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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MAY 22 2012

ALAN CARLSON, Clerk of the Court

K. Beltran
BY K. BELTRAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

TANISHA MITCHELL, Individually and as
Personal Representative to the ESTATE OF
PAULA L. KANE,

Case No. 30-2010-00422590

~~PROPOSED~~ JUDGMENT AFTER JURY
TRIAL

Plaintiffs,

vs.

BARRY L. FRIEDBERG, M.D., THOMAS
TEICH, DDS, NADIA ABAZARNIA,
D.D.S., AND TEICH ABAZARNIA
DENTAL CORPORATION, DBA SMILE
IMPLANT CENTER,

Defendants.

This action came regularly for trial on April 16, 2012, the Honorable Kirk H. Nakamura, presiding. Plaintiff Tanisha Mitchell individually and as personal representative to the Estate of Paula Kane, appeared by Jeffrey Wolf of Heimanson & Wolf, LLP. Defendant Barry Friedberg, MD appeared by Louis Dehaas and Christopher Wend of LaFollette,

1 Johnson, DeHaas, Fesler & Ames. Defendant Thomas Teich, DDS, Nadia Abazarnia, DDS
2 and Teich Abazarnia Dental Corp., dba Smile Implant Center appeared by Michael Snyder.

3 A jury of twelve persons plus two alternates was regularly impaneled and sworn.
4 Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the
5 jury was duly instructed by the Court and the cause was submitted to the jury.

6 On May 16, 2012, the jury after deliberations returned the Special Verdicts submitted
7 to them. Their findings were as follows:

8 SPECIAL VERDICT FORM – WRONGFUL DEATH / MEDICAL MALPRACTICE

9 Question No. 1:

10 Was any Defendant negligent in the treatment of Paula Kane?

11 Defendant Barry Friedberg, MD YES X NO _____

12 Defendant Thomas Teich, DDS dba Smile Implant Center
13 YES X NO _____

14 Question No. 2:

15 Was any Defendant's negligence a substantial factor in causing Paula Kane's death?

16 Defendant Barry Friedberg, MD YES X NO _____

17 Defendant Thomas Teich, DDS dba Smile Implant Center
18 YES X NO _____

19 Question No. 3

20 What are Plaintiff Tanisha Mitchell's damages

21 1. What are Plaintiff Tanisha Mitchell's economic damages?

22 a. Expenses Owed by the Estate _____ \$35,000

23 Total Economic Damages _____ \$35,000

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2. Non-Economic Damages

a. The loss of Paula Kane's love, companionship, comfort, care assistance, protection, affection, society, moral support, and guidance from January 23, 2010 to present

\$55,000

b. The loss of Paula Kane's love, companionship, comfort, care assistance, protection, affection, society, moral support, and guidance from today forward:

\$545,000

TOTAL \$635,000

Answer Question No. 4

Question No. 4

Assuming that 100% represents the total negligence on the part of the defendants, what percentage of the 100% is due to the negligence of each defendant:

Defendant Barry Friedberg, MD 50 %

Defendant Thomas Teich, DDS dba Smile Implant Center 50 %

Total: 100 %

SPECIAL VERDICT FORM – WRONGFUL DEATH / BATTERY

Question No. 1:

Did Paula Kane consent to one medical procedure, but Barry Friedberg, MD performed a substantially different medical procedure to which Paul Kane did not consent?

YES _____ NO X _____

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After a reading of the verdict and a polling of the jury, the jury was discharged.

It appearing by reason of said verdict that Plaintiff Tanisha Mitchell is entitled to judgment against Barry Friedberg, MD, Thomas Teich, DDS, and Teich Abazarnia Dental Corporation dba Smile Implant Center. Pursuant to 16 CCR Section 1059, Plaintiff Tanisha Mitchell is also entitled to judgment against Nadia Abazarnia, DDS.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED

Plaintiff Tanisha Mitchell shall have and recover from Defendants Barry Friedberg, MD, Thomas Teich, DDS, Nadia Abazarnia, DDS and Teich Abazarnia Dental Corporation dba Smile Implant Center \$600,000 in non-economic damages less a reduction of the non-economic damages of \$350,000 in accordance with Civil Code Section 3333.2 for a total sum of \$250,000.

The \$250,000 in non-economic damages shall be allocated as due and payable as follows: \$125,000 jointly and severally from Thomas Teich, DDS, Nadia Abazarnia, DDS and Teich Abazarnia Dental Corporation dba Smile Implant Center; and the balance of \$125,000 only from Barry Friedberg, MD.

Plaintiff Tanisha Mitchell shall have and recover economic damages jointly and severally in the sum of \$35,000 from Defendants Barry Friedberg, MD, Thomas Teich, DDS, Nadia Abazarnia, DDS and Teich Abazarnia Dental Corporation dba Smile Implant Center.

Economic and non-economic damages as to Nadia Abazarnia, DDS shall not exceed \$150,000.

1 Said non-economic damages and economic damages shall be payable with interest
2 thereon at the rate of ten percent (10%) per annum from the date of entry of judgment until
3 paid in the amount of \$ TBE Determined.

4 Costs to be awarded to Plaintiff Tanisha Mitchell in the sum of TBE Determined.

5 Pursuant to Code of Civil Procedure Section 998, Defendant Barry Friedberg, MD is
6 entitled to costs in the sum of TBE DETERMINED.

9
10 DATED: 5/22/12

Kirk H. Nakamura

11 Hon. Kirk H. Nakamura
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