

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU: TRIAL TERM PART 19

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Dennis Powers A/K/A DENNIS WOODY, IN HIS
INDIVIDUAL CAPACITY AND AS ADMINISTRATOR
OF THE ESTATE OF DARYL DAVID WOODY,

Plaintiff,

Index No.
017721/2011

-v-

-TRIAL-
Nassau County, Nassau County Correctional
Center (NCCC), Sgt. Christopher S. Edmond,
Shield #76, Patrick McCaffrey, #2770,
Enrique Sewer, #2664, Matthew Ward,
Shield #2945, William Day, Shield #2714
Nepolean Melendez, #2430, Delatora Wilson,
#827, Sgt, Gerard Heinz, #49, Lt. Philip
Zorn, #95, Nassau County Sheriff's
Department, Nassau County Police Department,
Det. Robert J. Lashinsky, Sgt. John C.
Deignan, P.O. Larry A. Brue, Nassau County
Medical Center A/K/A Nassau University Medical
Center, Sheriff Michael J. Sposato, Jail
Capt. Michael Golio, Dr. Fines, Dr. Rubina
Boparal, Dr. Sikander Subana, Damir Huremovic
M.D., Dr. Deepti Gupta, Dr. Kishore Kumar,
Dr. K.A., Whose Identity is Presently Unknown,
Margaret Astheus R.N., Kathleen A. Haran, R.N.,
And Certain John and Jane Does 1-50 Who
Identities Are Presently Unknown To The Plaintiffs,

Defendants.

-----x
100 Supreme Court Drive
Mineola, New York
May 20, 2025

B E F O R E:

Hon. EILEEN DALY-SAPRAICONE, Justice of the Supreme Court
County of Nassau

(Appearances on next page.)

JEAN DEBIASE, RPR
SENIOR COURT REPORTER

2 A P P E A R A N C E S:

3 LAW OFFICE OF VINCENT BIANCO, ESQ., P.C.

Attorney for Plaintiff

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Westbury, New York 11590

5 BY: VINCENT BIANCO, ESQ.

6

7 BERKMAN, HENoch, PETERSON & PEDDY, P.C.

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9 BY: CATHERINE MARTYN, ESQ.

NICHOLAS TUFFARELLI, ESQ.

10

11 LAW OFFICES OF EDWARD J. TROY

Attorney for Hospital Defendants

12 44 Broadway

Greenlawn, New York 11740

13 BY: ALEXANDER V. SANSONE, ESQ.

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THE COURT CLERK: For the record, Index Number 017721 of 2011, Dennis Powers et. al. against Nassau County et. al.

May we have appearances starting with counsel for plaintiff.

MR. BIANCO: My name is Vincent Bianco. My address is 1025 Old Country Road, Westbury, New York 11750. Good morning.

THE COURT: Good morning.

MS. MARTYN: Catherine Martyn, Berkman, Henoch, 400 Garden City Plaza, Garden City, New York for the county and county defendants.

MR. TUFFARELLI: Nicholas Tuffarelli, Berkman, Henoch, Peterson & Peddy for the Nassau County defendants.

MR. SANSONE: Alexander Sansone, Law Office of Edward Troy, 44 Broadway, Greenlawn, New York for the Nassau University Medical Center and the medical defendants. Good morning, Your Honor.

THE COURT: Good morning.

It's the Court's understanding that at this time there is no resolution of this matter, is that correct?

MR. BIANCO: Correct.

THE COURT: Okay. The Court is marking as Court Exhibit Number I, case law supporting dismissal filed with

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the Court yesterday by the county defendants.

THE COURT CLERK: So marked.

THE COURT: The Court has marked the submissions by the county defendants as Court Exhibit I. At this point, the Court is only considering the county's application. The Court has reviewed the case law contained in Court Exhibit Number One, has heard argument by counsel for the county defendants on their application for a directed verdict. The Court has also heard opposition from plaintiff's counsel. Again, at this point, the Court is going to rule on the county's application only.

It is unfortunate that the passing of Mr. Woody occurred. The Court notes that the testimony of plaintiff's expert, Mr. Horn, has been stricken as no opinion testimony was elicited. The issue before the Court which has been presented to the jury is not a question of negligence or malpractice. The issue before the jury is a 1983 claim. Viewing the facts as presented with evidence and testimony in the light most favorable to the plaintiffs, there is no reasonable basis for a jury to find that any of the following defendants, Nassau County, County of Nassau Correctional Center, Sergeant Christopher Edmond, Patrick McCaffrey, Enrique Sewer, Matthew Ward,

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2 William Day, Napoleon Melendez, Delatora Wilson, Gerard
3 Heinz, Lieutenant Philip Zorn, Nassau County Sheriff's
4 Department, Nassau County Police Department, Detective
5 Robert J. Lashinshy, Sergeant John Deignan, Police Officer
6 Larry A. Brue, Sheriff Michael J. Sposato, Jail Captain
7 Michael Golio exhibited deliberate indifference to
8 Mr. Woody.

9 So the Court is clear, viewing the facts as
10 presented through the evidence and testimony in the light
11 most favorable to the plaintiff, there is no reasonable
12 basis for a jury to find that any of the just named
13 defendants exhibited deliberate indifference to Mr. Woody.
14 The evidence and testimony elicited by plaintiff has
15 failed to prove by a preponderance of evidence that any of
16 these named defendants violated decedent's 14th Amendment
17 right to reasonable medical care, and as a pretrial
18 detainee awaiting trial on criminal charges by being
19 deliberately indifferent to a serious medical condition or
20 decedent's needs. The evidence and testimony elicited
21 also has failed to prove that the county defendants as
22 named violated the decedent's constitutional rights by
23 having a custom or practice of not adequately training its
24 employees to protect decedent from self injury or suicide.
25 The Court finds there is no reasonable basis for the jury

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2 to find that the county or county defendants as named
3 violated the decedent's constitutional rights. The
4 application by the county defendants for a directed
5 verdict is granted in its entirety.

6 Counsel, you have your exception.

7 MR. BIANCO: If I may, Your Honor, just for the
8 record.

9 THE COURT: Yes, in a moment.

10 The Court is going to reconvene at 2:00 p.m. as
11 it relates to the other application which is pending for
12 the remaining defendants.

