

1 (Brief recess.)

2 (Jury enters courtroom at 3:15 p.m.)

3 THE COURT: Welcome back, ladies and
4 gentlemen.

5 As you know now, the parties have
6 closed the record and now the evidence is to
7 be before you when you begin your
8 deliberations and we are now going to invite
9 counsel to give their closing arguments. So
10 pay close attention, as they address maybe
11 some of the important issues that you're
12 focusing on.

13 Counsel.

14 MR. STROKOVSKY: Thank you, Your
15 Honor.

16 THE COURT: Counsel, during
17 counsel's closing, you can move your chair
18 over if you need to see any of the exhibits.

19 MR. HOSMER: Thank you.

20 MR. STROKOVSKY: Good afternoon.

21 First off, I just want to thank you
22 for being here. You didn't have to be here,
23 and just as Judge Crumlish said at the very
24 beginning of this process, you all took an
25 oath and you all are fulfilling your duty and

1 you are the whole reason why there can be this
2 thing called "justice." It is because of you
3 and we really appreciate that.

4 And we also know that this couldn't
5 have been easy. I mean, today was all expert
6 talk, but Thursday and Friday that was real.
7 That was raw pain. That was deep pain. That
8 was real emotion. And I submit and I'm
9 confident that everybody felt that in this
10 courtroom. And the fact that you all have to
11 leave your lives to come here and become a
12 part of this, that's a lot.

13 You may also, it would be perfectly
14 natural if you would be like what, what did
15 Temple do, what did Dr. Lorei do, the fact
16 that we are even here. It's been almost four
17 and a half years since Eddie Parks lost his
18 leg and it's been almost four years since we
19 filed a lawsuit. And it's only been up until
20 last week when defense goes we admit fault.
21 We caused the amputation. We caused the
22 presurgical procedures. We admit it all. We
23 disagree on the extent of damages. So because
24 of that, we are not bringing in experts to
25 talk about the mistakes that Dr. Lorei and

1 Temple made. We just can't do it. They
2 already admitted to it.

3 But their admission of fault one
4 week or days, or technically it was first day
5 of trial, when they officially admitted fault,
6 that's not justice. Just saying, Oh, we admit
7 fault. That's not justice for Mr. Parks. You
8 are the ones that will give us justice. And I
9 submit to you, I understand you don't know the
10 extent of the mistakes made and how they were
11 made, but they admit to those mistakes
12 100 percent, 100 percent. This is not a case,
13 Oh, well, it's this person a little bit or
14 that person's fault here. We got to mix it
15 all up. A hundred percent fault.

16 And Temple University Hospital,
17 Incorporated, they're a big corporation. It's
18 not easy for an amputee to go up against
19 Temple, let alone go through a lawsuit process
20 for four-plus years and show up to trial with
21 all your experts ready to go, Oh, no, we admit
22 the fault, oh, okay.

23 And it's not easy for Eddie Parks to
24 be going through what he is going through
25 always without his leg, always remembering the

1 three weeks were because of their mistakes.
2 He had this, this to look forward to, and I'm
3 sorry you got to see it. We have other
4 pictures. I didn't choose to show it to you.
5 I didn't want to overdo it. We only showed it
6 for a few seconds at a time. I'm sorry you
7 got to see this now. Eddie Parks had to see
8 this 24-seven for 21 days.

9 He's hoping his leg will get saved.
10 He is stuck in a hospital bed. His leg is
11 split open. He's in a hospital where they are
12 supposed to fix him and help him. Why me?
13 Why am I singled out? Why is this happening
14 to me? This should not be happening. He sees
15 his whole family come around, bawling. He is
16 bawling. He is in severe pain. He is
17 hallucinating.

18 And six surgeries, six times they
19 take him under anesthesia. They take him
20 back. They remove more of his own leg. I
21 hate to say it, but it's like a butcher shop.
22 This is like a horror movie, isn't it? This
23 is a horror movie, you go somewhere where
24 they're supposed to fix you all up. You have
25 instead things go horribly wrong.

1 Nobody tells you things went
2 horribly wrong. You know the very first time
3 there was any semblance, there ever was an
4 apology was the first day in trial four and a
5 half years. It wasn't even Dr. Lorei who
6 apologized or anyone from Temple. It was
7 their attorney. I don't know if you noticed
8 this, I certainly didn't, their attorney
9 didn't even look Eddie in the eye. He was
10 looking at you. Yeah, we are sorry for what
11 we did to Eddie Parks.

12 But this, we are here, the trial is
13 about fairness and fair value. We admit we
14 are at fault. We're good people and do the
15 right thing here. Eddie is over there. What
16 is going on?

17 Let me say for the record that
18 apology, unacceptable. That was not cool in
19 the slightest.

20 So we don't expect to get justice
21 from Temple. We expect to get justice here in
22 this courtroom from all of you.

23 And I get it, they're a hospital.
24 There are probably some really good people
25 there. I got family members in the medical

1 field. I like doctors.

2 But, also, you have to realize Eddie
3 was a health care professional, too. He was a
4 CNA. His mom was a CNA. His sister is a
5 nurse. And even if they try to say, Hey,
6 people make mistakes, it what it is. You know
7 what, people do make mistakes. When you make
8 mystics, especially as catastrophic as this,
9 and you give this man a life sentence of
10 severe pain, disability, basically took his
11 identity, they took his self. They took who
12 he was. Not to mention during all of this, he
13 has a son on the way. His son is born and
14 he's stuck in bed in pain like this. I don't
15 think that's how he planned out his future
16 with his son.

17 But what I'm trying to make clear to
18 you is even though we didn't get to parade our
19 experts in and make this a three-week trial
20 and prove about the mistakes that they made,
21 it doesn't mean they didn't make it. And even
22 if they tried to act nice and tried to get
23 away with a discount, that is not justice.
24 And if you we need justice for a full and fair
25 and complete accounting for everything that

1 that man has gone through in the past
2 four-plus years and everything that he is
3 going to go through for the next 44 years.

4 And I understand that's a very, very
5 tough concept to wrap your head around. How
6 do you value a person's life? How do you
7 value a person in their prime losing their
8 leg? How do you value the impact on namely,
9 his son, friends, your dreams, your ambitions?
10 He was in the prime of his life. And you are
11 tasked with valuing that. And I know it's not
12 easy. All that I ask is that you take your
13 time and you look at this case honestly and
14 thoroughly, and so at the end of the day
15 whatever verdict you reach, you know that you
16 gave Mr. Parks justice. You gave Eddie Parks
17 justice and he's never going to get his leg
18 back.

