

































































40 competition or practice. Therefore, athletes involved in collision sports are at most risk of a  
41 subdural hematoma. Athletes participating in sports like boxing, mixed martial arts, football and  
42 hockey are at highest risk of sustaining a subdural hematoma. Other examples include a bicycle  
43 accident in cycling, a ball or bat to the head in softball or baseball, a kick to the head in soccer or  
44 a car wreck in racing sports.

45 Before my examination of Dunn on February 17, 2015, I asked Dunn if s/he had ever sustained a  
46 head injury prior to the injury at the February 17 hockey game. Dunn stated that when s/he was  
47 fifteen years old, s/he was injured when s/he fell while playing hockey. This accident occurred  
48 on October 20, 2003. I requested and reviewed the records from Dunn's fall on October 20,  
49 2003. The medical records from October 20, 2003 showed that Dunn lost consciousness and was  
50 brought to the hospital by ambulance. In the incident that occurred in 2003, Dunn was examined  
51 and diagnosed with a large contusion on the back left part of the head. Dunn regained  
52 consciousness after ten minutes, received twenty sutures and was released four days later.

53 Through my analysis of Dunn's medical records, I was able to form a conclusion regarding the  
54 cause of Dunn's head injuries. In my opinion, Dunn's laceration on the skull was due to a fall on  
55 the ice, but the laceration was the only injury that occurred to Dunn on February 17, 2015.  
56 According to the medical evidence, the hair-line fracture of the left front area of the skull, as well  
57 as a subdural hematoma, was caused by the fall while playing hockey many years ago, not by the  
58 February 17, 2015 injury. In other words, Dunn has sustained no permanent injury from the  
59 February 17, 2015 accident.

*Cameron Leonard, MD*

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Cameron Leonard on this 1 day  
November of, 2015.

*Elizabeth Black*

Notary Public

My Commission Expires December 31, 2017.

## THE WORSLEY MEDICAL GROUP

7390 LINCOLN STREET, DALE GROVE, ILLINOIS 60001

March 5, 2015

Jamie R. Freeman  
Freeman & Karneier, P.C.  
Attorneys at Law  
100 N. Illinois Ave.  
Lincoln City, IL 60002

Re: Examination of Pat Dunn  
Date of Birth: March 4, 1988  
Social Security: xxx-xx-2222  
Date of Injury: February 17, 2015

Dear Jamie,

I enjoyed our recent game of golf. As always, it was good talking with you, and the weather was superb! I am writing this letter as a formal response to your request for an examination of your client, Pat Dunn. As discussed, I am willing to evaluate Pat Dunn at any time that is convenient.

If I can be of any further assistance in this, or any other matter, please don't hesitate to call. As a reminder, my hourly rate for my testimony is \$1,000.00.

I look forward to working with your office again.

Best,

*Taylor*

Taylor Worsley, MD  
The Worsley Medical Group

# *CURRICULUM VITAE*

## **TAYLOR WORSLEY, MD**

Phone: 667-098-7644

E-mail: [tworsley@worsleygroup.com](mailto:tworsley@worsleygroup.com)

Website: [www.worsleymedicalgroup.com](http://www.worsleymedicalgroup.com)

### **Professional Practice**

The Worsley Medical Group  
(1985 - Present)

### **Education**

Southern Illinois School of Medicine  
(1977 - 1981)

University of Illinois at Urbana Champaign  
(1974 - 1977)

▶ Bachelors of Science in Biology

### **Residency**

Mary L. Kilbride Hospital  
(1981 - 1984)

### **Board Certification**

American Board of Psychiatry & Neurology  
*Lifetime*



**Cameron Leonard, MD**  
*Attending Neurologist*

Address: 2900 State St., Chicago, IL  
Tel. : (554) 425-1230  
Cell. : (307) 778-8970

