

IN THE STATE COURT OF BIBB COUNTY
 STATE OF GEORGIA


 Katie Hall-Libert, Clerk
 State Court of Bibb County

SHANTA MONIQUE HINNANT and
 ADRIAN DEAN, as Parents and Next Kin of
 HALEI MILAN DEAN, deceased; and
 SHANTA MONIQUE HINNANT, Individually,

Plaintiffs,

v.

COLISEUM MEDICAL CENTER, LLC;
 KATHLEEN MONT-LOUIS, M.D.;
 EMPOWER WOMEN'S HEALTH CENTER,
 P.C.; WOMEN'S HEALTHCARE OF MIDDLE
 GEORGIA, P.C.; and SUSAN THOMAS,
 M.D.,

Defendants.

CIVIL ACTION NO.

19-SCCV-089523

CONSOLIDATED PRE-TRIAL ORDER

The following constitutes a Pre-Trial Order entered in the above styled case after
 conference with counsel for the parties:

- (1) The name, address and phone number of the attorneys who will conduct the trial::

Plaintiffs	Coliseum Medical Center, LLC	Kathleen Mont-Louis, M.D. and Empower Women's Health Center. P.C.	Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.
Katherine L. McArthur Caleb F. Walker McARTHUR LAW FIRM 6055 Lakeside Commons Drive, Suite 400 Macon, Georgia 31210 Phone: 478-238-6600 Fax: 478-238-6607 kmcArthur@mcArthurlawfirm.com cwalker@mcArthurlawfirm.com Tracey L. Dellacona, RN, MBA DELLACONA LAW FIRM, LLC 6055 Lakeside Commons Drive, Suite 420 Macon, Georgia 31210 Phone: 478-477-9000 Fax: 478-477-9098 tdellacona@dellaconalaw.com	Brian K. Mathis Erica S. Jansen Gabriella B. Wheeler HUFF, POWELL & BAILEY, LLC 999 Peachtree Street NE, Suite 950 Atlanta, Georgia 30309 Phone: 404-892-4022 Fax: 404-892-4033 bmathis@huffpowellbailey.com ejansen@huffpowellbailey.com gwwheeler@huffpowellbailey.com	M. Scott Bailey Sharonda Barnes HUFF, POWELL & BAILEY, LLC 999 Peachtree Street, Suite 950 Atlanta, Georgia 30309 Phone: 404-892-4022 Fax: 404-892-4033 sbailey@huffpowellbailey.com sbarnes@huffpowellbailey.com	David N. Nelson Elizabeth Ford Kiana Talton CHAMBLESS HIGDON RICHARDSON KATZ & GRIGGS 3920 Arkwright Road, Suite 405 Post Office Box 6378 Macon, Georgia 31208-6378 Phone: 478-745-1181 Fax: 478-746-9479 dnelson@chrkglaw.com eford@chrkglaw.com ktalton@chrkglaw.com

(2) The estimated time required for trial is: 5-7 days

(3) There are no motions or other matters pending for consideration by the court except as follows: The parties will file motions *in limine* within the deadline prescribed by the Court, which is February 28, 2025.

By Plaintiffs: Plaintiffs will file a motion for spoliation of fetal monitor strip evidence and a request for an evidentiary hearing on the same.

By Defendant Coliseum Medical Center, LLC:

(a) Defendant may file trial briefs, if necessary, to address any evidentiary or other legal questions that arise during the trial of this matter; and

(b) Defendant specifically objects to Plaintiff filing any motion for alleged spoliation of fetal monitoring strips as it is wholly untimely at this late stage of discovery and there is no evidence of spoliation whatsoever in this record.

By Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C.: These Defendants reserve the right to file ~~any pretrial motions~~, trial briefs, motions for directed verdict, or any other motions that may be necessary during the trial of this case, without interfering with or delaying trial.

By Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.: These Defendants reserve the right to move to exclude or object to testimony of any deposition testimony designated by another party to be introduced into evidence.

(4) The jury will be qualified as to relationship with the following:

- a. Shanta Monique Hinnant
- b. Adrian Dean
- c. Coliseum Medical Center, LLC
- d. Kathleen Mont-Louis, M.D
- e. Empower Women's Health Center, P.C.
- f. Women's Healthcare of Middle Georgia, P.C.

- g. Susan Thomas, M.D.
- h. Katherine L. McArthur, Caleb F. Walker, Lindsey S. Macon, and McArthur Law
- i. Tracey L. Dellacona and Dellacona Law
- j. Healthcare Indemnity, Inc.
- k. The Doctors Company
- l. MagMutual Insurance Company

(5) A. All discovery has been completed, unless otherwise noted, and the court will not consider any further motions to compel discovery except for good cause shown. The parties, however, shall be permitted to take depositions of any person(s) for the preservation of evidence for use at trial.

B. Unless otherwise noted, the names of the parties as shown in the caption to this order are correct and complete and there is no question by any party as to the misjoinder or nonjoinder of any parties.

The parties may continue to obtain medical records, pharmacy records, imaging and other studies and medical bills via trial subpoena.

The parties are discussing additional conversations or discovery depositions regarding two previously deposed experts.

(6) The following is the Plaintiffs' brief and succinct outline of the case and contentions:

Shanta Hinnant, DOB 05/09/1995, was 32 weeks pregnant with her first pregnancy. She was receiving her prenatal obstetrical care from Women's Healthcare, P.C. in Warner Robins, Georgia.

On January 23, 2017, she presented to Coliseum Medical Center at 12:40 p.m. complaining of abdominal pain, ankle swelling and headaches. Her blood pressure upon arrival was 153/99. She was admitted to the care of Kathleen F. Mont-Louis, M.D. for elevated blood pressure and

evaluation for preeclampsia. Ms. Hinnant was started on Hydralazine 10 mg IV at 14:54. A 24-hour urine was collected, and she was administered Betamethasone and magnesium sulfate. She left the hospital around 1:00 p.m. on January 24, 2017, slightly more than 24 hours after admission. During the course of the admission, Ms. Hinnant had blood pressures greater than 160/110 on several occasions. Her readings beginning at 13:40 on January 23, 2017 were 170/113, 165/92, 140/84, 172/99, 194/134 and 190/122 up until 14:14 on January 23, 2017. Ms. Hinnant responded to the administration of the medications and her blood pressure lowered to a more normal range of 111/64 at 15:22, 120/72 at 15:28, 122/75 at 15:43, 115/65 at 15:58 and 128/80 at 16:14.

During the 24-hour admission, fetal monitoring was ongoing, and the nurse read the strip as showing moderate variability with accelerations 10 x 10 and with variable decelerations. She indicated that Ms. Hinnant's uterine contractions were being monitored by the external TOCO monitor and by palpation. At 17:43 the fetal monitor strip was read as minimal variability with 10 x 10 decelerations and variable decelerations. The strip was read as minimal variability with 10 x 10 accelerations and variable decelerations at 18:50. At that point, Ms. Hinnant was disconnected from the fetal monitor and transferred to Room 277, the antenatal area. There are no fetal heart monitor strips in the medical record that evidence fetal monitoring occurred from 18:50 until Ms. Hinnant's discharge on the afternoon of January 24, 2017.

At 20:00, Ms. Hinnant's blood pressure was recorded as 168/106 and at 21:00, as 160/106. These blood pressures, taken in conjunction with the blood pressures between 13:40 and 14:14, were indicative of pre-eclampsia with severe features. A diagnosis of pre-eclampsia with severe features requires inpatient hospitalization with close monitoring of the mother and the baby.