19 Never going to get a real apology
20 from Temple, which we don't really care about
21 by now, that number, it's not just what he is
22 entitled to under the law, which he is
23 entitled to it. You must compensate him for
24 every bit of his pain and suffering. His
25 embarrassment and humiliation for being who he

1 is now. Every single moment of the day where
2 everybody is looking at him differently. He
3 is all alone in this. You have to ask to
4 account for his life's pleasure, everything
5 that he enjoyed that he can no longer do.

6 He was hustling. He wanted to have
7 a food truck and a restaurant and they're all
8 over here. Frankly, it's degrading. Eddie
9 can do whatever he wants. Can you believe
10 that? Is that their sense of justice? Oh,
11 hey, we will admit fault on the day of trial.
12 We are going to parade in here and we will
13 nickel and dime him every single way we can.

14 Life expectancy, let's lop off five
15 years. I think that's the word they used,
16 "lop," which was quit sensitive, considering
17 they lopped off this man's leg.

18 But you need to use, as the Judge
19 will instruct you, your common sense, your
20 human experience. We are all humans here. We
21 all know what it's like to have a mom or be a
22 dad, to have family, to have friends, to have
23 dreams, to have ambitions, to just want to
24 wake up and not be in pain, to want to have
25 nice sleep one night, to just want to be

1 normal.

2 I understand it's a difficult task,
3 but if there is not a full and thorough
4 accounting for every bit of what he has gone
5 through and every bit of what he will go
6 through in a case where the hospital even
7 admits that it's their fault or the doctor
8 admits it's their fault 100 percent, if there
9 cannot be justice here, I hate to say it,
10 especially since this is my job, I don't know
11 where there can be justice frankly.

12 It's not just the money. As I said
13 in my opening, you are telling Eddie Parks
14 with your verdict, yes, Eddie, we heard you.
15 We felt you. We saw your family. We saw what
16 this is doing to you, and it's a hundred
17 percent their fault. They wronged you and we
18 are not going to let them prance in here and
19 think they are above the law, they got a get
20 out of jail free card that they get out of
21 this. You can hold them accountable. You can
22 tell them and tell Eddie Parks that they are
23 not above the law.

24 And it's going to be tough for
25 Eddie. Do you think he wanted to come here?

1 He did. He wanted to be here. In a lot of
2 ways he wanted his day in court, especially
3 since he was waiting four-plus years before
4 hearing, oh, wait, we are at fault. They were
5 denying that the whole time before that.

6 But when he was actually here, is it
7 tough for a person who lost their leg and is
8 chronic severe pain to have to sit in a chair
9 and have people coming in and staring at him,
10 to have a false apology, to have people, have
11 experts and people say, Hey, he's fine, he's
12 got a prosthetic. He can do exactly what he
13 did before.

14 Did you hear Dr. Sarlo? I read the
15 whole part when I asked him what he does in
16 the day. He stopped after the first three
17 notices. He wakes up -- I don't know if you
18 noticed it -- he hops, gets his son some
19 juice, gets his kid to school and that's it.
20 That's the day that Dr. Sarlo described that's
21 all he is doing. But, Dr. Sarlo, is Eddie
22 super motivated? He wants to do well. That's
23 absolutely right. He wants to do well.

24 Eddie doesn't want to be in this
25 situation. He would have his leg and have his

1 life. He would have manageable pain or no
2 pain at all and able to do something.
3 Instead, he's home all the time. The fact
4 they're like Eddie does fine, he can get his
5 kid juice, he can drive a car. Now he can
6 walk a little bit. He even can get on the
7 bike and go down the block. That's degrading.
8 That's degrading the way they make it sound
9 like he's fine now. He is not fine now.

10 And it's just incredibly tough. It
11 wasn't tough for me. I'm sure it was tough
12 for you. You had his father come in and his
13 mother come in, his ex, his child's mom come
14 in here and they basically say he is broken.
15 Eddie Parks that I know here is dead. He's
16 dead. Oh, we got to watch out. He gets in
17 moods now. He doesn't want to be in moods.
18 He's in so much pain he doesn't understand
19 what is going on. Can you blame him? He was
20 pinned down to a hospital bed for three weeks.
21 His flesh all around here, all around here,
22 inches, keep smelling it. They're putting him
23 in restraints. His dad is crying about I'm
24 going to undo the restraint so he can move his
25 arm a little bit. That's just the first three

1 weeks.

2 And you got to think to yourself,
3 what is full and fair compensation to go
4 through five minutes like that? What is five
5 minutes? Do you think Eddie Parks, hey,
6 Eddie, we got this really bizarre theme park
7 ride. It's called "go to hospital and we
8 slice open your leg and your whole life is
9 ruined after that." What do you pay to get on
10 that ride for five minutes? And he
11 experienced that every single moment of every
12 single day in that hospital.

13 And then they cut his leg off. And
14 I don't know if you noticed this. Did you
15 hear Dr. Sarlo? What pictures did you review?
16 I saw Eddie Parks at Vegas. Any other
17 pictures? No.

18 I thought it was the doctor's job to
19 understand what a person goes through. Didn't
20 see this. He loves talking about Eddie. He
21 doesn't have bad pain. He's fine. He doesn't
22 have residual pain. Oh, there is one note out
23 of hundreds where it says, oh, phantom limb
24 pain is rare. It's not as much this week.
25 He's still feeling his toes from the leg they

1 chopped off, but it's rare. Okay. It's going
2 to be gone.

3 The pain will be fine. The phantom
4 limb pain will be fine. Yeah, we know he had
5 it for the past four and a half years, but
6 that's not that long. He will be fine.
7 Everything in his life will be fine. He can
8 be a firefighter, a bike messenger, a barback
9 just jumping on kegs, lifting things up. He
10 can do whatever he wants in this world.
11 That's unacceptable.

12 And they tried to make this case
13 about future medical costs. Don't get me
14 wrong, future medical costs are important, but
15 that's just one component of this case. I
16 submit that's just the tip of the iceberg when
17 we talk about the grand scheme of damages.
18 But even when you consider that, they're
19 nickel and diming him left and right.

20 Did you hear at the beginning they
21 said, Hey, we will probably show you an
22 economist, Olson. Do you remember that? But
23 then do you remember when economist Verzilli
24 came up and said, Hey, you know if they keep
25 using what they have been doing, it's going to

1 be a higher number.

2 So Temple, that's supposed to be
3 here all about justice, right, they can't
4 stomach the fact that we're going to have an
5 economist and they will have a higher number
6 than their own economist. Now what we will
7 do? We will not call him. Many we will not
8 call him. We are going to bash on Verzilli,
9 even though we said we were going to call our
10 own.

