

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
MARK SCHIFFER,

Plaintiff,

-against-

Index No. 101191/03

MARK G. SPEAKER, M.D., LASER AND  
CORNEAL SURGERY ASSOCIATES, P.C.,  
TLC LASER EYE CENTER, REGINA ZYSKOWSKI  
and DRS. FARKAS, KASSALOW, RESNICK and  
ASSOCIATES, P.C.,

Defendants.  
-----X

SCHLESINGER, J.

**JURY INTERROGATORIES**

At least five (5) jurors must agree on the answer to each question.

**I. LIABILITY**

1(a). Did Dr. Mark Speaker depart from accepted standards of ophthalmological care by performing LASIK surgery on Mark Schiffer's eyes on October 6, 2000?

        X          
yes

                          
no

6-0  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If your answer to question 1(a) is "YES", please proceed to question 1(b). If your answer to question 1(a) is "NO", please proceed to question 2(a).

1(b). Was the departure a substantial factor in causing injury to Mark Schiffer?

        X          
yes

                          
no

6-0  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please proceed to question 2(a).



3(a). Did TLC Laser Eye Center hold Dr. Mark Speaker out as its employee, servant or agent, and did Mark Schiffer reasonably rely on that relationship in seeking out LASIK surgery on October 6, 2000?

_____	_____ <u>X</u> _____
yes	no
<u>6-0</u>	
_____	_____
_____	_____
_____	_____

Please Proceed to Section II Damages.

**II. DAMAGES**

THE FOLLOWING QUESTIONS RELATE TO DAMAGES. YOU ARE TO ANSWER THESE QUESTIONS ONLY IF YOU HAVE ANSWERED "YES" TO QUESTION 1(b) AND/OR QUESTION 2(c). IF YOUR ANSWERS TO QUESTIONS 1(b) AND 2(c) WERE BOTH "NO" (OR IF BOTH QUESTIONS WERE LEFT UNANSWERED), PLEASE STOP HERE AND REPORT YOUR FINDINGS TO THE COURT.

4. Please state the dollar amount of damages you award to Mark Schiffer for conscious pain and suffering from the October 6, 2000 surgery to date.

	\$ <u>750,000</u>
<u>5-1</u>	_____
_____	_____
_____	_____

Please proceed to question 5.

5. Please state the total amount of damages you award to Mark Schiffer for future pain and suffering, including any permanent effect of the injury, and the period of years over which this amount is intended to provide compensation.

\$ 2M 10 years  
6-0  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please proceed to question 6.

6. Please state the dollar amount of damages you award to Mark Schiffer for lost earnings from the October 6, 2000 surgery to date.

\$ 500,000  
6-0  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please proceed to question 7.

7. Please state the total amount of damages you award to Mark Schiffer for future lost earnings, including any impairment of his earning ability, and the period of years over which this amount is intended to provide compensation.

\$ 4M 7 years  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE REPORT YOUR FINDINGS TO THE COURT.**