

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION**

FRANK M. GRIFFIN M.D.

PLAINTIFF

v.

Case No. 2:11-CV-02157

SYNTHES USA SALES, LLC

DEFENDANT

**ORDER ON VERDICT**

On the 23rd day of April, 2014, this matter came before the Court for trial to a duly qualified and selected jury consisting of eight members. After two days of trial, the jury was instructed on applicable law, and the case was submitted on a single interrogatory. The jury then retired to deliberate and thereafter returned to open court to deliver a unanimous verdict, as follows:

**INTERROGATORY:**

Do you find by a preponderance of the evidence that either of the following propositions has been established:

That on or prior to September 28, 2006, Dr. Griffin became aware that he had sustained an injury from the Synthes Bone Plate attached to his femur, including both the fact of his injury and the probable causal connection between the injury and the Synthes Bone Plate;

OR

That on or prior to September 28, 2006, Dr. Griffin, through the exercise of reasonable diligence, should have discovered a probable causal connection between the injury he claims to have suffered and the Synthes Bone Plate.

**Answer (Yes or No):**         No

The verdict form was signed and dated by the Jury Foreperson. Following the Court's reading of the verdict form in open court, Defendant requested that the jury be polled. The Court then polled each juror individually as to the verdict, and all eight jurors were in agreement. Accordingly, as the jury found in Plaintiff's favor on Defendant's statute of limitations defense, the case will proceed to trial on the merits commencing June 23, 2014, as per the Court's Order of March 28, 2014 (Doc. 54).

IT IS SO ORDERED this 24th day of April, 2014.

/s/ Timothy L. Brooks  
TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE