

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

BON SECOURS-DEPAUL MEDICAL CENTER, INC., T/A DEPAUL MEDICAL CENTER,
ET AL. v. VASILIA C. ROGAKOS-RUSSELL, ADMINISTRATOR OF THE ESTATE OF
CONSTANTINE P. ROGAKOS, DECEASED
(Record Number 230879)

From

The Court of Appeals of Virginia.

Counsel

A. William Charters and C. Thea Pitzen (Goodman Allen Donnelly, PLLC) for appellants.
Erin K. DeBoer (Liberatore DeBoer & Ryan, PC) and Amberley G. Hammer (Amberley
Hammer Law, P.C.) for appellee.

Assignments of Error

A. The trial court erred when it held that the decedent's statements regarding the fall at issue, as testified to during trial, did not require corroboration in order to support the jury's verdict and therefore erred when it failed to set aside the jury's verdict based upon the uncorroborated statements of the decedent recited at trial. The Court of Appeals erred in affirming the judgment of the trial court.

B. The trial court erred in refusing to give Defendants' requested Jury Instruction 22 where the requested instruction correctly stated the law and was supported by more than a scintilla of evidence.

C. The Court of Appeals erred in holding that the trial court did not abuse its discretion and did not err in refusing Defendants' requested Jury Instruction 22 because the subject matter of the instruction was fully and fairly covered by Jury Instruction Number 11 and in finding that Defendants' requested Jury Instruction 22 was a "superfluous instruction."

D. The trial court erred when it precluded Defendants from using a stretcher as a demonstrative exhibit at trial and when it denied Defendants/Appellants' Motion to Set Aside the Jury's Verdict and Motion for a New Trial on that basis. The Court of Appeals erred in affirming the trial court's judgment.

E. The trial court erred when it failed to sustain the Defendants/Appellants' motions to strike the Plaintiff's evidence both at the conclusion of Plaintiff's case-in-chief and at the conclusion of all of the evidence, as well as when it allowed the case to go to the jury and when it denied Defendants/Appellants' Motion to Set Aside the Verdict and Motion for Judgment Notwithstanding the Verdict, when the Plaintiff failed to establish proximate cause because she failed to show how and why the fall at issue occurred. The Court of Appeals erred in affirming the trial court's judgment.