

COMMONWEALTH OF KENTUCKY  
WARREN CIRCUIT COURT  
DIVISION II  
CIVIL ACTION NO.: 14-CI-00665

ALICE DUFF, et al.

PLAINTIFFS

v.

**PRE-TRIAL COMPLIANCE ON BEHALF OF  
TAGE F. HAASE, M.D. AND GRAVES-GILBERT CLINIC**

TAGE F. HAASE, M.D., et al

DEFENDANTS

The Defendants, Tage F. Haase, M.D. and the Graves-Gilbert Clinic, for their compliance with the pre-trial orders of the Court, states as follows:

**I. WITNESSES**

The Defendants state that they may call as witnesses at the trial of this action, the following lay, professional, and expert witnesses. Summaries of the expected testimony of these witnesses are found in discovery depositions taken, witness disclosures previously made, and those summaries contained herein. These Defendants ask that those summaries be incorporated herein by reference:

- A. Tage F. Haase, M.D.  
Graves-Gilbert Clinic  
484 Golden Autumn Way, Suite 201  
Bowling Green, KY 42103
- B. Tim Wierson, M.D.  
Graves-Gilbert Clinic  
484 Golden Autumn Way, Suite 201  
Bowling Green, KY 42103
- C. Dr. Pravin Avula, M.D.  
121 College Street  
Smiths Grove, KY 40217

- D. Dr. Amber Hurt, M.D.  
Graves-Gilbert Clinic  
484 Golden Autumn Way, Suite 201  
Bowling Green, KY 42103
- E. Kenneth Moffatt, M.D.  
Tennessee Retina Specialists  
1221 Ashley Circle  
Bowling Green, KY 42104
- F. George R. Nichols, II, M.D.  
6013 Brownsboro Road  
Park Boulevard D.  
Louisville, KY 40207
- G. Paul P. Cook, M.D.  
East Carolina School of Medicine  
Division of Infectious Diseases  
2390 Hemby Lane  
Greenville, NC 27834
- H. Jon J. Jansen, M.D.  
12544 Anchorage Way  
Fishers, IN 46037
- I. Curtis E. Bower, M.D.  
Virginia Tech University  
Department of Surgery  
3 Riverside Circle  
Roanoke, VA 24016
- J. William G. Cheadle, M.D.  
University of Louisville School of Medicine  
Department of Surgery  
550 South Jackson Street  
Louisville, KY 40202
- K. Barbara Weakley-Jones, M.D.  
2704 Flat Rock Road  
Louisville, KY 40245
- L. Alan B. Kravitz, M.D.  
11119 Rockville Pike, Suite 105  
Rockville, MD 20859

- M. David Pombo, M.D.  
Cape Cod Healthcare  
27 Park Street  
Hyannis, MA 02601
- N. Bradley Scott, APRN  
Medical Center at Bowling Green  
Bowling Green, KY 42101
- O. Kerry Bush, LPN  
Medical Center at Bowling Green  
200 Park Street  
Bowling Green, KY 42101
- P. Patrick Durbin, RN  
Medical Center at Bowling Green  
Bowling Green, KY 42101
- Q. Carol Kinser, CNA  
Medical Center at Bowling Green  
200 Park Street  
Bowling Green, KY 42101
- R. Amber Nagormay  
Medical Center at Bowling Green  
200 Park Street  
Bowling Green, KY 42101
- S. Jacob Allen Pace  
Medical Center at Bowling Green  
200 Park Street  
Bowling Green, KY 42101
- T. Any provider disclosed in the records of Graves-Gilbert Clinic, Norton Hospital- Downtown, Commonwealth Specialty Hospital, Medical Center at Bowling Green, Centennial Medical Center, Nashville, TN, and Tennessee Retina Specialists.
- U. All witnesses identify during discovery or on the Plaintiffs' witness list.
- V. Any witness who has been deposed and/or identified.
- W. Witnesses necessary for impeachment or sur-rebuttal.