Ms. Hinnant was placed on antihypertensive therapy with Labetalol, and the 24-hour urine ordered earlier by Dr. Mont-Louis was pending. All of Ms. Hinnant's pregnancy induced

hypertension blood work was noted to be negative. Dr. Mont-Louis discharged Shanta Hinnant home on January 24, 2017 at 11:07 (although Ms. Hinnant did not leave until sometime after noon) without waiting to receive the lab report from the 24-hour urine, which according to the Coliseum Medical Center nurses, was a common occurrence that patients were discharged without the results from the 24-hour urine being available. Shanta Hinnant was discharged on Labetalol 300 mg po bid with instructions to follow-up in 24 hours with her primary doctor OB/GYN in Warner Robins for further evaluation and management. Prior to leaving the hospital, Shanta Hinnant called her OB's office to get the necessary appointment, but was told she could not be seen until January 27. She told the hospital staff that she was unable to get an appointment within 24 hours, and the person said they would call her OB.

The 24-hour urine protein total came back at 12:35 on January 24, 2017 and was elevated at 13.63 g/24hr. There is no evidence that Dr. Mont-Louis or the nursing staff took any action in response to this very abnormal 24-hour urine protein total. According to the Coliseum Medical Center nurses, there was no procedure in place for the lab to communicate the lab results to the floor after the patient was discharged.

Shanta Hinnant was seen by her Obstetrician, Dr. Thomas of Women's Healthcare of Middle Georgia, P.C., on January 27, 2017, three days later because her OB/GYN practice could not work her in any sooner. Dr. Thomas obtained the incorrect history that Ms. Hinnant had been seen at Coliseum Medical Center for preeclampsia, did not require IV antihypertensives, was started on Labetalol 300 mg bid, and was administered BMZ x 2 and mag sulfate. Ms. Hinnant was found to have a blood pressure in the mild range on that date, although her blood pressure was 140/90 with 2+ pitting edema and urine negative/4+ protein. The baby's heart rate was normal. The complete medical record from the Coliseum Medical Center hospitalization was not obtained

at this appointment. Ms. Hinnant was discharged home and was told she would start twice weekly NSTs (non-stress tests) and weekly BPP (biophysical profile) ASAP. The office note indicates that Dr. Thomas was waiting on the Coliseum medical records and reports to be faxed. However, a faxed copy of the January 23, 2017 ultrasound taken at Coliseum Medical Center is in the Women's Health Care medical records and shows a fax date of January 26, 2017 and has the very abnormal 24-hour urine protein value (13.63 g/24hr) noted in handwriting. There is no evidence in the medical record that Dr. Thomas was aware of the 24-hour urine protein result or took any action on behalf of her patient.

On January 29, 2017, Shanta Hinnant was taken by ambulance to Houston Medical Center around 11:06 complaining of lower abdominal pain with uterine contractions. No fetal heart tones were able to be detected, and the baby was in a breech presentation. She was seen by Allison Wright, M.D. Once it was confirmed that the baby did not have a heartbeat, the doctor's impression was 1) severe preeclampsia affecting first pregnancy, and 2) fetal demise affecting delivery. Dr. Wright ordered for Ms. Hinnant to be intensively managed and for the baby to be delivered. Ms. Hinnant was administered Oxytocin and her membranes were ruptured. She was very hypertensive and required several doses of Hydralazine and Labetalol to lower her blood pressure. She was placed on magnesium sulfate to prevent seizures, which was continued for 24 hours post-delivery. Halei Milan Dean, deceased, was delivered at 22:14 and weighed 3.7 lbs.

An autopsy was ordered and the baby and the placenta were examined. No structural or microscopic abnormalities were noted. The cause of death was undetermined but stated to be likely related to placental insufficiency, extensive parenchymal hemorrhage and organized hematomas (clots), which can be caused by preeclampsia with severe features.

Plaintiffs contend that Defendant Kathleen Mont-Louis, MD and the nursing staff at Defendant Coliseum Medical Center including Cayley Strait, RN, Leslie Pinnell, RN, Carrie Roberts, RN and Diane Leonard, RN were negligent and fell below the standard of care applicable to each of them in their care and treatment of Plaintiff Shanta Monique Hinnant and her unborn child, Halei Milan Dean, during the hospitalization of January 23, 2017 and that their negligent and substandard care and treatment resulted in injury to Plaintiff Shanta Monique Hinnant and the death of Halei Milan Dean. Plaintiffs further contend that Defendant Susan Thomas, MD rendered negligent and substandard care to Plaintiff Shanta Monique Hinnant on January 27, 2017 and that the negligent and substandard care was a proximate cause of the injury to Shanta and the death of her child, Halei. Plaintiffs further contend that agents and employees of Dr. Thomas's practice, Women's Healthcare of Middle Georgia, PC, were directly negligent in not providing Dr. Thomas with the faxed ultrasound report showing the 24 hour urine protein level dated January 23, 2017 that was later found in the patient's file and that this negligence was a proximate cause of the injury to the mother and the death of the baby. Defendant Mont-Louis, MD was the agent and employee of Empower Women's Health at the time of her negligent and substandard care. Defendant Thomas, MD was the agent and employee of Women's Healthcare of Middle Georgia, PC at the time of her negligent and substandard care. Plaintiffs further contend that the nurses named above were agents and employees of Defendant Coliseum Medical Center, LLC and were acting within the scope of their employment at all times that they were rendering care and treatment to Shanta Monique Hinnant and her unborn child Halei Milan Dean.

Plaintiffs contend that the negligent and substandard care rendered to Shanta Hinnant and her unborn child proximately resulted in her being improperly discharged from Coliseum Medical Center on January 24, 2017, when the standard of care required that she be maintained and

monitored in a hospital setting. Further, the negligent and substandard care rendered by Dr. Thomas and her office resulted in her failing to note or diagnose that Shanta Hinnant was suffering from pre-eclampsia with severe features which requires close monitoring of the patient in the hospital setting until delivery of the child. Plaintiffs contend that the injury of Shanta Hinnant and the death of Halei Milan Dean were proximately caused by the pre-eclampsia with severe features that Shanta Hinnant was suffering from and the failure of the defendants to keep her hospitalized for close monitoring. The details of the claims of negligence and substandard care are outlined with specificity in the Affidavits, disclosures in discovery, and the discovery depositions of Michael Scott, M.D., Kimberly Fields, M.D. and Bridgette Schulman, R.N.

Plaintiffs Shanta Monique Hinnant and Adrian Dean as parents and next kin of Halei Milan Dean, deceased, seek damages from the Defendants for the full value of the life of their baby. Plaintiff Shanta Monique Hinnant seeks money damages for the reasonable value of her injuries to include mental and physical pain and suffering she went through in delivering her deceased infant and also the mental pain and suffering she went through and continues to live with for the loss of her child, Halei Milan Dean.

(7) The following is the Defendant Coliseum Medical Center, LLC's brief and succinct outline of the case and contentions:

On January 23, 2017, Shanta Hinnant presented to Coliseum Medical Center at 33 weeks pregnant with complaints of abdominal pain, ankle swelling, and headaches. Her blood pressure upon arrival was 153/99. Ms. Hinnant was admitted to the care of Kathleen F. Mont-Louis, M.D. for elevated blood pressure and evaluation for preeclampsia. Ms. Hinnant was started on Labetalol, a 24-hour urine was collected, and she was administered Betamethasone and Magnesium Sulfate. She also had a biophysical profile, which revealed that the baby was doing

well with a score of 8/8. Ms. Hinnant responded well to the blood pressure medication, and Dr. Mont-Louis discharged Ms. Hinnant home around noon on January 24, 2017. Ms. Hinnant was instructed to follow-up with her primary OB/GYN doctor within 24-hours. Ms. Hinnant was further educated on how to monitor for fetal well-being.

On January 27, 2017, Ms. Hinnant presented to her OB/GYN practice and was seen by Dr. Susan A. Thomas. Ms. Hinnant's blood pressure was 140/90 with 2+ pitting edema and urine negative/4+ protein. The baby's heart rate was normal. Ms. Hinnant was discharged home and was told she would start twice weekly NSTs and weekly BPPs. Ms. Hinnant's urine protein results were in the chart.

