

1   sues River Park Hospital for the claimed  
2   negligence of its employee Jeffrey Jolly.  
3   Mr. Jolly is not sued individually and is not  
4   a defendant in this case. River Park  
5   Hospital is the sole and only defendant.  
6   There is no claim that Mr. or Ms. Barkes was  
7   at fault.

8           In this case, Ms. Barkes, the  
9   plaintiff, has the burden of establishing by  
10  a preponderance of the evidence, more likely  
11  than not, all of the facts necessary to prove  
12  the following issues: Number one, that the  
13  hospital or Mr. Jolly was at fault; and  
14  number two, the nature and extent of the  
15  Barkes' claimed injuries or losses.

16           As I said, it is your responsibility to  
17  determine the fault, if any, of the hospital  
18  or Mr. Jolly and any non-parties to the case.  
19  If you find that the hospital or Mr. Jolly  
20  was at fault and one or more of the  
21  non-parties were at fault, you will need to  
22  compare the fault between those at fault. To  
23  do this, you'll need to know the definition  
24  of fault.

25           The first part of fault is negligence.

1 A hospital must use reasonable care to avoid  
2 causing injuries to patients. The knowledge  
3 and care required of hospitals is the same as  
4 other reputable hospitals practicing in the  
5 same or similar communities and under similar  
6 circumstances.

7 The second part of fault is legal  
8 cause. Legal cause of an injury and/or death  
9 is a case in which in a natural and  
10 continuous sequence produces an injury and  
11 without which the injury would not have  
12 occurred. A single injury can be caused by  
13 the negligent acts and omissions of one or  
14 more persons.

15 If you find that the hospital was  
16 negligent and that the negligence was a legal  
17 cause of Mr. Barkes' death on July 26, 2000,  
18 you have found that the hospital is at fault.  
19 If you find that the hospital itself was not  
20 at fault for its own independent negligence,  
21 you may still find in favor of Ms. Barkes if  
22 you find that Mr. Jolly was negligent and  
23 that his negligence was a legal cause of Mr.  
24 Barkes' death.

25 As I said, Ms. Barkes has the burden of