

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

Misty Murphy,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 4:02-cv-440
)	
Baptist Medicare, Inc.,)	
d/b/a Practice Plus)	
)	
Defendant.)	

FINAL INSTRUCTION ORDER

A. Plaintiff's Proposed Jury Instructions

Instruction No. 1: Essential Elements - Retaliation
Action: Given as Final Instruction No. 3

Instruction No. 2: Employer's Defense
Action: Given as Final Instruction No. 4

Instruction No. 3: Damages
Action: Covered in Final Instruction No. 10

Instruction No. 4: Verdict
Action: Covered in Final Instruction No. 11

Instruction No. 5a: Essential Elements - Wrongful Termination
Action: Denied

Instruction No. 5b: Essential Elements - Wrongful Termination
Action: Denied

Instruction No. 6: Public Policy Violation
Action: Denied

Instruction No. 7a: Protected Activity
Action: Covered in Final Instruction No. 6

Instruction No. 7b: Protected Activity
Action: Given as Final Instruction No. 5

Instruction No. 7c: Protected Activity
Action: Covered in Final Instruction No. 6

B. Defendant's Proposed Jury Instructions

Instruction No. 1: Essential Elements - Retaliation

Action: Covered in Final Instruction No. 3

Instruction No. 2: "Fraud Against the Government" Defined

Action: Covered in Final Instruction No. 7

Instruction No. 3: Protected Activity

Action: Covered in Final Instruction No. 5

Instruction No. 4: Verdict

Action: Covered in Final Instruction No. 11

Instruction No. 5: 8th Cir. Civil Jury Instr. § 3.01 (2007)

Action: Given as Final Instruction No. 1

Instruction No. 6: 8th Cir. Civil Jury Instr. § 3.02 (2007)

Action: Covered in Preliminary Instructions No. 4 and No. 8 and Final Instructions No. 1 and No. 11

Instruction No. 7: 8th Cir. Civil Jury Instr. § 3.03 (2007)

Action: Covered in Preliminary Instruction No. 13

Instruction No. 8: 8th Cir. Civil Jury Instr. § 3.04 (2007)

Action: Covered in Preliminary Instruction No. 5

Instruction No. 9: 8th Cir. Civil Jury Instr. § 3.06 (2007)

Action: Covered in Final Instruction No. 11

Instruction No. 10: Damages

Action: Covered in Final Instruction No. 10

Instruction No. 11: Wrongful Discharge

Action: Covered in Final Instruction No. 8

Instruction No. 12: Employment Terminable At Will

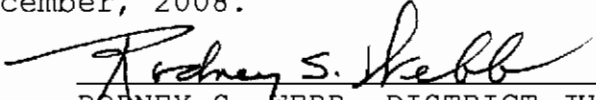
Action: Denied

Instruction No. 12: Violation of Public Policy

Action: Denied

IT IS SO ORDERED.

Dated this 5th day of December, 2008.



RODNEY S. WEBB, DISTRICT JUDGE
UNITED STATES DISTRICT COURT