On January 29, 2017, Ms. Hinnant came by ambulance to Houston Medical Center with abdominal pain and uterine contractions. No fetal heart tones were present, and Ms. Hinnant delivered a stillborn baby.

The Plaintiff alleges that CMC and its employees/agents breached the standard of care by (1) misinterpreting the fetal heart rate tracing; (2) misusing the definitions of accelerations as 10 x 10 on the fetal heart rate tracing of an infant at least 32 weeks gestation; (3) misinterpreting the fetal heart rate variability readings; (4) allowing Plaintiff to be discharged when she had elevated blood pressure, decreasing variability, and lack of accelerations in the fetal heart rate tracing; and (5) allowing Plaintiff to be discharged before the results of Plaintiff's 24-hour urine were returned and any critical values addressed.

Defendants maintain that Coliseum Medical Center, LCC employees/agents met the applicable standard of care at all relevant times hereto as concerns the care and treatment of Shanta Hinnant and that no negligent act or omission on their part proximately caused or contributed to Shanta Hinnant's injuries.

Defendant Coliseum Medical Center, LLC objects to the presentation of or reading of this succinct outline of the case and contentions to the jury during trial.

The following is Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C.'s brief and succinct outline of the case and contentions:

On January 23, 2017, Shanta Hinnant presented to Coliseum Medical Center at 32 weeks pregnant with complaints of abdominal pain, ankle swelling, and headaches. Dr. Kathleen Mont-Louis was provided obstetrical coverage for the Emergency Department and was consulted regarding Ms. Hinnant's care. Ms. Hinnant was admitted for elevated blood pressure and evaluation for preeclampsia. Ms. Hinnant was started on Labetalol, a 24-hour urine was collected, and she was administered Betamethasone and Magnesium Sulfate. A biophysical profile was also conducted which resulted in an 8/8 and was reassuring for fetal well-being. Ms. Hinnant's blood pressures appropriately responded to medication and Ms. Hinnant was discharged on January 24, 2017 with specific instructions to follow-up with her primary obstetrician in 24-hours. Ms. Hinnant was further educated on how to monitor for fetal well-being.

On January 27, 2017, Ms. Hinnant presented to her primary obstetrician practice and was seen by Dr. Susan A. Thomas. Ms. Hinnant's blood pressure was 140/90 with 2+ pitting edema and urine negative/4+ protein. On January 28, 2017, Ms. Hinnant began to experience swelling and headaches.

On January 29, 2017, Ms. Hinnant came by ambulance to Houston Medical Center with abdominal pain and uterine contractions. No fetal heart tones were present, and Ms. Hinnant delivered a stillborn baby.

Dr. Mont-Louis and Empower Women's Health Center, P.C. denies that they were negligent in their care and treatment. Furthermore, Dr. Mont-Louis and Empower Women's

Health Center, P.C. denies that any act or omission to act on their part caused or contributed to Plaintiff's' claimed injuries and/or damages. These Defendants object to any portion of the Consolidated Pre-Trial Order being read or provided to the jury in this case, including Plaintiff's outline of the case and contentions.

The following is Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.'s brief and succinct outline of the case and contentions:

On August 1, 2016, Shanta Hinnant, 21 years old, first presented to Women's Health Care of Middle Georgia for prenatal care for her first pregnancy. Her medical history was negative for hypertension. On the first visit her blood pressure was 124/72. On October 5, 2016, Shanta Hinnant presented for routine prenatal visit. Her blood pressure was 102/70.

On November 2, 2016 Plaintiff reported for routine office visit and her 20-week ultrasound. Her blood pressure was 115/70 and her ultrasound was normal and revealed that her baby was a girl. On December 7, 2016, at another routine prenatal visit the plaintiff's blood pressure was 122/72. On January 6, 2018, she was diagnosed with moderate edema at that routine prenatal visit and her blood pressure was 134/88.

On January 23, 2017, Shanta Hinnant reported to the emergency department at Coliseum Medical Center with reported history of headaches and swelling of the ankles. Her blood pressure was 153/99. She was at approximately 32 weeks and 4 days gestation. She was admitted to the antenatal care unit where her blood pressures continued to be elevated. She was administered IV hydralazine, and her blood pressure began to go down.

During this time Shanta Hinnant was evaluated by Dr. Mont-Louis. Dr. Mont Louis ordered a pregnancy induced hypertension workup to include urinalysis, Doppler studies and a 24-hour urine test. Dr. Mont-Louis also ordered Betamethasone to mature the baby's lungs. After

receiving IV hydralazine Shanta Hinnant's blood pressure was reduced from 190/122 to 118/72. Shanta Hinnant was transferred out of the antenatal care unit to a room without continuous monitoring, though later continuous monitoring was reinstated. At 12:35 pm on January 24, 2017, the 24-hour urine was returned at 13.63. Ms. Hinnant was discharged at 1:30 pm and told to follow up with her OB/GYN within 24 hours.

On January 27, 2017, Ms. Hinnant reported to Women's Healthcare of Middle Georgia for a follow up appointment. She was evaluated by Dr. Thomas. Her blood pressure was 140/90 and positive fetal movement was recorded. She reported a history of headaches but was not experiencing one at the time. Dr. Thomas discussed preeclampsia precautions and planned on starting twice weekly non-stress tests and weekly biophysical profiles for Plaintiff.

On January 29, 2017, was brought by ambulance to the emergency department at Houston Center with complaints of abdominal cramping and minor vaginal bleeding. There were no fetal heartbeats and no fetal movement recorded. Dr. Allison Wright advised Shanta Hinnant that her baby had passed and the still born fetus was delivered at 10:14 pm. A fetal autopsy determined the cause of death could not be determined but likely related to placental insufficiency.

Dr. Thomas and Women's Healthcare of Middle Georgia, P.C. contend that Dr. Thomas and any other agent or employee of the practice met the applicable standard of care in the care and treatment of Shanta Hinnant. These Defendants further contend that no act or omission on the part of Dr. Thomas, or any employee or agent of Women's Healthcare of Middle Georgia, P.C. proximately caused or contributed to any injury sustained by Plaintiff Shanta Hinnant or her baby, including the baby's death. Insofar as Plaintiff's alleged injuries or Plaintiff's baby's death may have proximately resulted from acts or omissions constituting professional negligence, those acts or omissions were not attributable to these Defendants.

These Defendants show that their brief and succinct outline of the case and contentions is for the benefit of the Court only and these Defendants object to the Court reading to the jury either the Plaintiffs' brief and succinct outline of the case and contentions or the Defendants' brief and succinct outline of the case and contentions.

(8) The issues for determination by the jury are as follows:

By Plaintiffs:

A. Did Defendant Kathleen Mont-Louis, MD and Empower Women's Health Center, P.C. practice below the standard of care for Obstetricians and Gynecologists in her evaluation and treatment of Shanta Monique Hinnant and her unborn child, Halei Milan Dean and, if so, was that a proximate cause of Halei Milan Dean's injuries, damages and death?

B. Did Defendant Kathleen Mont-Louis, MD and Empower Women's Health Center, P.C. practice below the standard of care for Obstetricians and Gynecologists in her evaluation and treatment of Shanta Monique Hinnant and her unborn child Halei Milan Dean, and, if so, was that a proximate cause of Shanta Monique Hinnant's injuries and damages?

C. Did the nursing staff of Defendant Coliseum Medical Center, LLC including Cayley Strait, RN, Leslie Pinnell, RN, Carrie Roberts, RN, and Diane Leonard, RN provide care that was beneath the standard of care for nurses in the same or similar circumstances and was that a proximate cause of the injuries and death of Halei Milan Dean?

