

IN THE CIRCUIT COURT OF WARREN COUNTY, TENNESSEE
THIRTY-FIRST JUDICIAL DISTRICT
AT MCMINNVILLE

DEBRA M. BARKES, individually and
as surviving spouse of JEWELL WAYNE
BARKES, deceased,

Plaintiff,

VS.

No. 946

FILED

MAY 16 2006

RIVER PARK HOSPITAL, INC.,
RIVER PARK HOSPITAL (TN), and
JEFFREY JOLLY, E.M.T.P.,

Time Initials
BERNADETTE W. MORRIS
CIRCUIT COURT CLERK

Defendants.

ORDER

This cause came to be heard on the 12th day of May 2006, upon the Defendant's Motion to Alter or Amend the Judgment, Defendant's Motion for New Trial, Defendant's Motion for Remittitur, and Plaintiff's Motion for Discretionary Costs.

Defendant's Motion to Alter or Amend the Judgment

After having reviewed the record in this case, this Court finds that sufficient material evidence exists to support the verdict rendered by the jury in this matter, and that no errors exist that would require the judgment to be altered or amended. The Defendant's Motion to Alter or Amend the jury's verdict is, therefore, denied.

Defendant's Motion for a New Trial

The Court, in its role as thirteenth juror, has considered all the evidence presented at trial, the arguments of counsel, the testimony of witnesses, the exhibits introduced in to evidence, and the entire record as a whole. After independently weighing the evidence, this Court finds that the

weight of the evidence preponderates in favor the Court's finding that the judgment in this case is correct.


Defendant's Motion for Remittitur

The Court has also given great consideration to the request for remittitur by the Defendants—an issue which obviously has no clear line differentiating between a reasonable amount and an unreasonable amount to adequately compensate for the loss in a wrongful death action. The Court has reviewed statutory law and the verdicts in other cases of this type as provided by counsel, along with all the proof in this case dealing with losses brought about by the death of the decedent, including the proof regarding loss of consortium and medical expenses. This Court finds that the jury's award was not so excessive as to indicate that it was formed with sympathy and passion. This Court further finds that the award was not beyond the range of reasonableness for the loss of the life of the decedent. Therefore, the Court finds that a suggestion if remittitur is not warranted and their motion to this effect is hereby denied.

Plaintiff's Motion for Discretionary Costs

Finally, the Court has considered the Plaintiff's Motion for Discretionary Costs in this case and hereby declines to award any discretionary costs to the Plaintiff in this matter. The Plaintiff's motion is, therefore, denied.

ENTER this the 16 day of May 2006.


JUDGE LARRY B. STANLEY, JR.

original to:
Bernie Morris

copies to:
all counsel of record