

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Filed – May 5, 2009

KENT, SC.

SUPERIOR COURT

CHRISTOS ERINAKES, M.D.

:

: **C.A. NO. KC 2001-254**

VS.

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:

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NABIL ZAHREDDINE, M.D.

AMENDED DECISION

CARNES, J. This amended decision is being filed to correct figures contained in Table 5 and Summary Findings as follows:

On page 36, Table 5 should read as follows:

TABLE 5

Findings Regarding Defendant’s Total Revenue, Proportionate Share of Expenses,
Comparison of Revenue to Expenses, and Plaintiff’s Share of Income Guarantee

Qtr/Year Ending	Revenue by Defendant	Defendant’s Proportionate Share of Total Expenses This Period	Excess Income	Income Guarantee For Period ^a	Excess Income vs Guarantee (short of guarantee)	Dr. Erinakes’s 17.5% share
12/31/95 Full year	\$71,398	\$44,124	\$27,274	\$200,000	(\$172,726)	\$30,227.05
3/31/96 Quarter	\$30,704	\$14,266	\$16,438	\$50,000	(\$33,562)	\$ 5,873.35
6/30/96 Quarter	\$36,190	\$14,087	\$22,103	\$50,000	(\$27,897)	\$ 4,881.97
9/30/96 Quarter	\$45,554	\$15,614	\$29,940	\$50,000	(\$20,060)	\$ 3,510.50
12/31/96 Quarter	\$65,024	\$21,691	\$43,333	\$50,000	(\$6,667)	\$ 1,166.73
3/31/97 Quarter	\$39,874	\$16,764	\$23,110	\$50,000	(\$26,890)	\$ 4,705.75
6/30/97 Quarter	\$58,768	\$21,855	\$36,913	\$50,000	(\$13,087)	\$ 2,290.23
9/30/97 Quarter	\$68,246	\$23,772	\$44,474	\$50,000	(\$5,526)	\$ 967.05
12/31/97 Quarter	\$118,670	\$27,293	\$91,377	\$50,000	\$41,377	N/A
TOTALS		\$199,466				\$53,622.63

a - The contract provides for a \$600,000 guarantee over the relevant 3-year period. This amounts to \$200,000 for each year of the 3-year period or \$50,000 for each quarter. Excess income is measured against the \$200,000 guarantee for the 1995 year and thereafter is measured against the \$50,000 per quarter guarantee for the remaining periods. All amounts less than the guarantee for the relevant period are set forth in parentheses – ie. (177,726) means \$177,726 short of the guarantee for that period.

On page 46, Summary Findings should read as follows:

IV.

SUMMARY FINDINGS

Given the Court’s findings as set forth above, it is appropriate at this juncture to set forth the specific findings in succinct fashion to allow one to view the findings as a whole.

- Defendant’s proportionate share of expenses for three-year period (Defendant owes this amount to Plaintiff).....\$199,466.00
- Plaintiff’s 17.5% share of income guarantee for three-year period (Plaintiff owes this amount to Defendant).....(subtract).... - \$ 53,623.00
- Differential in above two figures: (this does not consider any payments made by Defendant over the years..... \$145,843.00
- If Defendant had not made any payments at all, he would owe Plaintiff the above amount for expenses
- Total Payments made by Defendant to Plaintiff for Defendant’s proportionate share of expenses for three-year period.....(subtract).... - \$109,128.00
- Balance remaining that Defendant owes to Plaintiff for Defendant’s proportionate share of expenses for three-year period.....\$ 36,715.00
- Add amount Defendant owes to Plaintiff for unpaid deliveries owed to Plaintiff.....(add).... + \$ 2,295.52
- Add amount Defendant owes to Plaintiff for unpaid lab fees for 1995-1996.....(add).... + \$ 6,077.00
- Add amount Defendant owes to Plaintiff for unpaid lab fees for 1997-1998.....(add).... + \$ 21, 513.00
- Total amount Defendant owes Plaintiff for unpaid deliveries and lab fees for 95-96 and 96-97.....(total).... = \$ 66,600.52
- The \$65,550.52 figure represents Defendant’s obligation to Plaintiff after considering outstanding lab fees and deliveries owed to Plaintiff (Plaintiff’s offsets); Defendant’s entitlement to unpaid deliveries and other

offsets needs to be considered and factored into the final computation at this time

- Subtract amount Plaintiff owes to Defendant for unpaid deliveries.....(subtract)... - \$ 45,709.00
- Also subtract amount Plaintiff owes to Defendant for unpaid Redux arrangement pursuant to the testimony and exhibits (Defendant's offsets)..... (subtract)... - \$ 6,241.00
- Balance remaining that Defendant owes to Plaintiff . . . \$ 14,650.52

The remaining contents of the original decision filed on March 26, 2009 remain the same.