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## Education

**1996** | Medical Degree. University of Texas. Austin, TX.

**1990** | Bachelor of Science in Biology. Franklin Martin College. Lincoln, IL.

## Employment

**2003 to Present** | Attending Neurologist at Western Valley Hospital

**2007 to Present** | Professor of Neurology at Northwestern Medical School

**1999 to 2003** | Fellow of Neurology at Illinois General Hospital

**1996 to 1999** | Resident at Illinois General Hospital

# WESTERN VALLEY HOSPITAL

## CT SCAN REPORT

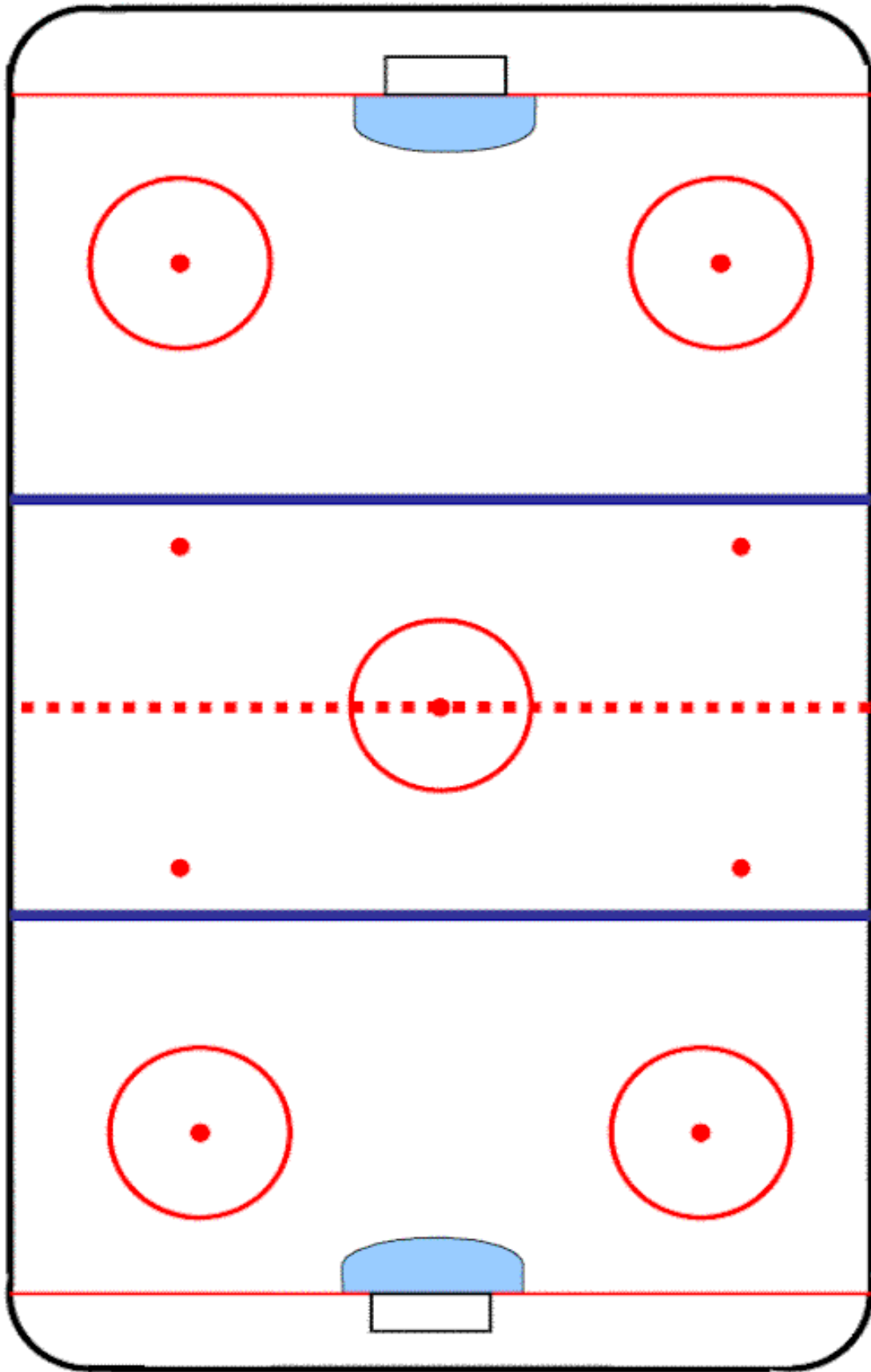
Patient Name:	PAT DUNN	DOB:	3/4/1988
Patient ID #:	8990-73		
<b>GENERAL INFORMATION</b>			
Date:	3/3/2015	Time:	10:26 AM
Location:	Lab 204		
<b>BRIEF CLINICAL NOTES</b>			
<i>Follow-up case of laceration to the head on 2/17/2015.</i>			
<i>Examination of patient after patient reported dizziness and painful headaches.</i>			
<b>IMPRESSION</b>			
<i>Features suggestive of chronic subdural hematoma in left frontal region. Red arrow points to hematoma.</i>			
Technician:	<i>Susan Harris</i>	Date	<i>3/3/2015</i>
Attending Physician:	<i>Dr. Cameron Leonard</i>	Date	<i>3/3/2015</i>

CT SCAN IMAGE



Technician: Susan Harris Date 3/3/2015  
Attending Physician: Dr. Cameron Leonard Date 3/3/2015

Diagram of Everett Arena, Lincoln City Illinois



## **JURY INSTRUCTIONS**

### ***Court Instruction No. 1 - Negligence - Burden of Proof***

Under Count 1 of the Complaint, plaintiff has the burden of proving each of the following propositions by a preponderance of the evidence:

First, that the defendant acted or failed to act in one of the ways claimed by the plaintiff and that in so acting, or failing to act, the defendant was negligent;

Second, that the plaintiff was injured;

Third, that the negligence of the defendant was a proximate cause of the injury to the plaintiff.

If you find from your consideration of all the evidence that plaintiff has failed to prove any of these propositions, then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

On the other hand, if you find from your consideration of all the evidence that plaintiff has proved each of these propositions, then you must consider the defendant's claim that the plaintiff was contributorily negligent.

As to the claim that plaintiff was contributorily negligent, the defendant has the burden of proving both of the following propositions by a preponderance of the evidence:

A: That the plaintiff acted or failed to act in one of the ways claimed by the defendant and that in so acting, or failing to act, the plaintiff was negligent;

B: That the plaintiff's negligence was a proximate cause of his/her injury.

If you find from your consideration of all the evidence that the plaintiff has proved all the propositions required of the plaintiff and that the defendant has not proved both of the propositions required of the defendant, then your verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award to plaintiff, and you shall not reduce plaintiff's damages.

If you find from your consideration of all the evidence that the defendant has proved both of the propositions required of the defendant, and if you find that the plaintiff's contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

If you find from your consideration of all the evidence that the plaintiff has proved all the propositions required of the plaintiff and that the defendant has proved both of the propositions required of the defendant, and if you find that the plaintiff's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then your

verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award plaintiff, and you shall reduce plaintiff's damages in the manner stated to you in these instructions.

***Court Instruction No. 2 - Negligence - Definition***

When I use the word “negligence” in these instructions, I mean the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

***Court Instruction No. 3 - Ordinary Care - Definition***

When I use the words “ordinary care,” I mean the care a reasonably careful person would use under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

***Court Instruction No. 4 - Duty To Use Ordinary Care - Definition of Contributory Negligence***

It was the duty of the plaintiff, before and at the time of the occurrence, to use ordinary care for his/her own safety. A plaintiff is contributorily negligent if (1) he/she fails to use ordinary care for his/her own safety and (2) his/her failure to use such ordinary care is a proximate cause of the alleged injury. The plaintiff's contributory negligence, if any, which is 50% or less of the total proximate cause of the injury or damage for which recovery is sought, does not bar his/her recovery. However, the total amount of damages to which he/she would otherwise be entitled is reduced in proportion to the amount of his/her negligence. This is known as contributory negligence. If the plaintiff's contributory negligence is more than 50% of the total proximate cause of the injury or damage for which recovery is sought, the defendant shall be found not liable.

***Court Instruction No. 5 - Duty To Use Ordinary Care***

It was the duty of the defendant, before and at the time of the occurrence, to use ordinary care for the safety of the plaintiff. That means it was the duty of the defendant to be free from negligence.

***Court Instruction No. 6 - Concurrent Negligence Other Than Defendant's***

More than one person may be to blame for causing an injury. If you decide that the defendant was negligent and that his/her negligence was a proximate cause of injury to the plaintiff, it is not a defense that some third person who is not a party to the suit may also have been to blame.

***Court Instruction No. 7 - Proximate Cause - Definition***

When I use the expression “proximate cause,” I mean a cause that, in the natural or ordinary course of events, produced the plaintiff's injury. It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury.

***Court Instruction No. 8 - Battery - Definition***

A person commits a battery if: (a) he/she acts intending to cause a harmful or offensive contact with the person of the other person, or an imminent apprehension of such a contact; (b) the contact is unauthorized; and (c) a harmful contact with the person of the other directly or

indirectly results.

***Court Instruction No. 9 - Battery - Burden of Proof***

Under Count 2 of the Complaint, the plaintiff has the burden of proving each of the following propositions by the preponderance of the evidence:

First, that the defendant intended to touch the plaintiff's body;

Second, that the defendant actually touched the plaintiff's;

Third, that said touching was harmful or offensive; and

Fourth, that said contact directly or indirectly caused an injury to plaintiff.