D. Did the nursing staff of Defendant Coliseum Medical Center, LLC including Cayley Strait, RN, Leslie Pinnell, RN, Carrie Roberts, RN, and Diane

Leonard, RN provide care that was beneath the standard of care for nurses in the same or similar circumstances and was that a proximate cause of Shanta Monique Hinnant's injuries and damages?

E. Did Defendant Susan Thomas, MD practice below the standard of care for Obstetricians and Gynecologists in her evaluation and treatment of Shanta Monique Hinnant and her unborn child Halei Milan Dean, and, if so, was that a proximate cause of the injuries to and death of Halei Milan Dean?

F. Did Defendant Susan Thomas, MD practice below the standard of care for Obstetricians and Gynecologists in her evaluation and treatment of Shanta Monique Hinnant and her unborn child Halei Milan Dean, and, if so, was that a proximate cause of the injuries and damages to Shanta Monique Hinnant?

G. Was the staff of Women's Healthcare of Middle Georgia, PC negligent in their failure to give Defendant Thomas, MD the ultrasound report showing the 24 hour urine result that was faxed to their office and, if so, was that negligence a proximate cause of the injuries to Shanta Monique Hinnant and the injuries to and death of Halei Milan Dean?

H. How should fault be apportioned as between Defendants Kathleen Mont-Louis, MD, Empower Women's Health Center, P.C., Coliseum Medical Center, LLC, Susan Thomas, MD and Women's Healthcare of Middle Georgia, PC?

I. What is the full value of the life of Halei Milan Dean, both economic and non-economic?

J. What is the value of the injuries and mental and physical pain and suffering of Shanta Marie Hinnant?

K. The amount of Plaintiffs' special damages:

Medical bills (Shanta Monique Hinnant) - \$25,135.37.

By Defendant Coliseum Medical Center, LLC:

A. Have Plaintiffs shown by a preponderance of the evidence that Coliseum Medical Center's nurses' actions during Plaintiff Shanta Hinnant's treatment, breached the applicable standard of care?

B. Have Plaintiffs established by a preponderance of the evidence that any aforementioned alleged breach in the standard of care by Coliseum Medical Center's nurses' proximately caused Shanta Hinnant injuries?

C. Have Plaintiffs established damages by a preponderance of the evidence that the Coliseum Medical Center's nurses' actions/inactions proximately caused damages and to the extent what about of damages.

By Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C.:

A. Whether Dr. Kathleen Mont-Louis was professionally negligent in her care and treatment of Shanta Hinnant;

B. Whether the alleged professional negligence by Dr. Kathleen Mont-Louis proximately caused the injuries of Shanta Hinnant;

C. What damages, if any, resulted from the alleged negligent acts or omissions of Dr. Kathleen Mont-Louis;

D. Whether Shanta Hinnant caused or contributed to the injuries and damages; and

E. The amount of damages, if any, and apportionment.

By Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.:

A. Whether Dr. Susan Thomas, exercised that degree of care and skill customarily exercised by physicians generally under the same or similar circumstances;

B. Whether any act or omission of Dr. Susan Thomas allegedly constituting professional negligence proximately caused Plaintiff Hinnant injury or the death of her baby;

C. Whether Dr. Kathleen Mont-Louis exercised that degree of care and skill customarily exercised by physicians generally under the same or similar circumstances;

D. Whether any act or omission of Dr. Kathleen Mont-Louis allegedly constituting professional negligence proximately caused Plaintiff Hinnant injury or the death of her baby;

E. Whether Nurses Cayley Strait, Leslie Pinnell, Carrie Roberts, Diane Leonard, or other employees or agents of Coliseum Medical Center exercised that degree of care and skill customarily exercised by nurses generally under the same or similar circumstances. The individual nurses were originally sued but dismissed though Coliseum Medical Center remains a Defendant pursuant to respondeat superior for their actions;

F. Whether any act or omission of Nurses Cayley Strait, Leslie Pinnell, Carrie Roberts, Diane Leonard, or other employees or agents of Coliseum Medical Center

allegedly constituting professional negligence proximately caused Plaintiff Hinnant injury or the death of her baby;

G. Based on the testimony of Plaintiff's expert witness, Kimberly Fields, M.D., and other expert witnesses, whether any act or omission on the part of either Plaintiff Shanta Montique Hinnant or Adrian Dean contributed to a delay in treatment that proximately caused some injury, damage, or the death of Hailei Milan Dean.

H. The amount of compensatory damages, if any, to which Plaintiffs are entitled;

I. The relative percentage of fault, if any, among any named party, to include Plaintiffs, and any employee or agent of Coliseum alleged to be negligent.

(9) Specifications of negligence including applicable code sections are as follows:

By Plaintiffs:

- A. O.C.G.A. § 51-1-2 (ordinary diligence and ordinary negligence)
- B. O.C.G.A. § 51-1-8 (breach of private duty/professional negligence)
- C. O.C.G.A. § 51-1-27 (recovery for medical malpractice)
- D. O.C.G.A. §§ 51-12-23 and 51-12-9 (proximate cause)
- E. O.C.G.A. § 51-12-6 (pain and suffering damages)
- F. O.C.G.A. § 51-12-7 (medical bills, funeral and burial expenses)
- G. O.C.G.A. § 51-12-3 (direct and consequential damages distinguished)
- H. O.C.G.A. § 51-2-1(a) (imputation of negligence)
- I. O.C.G.A. § 51-2-2 (liability of torts of servant)
- J. O.C.G.A. § 51-4-2 (wrongful death)

By Defendant Coliseum Medical Center, LLC:

Defendant denies all allegations of negligence asserted by Plaintiff, as well as all allegations of negligence which have not been testified to have proximately caused the injury by a reasonable degree of medical probability or certainty. Defendant further objects

to any and all allegations of ordinary negligence.¹ This Defendant requests that the Plaintiff set forth his specific allegations of negligence fully and completely in this Consolidated Pretrial Order as required under the Georgia Civil Practice Act. This Defendant objects to the introduction of any testimony, reference, or any evidence whatsoever of any alleged negligence not identified with specificity in this Consolidated Pretrial Order.

By Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C.:

These Defendants deny they were negligent or that they caused or contributed to Plaintiff's alleged injuries. These Defendants request that the Plaintiff set forth his specific allegations of negligence fully and completely in this Consolidated Pretrial Order as required under the Georgia Civil Practice Act. These Defendants object to the introduction of any testimony, reference, or any evidence whatsoever of any alleged negligence not identified with specificity in this Consolidated Pretrial Order.

By Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.:

These Defendants deny any and all allegations of negligence asserted by the Plaintiff and deny that any alleged negligence on the part of these Defendants caused or contributed to Plaintiff Hinnant's alleged injuries or the death of her baby. These Defendants further object to any contention that the claims involve allegations of ordinary negligence.²

These Defendants contend the applicable Code sections are as follows:

(1) O.C.G.A. § 51-1-27 – Medical Malpractice as to Dr. Susan Thomas;

¹ The Defendants will file a brief on the applicability of ordinary negligence by February 21, 2025, and the Plaintiffs will respond by February 28, 2025.

² See Footnote 1.

(2) OCGA § 51-12-33 – Apportionment of Award According to Percentage of Fault of Parties and Non-Parties

(10) If the case is based on a contract, either oral or written, the terms of the contract are as follows (or, the contract is attached as an Exhibit to this order): Not applicable.

(11) The types of damages and the applicable measure of those damages are stated as follows:

By Plaintiffs:

A. The amount of Plaintiff's special damages;

- Medical bills - \$25,135.37
- Lost wages and fringe benefits \$1,762,029.84 - \$2,355,488.61.

B. General damages, consisting of:

- Full value of the life of Halei Milan Dean, Deceased; and
- Personal Injuries and Pain and Suffering of Shanta Monique Hinnant, physical and mental, past, present and future;

the amount of such damages is to be determined by the enlightened conscience of fair and impartial jurors.