13 Counsel, you may be heard.

14 MR. BIANCO: Simply for the record, judge.

15 THE COURT: Yes.

16 MR. BIANCO: Note my exception to the ruling. I
17 believe that the plaintiff's evidence when viewed in the
18 light most favorable to the plaintiff, clearly establishes
19 a prima facie case in the 1983 claim against the defendant
20 county. Testimony elicited through their witnesses
21 called, their own employees, clearly establishes that
22 Mr. Woody was in distress, did express that distress.
23 There are no professional witnesses that need to determine
24 whether or not capsaicin spray would be painful or whether
25 his cries for medication or suffering. In addition, for

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2 the county defendants, the claim that was made was that
3 the policy or practice that was violated was ignorance,
4 deliberate ignorance to an existing law. That would be
5 the basis, partially, of my objection to your ruling.

6 Thank you very much.

7 THE COURT: Okay. You have your exception
8 counsel.

9 MR. BIANCO: Thank you.

10 THE COURT: And as the Court indicated, the
11 Court will reconvene at 2:00 p.m. as it relates to the
12 application that is now standing for the remaining
13 defendants.

14 Counsel remaining, approach. Counsel that have
15 been granted their application are free to go.

16 Have a good day.

17 MS. MARTYN: Thank you, Your Honor.

18 (Whereupon, Ms. Martyn and Mr. Tuffarelli leave
19 courtroom.)

20 (Whereupon, a lunch recess was taken.)

21 THE COURT CLERK: Second call, Index Number
22 017721 of 2011, Dennis Powers, et al.

23 May we have appearances for counsel for the
24 plaintiffs for the afternoon session.

25 MR. BIANCO: My name is Vincent Bianco. My

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address is 1025 Old County Road, Westbury, New York.

Good afternoon.

THE COURT: Good afternoon.

MR. SANSONE: Alexander Sansone, Law Offices of Edward Troy, 44 Broadway, Greenlawn, New York for the Nassau University Medical Center and the medical defendants.

Good afternoon, Your Honor.

THE COURT: We're going to mark submission by Nassau County medical defendants as Court Exhibit II.

(Court Exhibit II is marked.)

THE COURT: The Court has marked the submission by Nassau University Medical Center and the medical defendants as Court Exhibit II.

Counsel can be seated.

The Court notes that prior to opening statements, based on a lack of proper service, defendant Dr. K-A was removed from the caption on consent and Margaret Astheus, R.N. was removed by the Court after defendant's application as Margaret Astheus is not a name of an employee of Nassau County Medical Center a/k/a Nassau University Medical Center, was not an employee at the time of the events giving rise to the plaintiff's lawsuit.

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2 The issue before the Court which has been
3 presented to the jury is not a question of negligence or
4 malpractice. The issue before the jury is a Section 1983
5 claim. As an initial matter, the Court notes that based
6 on a reading of the complaint, it appears that plaintiff
7 views and treats the county, Nassau County Correctional
8 Center and NUMC, which is Nassau University Medical
9 Center, as the same entity. However, as this Court has
10 previously granted the county's application for a directed
11 verdict, it is clear that the county, including Nassau
12 County Correctional Center and NUMC, which is Nassau
13 University Medical Center, also known as Nassau County
14 Medical Center, are separate and distinct entities for the
15 purpose of Section 1983 and the complaint's other causes
16 of action.

17 As to the plaintiff's second cause of action
18 entitled Monell Claim, the Court finds that the evidence
19 and testimony elicited has failed to prove that Nassau
20 County Medical Center a/k/a Nassau University Medical
21 Center or any of the individually named medical
22 defendants, Dr. Firdous, Dr. Rubina Boparai, Dr. Sikandra
23 Surana (sic), Dr. Damir Huremovic M.D., Dr. Deepta Gupta,
24 Dr. Kishore Kumar or Katherine A. Haran R.N. violated the
25 decedent's constitutional rights by having a custom or

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practice of not adequately training its employees to protect decedent from self injury or suicide.

Turning to plaintiff's first cause of action under Section 1983, the Court finds that viewing the facts presented through the evidence and testimony and in the light most favorable to the plaintiff, there is no reasonable basis for a jury to find that any of the following defendants; Dr. Firdous, Dr. Rubina Boparai, Dr. Sirander Surana (sic), Dr. Deepta Gupta, Dr. Kishore Kumar or Katherine A. Haran R.N. exhibited deliberate indifference to Mr. Woody. The evidence and testimony elicited by plaintiff has failed to prove by a preponderance of the evidence that any of the above-named individual defendants violated the decedent's 14th Amendment rights as alleged in the plaintiff's first cause of action by being deliberately indifferent to a serious medical condition or decedent's needs. As such, the Court grants counsel's application, in part, as to the above-named individual defendants for a directed verdict.

This Court denies, at this time, and reserves decision with respect to the following defendants: Nassau County Medical Center a/k/a Nassau University Medical Center and defendant, Damir Huremovic M.D. This matter will proceed to the jury on the issue of plaintiff's 1983

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2 action for medical indifference, only, as to defendant's
3 Nassau County Medical Center a/k/a Nassau University
4 Medical Center and defendant, Damir Huremovic M.D. Both
5 sides have their exception.

6 MR. BIANCO: Your Honor, if I may, just to
7 expand, at the close of plaintiff's case, the Court's
8 dismissal against the named defendant is respectfully
9 objected to as the plaintiff has presented sufficient
10 evidence to establish a prima facie case on the 1983 claim
11 against all dismissed defendants. The record, including
12 testimony by all of these actual witnesses supports all
13 required elements under Section 1983 and the Court's
14 failure to view this evidence in the light most favorable
15 to the plaintiffs constitutes reversible error; therefore,
16 I make a further objection to your ruling. Thank you.

17 THE COURT: Mr. Sansone, do you want to be
18 heard?

19 MR. SANSONE: No, Your Honor.

20 THE COURT: Okay. All right. The Court is
21 marking as Court Exhibit Number III plaintiff's proposed
22 verdict sheet and Court Exhibit Number IV, the medical
23 defendant's proposed verdict sheet.

24 (Court Exhibits III and IV are marked.)

25 THE COURT: Counsel approach.

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(Whereupon, a bench conference takes place.)

THE COURT: The Court is ordering that the caption be amended to reflect the remaining parties in the case.

Based on counsel's submission to the Court and the Court's ruling, the Court has amended the proposed verdict sheet and will give a sample to counsel.

Counsel, please review. Once there's an agreement, then we'll mark the final version and I'll take those versions back from you until there is a final version.

(Court officer hands to Mr. Bianco and Mr. Sansone.)

