

COMMONWEALTH OF KENTUCKY  
WARREN CIRCUIT COURT  
DIVISION II  
CIVIL ACTION NO.: 17-CI-0770  
JUDGE JOHN R. GRISE

*Electronically Filed*

ESTATE OF ROGER E. RICH  
and GAYLA RICH

PLAINTIFFS

v.

ROBERT WASSON, M.D.

DEFENDANT

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**DEFENDANT ROBERT WASSON, M.D.'S  
PRETRIAL COMPLIANCE STATEMENT**

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Comes the Defendant, Robert Wasson, M.D., by counsel, pursuant to this Court's Trial Order, and submits the following Pretrial Compliance Statement.

**A. Witnesses**

1. Dr. Robert Wasson  
250 Park Street  
Bowling Green, Kentucky 42101

Dr. Wasson is expected to discuss his assessment and treatment of Mr. Rich and any opinions developed as part of his involvement in Mr. Rich's care. He will specifically testify regarding his decision-making and that all of his actions were reasonable, appropriate, and consistent with his training in emergency medicine.

2. Dr. Julie Isaac  
720 2nd Avenue, Suite 203  
Bowling Green, Kentucky 42101

Dr. Isaac may be called to testify regarding her care and treatment of Mr. Rich. Her testimony is expected to be consistent with her deposition previously provided in this litigation. Defendant also reserves the right to play and/or read portions of Dr. Isaac's deposition.

3. Dr. Scott Sims  
720 2nd Avenue, Suite 203  
Bowling Green, Kentucky 42101

Dr. Sims may be called to testify regarding his care and treatment of Mr. Rich. His testimony is expected to be consistent with his deposition previously provided in this litigation. Defendant also reserves the right to play and/or read portions of Dr. Sims's deposition.

4. Dr. Robert Amonette  
250 Park Street  
Bowling Green, Kentucky 42101

Dr. Amonette may be called regarding his interpretation of imaging studies performed on Mr. Rich.

5. Dr. Barrett Bernard  
250 Park Street  
Bowling Green, Kentucky 42101

Dr. Bernard may be called to discuss his assumption of Mr. Rich's care on September 8, 2016, his discussions with Dr. Wasson, and any actions taken in response to Mr. Rich's clinical presentation.

6. Dr. Mark Bigler  
201 Park Street  
Bowling Green, Kentucky 42101

Dr. Bigler may be called to discuss his involvement in Mr. Rich's care. His testimony is expected to be consistent with his medical records.

7. Dr. Robert Wesley  
201 Park Street  
Bowling Green, Kentucky 42101

Dr. Wesley may be called to discuss his involvement in Mr. Rich's care. His testimony is expected to be consistent with his medical records.

8. Dr. Nirav Sheth  
201 Park Street  
Bowling Green, Kentucky 42101

Dr. Sheth may be called to discuss his involvement in Mr. Rich's care. His testimony is expected to be consistent with his medical records.

9. Alicia Hume, RN  
250 Park Street  
Bowling Green, Kentucky 42101

Ms. Hume may be called to discuss her involvement in Mr. Rich's care. Her testimony is expected to be consistent with her medical records.

10. Dr. Henry Smoak  
One 19<sup>th</sup> Avenue, #4  
Indian Rocks Beach, Florida 33785

Dr. Smoak is expected to offer expert testimony consistent with his expert disclosure and upcoming deposition.

11. Dr. John Levin  
9609 Oak Pass Road  
Beverly Hills, California 90210

Dr. Levin is expected to offer expert testimony consistent with his expert disclosure and deposition.

12. Dr. Roger Mecca  
701 Narcissus Avenue  
Corona del Mar, California 92625

Dr. Mecca is expected to offer expert testimony consistent with his expert disclosure and deposition.

13. Dr. Michael O'Leary  
Brigham & Women's Hospital  
45 Francis Street  
Boston, Massachusetts 02115

Dr. O'Leary is expected to offer expert testimony consistent with his expert disclosure and deposition.

14. Dr. Mark Russo  
878 109th Avenue North  
Naples, Florida 34108

Plaintiffs are expected to call Dr. Russo to offer expert testimony consistent with his expert disclosure and deposition. To the extent Plaintiffs do not call Dr. Russo as a witness, Defendant reserves the right to play and/or read portions of his deposition testimony.