11 You heard Verzilli. If you use that
12 economist's numbers, our figures would be
13 higher. They would be higher than 5.9
14 million. Instead, they bring in Nurse Kuntz,
15 who her first report said he needs that
16 surgery, he needs a scooter, a home health
17 aide. Over the last year since I saw him or
18 he needs like multiple socket replacements and
19 he's in pain and he has ingrown hairs and now
20 he is actually home by himself because he's no
21 longer with his girlfriend. Well, we actually
22 don't think he needs any help in the home
23 anymore. He doesn't need a surgery.

24 Dr. Sarlo says nothing in the
25 records that indicate surgery. Nurse Kuntz is

1 like I see records he will need the surgery.
2 A week before the surgery, no longer needs
3 surgery or no help, does he need a scooter?
4 No. How about when he is home alone at 60 and
5 he falls down the stairs, an ER visit? No, he
6 doesn't need anything. We got to give him
7 crutches, a wheelchair. We give him the legs,
8 he's fine. He will not be in pain. He will
9 be a firefighter. He can do whatever he
10 wants.

11 That's not justice. And just know
12 that figure that they float out, we have Alex
13 Karras' number, which was \$2,847,786.67
14 adjusted to inflation and you saw me go
15 through it. Verzilli's justification. It
16 makes sense. That over the course of 44
17 years, does more than double. Yes. That's
18 what inflation does. That's the number we
19 have, \$5,933,331. And I submit he deserves
20 every penny of that for his future medical
21 care. That is reasonable.

22 They could have factored in, well,
23 hey, if he doesn't get a nurse or scooter,
24 he's going to need to be in a nursing home
25 around the clock, or he will need a surgery to

1 replace his hip if you don't give him these
2 things to give him any chance. By them saying
3 now like he doesn't need any type of
4 surgeries, you're basically saying there is no
5 chance his pain will improve. What is this
6 stuff he will get better as he ages? Use your
7 common sense. Use your human experience.
8 Every single day he has to get up out of bed
9 like this. He has to hop to the bathroom like
10 this. You saw the prosthetic he has to put on
11 and take off throughout the day.

12 And then he walks like this. You
13 saw him walk. Do you think that's good on the
14 body? Do you think this is easy to walk like
15 this at all times? No.

16 He doesn't have back pain. He is
17 never going to have back pain. They're making
18 this case about back pain. Guys, I don't know
19 if you notice, you chopped off a guy's leg,
20 like he might have some back pain or there is
21 some back pain. We are focused on the leg
22 here. There were notes showing my picture,
23 other medical records about the leg. They
24 were showing Allied where it says patient
25 blank signature, no back pain.

1 Mr. Parks doesn't deserve anything
2 even though we are 100 percent at fault for
3 ruining this guy's life. He was 27 years old.
4 They ruined his life. He was a CNA. His job
5 was fulfilling to him. He was a cook. He had
6 a passion. He had a goal. He had a dream.
7 He had friends. He did things. He was
8 normal. He just found out he was going to be
9 a dad. They ruined his life.

10 As much as I would love to say,
11 Eddie, I would love to say this so much, I
12 hope things get a heck of a lot better for
13 you, but you just got to base it off the
14 evidence. He has been doing this for
15 four-plus years. It's not getting better.
16 Everybody even on the defense agrees he is
17 motivated, he wants to do well, to do good.
18 Guess what? It hasn't done anything. That's
19 not going to change.

20 And he wants to make his son proud.
21 Think of that from a human level, he wants to
22 make his son proud. He will try. I got to
23 tell you, Eddie, you're making your son proud
24 by being here today. There are not too many
25 people let alone with one leg, that will stand

1 up to one of the biggest corporations in the
2 area. He's not getting punked by Temple.
3 He's going to hold Temple accountable. By
4 holding them accountable, that's on you, and I
5 ask you to consider what he has been through,
6 that five-week hospitalization, waking up,
7 hey, where is my leg, I feel it, I can feel
8 it. The dad says, no, it's not there.

9 All the pain, all the suffering,
10 wondering if everybody is going to leave him.
11 Will he move on in life? The five weeks
12 alone, what is that worth? Being told his leg
13 will be cut off, cutting it off. What is that
14 worth? Going home, trying to go to the
15 bathroom with one leg and severe pain, falling
16 on yourself, soiling yourself, needing your
17 mom and girlfriend to wipe you and bathe you
18 and cook for you. Learning how to walk all
19 over again. Not being able to be there for
20 your baby. Still having issues.

21 Like, yes, yes, he went away for a
22 few days once a year, I guess he's healed.
23 You must be a very good amputee. He gets to
24 go to AC, spend a few days in Vegas. His life
25 is going exactly as he planned it to be.

1 Everything he went through you need
2 to account for at the last four-plus years,
3 but you also need to account for the rest of
4 his life. And we know it's going to occur for
5 the rest of his life because his leg is never
6 coming back.

7 And you heard Dr. Miknevich. She
8 was genuine. Her life's work is helping
9 amputees. She probably sees more amputees in
10 one month than Sarlo seen in his whole career.

11 I don't know if you heard that. His
12 primary job is working with people with back
13 and neck pain. He's a spine doctor in
14 Christiana Spine Center, we are solely focused
15 on the spine. He didn't like to admit that.
16 Well, I do other things. I guess you do, but
17 your practice then misleads the public.

18 Again, no economist. Nurse Kuntz
19 taking things out of her plan and not even
20 writing about it.

21 You also heard none of them knew the
22 medical records. Eddie just fell in 2019.
23 Oh, really, Dr. Sarlo. Just fell in 2019.
24 Oh, well, those records would have been
25 repeated. Let's see the other records. Let's

1 see them, then. Okay, Dr. Sarlo maybe you
2 were wrong.

3 How about pain? Pain is not too
4 bad. Every single time he sees his doctor,
5 ten out of ten pain. I'm showing the last
6 two-plus years. I didn't want to go from the
7 very beginning because I'm pretty sure that
8 even they would agree he was in really bad
9 pain at that point.

10 But from a human level, human
11 experience, common sense, you can't let them
12 get away with this. You can't let them. We
13 all leave here today. You all fortunately,
14 rightfully so, when you render a verdict, you
15 get to go on with your normal life. Temple
16 will still be in business. Me, even I'm very
17 much invested in this case, but I move on,
18 too. Defense lawyer moves on. Everybody
19 moves on, except that man and his family.
20 He's got to live with this forever.