MR. SANSONE: Thank you.

MR. BIANCO: Thank you.

THE COURT: Take an opportunity to read it.

MR. BIANCO: I'm just going to step back if you don't mind.

THE COURT: Sure.

(Mr. Bianco confers with his staff.)

MR. SANSONE: In the first instance, I would object to the Nassau County Medical Center a/k/a Nassau University Medical Center as being included.

The Court ruled that there was no Monell claim,

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2 so if there's no Monell claim, the hospital, itself,
3 cannot be responsible for a rights violation. The whole
4 purpose of a Monell claim is to hold somebody accountable
5 for improper policy, procedure or training. The Court's
6 already ruled that there has been no such finding in this
7 case, so I would object to the hospital being included in
8 the verdict sheet since there's no basis for an award of
9 damages and they can't be found liable. It would seem to
10 me the only issue that would go to the jury based upon the
11 Court's ruling would be with respect to what Dr. Hurmervic
12 did or did not do. I don't think you can legally charge
13 the jury to award damages against the hospital.

14 MR. BIANCO: If I may, judge.

15 I believe that the connection between the 1983
16 and the Monell claim, again, 1983 actions can't exist in
17 isolation. Any question of whether someone's civil rights
18 have been violated, the next question must be asked would
19 be which one. In this case, the Monell claim would
20 survive against Nassau University Medical Center. If the
21 argument is going to be that the municipality or,
22 therefore, the hospital's adherence to, let's say, HIPAA,
23 improperly delayed or prevented life-saving action,
24 therein lies the violation of the constitutional right.
25 So to say that there is no Monell claim, let's resolve

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2 that right now. There is absolutely a Monell claim. If
3 we're arguing that the policy either was followed
4 improperly, followed a policy that didn't exist or
5 followed a policy that was in violation of law, the status
6 of Mr. Woody may, in fact, be what the jury decides was
7 the deciding factor, but I believe, as Your Honor has
8 ruled, he survived directed verdict because of his actions
9 at that time, which the jury could find was based on
10 failed policy. Thank you.

11 MR. SANSONE: The Court ruled there is no Monell
12 claim, Judge. I don't know how else to answer it other
13 than the fact that that was the basis of the Court's
14 ruling that you read 15 minutes ago.

15 THE COURT: All right. The Court will consider
16 your application.

17 Do you have any other issue with the verdict
18 sheet?

19 MR. SANSONE: No, Your Honor other than to point
20 out that there can't be an award of punitive damages
21 against a municipality.

22 THE COURT: Okay. All right. So we'll take
23 back those versions from you. We'll revisit the issue of
24 the verdict sheet tomorrow.

25 (Court clerk hands back to Judge

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Daly-Sapraicone.)

THE COURT: The Court had some charges that were requested. It seems that there were the wrong numbers used. I just want to confirm that all from the PJI, 1:39, are you withdrawing that request?

MR. BIANCO: Yes.

THE COURT: 1:40, are you withdrawing that request?

MR. BIANCO: Yes.

THE COURT: 1:41, withdrawing that request?

MR. BIANCO: Yes.

THE COURT: 1:36, withdrawing that request?

MR. BIANCO: I believe that that was a other-cited section, so in the present form, yes.

THE COURT: Okay. 1:91, withdrawing that request?

MR. BIANCO: Yes.

THE COURT: Okay. Central Jury Instruction 2:2, withdrawing that request?

MR. BIANCO: What is the caption of that one?

THE COURT: I just have 2:2. I don't have the name in front of me.

MR. BIANCO: Sure. Give me one second.

I'm sorry. What section was that?

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THE COURT: 2:2.

MR. BIANCO: 2:2, yes, withdraw.

THE COURT: You entitled it on your request,
Stipulations of Fact.

MR. BIANCO: What number, Judge?

THE COURT: Number 24 in your request.

MR. BIANCO: PJI 1:75?

THE COURT: No. I'm talking about Federal Jury
Instruction 2.2 you asked for. You entitled Stipulation
of Facts. It's number 24 in your request.

MR. BIANCO: Right. That would be to enter into
the 42 CFR HIPAA section.

THE COURT: Counsel, do you want to be heard on
that?

MR. SANSONE: Which one, Judge?

THE COURT: Federal Jury Instruction 2.2,
Stipulation of Facts, counsel is asking that the HIPAA
laws be read into the Court's charge to the jury.

MR. SANSONE: I would object to it, Your Honor.
It's not related to the case. There is no Monell claim.
Counsel's theory about HIPAA, accordingly, is not in the
case.

THE COURT: Okay. Court is denying that
application. You have your exception as to any ruling not

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2 in your favor.

3 Okay. Federal Jury Instruction 5.5, and that
4 was for punitive damages.

5 Mr. Sansone, do you want to be heard on that
6 application for that charge?

7 MR. SANSONE: It's a request for a charge on
8 punitive damages, Your Honor?

9 THE COURT: Yes. Counsel has it as Federal Jury
10 Instruction 5.5, punitive damages.

11 MR. SANSONE: Do you have a copy of it, Your
12 Honor?

13 THE COURT: Counsel, do you have a copy?

14 MR. BIANCO: I can loan him mine. It's going to
15 be starting here (indicating).

16 THE COURT: Is this exactly out of the
17 instruction, counsel?

18 MR. BIANCO: Yes, it has to be tailored toward
19 state court. Mr. Sansone's argument that there are no
20 punitive damages left in this case, I guess we --

21 THE COURT: No, he said as to the entity.

22 MR. BIANCO: Correct.

23 THE COURT: It wasn't argued as to the
24 individuals. It was argued as to the entity.

25 Correct, Mr. Sansone?

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2 MR. SANSONE: Yes, Your Honor. It can only go
3 against an individual.

4 THE COURT: Right. That was your argument. I
5 just wanted to clarify for the record.

6 My question to you, Mr. Bianco, is the language
7 as written, is that from the Federal Jury Instruction or
8 was it changed in any way, shape or form?

9 MR. BIANCO: I'll take another look. I just
10 don't have my copy in my hand this second.

11 MR. SANSONE: If it tracts the Federal Jury
12 Instruction, I have no objection.

13 MR. BIANCO: I'll let you know in a second.

14 MR. SANSONE: I would state on the record, Your
15 Honor, that based upon the evidence and testimony in the
16 case, I don't believe there is a basis for an award of
17 punitive damages. This was, at best, one act by a doctor
18 who had treated the plaintiff for a number of days. He
19 made a professional medical judgment that, unfortunately,
20 did not have a good result but I don't think that it can
21 serve as a basis for a jury to find that he was malicious
22 or attempting to harm the plaintiff in some fashion. The
23 evidence just isn't there, so I would --

24 THE COURT: That can be your argument to the
25 jurors, but the Court is going to let that go to the jury

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for their decision. You have your exception.

