

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SHARRON P. McCLAIN,
Plaintiff
v.
UNITED STATES OF AMERICA,
Defendant

Case No.: 3:12-cv-0307

JUDGE HAYNES
MAGISTRATE JUDGE BRYANT

Handwritten notes: Oppose, This motion is GRANTED. Plaintiff's expert has two opinions on the surgery and the surgery protocol. The latter is admissible.

JOINT MOTION FOR CLARIFICATION

Comes now the parties in the above-referenced medical malpractice action, and respectfully move for clarification of the Court's Memorandum Opinion of January 24, 2014 (docket entry no. 28), which denied the defendant's Motion for Summary Judgment. The parties understand that that the Court has concluded that a Daubert hearing is necessary regarding the opinion of the plaintiff's expert, Dr. Martin. See p. 14. The parties further understand that the Court has found that there are material factual disputes regarding the surgery report, whether the plaintiff was a good candidate for surgery, and the appropriate level of care. See p. 15. However, the parties are at odds over the interpretation of the Court's concluding paragraph, which states:

Handwritten notes: The former requires a Daubert hearing. See p. 14. 2-18-14

Yet, the Court concludes that Plaintiff has submitted sufficient proof that Dr. Summit's extended absence for several hours from the surgery room while Dr. Grewal, a resident, was closing the surgical area, violated local community standards and was a proximate cause of Plaintiff's injuries.

Id.