By Defendant Coliseum Medical Center, LLC:

Defendant disputes Plaintiffs' right to recover damages and further objects to the admission of any damages evidence not specifically identified or produced in discovery. Defendant further objects to claims for damages that are speculative and lack sufficient evidentiary foundation for presentation at trial. Defendant finally contends that Plaintiffs are barred from recovering any special damages not pled in accordance with O.C.G.A. § 9-11-9(g).

By Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C.:

These Defendants deny that the Plaintiff, in any capacity, is entitled to any damages.

By Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.:

These Defendants contend that plaintiffs are not entitled to any award of damages against Defendants Susan Thomas, MD or Women's Healthcare of Middle Georgia, P.C. However, should the jury find in favor of plaintiffs, the applicable damages would be those damages appropriate pursuant to OCGA § 51-4-1 and OCGA § 51-12-2 as apportioned by OCGA § 51-12-33, to include separate apportionment as between Shanta Monique Hinnant and Adrian Dean as to the alleged wrongful death claim as their recoveries are separate and distinct.

(12) If the case involves divorce, each party shall present to the court at the pre-trial conference the affidavits required by Rule 24.2. Not applicable.

(13) The following facts are stipulated:

For Plaintiffs:

A. Defendant Kathleen Mont-Louis, MD was in the course and scope of her employment with Empower Women's Health Center, PC at all times in her care and treatment of Shanta Monique Hinnant and her unborn child Halei Milan Dean.

B. Defendant Susan Thomas, MD was in the course and scope of her employment with Women's Healthcare of Middle Georgia, PC at all times in her

care and treatment of Shanta Monique Hinnant and her unborn child Halei Milan Dean.

C. Defendant Coliseum Medical Center, LLC, was the employer of nurses Cayley Strait, RN, Leslie Pinnell, RN, Carrie Roberts, RN, and Diane Leonard, RN who were acting in the course and scope of their employment with Coliseum Medical Center, LLC at all times during their care and treatment of Shanta Monique Hinnant and her unborn child Halei Milan Dean.

D. Shanta Monique Hinnant and Adrian Dean are the Parents and Next Kin of Halei Milan Dean, deceased.

E. Defendants Kathleen Mont-Louis, MD and Susan Thomas, MD each had a doctor/patient relationship with Shanta Monique Hinnant and Halei Milan Dean, Deceased.

For Defendants Kathleen Mont-Louis, M.D., Women's Healthcare of Middle Georgia, P.C.:

None.

For Defendants Susan Thomas, M.D. and Women's Healthcare of Middle Georgia, P.C.:

A. At all times relevant hereto, Susan Thomas, MD was acting within the scope of her employment with Women's Healthcare of Middle Georgia, P.C. These defendants further stipulate that a physician/patient relationship existed between Susan Thomas, MD and Plaintiff Shanta Hinnant.

B. These Defendants are agreeable to a joint medical record exhibit as to medical or hospital records which have been properly certified, and no records

custodian will be required by any party to be called as a witness to lay a foundation for the authentication or admission of any such medical or hospital records;

C. These Defendants are agreeable to the use of copies of records in lieu of originals.

D. These Defendants are agreeable as is reasonably practical to advise plaintiffs in advance of trial of the existence and nature of any demonstrative evidence, such as blowups, charts, diagrams, or illustrations they intend to use during the case and permit plaintiff to inspect said demonstrative evidence assuming that plaintiffs are willing to extend the same courtesy to these defendants.

E. These Defendants are agreeable to advising plaintiffs and the Court at the close of trial each day whom they intend to call as witnesses the next trial day assuming that plaintiffs are willing to extend the same courtesy to these defendants.

F. These Defendants agree that it is unnecessary for any party to ask hypothetical questions of their respective expert witnesses in order to elicit their expert opinion testify.

(14) The following is a list of all documentary and physical evidence that will be tendered at the trial by the Plaintiffs or Defendants. Unless noted, the parties have stipulated as to the authenticity of the documents listed and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel prior to trial so as not to delay the trial before the jury.

A. By Plaintiffs:

1. Women's Health Care of Middle Georgia medical records (WHCM-C1 – WHCMG-C103)
2. Coliseum Medical Center (CMC 0001 – CMC 0798)
3. Houston Healthcare EMS medical records

4. Houston Healthcare chart for Shanta Hinnant (HMC 0001 – HMC 0839)
5. Houston Healthcare chart for Baby Girl Hinnant (HMC 0840 – 0844)
6. Wal-Mart Pharmacy records
7. Photographs and videos of Shanta Hinnant and Halei Milan Dean
8. Medical Expenses Exhibit
9.
 - a) Annuity Mortality Table for 1949, Ultimate
 - b) Social Security Actuarial Life Table, 2014
10. Wage and Benefits documentation for Shanta Hinnant
11. Wage and Benefits documentation for Adrian Dean
12. Income Tax Returns and W2s for Shanta Hinnant
13. Income Tax Returns and W2s for Adrian Dean
14. Georgia Fetal Death Certificate for Halei Milan Dean
15. Economic Analysis for Life of Halei Milan Dean
16. Medical Charts/Chronologies
 - BP timeline with medications
17. Medical Legal Illustrations and Demonstrative Aids
18. Professional Services Agreement (CMC/Mont Louis)
19. Employment Contract between Defendant Mont-Louis and Empower Women's Health, P.C.
20. Employment Contract between Defendant Thomas and Women's Healthcare of Middle Georgia, P.C.
21. CMC Medical Staff Bylaws
22. CMC Patient Audit Log (HINNANT_CMC000117 – 000310)
23. CMC Policies & Procedures
 - Levels of Competence and Competence Maintenance
 - Clinical Documentation (w/corresponding attachment)
 - Assessment and Reassessment of the Patient
 - Plan of Patient Care
 - Medical Record Definition and Creation
 - Record Retention/Document Retention Schedule
 - Document Retention
 - Abbreviations
 - HELLP Syndrome Algorithm
 - Abruptio Placenta Flow Chart
 - Clinical Documentation
 - Clinical Practice Guidelines
 - Education – Hospital Staff
 - E-MAR
 - Hand Off of Patients
 - L&D Patient Management
 - Levels of Competence
 - Medication Reconciliation

- Patient & Family Education
 - SATL – Stand RN Orientation
 - Coliseum Health Systems Value Pledge
 - A No Excuse Environment
 - Coliseum Mission Statement
24. HELLP Syndrome Flowchart Revised 02/17/06 (Hinnant – CMC - 000001
 24. CMC Staffing Sheet 1/13/2017 – 1/24/2017 AM
 25. CMC Staffing Sheet 1/13/2017 – 1/24/2017 PM
 26. Preeclampsia – CC149 Course Overview
 27. CMC Employees’ Personnel Files
 - Leonard Personnel File
 - Strait Personnel File
 - Roberts Personnel File
 - Pinnell Personnel File
 28. Deposition Exhibits:
 - Thomas Exhibit. 4 - January 2017
 - Strait Exhibit 2 - Annotated Fetal Monitor Strips
 - Schulman Exhibit 4 - Timeline
 - Tucker Exhibit 2 – Expert Testimony List
 - Thomas Exhibit 4 – 2017 Calendar
 - Hall Exhibit 7 – List of Cases
 - Hall Exhibit 8 – Clinical Guideline: Hypertension in Pregnancy
 - Hall Exhibit 9 – Hypertension in Pregnancy from ACOG Journal
 - Strait Exhibit 2 – Fetal Monitoring Strips and Annotations
 - Frye Exhibit 7 – 12-3-24 Email re: Frye Policy Review, HELLP doc and Critical Tests Policy
 - Frye Supplement – Screenshots of documents reviewed
 - Frye Supplement – Deposition summaries reviewed
 - Fields Exhibit 6 – Clinical Guideline: Hypertension in Pregnancy
 - Fields Exhibit 10 – ACOG Practice Bulletin, Number 33
 - Fields Exhibit 11 – ACOG Practice Bulletin, Number 202
 - Fields Exhibit 12 – ACOG Practice Bulletin, Number 145
 29. Audit Trail from Women’s Healthcare of Middle Georgia
 30. Dr. Thomas’s Appointment Schedule
 31. Autopsy Report
 32. Medical literature and/or learned treatise recognized by any plaintiff or defense expert recognized as reliable or reputable in their respective field or expertise whether for impeachment, direct or circumstantial evidence.
 33. Any exhibit listed by Defendants.