MR. SANSONE: I just want something on the record to indicate that I don't agree with it being charged to the jury at all.

THE COURT: Absolutely.

Now, counsel, is this the language as taken from the Federal Jury Instruction as it is written --

MR. BIANCO: Yes, Judge.

THE COURT: -- without --

MR. BIANCO: Without redaction, omission or change.

THE COURT: Okay. The Court will allow it. Counsel approach.

(Whereupon, a bench conference takes place.)

THE COURT: We're going to take five minutes.

MR. BIANCO: Thank you.

(Whereupon, a brief recess was taken.)

THE COURT: The Court had discussions off the record with counsel, and as it relates to the Court's decision regarding the plaintiff's second cause of action, the Court is considering arguments that may result in the Court reversing a portion of the Court's decision as it relates to that.

Off the record.

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(Whereupon, an off the record discussion was held.)

THE COURT: Counsel, we know that there's outstanding issues as it relates to the verdict sheet and applications made concerning who should remain in the case.

PJI 1:90, General Instruction, Expert Witness.

So we're going to have Dr. Anderson?

MR. BIANCO: Yes.

THE COURT: Dr. Anderson testified concerning his qualifications in the field of psychology and forensic psychiatry and gave his opinions concerning issues in this case.

PJI 1:92, General Instruction Interested Witness Employee of Party.

MR. BIANCO: Inasmuch as that they're all county employees --

THE COURT: Is there any people that you want named in this?

Off the record.

(Whereupon, an off the record discussion was held.)

THE COURT: So off the record we've listed employees and we're going to include those employees.

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2 MR. SANSONE: Your Honor, why would we be
3 relating interested witnesses who are people who are not,
4 in the first instance, not defendants in the case, some of
5 whom are no longer employed by the hospital. And to the
6 extent that the Court has dismissed all claims against
7 every medical defendant other than Huremovic, how can you
8 argue that they're interested witnesses? They don't have
9 a stake in the case.

10 THE COURT: Well, what the charge says is the
11 fact that the witness was or still is employed by the
12 defendant, and the testimony you have heard of his or her
13 relationship with his or her employer may be considered by
14 you in deciding whether the testimony of the witness was
15 in any way influenced by the employment relationship with
16 the defendant.

17 MR. SANSONE: Right. But there are two issues,
18 Judge. If NUMC is not in, there is no issue about an
19 employer, number one. Number two, I guess we would have
20 to go through the list because some of these people are
21 not employed, right?

22 THE COURT: Right. But they were employed at
23 the time, so the charge can be -- Oh, you're saying
24 because they're not employed anymore.

25 MR. SANSONE: Right. They're no longer

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employed.

THE COURT: Off the record.

(Whereupon, an off the record discussion was held.)

THE COURT: As it relates to a request for charge PJI 2:36, Comparative Fault, in that charge it talks about negligence.

Mr. Sansone, your position on that charge?

MR. SANSONE: I'd object to that, Judge.
There's no comparative fault here.

THE COURT: Mr. Bianco, do you want to be heard any further on that request for that charge?

MR. BIANCO: We're talking about --

THE COURT: PJI 2:36, Comparative Fault.

MR. BIANCO: Apportionment of fault between defendants. Assuming that we're left with more than one entity, I would ask that you keep it in. If there is only one entity that is left, I'll take my exception but that wouldn't apply.

THE COURT: This Court reads the charge as follows, in pertinent part: If you find that the defendant was negligent and that the defendant's negligence was a substantial factor in bringing about the incident, you must consider whether the plaintiff was also

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negligent and whether the plaintiff's negligence was a substantial factor in bringing about the incident.

Based on the fact that there's not a negligence action remaining in this case and based on the testimony and evidence that's been elicited, the Court does not find that to be an appropriate charge.

MR. BIANCO: If I may?

THE COURT: Yes.

MR. BIANCO: I believe it was argued that Mr. Woody somehow brought about his own demise, given false -- possibly, different self diagnosis, so I would say that that should absolutely be in. Blame it on Mr. Woody. Give them an opportunity.

THE COURT: Do you want to be heard on that?

MR. SANSONE: It's not a negligence case, Judge. It would be good for an automobile collision. It doesn't fit in this case. Nobody is arguing that Mr. Woody --

THE COURT: As the case is not a negligence case, the Court is not going to give that charge to the jurors. You have your exception.

There was also a request to charge which was PJI 2:71, Proximate Cause, Concurrent Causes. Reads as follows: There may be more than one cause of an incident where the independent and negligent acts or omissions of

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2 two or more parties caused the incident to another. Each
3 of those negligent acts or omissions is regarded as a
4 cause of that incident provided that it was a substantial
5 factor in bringing about that incident.

6 Does any counsel want to be heard on this?

7 MR. SANSONE: Not applicable, Your Honor.

8 We're not dealing with a negligence standard,
9 and who would be the other actor? The county is out of
10 the case.

11 MR. BIANCO: Again, because the county is out of
12 the case, I'll take my exception, but it has no
13 applicability with a single defendant.

14 THE COURT: Okay. As this charge relates to
15 negligence and there's not a negligence claim remaining in
16 the case, Court will not give that charge.

17 You have your exception.

18 PJI 2:72, Proximate Cause, Intervening Causes,
19 reads as follows: The defendant claims that he is not
20 responsible for the plaintiff's injuries because the
21 injuries were caused by a third-party. If you find that
22 defendant was negligent but that the plaintiff's injuries
23 were caused by the act of a third party, you may still
24 find that defendant is responsible for the plaintiff's
25 injuries. If you also find that a reasonably prudent

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2 person in the defendant's situation before the defendant
3 allegedly committed his or her act of negligence would
4 have foreseen that an act of the kind committed by the
5 third-party would be a probable result of the defendant's
6 negligence. If you find that a reasonably prudent person
7 would not have foreseen an act of the kind committed by
8 the third-party as a probable consequence of the
9 defendant's negligence, then the defendant is not
10 responsible for the plaintiff's injuries and the plaintiff
11 may not recover.