## II. EXHIBITS

These Defendants state that they may introduce at the trial of this action the following exhibits:

1. Medical records of Alice Duff
2. The Duff "Day In The Life" video
3. Anatomical diagrams of the abdomen and small bowl
4. Computerized CT scans of Alice Duff taken on or about June 10, 2013
5. All exhibits marked and identified as to depositions taken herein from expert and lay witnesses
6. The CV of all expert witnesses
7. The Defendants identify medical summaries and timelines which may be prepared and shown to the jury for demonstrative purposes

## III. EXPERT WITNESSES

These Defendants incorporate herein by reference and identify those expert witnesses, Tage F. Haase, M.D, Timothy Weirson, M.D., Parvin Avula, M.D., Amber Hurt, M.D., George R. Nichols, II, M.D., Paul P. Cook, M.D., Jon J. Jansen, M.D., Curtis E. Bower, M.D., and William G. Cheadle, M.D.

These Defendants incorporate herein by reference the summary of their opinions and testimony previously disclosed herein.

## IV. JURY INSTRUCTIONS

The Defendants tender herewith proposed instructions to be given to the jury at the trial of this case and identified the issues of law and fact contained therein.

### V. MOTIONS IN LIMINE

These Defendants move the Court to exclude the following evidence:

A. These Defendants move the Court to strike and prohibit the Plaintiff from introducing a claim for reimbursement of medical expenses which do NOT reflect the actual amounts paid on behalf of Alice Duff (Medicare).

B. The Physician Defendants move the Court to limit any questions, argument, or suggestion as to the number of physicians practicing at the Graves-Gilbert Clinic, the number of employees who work for the Graves-Gilbert, its financial resources or its relative size throughout South Central Kentucky.

C. Testimony and/or argument concerning these issues are irrelevant and would be made only for the purpose of justice. KRE 403.

D. These Defendants move the Court to exclude questions or argument premised on a "standard of care" that is "safety" based. Plaintiff's counsel has asked questions suggesting that the standard of care in a medical malpractice is defined by what is "safe". Questions such as these must be excluded because the standard of care in a medical negligence claim is not based on "safety", rather "standard of care" defined as "that degree of care and skill expected of a reasonable competent practitioner. *Lake Cumberland Regional Hospital v. Adams*, 536 S.W.3d 683, 690 (Ky. 2017).

E. These Defendants move the Court to prohibit the introduction of any evidence which would constitute evidence of a subsequent remedial measure.

F. These Defendant move the Court to preclude the Plaintiff from making any argument or suggestion that the jury put themselves in the position of the Plaintiff. *Lycans v. Comm.*, 562 S.W.2d 303, 305 (Ky. 1978).

G. These Defendants move the Court to preclude argument to the jury that the jury's verdict should "send a message" to the Defendants or the community. Such an argument goes beyond argument on the facts and attempts to inflame the jury, particularly in a case where punitive damages are not at issue with regard to these Defendants. *Brewer v. Comm.*, 206 S.W.3d 343, 350-351 (Ky. 2006).

H. Under KRS 411, these Defendants move the Court to prohibit the Plaintiff from introducing evidence or insinuating that Dr. Haase and/or the Graves-Gilbert Clinic are insured against liability.

I. These Defendants move the Court to prohibit the Plaintiff from introducing evidence as to any amounts paid by the patient or insurer. The charges for a person's medical care do not have a bearing on any element in this case because they do not accurately represent the amounts incurred because of any negligence. Because the contractual adjustment applied to the bill, the Plaintiffs, if awarded full "charges" will receive a windfall. The Physician Defendants move the Court to preclude introduction of amounts "charged" (as opposed to amounts "paid") and to only allow recovery of amounts paid. *Dennis v. Fulkerson*, 343 S.W.3d 633, 638 (Ky. App. 2011). In the event this motion is not granted pretrial, these Physician Defendants move for permission to raise this issue post-trial if a judgment is entered in favor of the Plaintiffs.

DATED this 29th day of June, 2022.

COLE & MOORE, P.S.C.  
921 College Street - Phoenix Place  
P.O. Box 10240  
Bowling Green, Kentucky 42102-7240  
(270) 782-6666  
hmoore@coleandmoore.com

/s/ Frank Hampton Moore, Jr.

**CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the foregoing has been placed in the U.S. Mail, postage prepaid, on this 29th day of June, 2022, to the following:

Chadwick N. Gardner  
1916 Kentucky Home Life Building  
239 South Fifth Street  
Louisville, KY 40202  
*Counsel for Plaintiffs*

/s/ Frank Hampton Moore, Jr.

FRANK HAMPTON MOORE, JR.