21 So you think about having a
22 conversation with this Eddie Parks or you have
23 a conversation with this Eddie Parks. Or you
24 bump into that Eddie Parks at Wawa. Or you
25 run into Eddie Parks 20 years from now. Or

1 you bump into Eddie parks 40 years from now.
2 Can you look him in the eye? Can you look him
3 in the eye and tell him, Mr. Parks, we heard
4 all the evidence in the case. We heard what
5 you went through. We know that they were a
6 hundred percent at fault, and by law, a
7 hundred percent, they must be held
8 accountable. And that by law, he must get a
9 verdict that compensates him for every bit of
10 his loss for the last four years and for the
11 rest of your life.

12 And, Mr. Parks, we thought hard and
13 we were honest and we considered everything
14 and rest assure, you, Mr. Parks, we delivered
15 a verdict that gave you justice.

16 And maybe there will be a phone call
17 when all this is said and done, a call to
18 Temple, yeah, they held us fully accountable.
19 Mr. Parks is not below the law. Mr. Parks is
20 not undeserving of justice. However much we
21 might like it to be, our nickel and dime act
22 didn't work here. They rendered a verdict
23 that accounts for the rest of this man's life,
24 the rest of the struggle he's going to have
25 the rest of his life, the rest that he will

1 remember what happened to him at Temple,
2 remember the horrors that happened to him.

3 And, frankly, parts of this trial
4 was a horror. In fact, this will do to this
5 Court, the first time they ever tried to
6 apologize, they are looking at people that are
7 not him. Forty-four more years they want to
8 make this case about medical costs. Don't get
9 me wrong, he's entitled to all the medical
10 costs. That is the tip of the iceberg when
11 you consider his pain and suffering, every
12 moment, every day, everything that he has to
13 do through. His embarrassment and
14 humiliation, knowing he's inadequate.

15 His mom is worried about him. He
16 should be worried about his mom. He wants to
17 be a dad. I don't know if he can be the dad
18 he wants to be. His own dad calling him
19 broken and lost a lot of his friends are gone.
20 He is single now, too.

21 Eddie has his charm, but it's not
22 the easiest thing to bring on with your next
23 partner to say every time will you massage my
24 limb every time it's in pain. That's tough.
25 Or maybe he is walking like this and they

1 think maybe he has limp, and then he moves up
2 his leg and they see what is actually going on
3 and what he has to deal with.

4 And I hope the happy-go-lucky Eddie
5 comes back, but he's in a dark place. He
6 deserves justice. He lost everything for
7 something that a hundred percent was not his
8 fault.

9 And you all, as the Judge instructs
10 you, all were picked because you can be
11 impartial and "impartial" meaning treating
12 people equally under the law. So no doctor
13 gets breaks. No hospital gets breaks. No
14 massive corporations get breaks. No victims
15 get breaks. We don't want a handout. We
16 don't want you to punish them. But we want
17 you to feel his pain and suffering. We want
18 you to know what he is going through and will
19 go through the rest of his life. We ask for
20 justice.

21 Thank you.

22 THE COURT: Thank you, Counsel.

23 Counsel, you may proceed.

24 MR. HOSMER: Thank you.

25 Good afternoon, ladies and

1 gentlemen.

2 I will start my closing the same way
3 I started my opening. As I told you at that
4 time, Dr. Lorei made a misjudgment. He did
5 not in a timely way adequately comprehend that
6 Mr. Parks had a popliteal artery injury. And
7 although he tries to do his best for every
8 single patient with whom he deals, he made
9 that misjudgment and as a consequence of that,
10 unfortunately Mr. Parks lost his leg.

11 Dr. Lorei regrets his mistake,
12 regrets his misjudgment and as I've already
13 done, we communicated our sympathies to Mr.
14 Parks.

15 Now comes the point in time where
16 it's incumbent upon you. The law charges you
17 with the duty to determine what Judge Crumlish
18 will tell you is fair and adequate
19 compensation.

20 Before I go into the details of
21 evidence that you already heard, I do want to
22 take a minute to thank you for your time and
23 your patience and your attention during the
24 course of the trial. We understand that
25 you've taken time out from your busy

1 schedules. We understand it's inconvenient
2 for you to do that and we appreciate the fact
3 that you have done that and that you have
4 given us your time.

5 Now, the evidence, ladies and
6 gentlemen, in this case consisted of basically
7 what is taking place in the past several
8 years. We went through the history of
9 Mr. Parks for a very expressed purpose because
10 the history can tell us in hard, cold,
11 objective facts what took place, and then you
12 can use that as a guide to determine what is
13 fair and adequate compensation.

14 You heard that Mr. Parks got out of
15 Temple University Hospital in February of
16 2019. You heard from Dr. Miknevich, as well
17 as Dr. Sarlo, that he did not see Dr. Meta
18 until August of 2019, and during that entire
19 period of time, he was not taking any pain
20 medications.

21 You heard that subsequently, he went
22 to see Dr. Lenrow. Saw him on two occasions
23 in August and September of 2019. And at that
24 time you saw, because we put it up today, Dr.
25 Lenrow wrote denies difficulty with

1 ambulation, denies pain.

2 Moving on, in August of 2020,
3 Mr. Parks saw Dr. Bradley Tucker, the man who
4 has been managing him for the past four years.
5 Dr. Tucker wrote as of that time, that
6 Mr. Parks was capable of jogging and riding on
7 a stationary bicycle, and actually noticed
8 that he had the health and the strength and
9 vitality and the youth in order to make the
10 C-leg usable in order to allow Mr. Parks to
11 take advantage of his abilities. The C-leg
12 was ordered. He got the microprocessor,
13 state-of-the-art leg, and since that time, he
14 has become progressively more capable of doing
15 the things that he wants to do.

16 Specifically, if you recall from
17 June 3, 2021, when he was seen by Allied
18 Orthotics, they noted at that point in time
19 that he was -- we saw it today -- the
20 abilities that he had including shopping,
21 weight training, jogging, and a number of
22 other things. His endurance and his balance
23 and his activity level was rated as an
24 excellent. His gait was rated as normal with
25 an endurance of three hours.

1 As of August of 2021, Mr. Parks saw
2 Dr. Tucker, and at that time Dr. Tucker noted
3 that he was jogging, he was bicycling and he
4 said that Mr. Parks had his prosthesis with,
5 quote, without significant issues. And it is,
6 quote, working well for him.

7 We are pleased that Mr. Parks has
8 been able to make that kind of an adjustment,
9 make those kind of advances. And then they
10 continued.

11 In October of 2021, from the Allied
12 records, if you remember, page 73, said that
13 he was were going to the gym and, quote, feels
14 good.