12 Mr. Sansone, do you want to be heard?

13 MR. SANSONE: Not applicable, Your Honor.

14 Again, negligence standard, and what would be
15 the intervening act or cause?

16 THE COURT: Mr. Bianco, do you want to be heard?

17 MR. BIANCO: At this point, the county would
18 have to be considered a third-party in so much as they are
19 not defendants in this case, and only at that point would
20 a, at this point, discontinued defendant now be dragged in
21 through that particular jury charge without any
22 opportunity for recovery by the plaintiff. So I'll take
23 my exception because I believe it is applicable for all
24 defendants but it has no applicability if the only
25 remaining defendant is the medical defendant.

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2 THE COURT: Okay. As the charge talks about
3 negligence and there is no negligence claim remaining in
4 the case, the Court will not give that charge.

5 You have your exception.

6 PJI 2:280 Damages, Personal Injury, Injury and
7 Pain and Suffering: If you decide that defendant is
8 liable, plaintiff's estate is entitled to recover a sum of
9 money which will justly and fairly compensate it for any
10 injury and conscious pain and suffering caused by
11 defendant. Conscious pain and suffering means pain and
12 suffering in which there was some level of awareness by
13 decedent.

14 Counsel, do you want to be heard?

15 MR. BIANCO: Again, pain and suffering elements
16 do not have to be proved with an expert. The pain and
17 suffering that Mr. Woody underwent was both the capsaicin
18 incident which, at this point, with the remaining
19 defendants, would have to be based on a failure to
20 properly diagnose and, unfortunately, communicate to a now
21 dismissed defendant. In addition, the awareness of
22 wanting to kill yourself and then finally accomplishing
23 the goal, crying out for medication, claiming that he
24 wasn't receiving his medication, bugs crawling on his
25 skin, the constant cry-out is, in fact, the manifestation

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2 of that suffering. No expert necessary. I believe it's
3 an applicable jury charge.

4 MR. SANSONE: I would object to the charge,
5 Judge. There's no evidence of conscious pain and
6 suffering in this case.

7 First of all, the OC spray; one, has nothing to
8 do with my clients. The county is out, and there was
9 plenty of testimony in this case that it was done to
10 restrain Mr. Woody from hurting himself at the time when
11 he was having a suicidal attempt.

12 With respect to conscious pain and suffering,
13 the only testimony in this case came from the corrections
14 officers who said that he was pulseless and not breathing
15 at the time they got to him when they found him hanging.
16 The rest of it would just be pure speculation in terms of
17 a jury, so I don't think it's in this case and I would
18 object to the charge.

19 THE COURT: Court will not allow the charge to
20 go to the jury.

21 You have your exception.

22 Court has before it PJI 1:60, General
23 Instruction, Burden of Proof, When Burden Differs on
24 Different Issues.

25 Mr. Bianco.

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2 MR. BIANCO: I don't perceive any burden shift
3 here, Judge. If I'm reading the correct section that I
4 have, I don't believe there was any burden shift here.

5 THE COURT: You're not asking for that charge
6 anymore.

7 MR. BIANCO: No, I don't think so.

8 MR. SANSONE: I don't think it's applicable,
9 Your Honor.

10 THE COURT: Okay. So neither side is asking for
11 that charge. That's fine. Okay.

12 2:151, which is another negligence charge.

13 Mr. Bianco.

14 MR. BIANCO: The argument that I made on that
15 was the word "malpractice" in place of "negligence."
16 Again, with the theory that a civil rights action cannot
17 exist in isolation. It has to be attached to some other
18 action. In this case, I would like that particular jury
19 charge; however, wherever we see the word "negligence,"
20 replace the word "malpractice."

21 MR. SANSONE: I would object to the charge, Your
22 Honor. As I've argued previously, and as the case law
23 demonstrates, malpractice is not a basis for a rights
24 violation.

25 THE COURT: Okay.

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2 MR. BIANCO: Again, I'm sorry. Not to belabor
3 the point, but the malpractice, again, would be the lack
4 of communication knowing that instructions will not,
5 cannot be carried out underneath the current policy. So,
6 again, it wasn't a malpractice that I would want to
7 mislead the jury that this was a malpractice action. It's
8 simply the vehicle for the civil rights violation. Thank
9 you.

10 THE COURT: As there is no malpractice claim or
11 negligence claim remaining in the case, the Court will not
12 give that charge.

13 You have your exception.

14 Okay. 2:235, that's entitled Liability for the
15 Conduct of Another Employer, Employee, Scope of Employee.

16 MR. BIANCO: Again, Monell, municipal liability,
17 without two different state actors acting in tandem, it
18 would be something that you first have to make a
19 determination about whether the medical defendant would be
20 in or out of this case, and then only at that point, could
21 I make any rational argument on 2:235. It's, essentially,
22 the municipal liability underneath Monell saying that an
23 employee/employer relationship in some way must exist even
24 though it's not respondeat superior.

25 MR. SANSONE: Again, Your Honor, the charge is

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2 inapplicable. This isn't employer being responsible for
3 an employee. In the context of a civil rights case, an
4 individual can violate somebody's rights but it doesn't
5 make his employer liable. You have to be responsible for
6 your actions. And that goes hand in hand with the idea
7 that the only basis for claims against the municipality is
8 not the actions of their employee. It is an
9 unconstitutional policy, which we've gone over before, so
10 the charge is inapplicable in the context of what we're
11 discussing.

12 MR. BIANCO: Again, he'd have to be acting
13 underneath a policy that if the medical center is out, I
14 would agree that it has no applicability. One decision
15 has to be made before I could further argue this
16 particular jury charge.

17 THE COURT: I'm going to hold that in abeyance
18 and I will hear you further tomorrow on that PJI request.

19 We have PJI 2:284.

20 MR. BIANCO: Again, that's a personal injury,
21 emotional distress. The basis of the pain and suffering
22 is the common knowledge of someone who cries out, common
23 knowledge that pepper spray hurts, common knowledge that
24 someone calling out for medical assistance when there is
25 the argument to the jury that medical assistance was

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2 either not supplied by his, again, jailers, I believe that
3 that is a care and custody issue and the emotional
4 distress can be argued to the jury through common
5 experience.

6 THE COURT: Counsel, do you want to be heard?

7 MR. SANSONE: Again, Judge, one; it's not a
8 negligence case. Two, clearly, Mr. Woody as an individual
9 who attempted and eventually was successful in suicide,
10 appeared to have emotional distress. That is not
11 something that was necessarily caused by the defendant.
12 If the doctor violated his rights, he didn't create
13 emotional distress on behalf of Mr. Woody. I would argue
14 that it's a totally inappropriate charge for a non-jury
15 case under 1983.