If you find from your consideration of all of the evidence that plaintiff has proven each of these propositions, then your verdict shall be for the plaintiff. In that case you will then consider what if any damages to award to plaintiff.

If you find from your consideration of all of the evidence that plaintiff has failed to prove any of these propositions then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

***Court Instruction No. 10 - Burden of Proof on the Issues - Affirmative Defenses***

In this case defendant has asserted certain affirmative defenses as follows:

As to Count 1 of Plaintiff's Complaint:

First Affirmative Defense – Plaintiff assumed the risk of injury.

Second Affirmative Defense – Plaintiff was contributorily negligent and Plaintiff was 50% or less at fault for proximately causing Plaintiff's injuries, and therefore any damage award to Plaintiff should be reduced proportionately to the extent of Plaintiff's contributory negligence.

Third Affirmative Defense – Plaintiff was contributorily negligent and Plaintiff was more than 50% at fault for proximately causing Plaintiff's injuries, and therefore Plaintiff is barred from recovering any damages from Defendant.

As to Count 2 of Plaintiff's Complaint:

First Affirmative Defense – Defendant's conduct in swinging his/her hockey stick was an act of self-defense against Plaintiff.

Second Affirmative Defense – By knowingly and voluntarily participating in the hockey game, Plaintiff consented to contact by Defendant.

The defendant has the burden of proving these affirmative defenses by a preponderance of the evidence.

If you find from your consideration of all the evidence, that defendant's First Affirmative Defense as to Count 1 has been proved, then your verdict shall be for the defendant as to Count 1.

If, on the other hand, you find from your consideration of all the evidence that defendant's First Affirmative Defense as to Count 1 has not been proved, then you must consider the defendant's Second and Third Affirmative Defenses as to Count 1, namely that plaintiff was contributorily negligent.

As to defendant's contributory negligence claim, defendant has the burden of proving each of the following propositions:

A: That the plaintiff acted or failed to act in one of the ways claimed by the defendant and that in so acting, or failing to act, the plaintiff was negligent;

B: That the plaintiff's negligence was a proximate cause of his/her injury.

If you find from your consideration of all the evidence that the plaintiff has proved all of the propositions required of him/her and that the defendant has not proved both of the propositions required of him as to defendant's contributory negligence claim, then your verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award to plaintiff and you shall not reduce the plaintiff's damages.

If you find from your consideration of all the evidence that the plaintiff has proved all of the propositions required of him/her and that the defendant has proved both of the propositions required of him/her, and if you find that the plaintiff's contributory negligence was greater than 50% of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the defendant. In that case, you will not consider the issue of damages.

If you find from your consideration of all the evidence that the plaintiff has proved all the propositions required of him/her and that the defendant has proved both of the propositions required of him/her, and if you find that the plaintiff's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the plaintiff. In that case, you will then consider what if any damages to award to plaintiff and you shall reduce the plaintiff's damages in the manner stated to you in these instructions.

***Court Instruction No. 11 - Measure of Damages***

If you decide for the plaintiff on the question of liability on either count 1 or count 2 of plaintiff's complaint, you must then fix the amount of money which will reasonably and fairly compensate him/her for any of the following elements of damages proved by the evidence to have resulted from the negligence or wrongful conduct of the defendant, taking into consideration the nature, extent and duration of the injury and the



aggravation of any pre-existing ailment or condition:

- The pain and suffering experienced as a result of the injuries.
- The emotional distress experienced.
- The disfigurement resulting from the injury.
- The reasonable expense of necessary medical care, treatment, and services received.
- The value of any earnings or salaries lost.

Whether any of these elements of damages has been proved by the evidence is for you to determine.

***Court Instruction No. 12 - Insurance/Benefits***

Whether a party is insured or not insured has no bearing on any issue that you must decide. You must refrain from any inference, speculation, or discussion about insurance.

If you find for the plaintiff, you shall not speculate about or consider any possible sources of benefits the plaintiff may have received or might receive. After you have returned your verdict, the court will make whatever adjustments are necessary in this regard.

***Court Instruction No. 13 - Opinion Testimony***

You have heard a witness give opinions about matters requiring special knowledge or skill. You should judge this testimony in the same way you judge the testimony from any other witness. The fact that such person has given an opinion does not mean that you are required to accept it. Give the testimony whatever weight you think it deserves, considering the reasons given for the opinion, the witness's qualifications, and all of the other evidence in the case.