15 Moving on to March 16 of 2022, Mr.
16 Parks again saw -- went back to Allied
17 Orthotics and at that time, again, he was
18 jogging, he was shopping, he was lifting
19 weights, engaging in aerobics and he was,
20 quote, taking long walks. So his activity
21 level was high. His endurance was good. His
22 gait was normal.

23 Moving on to the current period of
24 time, March of 2023. Dr. Miknevich saw
25 Mr. Parks and so did Mr. Sarlo. And if you

1 recall, ladies and gentlemen, Dr. Miknevich
2 said he is currently swimming at the YMCA.
3 He's using a stationary bicycle. He is
4 driving. He hadn't had a fall since January
5 of 2022. And he is able to take trips. He's
6 gone to Las Vegas, Atlantic City, Florida and
7 New Orleans.

8 Can you bring up those pictures,
9 Tim, of Las Vegas, please.

10 We are pleased and gratified that he
11 has been able to progress to the point where
12 he is able to do those things.

13 As you heard, ladies and gentlemen,
14 there is pictures -- Mr. Parks, in either
15 September of 2019 or September of 2020, spent
16 seven days in Las Vegas with Ms. Shearer.
17 These are the pictures of a man who is making
18 a good recovery and with good functionality.

19 Now, you heard Dr. Sarlo, ladies and
20 gentlemen. He testified in response to my
21 questions is Mr. Parks capable of performing
22 all the pre-amputation activities that he had
23 before he was before the amputation took
24 place. Is he currently able to do that? And
25 Dr. Sarlo told you to a reasonable degree of

1 medical certainty that he is.

2 Just as importantly, ladies and
3 gentlemen, Dr. Tucker wrote in March of 2022,
4 that Mr. Parks is, quote, highly functional
5 and Dr. Miknevich agreed that he is highly
6 functional, and Dr. Sarlo agreed that he is
7 highly functional. That has not been
8 challenged or refuted. It's evidence in the
9 case and there's nothing to contradict that.

10 Again, we are pleased that he
11 regained that functionality. The fact that he
12 is highly functional, however, doesn't mean
13 that he doesn't need future medical care. We
14 recognize that. That's why we put Ms. Kuntz
15 on the stand to talk about what his plan will
16 be in conjunction with Dr. Sarlo.

17 One of the threshold questions that
18 you have to address when determining future
19 medical care is what is his life expectancy.
20 Well, ladies and gentlemen, you heard about
21 two competing life expectancy tables. One
22 being one for all males in the United States,
23 and the other one being for, it's based on
24 gender, race and age.

25 Now, I thought it was somewhat

1 unfortunate that Mr. Karras chose to depict
2 the life table for African-American males as
3 racist. It's not. It would be like saying
4 they're also sexist because all the life care
5 tables show that women live longer than men.

6 The fact of the matter is that
7 Mr. Parks is a 32-year-old African-American
8 male and the life expectancy table that is
9 most appropriate for him is the one designed
10 for him which gives him a life expectancy of
11 39 years.

12 Now, based on that, you heard Ms.
13 Kuntz. She was in here today. She told you,
14 ladies and gentlemen, she laid out a plan for
15 his life care for the remainder of his life of
16 39 years, and the cost of it being \$1.2
17 million, and then some change.

18 I want to take a minute to talk to
19 you about, ladies and gentlemen, about what
20 you heard about the life care plan from the
21 plaintiff because the concept remains the
22 same.

23 Did the evidence that came from
24 those individuals, specifically, Mr. Karras,
25 is that the kind of evidence that you think

1 was designed to help you reach a fair and
2 impartial verdict as to what constitutes fair
3 and adequate compensation?

4 Judge Crumlish will tell you, ladies
5 and gentlemen, that you are permitted to
6 consider a witness' demeanor, as well as the
7 way they respond to questions. Think back to
8 yesterday when I was cross-examining Mr.
9 Karras. What did you think of his demeanor?
10 What did you think of the way he answered
11 Mr. Strokovsky's questions compared to the way
12 he responded to me? Did you get the sense,
13 ladies and gentlemen, that he was trying to
14 convey to you information that would help you
15 reach a fair and impartial verdict in this
16 case?

17 Take a couple of examples. Dr.
18 Miknevich testified that neuroma scar
19 injections would be necessary in the event,
20 one, that he had pain; two, that a pain
21 management specialist recommended it; and,
22 three, once he got one, they would have to
23 remain successful, the injections would have
24 to remain successful in order for him to
25 continue to get the injections.

1 But when we pointed it out to Mr.
2 Karras that he had plugged into his life care
3 plan 44 neuroma scar injections over the
4 course of 44 years, ladies and gentlemen,
5 that's inconsistent with what Dr. Miknevich
6 was laying out. I would submit to you it's
7 inconsistent with what you're charged to do,
8 which is come up with a verdict that awards
9 damages on the basis of fairness and adequacy.

10 Consider another example is a spinal
11 cord stimulator and the way Mr. Karras handled
12 that. If you recall, Mr. Karras was in the
13 courtroom at the time Dr. Miknevich was
14 testifying. I specifically asked Dr.
15 Miknevich how many spinal cord implantations
16 do you believe the patient will need,
17 Mr. Parks will need in the event that he needs
18 one at all. She said one.

19 And if you recall, I brought out
20 that to Mr. Karras' attention that he actually
21 plugged into his life care plan four spinal
22 cord implantations. When I said to him, Mr.
23 Karras, you were here at the time when Dr.
24 Miknevich testified. You heard what she said
25 about the spinal cord, the implantation of the

1 spinal cord stimulator. Do you remember what
2 his response was? I didn't hear it. I don't
3 remember. I heard something about battery
4 replacements, but I don't remember hearing
5 anything about the number of implantations or
6 being different than the four that he
7 prognosticated.

8 Well, again, ladies and gentlemen, I
9 submit to you that you need to consider that
10 when you determine whether you were getting
11 information from Mr. Karras that was designed
12 to lead to a determination as to what
13 constitutes fair and impartial -- fair and
14 adequate compensation in this case.

15 Consider the fact, ladies and
16 gentlemen, that I will point out that Dr.
17 Miknevich that she had prognosticated, as of
18 2021, when she wrote her first report, that
19 Mr. Parks was going to need a pain management
20 specialist four times a year, going to need
21 formal occupational and physical therapy four
22 times a year, in 2021, was going to need
23 lumbar epidural injections four times a year.
24 Pointed out to Dr. Miknevich, it was never
25 recommended by Dr. Tucker at any time between

1 2021 and 2023, nor did Mr. Parks undertake
2 having any of those treatment modalities.
3 And.