16 MR. BIANCO: And, again, if the only defendant
17 left is Dr. Hurmervic and no medical defendant, this would
18 have no applicability, I would agree, because
19 Dr. Hurmervic would have to be operating, essentially, in
20 a vacuum. The argument was he was illegally implementing
21 a policy that shouldn't have exist so, again, I think it's
22 a little premature to rule on this.

23 THE COURT: Court is going to reserve decision
24 on that.

25 Okay. Then I have left 42 USC 1983.

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MR. BIANCO: The section cited, I believe, is the section taken right out of the --

THE COURT: Without changes?

MR. BIANCO: It appears so, Your Honor. And insomuch as it's contained in the same document as the other. At this point, I can give you a high confidence but let me confirm that just to make sure.

THE COURT: Okay.

MR. BIANCO: I believe that I recall this section that it does have gender references so it might be something -- Yeah, it does have gender references. I can almost guarantee you that we corrected the gender reference.

THE COURT: But other than that, the language --

MR. BIANCO: I want to be sure. But yes, I am confident but not 100 percent sure. I'll double check.

THE COURT: Mr. Sansone.

MR. SANSONE: I submitted to the Court what I believe was proper instruction under Section 1983 for deliberate indifference such as we have here, tracking the language that was used in the Darnell case.

THE COURT: Do you have a copy of that, Mr. Bianco.

MR. BIANCO: I did see it. I'm trying to locate

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2 it. If Mr. Sansone has an extra copy, I'm familiar with
3 it.

4 MR. SANSONE: I can't even find my copy. I'm
5 sorry.

6 THE COURT: We'll give you a copy.

7 MR. BIANCO: Thank you.

8 THE COURT: We're going to take a few minutes to
9 let counsel review the version presented by Mr. Sansone
10 and the version presented by Mr. Bianco, so counsel can
11 review that together.

12 (Whereupon, a brief recess was taken.)

13 THE COURT: Counsel are present.

14 Mr. Sansone had suggested a version of PJI 3:60
15 which he shared with Mr. Bianco. It's the Court's
16 understanding that there's a consent to use the charge as
17 offered.

18 MR. BIANCO: Yes.

19 THE COURT: And that we're not going to be
20 reading, per se, a 42 Section 1983 charge that was offered
21 by Mr. Bianco but, instead, we'll use the PJI 3:60.

22 MR. BIANCO: Yes.

23 THE COURT: Mr. Sansone?

24 MR. SANSONE: Yes, Your Honor.

25 THE COURT: Okay. And by yes, you both agree to

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2 that.

3 MR. BIANCO: Yes.

4 MR. SANSONE: Yes.

5 THE COURT: Okay.

6 MR. BIANCO: That's an agreement.

7 THE COURT: And then we're going to look at PJI
8 2:278, which is damages, punitive to use that charge
9 instead of the Federal jury charge 5.5. We're going to
10 give counsel copies momentarily of that.

11 Okay. As it relates to -- And we are waiting
12 for the court officer to come back. The Court will
13 give --

14 (Mr. Bianco's staff begins to enter the
15 courtroom.)

16 THE COURT: You have to wait outside until we
17 get the court officer.

18 MR. BIANCO: Two seconds.

19 (Court officer returns to courtroom.)

20 THE COURT: You can come back in and you can
21 bring everyone else back in.

22 As it relates to the Court's instructions to the
23 jurors, the Court will instruct the jurors that the
24 testimony of Mr. Horn has been stricken.

25 Does anybody want to be heard on that?

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MR. BIANCO: I made arguments before. Just note my objection.

MR. SANSONE: No, Your Honor.

THE COURT: All right. The Court is just going to indicate to the jury that the testimony of Mr. Horn has been stricken and that they should disregard it.

Just to review the consented charges, the Court will give that instruction, PJI 1:20.

That's consented to, correct?

MR. BIANCO: Yes.

THE COURT: I know we reviewed this but I want to make sure that we have a final record of it. That's instruction, correct --

MR. BIANCO: Yes.

THE COURT: -- Introduction. I'm sorry.

Okay. 1:21 is Review Principles Stated.

Consent?

MR. BIANCO: Yes.

THE COURT: Mr. Sansone?

MR. SANSONE: Yes, Your Honor.

THE COURT: Okay. 1:22, Falsus in Uno.

Consent?

MR. BIANCO: Yes.

MR. SANSONE: Yes.

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THE COURT: Okay. 1:23, which is Burden of Proof. Consent?

MR. BIANCO: Consent.

MR. SANSONE: Consent.

THE COURT: Counsel 1:25, Consider Only Testimony and Exhibits. Consent?

MR. BIANCO: Consent.

MR. SANSONE: Consent.

THE COURT: 1:25A Jurors Use of Professional Expertise. Consent?

MR. BIANCO: Consent.

MR. SANSONE: Consent.

THE COURT: 1:25C, which is PJI General Instruction, Interested Witness, Generally.

The Court heard from many defendants that testified.

Is counsel requesting that the Court read the instruction as it relates to the remaining doctor or is counsel asking for anybody else to be included in that charge?

MR. BIANCO: Well, it's the culmination of all of the testimony, and with the exception of Dr. Anderson, there were no non-adverse witnesses, for lack of a better way to put it, so keeping that intact would give the jury

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2 the indication that these were all somewhat adverse
3 witnesses.

4 THE COURT: So do you want the Court to read
5 that the defendants -- and read all their names -- have
6 testified before you as parties to the action. Each of
7 those individuals is an interested witness; that is, he or
8 she has an interest in the outcome of the case that may
9 have affected his or her testimony.

10 MR. BIANCO: I don't know that it's necessary to
11 list everyone's names.

12 THE COURT: I'm asking you. It's your charge.
13 It's the Court --

14 MR. BIANCO: I'm not asking you to list the
15 names, but all of the witnesses with the exception of
16 Dr. Anderson were employed by defendants or were actual
17 defendants, would be sufficient.

18 MR. SANSONE: Your Honor, I go back to the same
19 interested witnesses. On that level, every witness that
20 testified --

21 THE COURT: Well, some witnesses that testified
22 would be getting a different charge because they weren't
23 defendants, right?

