

THE BEASLEY FIRM, LLC
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Attorneys for Plaintiffs

Robert Kimble, Administrator and	:	CHESTER COUNTY
Personal Representative of the Estate	:	COURT OF COMMON PLEAS
of Sharon Kimble, deceased and	:	
Robert Kimble in his own right	:	Case No.: 16-00569
	Plaintiff,	
	v.	PLAINTIFFS' TRIAL
		MEMORANDUM
Laser Spine Institute - Philadelphia,	:	
et al.	:	
	Defendants.	

PLAINTIFFS' TRIAL MEMORANDUM

I. BRIEF FACTUAL BACKGROUND:

Sharon Kimble was a relatively healthy fifty-year old on January 29, 2014, the day she died.

She had suffered chronic back pain for years. She was prescribed narcotics by her pain management physicians for the last seven years.

She went to Laser Spine Institute from Ohio after seeing an advertisement on daytime television. She was told she would be back on her feet after a quick procedure on her spine. Laser Spine instructed Sharon to continue her narcotic medication up to and including the day of surgery.

After the surgery she received 6 times the amount of Dilaudid, the brand name for hydromorphone (which is seven times stronger than morphine), than was initially

ordered. Laser Spine discharged her to a hotel two hours after the surgery. She was found dead by her husband a few hours later.

Autopsy was performed by the Chester County Coroners Office. The cause of death was determined to be the “adverse interaction of drugs.” These were drugs she was given and prescribed at Laser Spine.

II. THEORIES OF LIABILITY:

Laser Spine Institute and its anesthesiologist, Glen Rubenstein, M.D. were negligent in the administration of narcotics in the post-anesthesia unit. Somehow, Ms. Kimble got six times the amount of heavy narcotic than she should have. She should never have been discharged with that much narcotic in her system. It was also a deviation in the standard of care to instruct her to continue her pre-operative medicine after surgery and prescribe other narcotics.

III. WITNESSES

1. Robert Kimble
2. Corey Kimble
3. Glen Rubenstein, M.D.
4. Ian Hood, M.D.
5. Jeffrey Brent, M.D.
6. Miles Dinner, M.D.
7. Chris Schnee of Marriot

Potential Witnesses

8. Andrew Harhut, police officer with Tredyffrin Police Department
9. Michael Lindberg, Laser Spine
10. Timothy Luke, M.D.
11. Eric I. Finkelstein, M.D.
12. Berwyn Fire Company First Responders
13. Victoria Hughes
14. *Rebuttal Witnesses* related to Mr. Kimble’s alleged “sinister” motives; the defense of Mr. Kimble’s purported contributory negligence; allegations of inadequate police/detective police investigations; and references to alleged marital discord.

15. Any witness identified in Defendants' Pre-Trial Conference Memorandum

IV. EXHIBITS

	<u>DESCRIPTION</u>	<u>BATES</u>
1.	Records from Laser Spine Institute	P1.1 – P1.255
2.	Records from Berwyn Fire Company/EMS	P2.1 – P2.5
3.	Records from Paoli Hospital (01/29/14)	P3.1 – P3.22
4.	Records from Chester County Coroner	P4.1 – P4.12
5.	Death Certificate	P5.1
6.	Records from Joseph Kousa, M.D.	P6.1 – P6.175
7.	Records from Wegmans Pharmacy	P7.1 – P7.2
8.	Records from Walgreens Pharmacy	P8.1 – P8.42
9.	Toxicology Report	P9.1 – P9.7
10.	Records from Hillcrest Hospital	P10.1 – P10.203
11.	Records from Erieside Medical Group	P11.1 – P11.72
12.	Records from TriPoint Medical Center	P12.1 – P12.62
13.	Records from Tyler Urgent Care	P13.1 – P13.18
14.	Records from David Demangone, M.D.	P14.1 – P14.56
15.	Records from Tredyffrin Police Department	P15.1 – P15.16
16.	Records from Lake West Medical Center (not printed)	P16.1 – P16.988
17.	Records from Ameritox, Ltd.	P17.1 – P17.45
18.	Records from Ahmad Ascha, M.D.	P18.1 – P18.10
19.	Patient's Rights and Responsibilities	P19.1 – P19.3
20.	Pre-Procedure – Medication Order	P20.1
21.	Pre-Procedure – Medication Guidelines	P21.1
22.	Pre-Procedure – Patient Teaching	P22.1
23.	Pre-Procedure – Interview of Patients	P23.1 – P23.2
24.	Pre-Procedure – Patient Instructions	P24.1
25.	General Patient Care – Pain Management	P25.1 – P25.5
26.	General Patient Care – Physician & Medical Orders	P26.1
27.	General Patient Care – Medication Administration	P27.1 – P27.3
28.	General Patient Care – Medication Orders	P28.1 – P28.2
29.	Operating/Procedure Rooms	P29.1
30.	Anesthesia – Patient Selection Criteria	P30.1 – P30.2
31.	Anesthesia – Basic Standards for Pre-Anesthesia Care	P31.1 – P31.5
32.	Anesthesia – Anesthesia Care Protocol	P32.1 – P32.2
33.	Anesthesia – Guidelines for Patient Care in Anesthesiology	P33.1 – P33.2
34.	Anesthesia – Moderate Sedation – Care of Patient	P34.1 – P34.4