***Court Instruction No. 14 - Use Of Verdict Forms***

When you retire to the jury room you will first select a foreperson. He or she will preside during your deliberations.

Your verdict must be unanimous.

Forms of verdicts are supplied with these instructions. After you have reached your verdict, fill in and sign the appropriate form of verdict and return it to the court. Your verdict must be signed by each of you. You should not write or mark upon this or any of the other instructions given to you by the court.

Verdict Forms A, B, and C pertain to Count 1 of Plaintiff's Complaint.

Verdict Forms D and E pertain to Count 2 of Plaintiff's Complaint.

Use only one verdict form for Count 1 and use only one verdict form for Count 2.

On Count 1 of Plaintiff's Complaint, if you find for Plaintiff Pat Dunn and against Defendant Chris Davies and if you further find that Plaintiff Pat Dunn was not contributorily negligent, then you should use Verdict Form A.

On Count 1 of Plaintiff's Complaint, if you find for Plaintiff Pat Dunn and against Defendant Chris Davies and if you further find that Plaintiff Pat Dunn's injury was proximately caused by a combination of Defendant Chris Davies's negligence and Plaintiff Pat Dunn's contributory negligence and that Plaintiff Pat Dunn's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form B.

On Count 1 of Plaintiff's Complaint, if you find for Defendant Chris Davies and against Plaintiff Pat Dunn, or if you find that Plaintiff's contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then you should use Verdict Form C.

On Count 2 of Plaintiff's Complaint, if you find for Plaintiff Pat Dunn and against Defendant Chris Davies, then you should use Verdict Form D.

On Count 2 of Plaintiff's Complaint, if you find for Defendant Chris Davies and against Plaintiff Pat Dunn, then you should use Verdict form E.

**VERDICT FORM A**

On Count 1 of Plaintiff's Complaint, we the jury find in favor of Plaintiff and against Defendant, and having further found that Plaintiff was not contributorily negligent, we find that the total amount of damages suffered by Plaintiff as a proximate result of the occurrence in question is \$\_\_\_\_\_, itemized as follows: follows:

- \$\_\_\_\_\_ for pain and suffering experienced.
- \$\_\_\_\_\_ for emotional distress experienced.
- \$\_\_\_\_\_ for disfigurement resulting from the injury.
- \$\_\_\_\_\_ for the reasonable expense of necessary medical care, treatment, and services received.
- \$\_\_\_\_\_ for the value of any earnings or salaries lost.

\_\_\_\_\_  
Foreperson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT FORM B**

On Count 1 of Plaintiff's Complaint, we, the jury, find for Plaintiff and against Defendant and further find the following:

First: Without taking into consideration the question of reduction of damages due to the negligence of Plaintiff, we find that the total amount of damages suffered by Plaintiff as a proximate result of the occurrence in question is \$\_\_\_\_\_, itemized as follows:

- \$\_\_\_\_\_ for pain and suffering experienced.
- \$\_\_\_\_\_ for emotional distress experienced.
- \$\_\_\_\_\_ for disfigurement resulting from the injury.
- \$\_\_\_\_\_ for the reasonable expense of necessary medical care, treatment, and services received.
- \$\_\_\_\_\_ for the value of any earnings or salaries lost.

Second: Assuming that 100% represents the total combined negligence of all persons whose negligence proximately contributed to the Plaintiff's injuries and damages, including Plaintiff and Defendant, we find that the percentage of such negligence attributable solely to Plaintiff is \_\_\_\_ percent (%).

Third: Having found that Plaintiff is not more than 50% negligent, then after reducing the total damages sustained by Plaintiff by the percentage of negligence attributable solely to Plaintiff, we assess Plaintiff's recoverable damages in the sum of \$\_\_\_\_\_.

\_\_\_\_\_  
Foreperson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT FORM C**

On Count 1 of Plaintiff's Complaint, we the jury find in favor of Defendant and against Plaintiff.

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Foreperson

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**VERDICT FORM D**

On Count 2 of Plaintiff's Complaint, we the jury find in favor of Plaintiff and against Defendant we award Plaintiff damages in the sum of \$\_\_\_\_\_.

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT FORM E**

On Count 2 of Plaintiff's Complaint we the jury find in favor of Defendant and against Plaintiff.

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Foreperson

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