

Verdict returned
3-3-17
10:45 am

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FLORELLA DIAL, as Personal)
Representative of the ESTATE)
OF CARLEY DIAL,)

Plaintiff,)

C.A. No. 14-11101-DPW

V.)

FRESENIUS MEDICAL CARE)
HOLDINGS, INC., et al)

Defendants.)

VERDICT

1. Has the Plaintiff established by a fair preponderance of the evidence that the use of NaturaLyte in Carley Dial's hemodialysis treatments after receipt of his January 23, 2012 test results was a proximate cause of his death, in the sense that it was a cause which in natural and continuous sequence unbroken by any new and independent cause produced his death and without which his death would not have occurred?

Answer "YES" OR "NO."

NO

If your answer to Question 1 is "YES" go to Question 2; otherwise, return your verdict.

2. Has the Plaintiff established by a fair preponderance of the evidence that Fresenius acted unreasonably by failing to provide, to any person prescribing Mr. Dial's NaturaLyte treatment and to any other health-care providers who were in a position to reduce the risks of harm in accordance with instructions or warnings, adequate warnings or instructions for use of NaturaLyte in Carley Dial's hemodialysis treatments, thereby creating an unreasonably dangerous condition that Fresenius knew, or in the exercise of ordinary care, should have known posed a substantial risk of harm to him?

Answer "YES" OR "NO." _____

If your answer to Question 2 is "YES" go to Question 3; otherwise, return your verdict.

3. Has the Plaintiff established by a fair preponderance of the evidence that the failure by Fresenius you have found in Question 2 to provide adequate warnings or instructions was a proximate cause of Carley Dial's death?

Answer "YES" OR "NO." _____

If your answer to Question 3 is "YES" go to Question 4; otherwise, return your verdict.

4. What amount of money, if any, would be reasonable compensation for the Plaintiff for the death of Carley Dial?

Answer in Dollars ("\$\$") OR "NONE." _____

2/3/17
DATE

Michael Marking
FOREPERSON