4 I said to Dr. Miknevich, well, in
5 light of the fact that the doctor has been
6 managing this patient, Mr. Parks, for four
7 years, doesn't recommend it, in light of the
8 fact that Mr. Parks himself never underwent
9 it, despite the fact that he had three socket
10 changes, doesn't that suggest to you, ma'am,
11 that perhaps he doesn't need those modalities?
12 And you can come to that conclusion, ladies
13 and gentlemen, if you think it's justified.

14 Consider this, those recommendations
15 by Dr. Miknevich made in 2021, were reiterated
16 by her in 2023, when she wrote her second
17 report. And if you recall, I said to Dr.
18 Miknevich, Doctor, inasmuch as the predictions
19 that you made in 2021 were near-term,
20 specifically pain management, orthopedic
21 consult, the lumbar epidural injections, the
22 physical therapy and occupational therapy, the
23 fact that it didn't occur, doesn't that
24 suggest to you that these, if you're incorrect
25 on the short-term predictions, there is an

1 even greater chance that your long-term
2 predictions will be incorrect. She said, I
3 don't believe I was incorrect, but she said, I
4 do agree that they could be that the expenses
5 for future medical care could be less.

6 Ladies and gentlemen, you heard the
7 evidence in regard to the future medical
8 expenses, and I, if you recall, cross-examined
9 or examined Ms. Kuntz about what she added up
10 were actual medical expenses. I was
11 attempting to move from the theoretical kind
12 of crystal ball predictions that is inherent
13 with any life care planner and try to get into
14 the actual real costs of what happened in 2021
15 and 2022 for the purpose of providing you a
16 guide for the rest of the remaining 39 years
17 of his life expectancy.

18 Now, I did the arithmetic during our
19 lunch break --

20 MR. STROKOVSKY: Objection.

21 MR. HOSMER: -- putting up the
22 numbers, one what actually happened and theory
23 under Dr. Verzilli.

24 THE COURT: It's argument. It's
25 closing argument. You can address it in your

1 rebuttal.

2 MR. HOSMER: Ladies and gentlemen,
3 you heard Mr. Karras testify and after some
4 jousting, he finally admitted that the medical
5 expenses in 2021, I believe, were \$8,060 and
6 in 2023, 6,581.

7 If you recall, ladies and gentlemen,
8 Mr. Verzilli testified that the rates of
9 inflation vary. All he can do is rely on the
10 medical, the life care plan provided to him by
11 Mr. Karras. Mr. Verzilli, well intentioned,
12 but he is hamstrung by the numbers he gets
13 from Mr. Karras.

14 So what I did as a result during the
15 course of cross-examination with Mr. Verzilli,
16 I took the percentage Mr. Verzilli
17 prognosticated in 2021, that medical expenses
18 would be \$97,611 and prognosticated as of
19 2021, medical expenses for 2022 at \$50,095.
20 It's a far cry, ladies and gentlemen, from the
21 actual expenses incurred.

22 As a matter of fact, it's such a far
23 cry, if you divide 8,060 by Mr. Verzilli's
24 number only 9 percent. If you divide the 2022
25 number by Mr. Verzilli's proposed predicted

1 number for medical expenses in 2022, it's
2 14 percent. So the medical expenses actually
3 incurred in 2021 and 2022, were only 9 percent
4 of what Mr. Verzilli was predicting for 2021,
5 and 14 percent of what he predicted for 2022.

6 Now, if you carry that forward, if
7 history repeats itself, and you take Mr.
8 Verzilli's number to the year 2066,
9 \$5,933,331, with a 44-year life expectancy,
10 and his costs to the year 2061, based on
11 39-year life expectancy, 41,858. I did the
12 arithmetic down here, the costs to 2061,
13 5,933,331, if you subtract out the last five
14 years of his Mr. Parks' life expectancy,
15 because of Table 14, that predicted life
16 expectancy of 39, that total reduces Mr.
17 Verzilli's number by \$1,778,755.

18 So if we take the mid point between
19 the 9 percent and the 14 percent that he was
20 off and just pick 12 percent and multiply that
21 by 5,933,331, that comes out to \$712,000 in
22 the year 2066 with a 44-year life expectancy.
23 If you take the diminished life expectancy of
24 39 years, multiply by 12 percent, \$498,495.

25 Now, ladies and gentlemen, I'm not

1 suggesting to you that you adopt these
2 numbers. The point is that the
3 prognostication, the predictions, the
4 assumptions that have to be made, rendered the
5 numbers that Mr. Verzilli presented to you as
6 not entirely reliable. Well intentioned, but
7 not entirely reliable.

8 So what I tried to do was bring it
9 down to the reality of what we know, hard,
10 cold facts. Specifically, medical expenses in
11 2021 of \$8,060, and 2022, \$6,581. If one
12 carries that forward, you get a much lower
13 diminished cost of life care plan.

14 But as I said, I'm not expecting you
15 to adopt those numbers, they're probably a
16 little bit higher, but at least they're
17 grounded in reality. At least they are
18 grounded in what we know already occurred in
19 2021 and 2022, and they're not grounded in
20 theoretical possibilities put forward by life
21 care planners based on dubious assumptions
22 about pain management consultants, orthopedic
23 consultants, physical therapy four times a
24 year, the neuroma scar injections, lumbar
25 epidural injections, based on what we actually

1 know.

2 Now, we did that because as you
3 heard Mr. Verzilli say rates of inflation
4 vary. We don't really know what inflation
5 will be in the future. We can only go by what
6 inflation has been in the past. If you
7 recall, Mr. Verzilli said, I went back ten
8 years, took the inflation rate and presented
9 the inflation rates that he did.

10 I'm suggesting to you, ladies and
11 gentlemen, if we will do it with rates of
12 inflation, let's do it with the medical
13 expenses, as well. We can't go back ten years
14 because he doesn't have ten years of medical
15 expenses. We have medical expenses for those
16 two years, they are grounded in reality,
17 ladies and gentlemen.

18 Now, when I appeared before you for
19 my opening stage, I said to you, you may hear
20 from Dr. Sarlo, you may hear from Kathleen
21 Kuntz, you may hear from Gerard Olson.

22 You're not hearing from Gerard
23 Olson. The reason is this. I basically spent
24 the last five to seven minutes telling you why
25 these numbers are so far out and so

1 speculative that it would seem hypocritical or
2 unseeming to bring Mr. Olson and then present
3 numbers like that. We are not doing that. We
4 are simply basing our argument on what we know
5 to be true, what we know to be actual
6 expenses, what we know to be reliable, because
7 Mr. Karras himself has told you those are
8 expenses that were incurred to a reasonable
9 degree of professional certainty.