35.	Anesthesia – Deeper than Intended Sedation	P35.1
36.	Anesthesia – Anesthesia Risk Guidelines for Outpatient Procedures	P36.1
37.	Post Anesthesia Care – Routine Duties of Admitting/Recovery Area Personnel	P37.1 – P37.2
38.	Post Anesthesia Care – Post Procedure Care of Patient’s in Recovery Area	P38.1 – P38.2
39.	Post Anesthesia Care – Use of the Modified Aldrete Scoring System for Post-Anesthesia Care	P39.1 – P39.2
40.	Post Anesthesia Care – Post Procedure Nursing Care Plan	P40.1
41.	Post Anesthesia Care – Discharge Guidelines	P41.1 – P41.2
42.	Post Anesthesia Care – Additional Discharge Criteria for Regional Anesthesia	P42.1
43.	Post Anesthesia Care – Post Procedure Prescription	P43.1
44.	Post Anesthesia Care – Discharge Instructions	P44.1
45.	Pharmacy – Discharge Prescriptions	P45.1
46.	Pharmacy – Drug Distribution System	P46.1
47.	Pharmacy – Drug Information	P47.1
48.	Pharmacy – Medication Reconciliation	P48.1 – P48.2
49.	Pharmacy – Medication Administration	P49.1 – P49.3
50.	Post-Op Medication Related Medication Related Side Effects/Allergies	P50.1
51.	LSI New Patient Guide	P51.1 – P51.14
52.	Guide to Minimally Invasive Spine Surgery	P52.1 – P52.8
53.	FDA Warning Insert for Fentanyl	P53.1 – P53.56
54.	FDA Warning Insert for Dilaudid	P54.1 – P54.23
55.	FDA Warning Insert for OxyContin	P55.1 – P55.32
56.	Marriage Certificate	P56.1
57.	Estate Paperwork	P57.1 – P57.2
58.	Receipt from Brunner Sanden Deitrick Funeral Home	P58.1
59.	Chester County Coroner’s Photos	P59.1 – P59.6
60.	Photos of Sharon Kimble	P60.1 – P60.10
61.	Deposition Transcript of Robert Kimble	P61.1 – P61.346
62.	Deposition Transcript of Mark Lindberg	P62.1 – P62.55
63.	Deposition Transcript of Andrew Harhut	P63.1 – P63.22
64.	Deposition Transcript of Timothy Luke, M.D.	P64.1 – P64.12
65.	Deposition Transcript of Eric Finkelstein, M.D.	P65.1 – P65.10
66.	Deposition Transcript of Glen Rubenstein, M.D.	P66.1 – P66.47
67.	Report of Plaintiffs’ Expert Jeffrey Brent, M.D.	P67.1 – P67.5
68.	Curriculum Vitae of Plaintiffs’ Expert Jeffrey Brent, M.D.	P68.1 – P68.55
69.	Report of Plaintiffs’ Expert Ian Hood, M.D.	P69.1 – P69.3

70.	Curriculum Vitae of Plaintiffs' Expert Ian Hood, M.D.	P70.1 – P70.5
71.	Report of Plaintiffs' Expert Miles Dinner, M.D.	P71.1 – P71.6
72.	Curriculum Vitae of Plaintiffs' Expert Miles Dinner, M.D.	P72.1 – P72.12
73.	Report of Defendants' Expert James Noone, M.D.	P73.1 – P73.11
74.	Curriculum Vitae of Defendants' Expert James Noone, M.D.	P74.1 – P74.4
75.	Report of Defendants' Expert George Chris Christensen, III, D.O.	P75.1 – P75.5
76.	Curriculum Vitae of Defendants' Expert George Chris Christensen, III, D.O.	P76.1 – P76.3
77.	Report of Defendants' Expert Akhil Jay Khanna, M.D.	P77.1 – P77.11
78.	Curriculum Vitae of Defendants' Expert Akhil Jay Khanna, M.D.	P78.1 – P78.41
79.	Report of Defendants' Expert Neil Hoffman, M.D.	P79.1 – P79.5
80.	Curriculum Vitae of Defendants' Expert Neil Hoffman, M.D.	P80.1 – P80.3
81.	Medical Anatomical Demonstratives	P81.1 – P81.12
82.	Courtyard by Marriott Incident Report	P82.1 – P82.12
83.	Lien Information	P83.1 – P83.6
84.	Rebuttal Report of Plaintiffs' Expert Dr. Miles Dinner	P84.1 – P84.2
85.	Rebuttal Report of Plaintiffs' Expert Dr. Jeffrey Brent	P85.1 – P85.2
86.	Statements of Courtyard Marriott Employees	P86.1 – P86.4
87.	Any exhibits identified in Defendants' Trial Memorandum	

V. CURRENT DEMAND/OFFER:

Plaintiff's demand is \$1,000,000. There have been no offers from the Defendants.

VI. ESTIMATED TRIAL TIME:

It is anticipated that the trial of this matter will take 7-8 trial days.

VII. VOIR DIRE AND POINTS FOR CHARGE

Plaintiffs' Proposed Voir Dire and Points for Charge have already been filed of record. Plaintiffs reserve the right to supplement their voir dire after the rulings on plaintiffs' pending motions in limine.

THE BEASLEY FIRM, LLC

Date: 19 March 2018

By: /s/Lane R. Jubb, Jr.
LANE R. JUBB, JR., ESQUIRE
Attorneys for Plaintiffs

