

IN THE CIRCUIT COURT OF THE COUNTY OF MISSISSIPPI  
JUDICIAL CIRCUIT THIRTY THREE  
STATE OF MISSOURI

[REDACTED],  
[REDACTED]

Plaintiffs,

vs.

OVERTURF DRUG STORES INC.,  
d/b/a OVERTURF HEALTH MART, et al)

Defendants.

Cause No.: 08MI-CV00757

**FILED**

JUN 04 2010

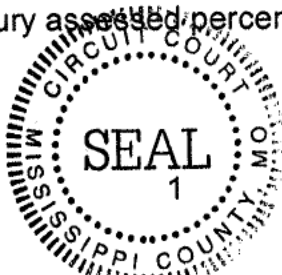
CIRCUIT COURT  
MISSISSIPPI COUNTY, MO

FINAL JUDGMENT

This action came on for trial before the Court and a jury between 4/26/10 and 4/29/10. On 4/26/10, prior to the swearing of the jury, Plaintiff [REDACTED] dismissed all of his claims. On 4/28/10, at the close of all evidence, the Court directed a verdict for defendants McKesson Corporation and Health Mart Systems, Inc. on Plaintiff [REDACTED]'s claim against them for direct negligence. The Court also directed a verdict in favor of defendant Overturf Drug Stores, Inc. on counts I, II and IV of defendants McKesson Corporation and Health Mart Systems, Inc.'s crossclaim against defendant Overturf Drug Stores, Inc. On 4/29/10 the jury rendered its verdict on plaintiff's remaining claims as follows:

On the claim of Plaintiff [REDACTED] for personal injury against defendants McKesson Corporation and Health Mart Systems, Inc., the jury found in favor of defendants.

On the claim of Plaintiff [REDACTED] for personal injury against defendant Overturf Drug Stores, Inc., the jury assessed percentages of fault as follows:



A TRUE COPY  
CIRCUIT COURT  
MISSISSIPPI COUNTY, MO  
DATE: 6-10-10  
BY: *Leif An Olsen*

Defendant Overturf Drug Stores, Inc.	52%
Plaintiff [REDACTED]	48%

The jury assessed Plaintiff [REDACTED] total damages as follows:

Past economic damages including past medical damages	\$240,000.00
Past non-economic damages	\$100,000.00
Future medical damages	\$320,000.00
Future non-economic damages	\$ 60,000.00
<b>TOTAL</b>	<b>\$720,000.00</b>

**IT IS THEREFORE ORDERED AND ADJUDGED** that plaintiff [REDACTED]

[REDACTED] have and recover of defendant Overturf Drug Stores, Inc. the following:

Past economic damages including past medical damages	\$124,800.00
Past non-economic damages	\$ 52,000.00
Future medical damages	\$166,400.00
Future non-economic damages	\$ 31,200.00
<b>TOTAL</b>	<b>\$374,400.00</b>

The Court further finds and orders that the award of Future Damages is subject, pursuant to the request of Defendant Overturf Drug Stores, Inc., to Section 538.220 of the Missouri Revised Statutes.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Plaintiff [REDACTED]

[REDACTED] have and recover of defendant Overturf Drug Stores, Inc. the sum of \$176,800.00 for past damages together with plaintiff's costs of this proceeding, with

Defendant Overturf Drug Stores, Inc.	52%
Plaintiff [REDACTED]	48%

The jury assessed Plaintiff [REDACTED]'s total damages as follows:

Past economic damages including past medical damages	\$240,000.00
Past non-economic damages	\$100,000.00
Future medical damages	\$320,000.00
Future non-economic damages	\$ 60,000.00
<b>TOTAL</b>	<b>\$720,000.00</b>

**IT IS THEREFORE ORDERED AND ADJUDGED** that plaintiff [REDACTED]

[REDACTED] have and recover of defendant Overturf Drug Stores, Inc. the following:

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Future medical damages	\$166,400.00
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<b>TOTAL</b>	<b>\$374,400.00</b>

The Court further finds and orders that the award of Future Damages is subject, pursuant to the request of Defendant Overturf Drug Stores, Inc., to Section 538.220 of the Missouri Revised Statutes.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Plaintiff [REDACTED]

[REDACTED] have and recover of defendant Overturf Drug Stores, Inc. the sum of \$176,800.00 for past damages together with plaintiff's costs of this proceeding, with

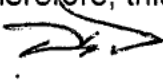
post-judgment interest to run from this date at the rate of 4%, and execution to issue therefore.

**IT IS FURTHER ORDERED AND ADJUDGED**, pursuant to Section 538.220 of the Missouri Revised Statutes that the payment of Future Damages, including those for future medical damages, shall be paid as follows:

Future Non Economic Damages of \$31,200.00 shall be paid as follows:

Initial payment, due upon entry of this judgment, of \$15,600.00, then two additional annual payments of \$7,800.00 shall be paid on the anniversary of the entry of this Judgment in the years of 2011 and 2012.

Future Medical Damages of \$166,400.00 shall be paid over six yearly periods, (based on the life expectancy of Plaintiff [REDACTED] [REDACTED]. The initial payment shall be for \$26,400.00 and then the final five payments, of \$28,000.00, shall be paid yearly on the anniversary of the entry of this Judgment.

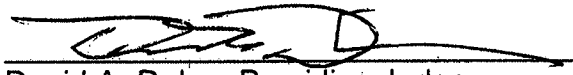
Said damages and future payments, as set forth in Section 538.220, are subject to a per annum interest rate no greater than the coupon issue yield equivalent, as determined by the Federal Reserve Board, of the average accepted auction price for the last auction of fifty-two-week United States Treasury bills settled immediately prior to the date of the judgment. Therefore, this Court shall set the applicable interest rate on these future damages at 3.25 .

Further, Section 538.220, provides and therefore it is hereby ordered that upon the death of [REDACTED], the right to receive payments of future damages, other than future medical damages, being paid by installments or periodic payments will pass in accordance with the Missouri probate code unless otherwise transferred or alienated

prior to death. Payment of future medical damages will continue to the estate of the judgment creditor only for as long as necessary to enable the estate to satisfy medical expenses of the judgment creditor that were due and owing at the time of death, which resulted directly from the injury for which damages were awarded, and do not exceed the dollar amount of the total payments for such future medical damages outstanding at the time of death.

**IT IS FURTHER ORDERED AND ADJUDGED** Count III of the crossclaim is rendered moot and is hereby dismissed.

DATED 6.24.10

  
David A. Dolan, Presiding Judge  
33<sup>rd</sup> Judicial Circuit