15. Dr. Barbara Weakley-Jones  
10511 LaGrange Road  
Louisville, Kentucky 40223

Plaintiffs are expected to call Dr. Weakley-Jones to offer expert testimony consistent with her expert disclosure and deposition. To the extent Plaintiffs do not call Dr. Weakley-Jones as a witness, Defendant reserves the right to play and/or read portions of her deposition testimony.

16. Defendant reserves the right to call representatives of the Medical Center at Bowling Green for the purposes of authenticating and/or laying the foundation for admission of certain evidence.
17. Defendant reserves the right to call employees of the Medical Center at Bowling Green to discuss their care and treatment of Mr. Rich.
18. Defendant reserves the right to call any health care providers of Mr. Rich for the purpose of discussing their care and treatment of him.

**B. Physical Evidence to be Presented at Trial**

Defendant does not expect to present any physical evidence at trial but reserves the right to introduce any such evidence based upon other evidence admitted at trial. Defendant further expects to use illustrative materials at trial, but these will not be admitted into evidence.

**C. Documents to be Presented at Trial**

1. Medical Records of Roger Rich;
2. Photographs taken at Autopsy of Roger Rich;
3. CV's of Expert Witnesses to the extent determined admissible by the Court;
4. Plaintiffs' Complaint;
5. Plaintiffs' Discovery Responses;
6. Defendant reserves the right to introduce other documents based upon other evidence admitted at trial; and
7. Defendant reserves the right to refer to and/or rely upon other documents for illustrative purposes.

**D. Statement of Defenses**

1. Defendant intends to prove that he provided reasonable medical care to Mr. Rich. This defense will be supported by the medical records, his own testimony, and the testimony of expert witnesses.

2. Defendant intends to prove that Mr. Rich did not die because of hypovolemia, but rather Mr. Rich suffered a cardiac event secondary the complications originating from his kidney biopsy. This defense will be supported by the medical records and the testimony of expert witnesses.
3. Defendant intends to prove that Plaintiffs are not entitled to recovery of damages being sought. This defense will be supported by legal argument and introduction of evidence from the witnesses set forth above.
4. Defendant intends to prove that he is entitled to apportionment of any liability with the original co-Defendants. This defense will be supported by the medical records and the testimony of expert witnesses.

**E. Offers of Stipulation**

1. Defendant is willing to stipulate to the authenticity and admissibility of Mr. Rich's medical records from the Medical Center at Bowling Green. Defendant is also willing to stipulate to the authenticity and admissibility of other medical records depending on agreement as to the relevance of any such records.
2. Defendant is willing to stipulate to the authenticity and admissibility of photographs taken by Dr. Weakley-Jones.
3. Defendant is willing to stipulate to the negligence of Dr. Isaac, Dr. Sims, Southern Kentucky Nephrology, and/or employees of the Medical Center at Bowling Green.
4. Defendant is willing to stipulate to the scope of examinations of the parties' respective expert witnesses with respect to bias and collateral matters involving their qualifications as expert witnesses.
5. Defendant is willing to discuss any other evidence and stipulations that can be reached to efficiently present this case to a jury.

**F. Concise Statement of Issues of Law and Facts**

1. The primary issue in this case will be whether Dr. Wasson provided reasonable medical care to Mr. Rich and whether any alleged deviation(s) from the standard of care caused Mr. Rich's death.
2. Defendant has filed a number of Motions *in Limine* that raise evidentiary issues to be decided by the Court.
3. Defendant expects that the Court will be asked to determine what measure(s) of damages Plaintiffs may submit to the jury.

4. Defendant expects that there will be other issues of law and fact to be decided by the Court as evidence is presented at trial.

**G. Motions for Joinder**

None.

Respectfully submitted,

PHILLIPS PARKER ORBERSON & ARNETT, PLC

/s/ M. David Thompson

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*Counsel for Defendant Robert Wasson, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was filed with the Clerk of Court via the CM/ECF system, which will send a notice of electronic filing to ECF counsel of record. I further certify that a true and accurate copy of the foregoing was served via electronic mail on this the 17th day of October, 2022, to the following:

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*Counsel for Plaintiffs Gayla Rich and The Estate of Roger E. Rich*

/s/ M. David Thompson

*Counsel for Defendant Robert Wasson, M.D.*