B. By Defendant Coliseum Medical Center, LLC:

Counsel agree to the following additional stipulations as matters of professional courtesy and judicial economy:

- a) No records custodian will be required by any party to be called as a witness to lay a foundation for the authentication or admission of any medical, imaging, or business records. The parties agree that all such records are authentic.
- b) The parties may use true and accurate copies in lieu of originals.
- c) The parties will submit a copy of Shanta Hinnant's medical records from Coliseum Medical Center pertaining to the incident in question, and all such records are stipulated into evidence without objection as a joint exhibit.
- d) The parties will, in good faith, attempt to advise each other and the Court at the close of trial each day as to whom they intend to call as a witness the next trial day.
- e) The parties stipulate to the use of copies of depositions taken in this case in lieu of the original transcripts if the originals are not available.
- f) The parties will exchange all records from non-parties and agree to use copies in lieu of the originals. The parties have stipulated as to the authenticity of such records and they may be admitted without further proof of authenticity.

- (1) All documents listed under Joint Exhibits;
- (2) Medical and billing records from:
 - a. Coliseum Medical Center, LLC
 - i. Fetal Monitoring Strips

- b. Cordele Health Department
 - c. CORE Health Care for Women
 - d. Crisp Urgent Care
 - e. Houston County Health Department
 - f. Houston Lake Dentist
 - g. Houston Medical Center
 - h. Perry Convention Care
 - i. Perry Hospital
 - j. Smile Dental
 - k. Warner Robins OB/GYN
 - l. Women's Healthcare of Middle Georgia
 - m. Women's Services Navicent Health
- (3) Pharmacy records from
 - a. Wal-Mart Pharmacy
 - (4) Radiology images from:
 - a. Coliseum Medical Center, LLC;
 - b. Houston Medical Center
 - ~~(5) Photographs and videos produced during discovery;~~
 - (6) Personnel files for any healthcare provider produced during discovery;
 - (7) Records from all providers listed within this pretrial order;
 - (8) Georgia Death Certificate;
 - (9) Photographs depicting the facility and/or damages;
 - (10) Photographs and video recordings of Shanta Hinnant;
 - (11) Any medical journal, article, and textbook written by the Defendants' experts;
 - (12) Any medical journal, article, and textbook written and identified by a defense expert in their deposition testimony;
 - (13) Any medical journal, article, and textbook written by the Plaintiffs' experts and/or treating providers;
 - (14) All pleadings filed and ~~discovery/discovery documents~~ served in this case, including
 - (15) supplemental discovery by email, letter, and/or pleading;
 - (16) ~~Any document produced by any party or third party in this case;~~
 - (17) Curriculum Vitae of expert witnesses;
 - ~~(18) Any document identified and/or produced by any party in discovery in this action;~~
 - (19) Demonstrative evidence and exhibits;
 - ~~(20) All materials obtained or produced during discovery;~~
 - (21) Any exhibits attached to any of the depositions taken in this case;
 - (22) Any documents generated by the Plaintiff's experts and/or treating providers in relation to this case;
 - (23) All exhibits listed, identified, referenced, or used by any other party to this action;
 - (24) Medical Articles, Manuals, Textbooks, Guidelines, Guidebooks, Publications and/or Literature.

- (25) Medical Illustrations, chart, diagrams, blow-ups, animations, and other visual aids;
- (26) ~~Any documents obtained by subpoena;~~
- (27) Any documents provided to the Plaintiff's experts and/or treating provided by the Plaintiff or Plaintiff's counsel;
- (28) ~~Medical charts, diagrams, blow-ups, and animations;~~
- (29) Social media related to Plaintiff;
- (30) Any document required for impeachment of any witness;
- (31) ~~Any document listed by any other party to this action;~~
- (32) Any exhibits identified by and/or used by Plaintiffs at trial that are not objectionable;
- (33) ~~Any document identified or produced during discovery in this action;~~
- (34) Any diagram, chart, exhibit, and/or demonstrative evidence that Defendants' expert witnesses may require;
- (35) Any document or tangible thing identified by Plaintiffs or Co-Defendants in their portion of the Pre-Trial Order that is not objectionable; and

Exhibits may be renumbered prior to trial.

Defendant has not seen any of Plaintiff's exhibits and therefore cannot stipulate their authenticity. Additionally, Defendant reserves the right to object to any proposed documentary and/or physical evidence until it is properly authenticated and tendered. Defendant reserves the right to object to the admissibility of any document identified herein on any ground other than authenticity. Defendant will work with the Plaintiff to stipulate the authenticity of any documents prior to trial.

Portions of exhibits, redacted versions, and enlargements may be used as allowed by law. Learned treatises and medical articles used to impeach witnesses may be used as allowed by law without being listed in this Pre-Trial Order. Transcripts, statements, or other documents used to impeach witnesses may be used as allowed by law without being listed in this Pre-Trial Order. Demonstrative aids need not be listed in this Pre-Trial Order. These exhibits may be renumbered before trial.

**A. By Defendants Kathleen Mont-Louis, M.D. and Empower Women’s Health Center,
P.C.**

1. Medical records, bills, notes, radiographic studies and any other medical records from the following providers:
 - a. Coliseum Medical Center;
 - b. Houston EMS;
 - c. Women’s Healthcare of Middle Georgia;
 - d. Perry Hospital;
 - e. Houston County Health Department;
 - f. Perry Convenient Care
 - g. Crisp Urgent Care;
 - h. Women’s Services of Navicent Health;
 - i. Warner Robins OB/GYN;
 - j. Atrium Health Navicent;
 - k. Smile Dental;
 - l. Walmart Pharmacy.
2. Georgia Death Certificate.
3. Any and all documents listed by Plaintiff.
4. Any and all documents listed by any Co-Defendant.
5. Medical illustrations.
6. CV of any Defendant.
7. CV of any testifying expert.
8. CV of any of the treating physicians or healthcare providers testifying in this case.
9. Invoices and billing records of Plaintiff’s experts.
10. Correspondence between Plaintiff’s experts and Plaintiff’s counsel.
11. List of trial and deposition testimony of Plaintiff’s experts.
12. All documents produced by Plaintiff’s experts in response to Defendants’ notices to produce;
13. Any document obtained by trial subpoena.
14. Any document required for impeachment of any witness.
15. All Pleadings in the case filed by any party.
16. Any diagrams, illustrations, charts, exhibits, and/or demonstrative evidence that Defendants’ expert witnesses may require.

These Defendants do not stipulate to the authenticity or admissibility of any of the documents listed by Plaintiff until given adequate opportunity to review the exhibits. Defendants object to items in Plaintiff’s exhibit list that are not relevant to the issues being tried or were not produced during discovery. Demonstrative exhibits not to be tendered into evidence may be used as allowed by law regardless of whether they are listed in this pre-trial order. Exhibits may be re-numbered

prior to trial. Portions of exhibits, redacted versions and enlargements may be used as allowed by law. Learned treatises and medical articles may be used as allowed by law without being listed in this pre-trial order. Transcripts or other documents used to impeach witnesses need not be listed in this Pre-Trial Order.

