

Clerk's Notice of Decision
Document Sent to Parties
on 05/03/2024

Jury Verdict Form

217-2020-CV-00026



11

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Rockingham, ss.

DAVID MEEHAN

v.

STATE OF NEW HAMPSHIRE,
DIVISION OF HEALTH AND HUMAN SERVICES

217-2020-CV-00026

VERDICT FORM

Part I: Limitations

Question 1

Does the jury unanimously find that plaintiff David Meehan has proven by a preponderance of the evidence that, prior to January 11, 2017:

He did not discover, and would not have discovered through the exercise of reasonable diligence, both:

(i) That he had been injured; and

(ii) That DHHS's conduct (i.e. "actions," "failures to act" and/or "customs and practices") caused his injuries.

Yes

No

Explanation

-A "Yes" means that this suit timely in its entirety.

-A "No" answer means that this lawsuit is untimely and will be dismissed.

Instructions

If you answered "No," then skip Parts II, III, IV and V of this form. The foreperson should sign the last page of this form.

If you answered "Yes," go onto Part II.

Part II: Liability

Question 2

(Do not answer this question if your answer to Question 1 was "No.")

Does the jury unanimously find that plaintiff David Meehan has proven by a preponderance of the evidence that:

(a) He was injured during the time he was a resident at YDC; **and**

(b) DHHS's Negligence and/or Breach of Fiduciary Duty was a substantial factor in bringing about one or more of his injuries (i.e. a legal cause of the injury). (Please see the jury instructions for an explanation of "legal causation," "negligence" and "breach of fiduciary.")

Yes

No

Explanation

A "Yes" answer means that you have found DHHS liable.

A "No" answer means that you have found that DHHS not liable.

Instructions

If you answered "No," please skip Parts III, IV and V. The foreperson should sign the last page of the verdict form.

If you answered "Yes," please go on to Part III.

Part III (Damages)

Question 3

(Do not answer any questions in this Part III (e.g., Questions 3, 4 or 5) if your answer to either Question 1 or Question 2 was "No.")

Please state the full amount of money (in words and numbers) that the jury unanimously finds Mr. Meehan has proven to be full, fair and adequate compensation for his injuries.

\$ 18,000,000.00 (in numbers)
Eighteen million dollars (in words)

Question 4

Does the jury unanimously find that David Meehan has proven, that he is entitled to enhanced compensatory damages?

Yes

No

INSTRUCTION

IV. If your answer to Question 4 was "No," skip Question 5 and go on to Part

If you answer to Question 4 was "Yes," please answer Question 5.

Question 5

6. Please state the full amount of money (in words and numbers) that the jury unanimously finds as enhanced compensatory damages.

\$ 20,000,000.00 (in numbers)
Twenty million dollars (in words)

PART IV (Apportionment)

Question 6

(Do not answer any questions in this Part IV (e.g., Questions 6, 7, 8 and 9 if your answer to either Question 1 or Question 2 was "No.")

With respect to only those injuries for which you have found DHHS liable,

Were David Meehan's injuries caused by DHHS's knowing and active participation with others in a common plan or design that caused harm to David Meehan.

Yes, as to all injuries for which DHHS is liable

No, as to all injuries for which DHHS is liable

Yes, as to one or more but not all of the injuries for which DHHS is liable.

Explanation

A defendant is liable for 100% of the monetary damages for injuries caused by its knowing and active participation with others in a common plan or design that caused harm to the plaintiff. Please also see the explanation following Question 9.

Instruction

If you answered "Yes, as to all," skip Questions 7, 8 and 9 and go on to Part V of this verdict form.

If you answered "No, as to all" skip Question 7 and go on to answer Question 8.

If you answer "Yes, as to one or more," go on to answer Question 7.

* * *

Question 7

(Answer only if the answer to Question 6 was "Yes, as to one or more.")

Viewing all of the plaintiff's injuries for which DHHS is liable as a whole, what percentage of plaintiff's injuries were caused by DHHS's knowing and active participation in a common plan or design?

_____ %

Question 8

With respect to only those injuries for which (a) you found DHHS liable, but (b) were NOT caused by DHHS's knowing and active participation with others in a common plan or design,

Has DHHS proven by a preponderance of the evidence that any of the conduct (acts and omissions) of any of the following individuals was also a substantial factor in bringing about the injuries:

Bradley Asbury	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Frank Davis	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Jeffrey Buskey	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Stephen Murphy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
James Woodlock	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Richard Brown	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Gordon Thomas Searles	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Instruction

If you answered "No" with respect to all seven of these individuals, please skip Question 9 and go to Part V.

If you answered "Yes" with respect to one or more of these individuals, please go on to Question 9.

QUESTION 9

With respect to only those injuries for which (a) you found DHHS liable, but (b) which were NOT caused by DHHS's knowing and active participation with others in a common plan or design,

What is the proportionate share of fault in bringing about the injuries that you attribute to each of the following entities and individuals. You must state your answer in percentage terms. The total number must equal 100%.

Please place a zero or the abbreviation "N/A" (for not applicable) for individuals whose conduct you did not find, in response to Question 7, to be a substantial factor in bringing about any of the injuries.

Name	Percentage
DHHS	%
Bradley Asbury	%
Frank Davis	%
Jeffrey Buskey	%
Stephen Murphy	%
James Woodlock	%
Richard Brown	%
Gordon Thomas Searles	%
ALL TOGETHER	100%*

*Of that portion of plaintiff's compensable injuries that was not the result of DHHS's knowing and active participation in a common plan or design that caused harm to the plaintiff.

EXPLANATION

For injuries that were not caused a defendant's active and knowing participation with others in a common plan or design that caused harm to the plaintiff:

The defendant is liable for 100% of the monetary damages if the defendant's proportionate share of fault is 50% or greater.

However, if the defendant's proportionate share of fault is less than 50%, the defendant is liable for only its proportionate share of the monetary damages based on fault.

Part V

Question 10

How many "incidents" does the jury unanimously find the plaintiff has proven by a preponderance of the evidence. For the purpose of this instruction an "incident" is a:

- (a) single episode during which the plaintiff was injured;
- (b) for which injuries the jury has found DHHS liable in response to previous questions;
- (c) on claims the jury found to be timely claims in response to question 1.

1 (numerals)

One (words)

DATE: 5/3/2024

