

ELSIE SIMMONS (DECEASED),	§	NUMBER: 512,093-B
GLORIA FOBBS, SHIRLEY SIMMONS,	§	
BAILEY SIMMONS, RONNIE SIMMONS,	§	
LORENE SIMMONS CORNELIUS, BRENDA	§	
SIMMONS HENRY, RAYMOND SIMMONS,	§	
JOYCE SIMMONS LYNCH, BURDETTE	§	
SIMMONS, ROBERT IVERY SIMMONS AND	§	
THE ESTATE OF IVERY SIMMONS	§	
VERSUS	§	FIRST JUDICIAL DISTRICT
CHRISTUS SCHUMPERT MEDICAL	§	CADDO PARISH,
CENTER	§	LOUISIANA

**JUDGMENT**

THIS MATTER, having come before the Court on a trial on the merits, beginning on September 14, 2009 and concluding on September 18, 2009, and in accordance with the jury verdict, rendered on the latter date:

IT IS ORDERED, ADJUDGED AND DECREED that there be Judgment herein in favor of Gloria Fobbs, Shirley Simmons, Ronnie Simmons, Lorene Simmons Petteway, Brenda Simmons Henry, Raymond Simmons, Joyce Simmons Lynch, Burdette Simmons and Robert Ivery Simmons and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System for the pre-death fear, anxiety, pain and suffering of Elsie Simmons in the amount of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS AND NO/100 plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there be Judgment in favor of Gloria Fobbs and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there be Judgment in favor of Shirley Simmons and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus



legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Ronnie Simmons and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Lorene Simmons Petteway and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Brenda Simmons Henry and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Raymond Simmons and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Joyce Simmons Lynch and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus

legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Burdette Simmons and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Robert Ivery Simmons and against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System in the amount of FIFTY THOUSAND (\$50,000.00) DOLLARS AND NO/100 for wrongful death damages, plus legal interest thereon from September 16, 2004 until paid, subject to the limitation of recovery set forth below;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there be Judgment in favor of Gloria Fobbs, Shirley Simmons, Ronnie Simmons, Lorene Simmons Petteway, Brenda Simmons Henry, Raymond Simmons, Joyce Simmons Lynch, Burdette Simmons and Robert Ivery Simmons against CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System for medical expenses in the amount of EIGHT HUNDRED AND FORTY (\$840.00) DOLLARS AND NO/100 plus legal interest thereon from September 16, 2004 until paid, which are awarded over and above the \$500,000.00 limitation as set forth in the Louisiana Medical Malpractice Act;

**NOTWITHSTANDING** the provisions of the foregoing paragraphs, **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System shall not be liable for any amounts (principal, interest, court costs or expert witness fees), in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS AND NO/100 plus legal interest thereon, from September 16, 2004 until paid, in accordance with R.S. 40:1299.42 B(2) as the statute existed prior to the 2008 amendments;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to La. R.S. 40:1299.42, the Louisiana Patient's Compensation Fund, be cast in judgment for all the excess amounts of all judgments awarded over and above the One Hundred Thousand and no/100 Dollars (\$100,000.00) plus legal interest from the date of the filing of the Patient's Compensation Fund Claim on September 16, 2004 apportioned to CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System, until paid, plus legal interest from the date of the filing of the Patient's Compensation Fund Claim on September 16, 2004 and for cost to be determined by a rule to show cause to be set by this Court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the pursuant to La. R.S. 40:1299.42, the total amount recoverable for all medical malpractice claims related to the care of a patient, exclusive of future medical costs and related benefits, is limited to \$500,000.00 plus legal interest from the date of the filing of the Patient's Compensation Fund Claim and costs, and as such, the Patient's Compensation Fund shall not be liable for any amount in excess the statutory limitation;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Louisiana Patient's Compensation Fund, upon receipt of a certified copy of a Final Judgment rendered in this matter, shall comply with the provisions of R.S. 40:1299.44 B and R.S. 40:1299.43.

JUDGMENT RENDERED on the 18<sup>th</sup> day of September, 2009 and SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**SCOTT J. CRICHTON**

HONORABLE SCOTT J. CRICHTON  
DISTRICT JUDGE

**Judgment prepared by:**

MAYER, SMITH & ROBERTS, LLP  
ATTORNEYS for CHRISTUS Health Northern Louisiana d/b/a CHRISTUS Schumpert Health System

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