D. By Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas, M.D.

1. Medical records, bills and imaging of Shanta Hinnant from:
 - (a) Women's Healthcare of Middle Georgia;
 - (b) Coliseum Medical Center, including imaging and fetal strips;
 - (c) Atrium Health Navicent;
 - (d) Houston Medical Center/Houston Pathology Records
 - (e) Perry Hospital;
 - (f) Houston EMS;
 - (g) Perry Convenient Care;
 - (h) Women's Services Navicent Health;
 - (i) Warner Robins OB/GYN;
2. CV of Dr. James Hiller, M.D.
3. CV of Andre Hall, M.D.
4. CV of Susan Thomas, M.D.
5. CV of Michael Scott, M.D.
6. CV of Kimberly Fields, M.D.
7. CV of Dan Eller, M.D.
8. CV of James Hiller, M.D.
9. CV of Leslie Linder, M.D.
10. CV of Jessica Frye, RN
11. CV of Bridgette Schulman, MSN-d
12. CV of James Tucker, M.D.
13. CV of L. Wayne Plumly, Jr.
14. Clinical Guidelines for Hypertension in Pregnancy
13. Notes of Kimberly Fields, M.C. (Exhibit 8 to Dr. Fields' deposition)
14. Blood Pressure and Medication Chart (Exhibit 9 to Dr. Fields' Deposition)
15. Audit Trail for Women's Healthcare of Middle Georgia
16. Appointment Log for Women's Healthcare of Middle Georgia
17. Medical Literature, including ACOG bulletins
19. All deposition exhibits;
20. Any exhibits necessary for impeachment or rebuttal;
21. Demonstrative evidence and exhibits to include medical illustrations and enlargements of the medical records set forth hereinabove;
22. Any document identified by Plaintiffs in their portion of the pretrial order;

23. Any document identified by Co-Defendants in their portion of the pretrial order;
24. Expert affidavits;
25. A demonstrative timeline;
26. Pleadings, discovery, and parties' discovery responses served in this case;

The parties reserve all objections, including those to authenticity and admissibility, until the time the parties can inspect the opposing parties' documentary and physical evidence.

Demonstrative exhibits not to be tendered into evidence may be used as allowed by law regardless of whether they are listed in this Pre-Trial Order. Exhibits may be re-numbered prior to trial. Portions of exhibits, redacted versions and enlargements may be used as allowed by law. Learned treatises and medical articles may be used as allowed by law without being listed in this pre-trial order. Transcripts or other documents used to impeach witnesses need not be listed in this pre-trial order.

(15) Special authorities relied upon by Plaintiffs relating to peculiar evidentiary or other legal questions are as follows:

A. Pursuant to O.C.G.A. § 24-8-803(18), Plaintiffs intend to establish learned treatises and other medical literature as authoritative through their own experts.

See O.C.G.A. § 24-8-803(18): *State Highway Dept. v. Willis*, 106 Ga. App.

821(3), 128 S.E.2d 351 (1962). See *Mize v. State*, 240 Ga. 197(4), 240 S.E.2d 11

(1977); *Pound v. Medney*, 176 Ga. App. 756(4), 337 S.E.2d 772 (1985); *Packer v.*

Gill, 193 Ga. App. 388(7), 388 S.E.2d 338 (1989); *Brannen v. Prince*, 204 Ga.

App. 866(4), 421 S.E.2d 76 (1992).

B. Pursuant to O.C.G.A. §§ 24-6-611 and 9-11-32(a)(2), Plaintiffs expect to call, for cross-examination purposes, adverse parties and witnesses identified with adverse parties.

C. See Plaintiffs' Motions in Limine.

(16) Special authorities relied upon by Defendant relating to peculiar evidentiary or other legal questions are as follows:

By Defendant Coliseum Medical Center, LLC:

- A. All stipulations between the parties and prior court orders.
- B. Defendant will address any peculiar evidentiary issues in motions in limine or a trial brief. Defendant will file motions in limine and pretrial motions as outlined by the Georgia Civil Practice Act. Defendant reserves the right to file additional motions in limine and other motions as evidentiary questions occur during trial. Further, Defendant specifically reserves the right to rely upon other special authorities should peculiar evidentiary or other legal questions arise during the trial of this matter.
- C. Any expert witness may rely upon any entry in any of the medical records of Shanta Hinnant for the formation and expression of his or her opinions without the necessity that portion of the medical record being admitted into evidence. See O.C.G.A. § 24-7-703.
- D. O.C.G.A. § 24-7-702 (governing the admissibility of expert testimony).
- E. To succeed on her claims against Coliseum Medical Center, LLC, Plaintiffs must establish through expert testimony that a proximate causal connection exists between the defendant's alleged negligence and the plaintiff's injuries. Zwiren v. Thompson, 276 Ga. 498, 500 (2003). Further, Plaintiffs must demonstrate such causal connection with sufficient certainty, meaning at least a reasonable degree of medical probability. Id. at 501.
- F. Any criticism not arising to a qualified expert opinion that any Defendant breached the standard of care and that the breach proximately caused injury to Plaintiffs should

be excluded as irrelevant to the issues presented. See O.C.G.A. § 24-4-403; Zwiren, 276 Ga. at 500; Dowling v. Lopez, 211 Ga. App. 578, 580 (1993).

By Defendants Kathleen Mont-Louis, M.D., and Empower Women’s Health Center, P.C.:

These Defendants will file motions in limine on evidentiary or legal issues. These Defendants expect that they will file trial briefs on any issues or other peculiar evidentiary or legal questions that may arise, and it will cite to particular authorities and as appropriate in those pleadings. These Defendants reserve the right to cite other special authorities following Plaintiff’s identification of the special authorities they contend relate to peculiar evidentiary or other legal questions.

By Defendants Women’s Healthcare of Middle Georgia and Susan Thomas, M.D.:

These Defendants do not know of any peculiar evidentiary or legal issues at this time.

These Defendants will file motions in limine and reserve the right to file supplemental motions in limine to address any issues which might become apparent during preparing for trial or during trial.

These Defendants further reserve the right to file trial briefs as might ultimately be necessary.

Any authorities for evidentiary and legal questions are or will be set forth in Defendants’ Motions in Limine, proposed jury charges, pre-trial motions, and trial briefs. Defendants reserve the right to file additional briefs on special authorities pertaining to evidentiary or legal questions should the need arise at trial.

(17) All requests to charge anticipated at the time of trial will be filed (if agreed upon) by March 4, 2025, as prescribed by the Court.

(18) The testimony of the following persons may be introduced by depositions:

By Plaintiffs:

Kathleen Mont-Louis, M.D.
Susan Thomas, M.D.
Diane Leonard, R.N.
Leslie Pinnell, R.N.
Carrie Roberts, R.N.
Shanta Monique Hinnant
Adrian Dean
Cayley Strait, R.N.
Bridgette Schulman, R.N.
Michael Scott, M.D.
Daniel P. Eller, M.D.
Jacqueline Iley, R.N.
James Martin Tucker, M.D.
James L. Hiller, M.D.
Andre' F. Hall, M.D.
Kimberly D. Fields, M.D.
L. Wayne Plumly, Ph.D.
Jessica Frye, R.N.
Leslie Hansen Lindner, M.D.
Any person's evidentiary deposition
Any individual whose deposition was taken and who satisfies O.C.G.A. § 9-11-32

By Defendant Coliseum Medical Center, LLC:

- (a) Defendant reserves the right to read or play the deposition of any witness who is listed on the pretrial order and legally unavailable to appear live at trial upon proper notice to all parties.
- (b) Defendant reserves the right to use any deposition taken for purposes of impeachment or to refresh a witness's recollection, and reserve the right to use the deposition of a party as allowed under Georgia law.

Any objections to the depositions or questions or arguments in the deposition shall be called to the attention of the Court prior to trial.

By Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C.:

These Defendants anticipate that the following persons may be introduced by deposition:

- i. Any person or party whose deposition was taken for any purpose and who is unavailable to come to trial.
- ii. Any person who provides a deposition for use at trial.