10 So, ladies and gentlemen, the
11 question is still before you. What is fair
12 and adequate compensation for Mr. Parks'
13 unfortunate injuries and his difficulties? As
14 I said to you in my opening, the word
15 "fairness" implies just that. Fairness. It
16 means looking at the case, looking at the
17 facts in an actual, objective, dispassionate
18 manner free of overt sympathy, free of overt
19 emotion and arriving at a verdict that is
20 fair.

21 "Adequate," ladies and gentlemen,
22 means the amount of money necessary to
23 adequately cover his expenses, to fulfill the
24 needs that he has.

25 I'm asking you now and I appreciate

1 your time, patience and attention, but
2 whatever verdict you reach, please do so in a
3 dispassionate, objective, fair way, devoid of
4 sympathy, but one that adequately covers all
5 of his expenses for the future.

6 Thank you for your time, patience
7 and attention.

8 THE COURT: Thank you, Counsel.

9 MR. STROKOVSKY: Props to Chandler
10 Hosmer, everybody. That was unbelievable.
11 That was unbelievable, okay.

12 What he is saying is you will accept
13 my representation of that. Did we see any
14 actual billing records?

15 And that's why I made a point today
16 with Nurse Kuntz. Nurse Kuntz, you agree that
17 the cost of a socket replacement is \$17,000?
18 Yes. How many did Eddie get in the last three
19 years in addition to his prosthetic? Three.
20 That's \$50,000 right there.

21 He's just shown it's \$8,000, it's
22 \$6,000. That's why he didn't send his expert
23 up here to do the inflation numbers.

24 What he is also saying is these
25 numbers are dramatically less than Nurse

1 Kuntz' present value. So even though Nurse
2 Kuntz comes up here and tries to find every
3 single way to nickel and dime Eddie, he still
4 says don't even follow Nurse Kuntz. Follow my
5 math. Because the only -- he only did X, Y
6 and Z for the past year because Alex Karas
7 accepted my representation those are the
8 bills. Let's not factor in a prosthetic.
9 Let's not factor in socket replacements.
10 Let's not factor in getting home health aide
11 when he is 60. Let's not factor any of that.

12 You have to remember the very floor
13 of this case, and I submit to you that if you
14 weigh the evidence, you will follow the plan
15 that Alex Karas used based off Dr. Miknevich's
16 recommendations.

17 By the way, I don't know if you
18 noticed, Nurse Kuntz, she had no talks with
19 Dr. Sarlo. They were not working
20 collaboratively for her to figure out her
21 plan. That's why she disagreed with several
22 things that Dr. Sarlo said. They love saying,
23 Hey, I agree with Dr. Tucker with this when I
24 confront them. Didn't Dr. Tucker say that?
25 Oh, I don't agree with that.

1 The same way that their experts had
2 no idea what was going on. They think Eddie
3 got two amputations. They thought the guy who
4 cut off his leg was his primary care doctor.
5 They got all the dates wrong.

6 So did he. He just got up here
7 again and gave you wrong dates. He doesn't
8 know this case. He is not living this life.

9 And you will hear Nurse Kuntz say
10 she agrees with everything related to the
11 prosthetic. She agrees with a lot of things
12 in our plan. That's why her floor was about
13 1.2, 1.3 million. So that's the floor of
14 present value costs, not what Mr. Hosmer says.
15 Hey, like, we'll even throw this expert that I
16 took up here and got her under oath and
17 explained everything and worked with her over
18 the last two years, don't believe what she
19 says. Don't use her plan even when that was
20 also to a reasonable degree of medical
21 certainty. Use my plan. Well, it's just like
22 \$5,000 a year. Let's just add it up. People
23 will agree. That's why I didn't bring in my
24 own economist.

25 Even the law tells you. Judge

1 Crumlish will instruct you future medical
2 costs must be factored in for inflation. Not
3 somebody from King of Prussia coming in who
4 pretend they're an economist saying the math.
5 That makes zero sense. This is Philly. You
6 will not fall for that.

7 They didn't bring in an economist
8 because they didn't want an even larger number
9 because as much as they say Mr. Parks deserves
10 justice and a full and fair accounting for
11 what he has gone through, they don't want
12 that.

13 The fact that he had an economist
14 ready to come here, scheduled to come here.
15 The fact that they didn't bring him up here.
16 What a more fitting example. Do you get that
17 their sole purpose is to get as much of a
18 discount as possible.

19 Now, if this was last year when
20 their expert had the one inflationary rate
21 that was less than our expert, I'm sure he
22 would have come. Oh, I wrote figures less
23 than that. Follow that guy. Now that it's
24 high, oh, that guy is not here because I did
25 the math over the five-minute break because

1 I'm qualified to tell you at the end of this
2 what I had placed in front of Mr. Karas is
3 true, \$5,000 that was spent for medical
4 visits.

5 That's another thing, too. They're
6 basically taking advantage of Eddie for the
7 fact that he doesn't like going to hospitals
8 or going to doctors because of what they did
9 to him. You heard Dr. Miknevich testify he
10 doesn't want to go hospitals. He's afraid he
11 will get killed or never go back. Again, he
12 is hoping that will change over time.

13 But the way they try to nickel and
14 dime. Your plan hear says four physical
15 therapy visits and he didn't get any yet.
16 Then it's like, well, he's also scheduled
17 after he gets a socket to probably get 12 or
18 more sessions, so the average of four a year
19 will probably be hit.

20 You also have to understand some of
21 these costs, like they're attacking like the
22 smallest costs. Like the 20,000 here, the
23 20,000 here. That's what they are trying to
24 do, nickel and dime you. They don't mention
25 at all about the prosthetics because that's

1 what they're all in agreement with.

2 You heard me talk about Dr. Sarlo.
3 Dr. Sarlo and Nurse Kuntz, they all agree with
4 that stuff except they're further. Hey,
5 Dr. Sarlo, every three to five years. Do they
6 make an average every four years? No, let's
7 say five years. We will go with that because
8 that's more money we can save Temple. It's
9 like he hits 60, let's change the plan up.
10 Let's make it every eight years because we
11 will give him a power scooter so he can use
12 that instead of a prosthetic. Then we take
13 away the power scooter. You may need the
14 prosthetic once every eight years.