24 MR. SANSONE: Right.

25 THE COURT: Typically, it's given when a

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2 plaintiff or a defendant testifies. By virtue of them
3 being named a party, they have an interest in the outcome
4 of the case. There's a separate charge for another
5 individual that may have testified such as the employee
6 that we talked about before.

7 MR. SANSONE: Right. But all of these people
8 have been dismissed from the case, Judge.

9 THE COURT: Correct. But that doesn't negate
10 the fact that at the time of their testimony, they were
11 parties to the case, so that's why I am asking counsel --

12 MR. SANSONE: Right.

13 THE COURT: -- both of you, how do you want that
14 charge to read.

15 MR. BIANCO: I would like the charge to be read
16 intact.

17 THE COURT: So do you want the Court to read
18 each of the defendant's names?

19 MR. BIANCO: With the exception of I do not need
20 every defendant's name read. We can simply say the named
21 defendants.

22 THE COURT: Okay.

23 MR. BIANCO: The named defendants --

24 THE COURT: Meaning?

25 MR. BIANCO: The named defendants and all the

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witnesses that were employed by the Sheriff's Department or Nassau University.

THE COURT: It has to be defendants.

MR. BIANCO: Yeah or employees of defendants.

THE COURT: If they're employees. There's a different charge if they're not defendants. This is only parties.

MR. BIANCO: Right. Instead of naming each one, the named defendants would suffice for plaintiff's purposes.

THE COURT: Say that again. That wasn't clear.

MR. BIANCO: Sure. Simply saying the named defendants would suffice for plaintiff's purposes as far as that jury charge.

MR. SANSONE: That's fine, Your Honor.

THE COURT: Okay. Then we have PJI 1:27, Exclude Sympathy. Consent?

MR. BIANCO: Consent.

MR. SANSONE: Consent.

THE COURT: 1:27A, which is a Fair Juror Absence of Implicit or Conscious Bias.

MR. BIANCO: Consent.

MR. SANSONE: Consent.

THE COURT: PJI 1:26, General Instruction

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Special Verdict, General Verdict Supported by Written
Interrogatories. Consent?

MR. SANSONE: Consent.

MR. BIANCO: Which number is that, Judge?

THE COURT: 1:26.

MR. BIANCO: Yes, consent.

THE COURT: And now the Court will indicate that
each question calls for some answer which may be yes or no
and some numerical figure.

Consent to that?

MR. BIANCO: Yes, consent.

MR. SANSONE: Yes.

THE COURT: PJI 1:26A, 56, Verdict, General
Verdict.

MR. BIANCO: Consent.

MR. SANSONE: Consent.

THE COURT: PJI 1:28, Jury Function.

Consent?

MR. SANSONE: Consent.

MR. BIANCO: Consent.

THE COURT: PJI 1:70, General Instruction Direct
and Circumstantial Evidence.

MR. BIANCO: Consent.

MR. SANSONE: Yes.

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2 THE COURT: We spoke about 1:90, Expert Witness.
3 That will include Dr. Anderson.

4 MR. BIANCO: Consent.

5 THE COURT: We talked about PJI 1:92, which will
6 include the names of three witnesses that were not
7 defendants.

8 MR. BIANCO: Yes.

9 THE COURT: Consent?

10 MR. BIANCO: That's fine.

11 MR. SANSONE: Yes, Your Honor.

12 THE COURT: And PJI 2:70, Proximate Cause in
13 General. Consent to that, correct?

14 MR. BIANCO: Consent.

15 MR. SANSONE: Yes.

16 THE COURT: Then we have PJI 2:277.

17 So that reads as follows. I'm going to read it
18 as it is and then we're going to see if counsel wants to
19 change it.

20 My charge to you on the law of damages must not
21 be taken as a suggestion that you should find for the
22 plaintiff. It is for you to decide on the evidence
23 presented and the rules of law I have given you whether
24 the plaintiff is entitled to recover from the defendant.
25 If you find that the plaintiff is not entitled to recover

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2 from the defendant, you need not consider damages. Only
3 if you decide that the plaintiff is entitled to recover
4 will you consider the measure of damages. If you find
5 that plaintiff is entitled to recover from the defendant,
6 you must render a verdict in the sum of money that will
7 justly and fairly compensate the plaintiff for -- Now the
8 charge reads -- all losses resulting from the incident he
9 sustained? Is that the language that you want?

10 We can go off the record to discuss it.

11 MR. BIANCO: No, we could stay on the record.
12 We do not have an alternate -- Yes, of the "incident he
13 sustained" was the closest we can come to ambiguity
14 necessary in that particular jury charge.

15 MR. SANSONE: Could I just have the last phrase
16 that you read, Judge.

17 THE COURT: Do you want a copy of it? No?

18 Okay. I'll read you the last sentence as it is
19 contained in the charge. I changed the word "injuries" to
20 "incident" because we used the word "incident" in other
21 charges, so to be consistent.

22 If you find that the plaintiff is entitled to
23 recover from the defendant, you must render a verdict in a
24 sum of money that will justly and fairly compensate the
25 plaintiff for all losses resulting from the incident he

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2 sustained.

3 The charge has, "all losses resulting from the
4 injuries and disabilities he sustained," but we're using
5 "incident" instead of "injuries." So that's why the Court
6 had all losses resulting from the incident he sustained.

7 MR. SANSONE: That's fine, Your Honor.

8 MR. BIANCO: Yes.

9 THE COURT: Okay. PJI 2:277A.

10 Consent?

11 MR. SANSONE: Consent.

12 THE COURT: Which is Damages, Comment by Counsel
13 During Closing Remarks.

14 MR. BIANCO: Consent.

15 MR. SANSONE: Consent.

16 THE COURT: Then we have, I believe we've given
17 you a copy of PJI 2:278, Damages Punitive, so if you just
18 take a moment to look at that copy.

19 It was the Court's suggestion that we use the
20 PJI version as opposed to the Federal Jury Instruction.

21 MR. BIANCO: Yes, that's the edit, essentially,
22 for the conscious pain and suffering only, right?

23 THE COURT: No. This is PJI 2:78, Damages
24 punitive.

25 Do you have a copy of it, counsel? I believe we

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gave it to you.

MR. BIANCO: Yeah. Hang on a second.

THE COURT: If you just take a few moments. We'll take five minutes for you to both look at it because there's some verbiage that we need to adjust in that charge.

MR. BIANCO: Your Honor, may I?

PJI 2:278, what would be the manipulation of this?

THE COURT: That's what we have to talk about.