These Defendants object to the presentation of any witness by deposition without the requisite showing of unavailability but reserve the right to use deposition testimony for purposes of impeachment. These Defendants reserve the right to take the deposition of any witness for preservation of testimony or use in evidence, as allowed under the Georgia Civil Practice Act. The parties have agreed to permit Zoom depositions of expert witnesses, subject to appropriate notice to all Counsel.

By Defendants Women's Healthcare of Middle Georgia and Susan Thomas, M.D.:

These Defendants may introduce testimony of the following persons by deposition:

- (1) Any witness whose deposition is taken for preservation of evidence or use at trial;
- (2) Any witness pursuant to the provisions of OCGA § 9-11-32;
- (3) Any witness whose deposition is introduced by Plaintiffs or Co-Defendants.

Any objection to the depositions or questions or arguments in the depositions shall be called to the attention of the court prior to trial.

- (19) The following are lists of witnesses the

A. Plaintiff will have present at trial:

Shanta Hinnant
Adrian Dean

B. Plaintiff may have present at trial:

Stephanie Ihezue
Shawn Jason Dean
Dora Beatty
Courtney Gray
Angelica Barret
Bridgette Schulman, R.N.
Michael Scott, M.D.
Kimberly D. Fields, M.D.
L. Wayne Plumly, Ph.D
Representative of Coliseum Medical Center, LLC
Diane Leonard, R.N.
Leslie Pinnell, R.N.
Carrie Roberts, R.N.
Cayley Strait, R.N.
Daniel P. Eller, M.D.
Jacqueline Ilely, R.N.
James Martin Tucker, M.D.
James L. Hiller, M.D.
Andre' F. Hall, M.D.
Jessica Frye, R.N.
Leslie Hansen Lindner, M.D.
Alison Wright, M.D.
Matthew Fries, M.D.
Jennifer Smith, CNMW
Coty Camposano, EMT
Jennifer T. Mayfield, MA
Robin Heath, RN
Heather Dykes, NP
Padmashree Woodham, MD
Any individual needed to authenticate documents
~~Any individual needed for rebuttal or impeachment~~

C. Defendant Coliseum Medical Center will have present at trial:

None.

D. Defendant Coliseum Medical Center may have present at trial:

(1) Representative of Coliseum Medical Center, LLC;

- (2) Diane Leonard, RN;
- (3) Leslie Pinnell, RN;
- (4) Carrie Roberts, RN;
- (5) Cayley Strait, RN;
- (6) Jackie Iley, RN;
- (7) Jessica Frye, RN;
- (8) James Tucker, MD;
- (9) Dan Eller, MD;
- (10) Leslie Lindner, MD;
- (11) ~~Any Coliseum Medical Center nurse who provided care to~~
~~Shanta Hinnant;~~
- (12) Billing person to testify about Coliseum Medical Center, LLC's medical bills;
- (13) Any other person and/or records custodian necessary to authenticate a document;
- (14) ~~Any person necessary for rebuttal;~~
- (15) Any individual identified in Plaintiff's "may call" witness list;
- (16) ~~Any person for the purposes of impeachment; and~~
- (17) ~~Any witness previously identified by either party in~~
~~discovery.~~

Defendant reserves the right to call all witnesses listed by Plaintiffs in this action.

Defendant objects to the Plaintiffs calling any additional may-call witnesses that are not expressly listed above.

E. Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C. will have present at trial:

- (1) Dr. Kathleen Mont-Louis.

F. Defendants Kathleen Mont-Louis, M.D. and Empower Women's Health Center, P.C. may have present at trial:

- (1) Shanta Hinnant;
- (2) Adrian Dean;
- (3) Dr. Daniel Eller;
- (4) Dr. Leslie Lindner;
- (5) Dr. James Tucker;
- (6) Diane Leonard, RN;
- (7) Leslie Pinnell, RN;
- (8) Carrie Roberts, RN;
- (9) Cayley Strait, RN;

- (10) ~~Any medical provider listed in the following medical records:
Coliseum Medical Center, Houston EMS and Houston Medical Center;~~
- (11) Any will or may call witness listed by Plaintiff or any Co-Defendant;
- (12) ~~Any treating physician listed by Plaintiff in discovery;~~
- (13) Any settling Defendant or employee of any settling Defendant.
- (14) Any person necessary to authenticate a document;
- (15) ~~Any person necessary for rebuttal or impeachment.~~

G. Defendants Women's Healthcare of Middle Georgia, P.C. and Susan Thomas,

M.D. will have present at trial:

None.

H. Defendants Women's Healthcare of Middle Georgia, P.C. and Susan

Thomas, M.D. may have present at trial:

- (1) Susan Thomas, M.D.
- (2) Andre Hall, M.D.;
- (3) James Hiller, M.D.;
- (4) Cayle Strait, RN;
- (5) Carrie Roberts, RN;
- (6) Diane Leonard, RN;
- (7) Tina Butt, RN;
- (8) Tracy Pollock, RN;
- (9) Leslie Pinnell, RN;
- (10) Kathleen Mont-Louis, M.D.;
- (11) Allision Wright, M.D.;
- (12) Jennifer Smith, CNM
- (13) Jennifer Mayfield, CNM
- (14) Corporate Representative of Women's Healthcare of Middle Georgia if necessary to explain its audit trail and appointment log.
- (15) Any witness required to authenticate a medical record.
- (16) Any individual listed by Plaintiffs or Co-Defendants as a will or may call witness;
- (17) ~~Any witness necessary for rebuttal or impeachment;~~

Defendants object to any Party calling any additional may-call witnesses that are not expressly listed above.

Opposing counsel may rely on representation that the designated party will have a witness present unless notice to the contrary is given in sufficient time prior to trial to allow the other party to subpoena the witness or obtain his testimony by other means.

(20) The form of all possible verdicts to be considered by the jury are as follows:

The parties will work together in an attempt to submit a mutually agreeable verdict form at the trial of this matter.

(21) A. The possibilities of settling the case are: Unlikely

B. The parties want the case reported. They will contract with a mutually agreeable court reporter to provide take-down, and the cost of take-down will be shared equally by the parties.

C. Other matters:

1. The trial is specially set to begin March 10, 2025.

2. The Court will select a jury of twelve (12) with at least one (1) alternate.

3. The Court understands that there are various witnesses, including physicians and others, who are under subpoena or who will be subpoenaed to testify at the trial of this case. The Court and parties will work together to provide notice for witnesses to appear shortly before they are called, so that they do not have to wait all day outside the courtroom in response to their subpoenas.

4. **If the Plaintiffs call an adverse party, or a witness identified with an adverse party, for cross examination in the Plaintiffs' case-in-chief, the Plaintiffs must make an election between calling the witness by deposition or live. They may not call the witness in their case both ways.**

The direct examination and any cross-examinations by other parties will be deferred until the adverse party's case-in-chief; unless during the cross examination by the Plaintiffs, the witness states or implies that a Co-Defendant was at fault and/or caused Halei Milan Dean's death or Shanta Hinnant's injuries, then such Co-Defendant shall be permitted to cross-examine the witness at the conclusion of the Plaintiffs' cross examination, during the Plaintiffs' case-in-chief.

5. Defendants Women's Healthcare of Middle Georgia and Susan Thomas, M.D. respectfully request that the Court make available for inspection each written notarized affidavits submitted to the Clerk's office serving as the basis for a juror being excused, and further make available a list that identifies jurors who have not appeared and have not otherwise been excused. These Defendants are directed to the Clerk of Superior Court who handles the juror summonses and excusals.

It is hereby ordered that the foregoing constitutes the PRE TRIAL ORDER in the above case and supersedes the pleadings which may not be further amended except by order of the court to prevent manifest injustice.

Entered this 10th day of February, 2025.


JEFF HANSON, JUDGE
STATE COURT OF BIBB COUNTY