against St. Anthony Regional Hospital, Inc.)</i>	
	Dr. McCoy: \$ _____	Ms. Roetman: \$ _____
	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No
<b>NEGLIGENCE</b>		<b>VERDICT</b>
<b>Step 1: Proof of Claim</b>	Has plaintiff Scott L. Tinius proved his claim of "negligence," as explained in Preliminary Jury Instruction No. 9, against one or more defendants? <i>(If your answer is "no," do not answer any more questions in this section. Instead, notify the Court Security Officer that you have reached a verdict. However, if your answer is "yes," please continue with the remaining steps in this section of the Verdict Form.)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Step 2: Liable Defendant(s)</b>	If your answer in Step 1 was "yes," which one or more of the following defendants do you find is liable for "negligence"? <i>(Remember that St. Anthony Regional Hospital, Inc. (St. Anthony), can only be liable on this claim if one of its employees is also liable on this claim.)</i>	
	<input type="checkbox"/> Dr. McCoy	<input type="checkbox"/> Ms. Roetman <input type="checkbox"/> St. Anthony
<b>Step 3: Compensatory or Nominal Damages</b>	If your answer in Step 1 was "yes," please award "compensatory damages" in some amount, as explained in Final Jury Instruction No. 6, or "nominal damages" of \$1.00, as explained in Final Jury Instruction No. 7.	
	\$ _____ for past emotional distress \$ _____ for future emotional distress \$ _____ for past physical pain and suffering \$ _____ for future physical pain and suffering	\$ _____ for nominal damages

<b>Step 4: Punitive Damages</b>	If your answer in Step 1 was "yes," what amount of punitive damages, if any, do you award against each defendant found liable in Step 2, as punitive damages are explained in Final Jury Instruction No. 8? ( <i>Remember that no punitive damages can be awarded against St. Anthony Regional Hospital, Inc.</i> )	
	Dr. McCoy: \$ _____	Ms. Roetman: \$ _____
	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No	Was the conduct of this defendant directed specifically at Mr. Tinius? Yes      No

Date: 1-10-05      Time: 12:52 pm

<p>Filed By: U.S. DISTRICT COURT NORTHERN DISTRICT OF IOWA</p> <p>Copies mailed/faxed to counsel of record, pro se parties and others listed here:</p> <p>by: s/ des 1/10/05</p>
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