MR. BIANCO: Oh, okay.

THE COURT: So we'd use this charge instead of the Federal Jury Instruction 5.5 because it's from the PJI, but we can go off the record and have discussions or you and Mr. Sansone can have some discussion and we can memorialize that on the record.

I'm just going to finish the remaining charges before we go to that, okay, as the Court and counsel can confirm if there's any other charges.

The Court has remaining PJI 3:60, which is Constitutional Torts, 42 USC Section 1983, and we're going to use the version that's been offered by Mr. Sansone. I believe there's consent.

MR. BIANCO: Consent.

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MR. SANSONE: Consent.

THE COURT: Okay. And then that would negate the need for the Court to give a separate 42 USC Section 1983 charge, correct?

MR. BIANCO: Yes, Judge.

MR. SANSONE: Yes, Your Honor.

THE COURT: And then we would have PJI 1:24, which is Return to Courtroom. 1:30, which is Conclusion and then, if necessary, 1:31 which is Alternate Additional Jurors.

MR. BIANCO: Consent.

THE COURT: Is anyone requesting any other charges at this time?

MR. BIANCO: Nothing further.

MR. SANSONE: No, Your Honor.

THE COURT: Okay. So let's take a few minutes and you can both look at that PJI 2:278.

(Brief recess is taken.)

THE COURT: Counsel, do you want to be heard?

MR. BIANCO: Yes. I made not too many adjustments to the pattern jury instruction PJI 2.278, Damages Punitive. Four lines down -- sorry -- five lines down.

THE COURT: In addition to awarding damages to

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2 compensate the plaintiff for his injuries or for his
3 incident, let's call it "incident" so we're consistent.
4 You may but are not to required to award plaintiff
5 punitive damages if you find that the acts of the
6 defendant -- and we'll decide what we're putting in
7 there -- that caused the incident complained of.

8 MR. BIANCO: -- were wanton and reckless. Not
9 using the word "malicious."

10 THE COURT: Do you want to be heard?

11 MR. SANSONE: I think "malicious" is supposed to
12 be in there.

13 THE COURT: It says, Use applicable phrase or
14 term.

15 MR. SANSONE: I would suggest "wanton" and
16 "malicious."

17 MR. BIANCO: Reckless is also a standard that we
18 can use in this. I'm asking for wanton. If you want to
19 use wanton, reckless or malicious because the wanton and
20 malicious are the joinders in this particular --

21 THE COURT: They're joined. So wanton, reckless
22 or malicious?

23 MR. BIANCO: Yes.

24 MR. SANSONE: I would, again, suggest wanton
25 and/or malicious because recklessness is a standard just

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2 for the violation of 1983 and I believe punitive damages
3 has to be something beyond that.

4 MR. BIANCO: Which, again, if you're reading it
5 in its entirety, would get that across. It's not trying
6 to sneak in the word reckless. They're going to
7 understand the legal standard. It's simply for the
8 punitive damages --

9 THE COURT: I'm going to, as plaintiff
10 requested, wanton and reckless or malicious.

11 You have your exception.

12 MR. BIANCO: Thank you.

13 THE COURT: Punitive damages may be awarded for
14 conduct that represents a high degree of immorality.

15 MR. BIANCO: I was taking out --

16 THE COURT: -- and shows?

17 MR. BIANCO: Right. I was taking out
18 "immorality," a high degree of immorality. That
19 represents a, beginning with "wanton" -- I'm sorry. I
20 took that entire thing out. From punitive damages may be
21 awarded for conduct that represents a high degree of
22 immorality and shows such wanton dishonesty as to apply a
23 criminal indifference to civil obligations.

24 I wanted to just leave in --

25 THE COURT: For the purpose?

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2 MR. BIANCO: Yeah. It was the indifference to
3 civil obligations, but to imply a criminal, that was not
4 the intention of this. It wasn't an assault. This has
5 been used, more or less, with assaults. It's not that.
6 So what I wanted to do is keep in the indifference to
7 civil obligations. So punitive damages may be awarded for
8 conduct that represents a high degree of indifference to
9 civil obligations.

10 MR. SANSONE: I disagree.

11 The whole purpose of a jury to consider an award
12 of punitive damages is something beyond just recklessness.

13 MR. BIANCO: Okay.

14 THE COURT: I mean, we can just leave it in.
15 Punitive damages may be awarded for conduct that
16 represents a high degree of immorality and not add in
17 any -- because it says Add where applicable, and not add
18 those in.

19 MR. BIANCO: I would ask if we're going to keep
20 that immorality in, just keep the whole thing. Yeah, that
21 would be my application. Add where it's applicable. At
22 that point, it would be applicable. So I would ask for
23 the entire thing to be read in. The only exception I
24 would, at that point, take is the same correction we made
25 to wanton, reckless or malicious, to simply make that same

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change at the end of that first paragraph. So let's keep everything in just the way it's written with the exception of wanton and reckless or malicious in two places.

THE COURT: Off the record.

(Whereupon, an off the record discussion was held.)

THE COURT: Anything further?

MR. BIANCO: Nothing at this time.

THE COURT: So if counsel can be back tomorrow at 9:30.

MR. BIANCO: Just so I can refresh my recollection, Your Honor wanted specific case law for what issue, specifically? I'm not sure if that was on the record. I'm sorry.

THE COURT: If you want to provide any arguments to the Court concerning the issue of --

MR. BIANCO: Keeping the medical center in the jury charge, which is essentially whether or not the case would be dismissed or not against the medical center leaving only Dr. Huremovic as the sole defendant.

THE COURT: Correct.

MR. BIANCO: Thank you.

THE COURT: Does anybody need to be heard any further?

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MR. BIANCO: Time to start.

THE COURT: Counsel is here at 9:30. I believe
the jurors are coming at ten.

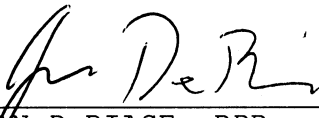
MR. BIANCO: Thank you.

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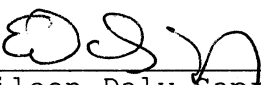
C-E-R-T-I-F-I-C-A-T-E

I, JEAN DEBIASE, an Official Court Reporter for and
within the State of New York, do hereby certify that the
foregoing is a true and accurate representation of my
stenographic notes.



JEAN DeBIASE, RPR
Senior Court Reporter

So Ordered:



Hon. Eileen Daly-Sapraicone

Dated: June 13, 2025

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