15 When you think about this number
16 here, 1.4, I wish we could use Mr. Hosmer's
17 logic. I wish we could use fuzzy math to
18 shock you, exploit the number. Eddie only had
19 his new prosthetic for two and a half years.
20 The recommendation for a replacement socket is
21 17,000 once every two and a half years. Up to
22 this point, he should only be having one new
23 socket. He's already on his third. So we can
24 very easily say, well, instead of needing one
25 every two and a half years based off of that

1 math, he needs a new socket every eight years.
2 So then we have to add the socket value up
3 three times, inflate this up to 2 million if
4 we follow their logic. They are trying to
5 nickel and dime you on a 20,000 figure to make
6 a 20,000 figure, to make a \$10,000 figure. If
7 you use their own logic, take a 1.4 million
8 figure and make it a 2 million verdict.

9 Could we show the verdict sheet,
10 please.

11 The verdict sheet actually has --
12 and they know this -- it has a line by line
13 item for each year in future medical costs,
14 not present, not what Nurse Kuntz put in
15 there, not what Alex Karras put in there.
16 It's future medical costs to adjust for
17 inflation.

18 They had an expert who was willing
19 to come in here and let you know every single
20 year what the life care plan would be
21 projected over the course of the next 40.

22 Next page.

23 The next page after that.

24 We had that. We came hear. We came
25 prepared. We are here to back up our claims.

1 They just want to save money. So like we are
2 not doing that. We will not have our expert
3 present yearly figures. We will send the jury
4 back there in the dark with zero evidence as
5 to how this 5.9 million breaks out year by
6 year. We want to confuse the jury. We don't
7 want to do that. We want them to give a
8 complete discount for what Mr. Parks is going
9 through.

10 That's not going to happen. I know
11 you will not let that happen.

12 They made a calculation that they
13 could get away with not bringing in an
14 economist. Their calculation is way off.

15 If you can show the top part of the
16 verdict sheet, please.

17 Take that down.

18 The verdict sheet is going to
19 show -- will ask you to put in a line item for
20 all this past pain and suffering, past
21 noneconomic damages, that pain and suffering,
22 embarrassment and humiliation, that loss of
23 life's pleasures, that disfigurement.
24 Disfigurement is his limp. Disfigurement is
25 his limb. It's everything that he is reminded

1 of when he wakes up and looks in the mirror
2 and sees who he is now and you need to give a
3 number that fairly and fully accounts for all
4 of his past damages, every single of those
5 subcategories.

6 And then the same way you see a line
7 by line year for future medical costs, you
8 only put in one number, there will be a line
9 for future noneconomic damages such as
10 physical pain, mental anguish, embarrassment
11 humiliation, the disfigurement.

12 Forty-four years, you heard two
13 different methodologies on which life
14 expectancy to use. I submit you should use
15 ours. And to even put salt on the wound on
16 that one is you notice the three-year drop
17 because of COVID. There is no, oh, well, we
18 cut off this guy's leg. We will use life
19 expectancy that is less than the overall for
20 males in this sector and we will not account
21 for COVID. God forbid. You know it's
22 COVID-19. We know the stats are skewed a
23 little bit. Let's give this guy one or two
24 years of medical care. In fact, they will not
25 even send in an economist. They're not going

1 do that.

2 Nothing has changed. Don't believe
3 the fuzzy math that's not backed up by the
4 law. It's not backed up by common sense.
5 Don't be deceived. This is here about justice
6 and, frankly, they could have played this case
7 a lot more honorable. I don't think they care
8 about justice, frankly. But it doesn't matter
9 if they care about justice. It matters if you
10 care about justice.

11 And you notice they spent all their
12 time again just talking about these numbers,
13 which I thought was incredible because, again,
14 future medical costs is just the tip of the
15 iceberg, just one component of this vast
16 component of damages that you are to calculate
17 and deliver a verdict on. And they're just
18 focusing on the medical future costs without
19 an economist.

20 And then they completely throw their
21 own experts under the bus, oh, yeah, well this
22 expert says to within a reasonable degree of
23 medical certainty 1.3 million, which is
24 already substantially less than our plan
25 because they don't include -- they took off

1 home health aide, took off when he is older,
2 give you a prosthetic and a couple of checkup
3 visits and so be it.

4 They don't care. They don't have to
5 care under the law. It doesn't matter if they
6 care or don't care. Doesn't matter. They
7 don't have to apologize. You see that again
8 and again. We express sympathies. He
9 couldn't even look at you when he said it that
10 time. That is unacceptable.

11 But that doesn't matter. That
12 doesn't matter. We are not here to punish
13 Temple University Hospital, Incorporated. We
14 are not here to punish Dr. Lorei. But as
15 Darla Dennis said, her son deserves justice.
16 Give him everything that he deserves. We
17 don't want anything more than he deserves, but
18 we don't want anything less than he deserves.
19 That's all we ask of you. Again, you're
20 impartial. Everything is equal. No one is
21 above the law. No one is below the law.

22 I just ask you to use your human
23 experience. I just ask you to use your common
24 sense. And I ask you to fully, fairly and
25 completely compensate Mr. Parks for everything

1 that he has gone through and everything that
2 he will go through until he breathes his last
3 dying breath, which is a long time from now.
4 He deserves justice.

5 Temple stipulated, they admitted a
6 hundred percent fault. They admitted that all
7 of those procedures are because of their
8 fault. They admitted the amputation is all of
9 their fault. And he's permanently -- will be
10 missing his leg because of that. And if you
11 think putting a picture on social media,
12 smiling, trying -- Eddie wants to get away.
13 He is going through a lot. He's allowed to
14 have a few days where maybe he can try a
15 different environment. The pain is not going
16 away. The disfigurement not going away. All
17 of his problems are not going away, but to
18 show a picture like that as some sort of
19 justification that they deserve a discount is
20 ridiculous.

21 THE COURT: Counsel.

22 MR. STROKOVSKY: Again, in the end I
23 thank you for your service. Eddie Parks
24 thanks you for your service. All we ask for
25 is accountability. All we ask is for you to

1 deliver a verdict that says, Temple, we heard
2 everything. We are holding you accountable.

3 Mr. Parks, we heard everything.
4 You're human. You deserve justice just like
5 everybody else does. And we truly believe we
6 did that for you for your past, for the rest
7 of your life.

8 Thank you.

9 THE COURT: Thank you, Counsel.

10 So, ladies and gentlemen, as I had
11 promised you, or warned you, this is the last
12 time that I will be speaking to you to give
13 you the guidance on the law to help you in
14 your deliberations.

15 So as you have seen, the evidence
16 presented to you was either direct or
17 circumstantial evidence. Direct evidence is
18 testimony about what a witness personally saw,
19 heard or did. Circumstantial evidence is
20 testimony about one or more facts that
21 logically lead you to believe the truth of
22 another fact.

23 You should consider both direct and
24 circumstantial evidence in reaching your
25 verdict. You may decide the facts in this