

## IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

S.K., a legally incapacitated Minor by and through his Conservator, THOMAS T. TARBOX, Esq.,	)	
	)	
	)	
	)	LAW NO. LACV081421
Plaintiffs,	)	
	)	
vs.	)	
	)	PARTIAL RELEASE AND
MERCY HOSPITAL, IOWA CITY, IOWA	)	SATISFACTION OF JUDGMENT
d/b/a MERCY HOSPITAL d/b/a MERCY	)	AS TO MERCY HOSPITAL, IOWA
IOWA CITY, and OBSTETRIC AND	)	CITY, IOWA <u>ONLY</u>
GYNECOLOGIC ASSOCIATES OF IOWA	)	
CITY AND CORALVILLE, P.C.	)	
	)	
Defendants.	)	

NOW COMES the Plaintiff, by and through his counsel of record, Beam Legal Team, LLC; Fieger, Fieger, Kenney & Harrington, PC; and The James Law Firm, PC, and hereby submit this *Partial Release and Satisfaction of Judgment as to Mercy Hospital, Iowa City, Iowa Only*.

On March 23, 2022, the Court entered judgment on the verdict in favor of the Plaintiff in the amount of \$97,402,549.00 against co-Defendants, Mercy Hospital, Iowa City, Iowa and Obstetric and Gynecologic Associates of Iowa City and Coralville, P.C. The jury verdict found the co-Defendants, Mercy Hospital, Iowa City, Iowa and Obstetric and Gynecologic Associates of Iowa City and Coralville, P.C., each 50% at fault for Plaintiff's damages pursuant to special interrogatory on the verdict form.

As a result of a pretrial High-Low Agreement with Defendant Mercy Hospital, Iowa City, Iowa, ONLY, that Defendant's liability on the jury's verdict was capped at \$7,000,000.00. As of the filing of this pleading, Plaintiff states that Mercy Hospital, Iowa City, Iowa's \$7,000,000.00 portion of the judgment has been satisfied pursuant to the terms of the High-Low Agreement,

including interest and court costs. Plaintiff releases Mercy Hospital, Iowa City, Iowa ONLY pursuant to the foregoing from any further obligation on the judgment in this matter.

However, Mercy Hospital's partial satisfaction of this judgment does not satisfy or extinguish the remaining Defendant's, Obstetric and Gynecologic Associates of Iowa City and Coralville, P.C., liability on the judgment pursuant to joint and several liability. This *Partial Release and Satisfaction of Judgment as to Mercy Hospital, Iowa City, Iowa ONLY* does not dismiss or in any way affect Plaintiff's claim against Obstetric and Gynecologic Associates of Iowa City and Coralville, P.C. which entity remains a Defendant in the above cause of action, and which remains liable for the judgment entered on March 23, 2022.

**Acknowledgment of Thomas T. Tarbox**

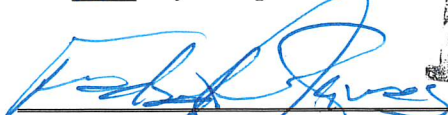
I, Thomas T. Tarbox, hereby acknowledge receipt of Mercy Hospital, Iowa City, Iowa's \$7,000,000.00 portion of the judgment pursuant to the terms of the High-Low Agreement.

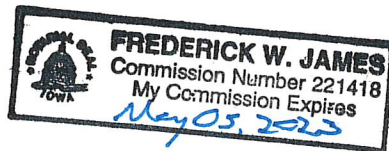
FURTHER AFFIANT SAYETH NAUGHT



Thomas T. Tarbox, Esq.

Subscribed and sworn to before me  
this 12<sup>th</sup> day of April 2021.

  
NOTARY PUBLIC



Respectfully Submitted,

Dated: April 11, 2022

/s/ Matthew M. Patterson  
Jack Beam (*Pro Hac Vice*)  
Matthew M. Patterson (*Pro Hac Vice*)  
Ryan Timoney (*Pro Hac Vice*)  
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**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on April 12, 2022.

By: ☐ U.S. Mail ☐ Fax  
☐ Hand Delivered ☐ Overnight Courier  
☐ Fed Ex/UPS ☐ PDF/CD Format  
☒ Electronic Filing ☒ Email

Signature: /s/Brittany N. Votruba

