

STIPULATIONS

- 1) Timmy Avila has a normal life expectancy.
- 2) All exhibits have been authenticated to be admissible at trial, but any other evidentiary objection is permitted.
- 3) Timmy's hearing was tested at the time of his birth and was normal.
- 4) Bacterial meningitis was the cause of Timmy Avila's hearing loss.
- 5) Timmy Avila's past medical expenses relating to his time at Nita City Hospital on March 11 and March 12, YR-2, as well as any subsequent visits to Nita City Hospital, amounts to \$35,000.
- 6) The parties stipulate that in the damages portion of this trial, damages for plaintiff's a) pain and suffering, b) lost wages, c) past medical expenses, and d) future medical expenses are the only monetary damages that the plaintiff seeks. Damages for any other reasons are not at issue in this case.
- 7) All parties and witnesses are of at least of normal intelligence and none has or ever has had a mental condition that would impact a person's perception, memory, or ability to respond to questions on cross-examination.
- 8) Shirley Avila called the Nita City Hospital help line on March 9, 2012, and spoke with a nurse, who advised her to give Timmy Tylenol and monitor him. There are no negligence allegations with regard to this call.
- 9) Timmy Avila was seen at the Nita City Hospital emergency department on March 10, presenting with a 104F fever, stuffy nose, and irritability. Timmy was released after three hours, when a dose of Tylenol reduced his fever, on the assumption that he had a simple cold. There are no negligence allegations with regard to this decision.
- 10) Throughout his visit to the Nita City Hospital emergency department on March 11 and March 12, YR-2, Timmy Avila's vital signs (temperature, heart rate, blood pressure, and respiratory rate) were abnormal.
- 11) Once Timmy Avila was diagnosed with bacterial meningitis at 5:30 a.m. on March 12, YR-2, the appropriate antibiotics were administered. There is no dispute regarding the appropriateness of the type of dosage of antibiotic administered.
- 12) The normal resting heart rate for a child of two years is 80–130 beats per minute, and the normal respiration rate for a child of two years is 25–30 breaths per minute.

WITNESS LIST

PLAINTIFF:

1. Shirley Avila
2. Jules Avila
3. Sam Simmons
4. Jody Holt
5. Ryan Donnelly
6. Cameron Patrick

DEFENDANT:

1. Jamie Miller
2. Casey Smith
3. Logan Lewis
4. Elliott Green
5. Andy Biddle
6. Chase Myers

Except the mother and grandmother, witnesses are gender neutral and may be either male or female.