

IN THE CIRCUIT COURT OF DESOTO COUNTY, MISSISSIPPI

LACEY STOREY and CLAYTON STOREY

PLAINTIFFS

VS.

CAUSE NO.: CI2017-119GCD

WILLIAM L. ALLEN, D.C.

DEFENDANT

PRETRIAL ORDER

1. A pretrial conference was held as follows:

Date: Thursday, March 11, 2021

Time: 9:00 a.m.

2. The following are counsel in the instant matter:

a. For the Plaintiffs:

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b. For the Defendant:

Mark P. Caraway, Esq. (MSB # 5860)
Kimberly N. Howland (MSB # 9580)
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FILED
DESOTO COUNTY MISSISSIPPI

MAR 29 2021

DALE K. THOMPSON, CIRCUIT CLERK

3. The pleadings are amended to conform to this pretrial order.

4. The following claims (including claims stated in the complaint, counterclaims, crossclaims, third-party claims, etc.) have been filed:

a. **Lacey Storey and Clayton Storey**: medical negligence; loss of consortium; discovery/spoliation of evidence; compensatory damages and punitive damages.

5. The basis for the court's jurisdiction is MS Code Annotated §§ 9-7-81 and 11-11-3.
6. The following jurisdictional question(s) remain(s) [If none, enter "None"]: None
7. The following motions remain pending [If none, enter "None"]: MEC 32. Defendant's Motion *in Limine* filed February 22, 2021 and MEC 33. Defendant's Motion *in Limine* Regarding Testimony of Allen Bragman, DC.
8. The parties accept the following concise summaries of the ultimate facts as claimed by:
 - a. **Plaintiffs:** Lacey Storey and Clayton Storey contend that on or about March 27, 2015, William Allen provided chiropractic care to Lacey Storey at Mid-South Chiropractic at 6942 Autumn Oaks Drive, Suite A, Olive Branch, Mississippi 38654. On said date, William Allen performed a chiropractic manipulation of Lacey Storey's neck and/or cervical area. Lacey Storey and Clayton Storey contend that after William Allen's chiropractic manipulation, Lacey Storey began to experience headaches and loss of peripheral vision. As a result of these complaints, Lacey Storey presented to the emergency room at Methodist Hospital in Olive Branch, Mississippi, where she was diagnosed with vertigo and returned home. On or about April 9, 2015, when Lacey Storey continued to suffer severe headaches, lack of vision, vomiting, and vertigo, she presented a second time to the emergency room at Methodist Hospital in Olive Branch, Mississippi. During this emergency room visit diagnostic tests were performed and imaging showed that Lacey Storey suffered an occluded right vertebral artery and multiple small strokes involving her right cerebellum. Lacey Storey was then transferred by air-evacuation to Methodist University Hospital (MUH) in Memphis, Tennessee, for a higher level of care and discharged on or about April 14, 2015. On or about April 23, 2015, Lacey Storey was re-admitted a second time to MUH after she began to experience a headache, neck stiffness, and visual impairment. During this visit, Lacey Storey underwent a neurosurgical procedure. On or about April 30, 2015, Lacey Storey was re-admitted a third time to MUH after complaints of severe headaches. Diagnostic imaging showed a recurrent hemorrhage in her brain and neurosurgical procedures were performed. Lacey Storey was discharged on or about May 13, 2015. Following Lacey Storey's discharge from MUH on or about May 13, 2015, she has received reasonable and necessary medical treatment and therapy for various medical and psychological conditions, continued re-hospitalization, a loss of enjoyment of life, the loss of the ability to be gainfully employed, the loss of the ability to birth another child, and other losses and damages to be proven at trial. Lacey Storey had complications from multiple surgical procedures and has experienced losses and damages that are continuing in nature. Clayton Storey has suffered the loss of love, affection, and consortium of his spouse, along with time away from his employment, financial losses, increased duties and responsibilities to maintain the family home, and other damages to be proven at trial. Lacey Storey and

Clayton Storey contend that Lacey Storey suffered a cerebellar stroke secondary to chiropractic manipulation by William Allen that lead to an arterial tear that resulted in said stroke(s). Lacey Storey suffers from a mild vascular neurocognitive disorder as a result of her cerebellar stroke and has experienced loss of attention, memory, and executive function(s). Lacey Storey and Clayton Storey contend that Defendant William Allen was the owner and/or operator of Mid-South Chiropractic and as such owed a duty of care to the Plaintiffs as well as a duty to produce Lacey Storey's medical records. Lacey and Clayton Storey contend that during all relevant times herein, the Defendant breached his duty to Lacey Storey that caused or contributed to her injuries and the damages claimed by her husband Clayton Storey.

- b. **Defendant:** William Allen, D.C., was a chiropractor licensed by the State of Mississippi when he treated Lacey Storey. Ms. Storey had previously been a patient of another chiropractor, Dr. Brian Henry, when she saw Dr. Allen for the first time in November of 2014. Prior to treating the patient, Dr. Allen went over Ms. Storey's records from Dr. Henry with her and reviewed the information she filled out as a new patient. He asked about Ms. Storey's medical history and had x-rays taken prior to performing any chiropractic treatment. Dr. Allen also performed an appropriate physical examination. Dr. Allen determined that there were no contraindications to Ms. Storey receiving treatment and performed chiropractic manipulations in the areas of her lumbar spine and cervical spine. The same treatment was rendered on the two subsequent visits Ms. Storey made in January of 2015 and March of 2015. Dr. Allen did not discover or become aware of any contraindications when he continued to treat the patient on her second and third visits to him. On none of her visits, including the final one on March 27, 2015, did Ms. Storey give any indication that anything was wrong or that she had suffered any complication from chiropractic treatment. Dr. Allen met the standard of care that he owed to Ms. Storey as a chiropractor practicing in the United States in his evaluation, examination and history prior to rendering treatment, and met the standard of care in the manner in which he performed the chiropractic procedures. The cervical adjustment that he performed would not cause damage to her vasculature, including her vertebral arteries, and the dissection of an artery was not a material risk of Dr. Allen's treatment. Dr. Allen was not negligent in his treatment of Ms. Storey, did not fail to obtain informed consent, and did not cause a subsequent dissection and stroke.

9. The following facts are established by the pleadings, by stipulation, or by admission:
10. The contested issues of fact are as follows: That Defendant, Dr. William Allen breached the standard of care of chiropractors; That Dr. Allen's manipulation of Lacey Storey on March

27, 2015, caused her vertebral artery dissection and later strokes; That Lacey Storey and Clay Storey suffered damages.

11. The contested issues of law are as follows:

12. The following is a list and brief description (i.e., map, photograph, medical bill, etc.) of all exhibits (except exhibits to be used for impeachment only) to be offered in evidence by the respective parties. Each exhibit has been marked for identification and examined by counsel.

a. To be Offered by the Plaintiffs:

- P-1 Lacey Storey Chiropractic Records with William Allen, D.C. dated 11/8/2014, 1/17/2015, and 3/27/2015
- P-2 Sta-Home Health (Bates Lacey Storey 1 - 206)
- P-3 Desoto Ear, Nose, and Throat (Bates Lacey Storey 207 - 222)
- P-4 Family Medical Clinic of North Mississippi, Inc. (Bates Lacey Storey 223 - 247)
- P-5 Journey to New Beginnings (Bates Lacey Storey 248 - 286)
- P-6 Dr. Sarah Hairgrove, Institute for Neuropsychiatry (Bates Lacey Storey 308 - 319)
- P-7 Dr. Paul K. Dibbs, Maternal Fetal Medicine of Acadiana - as provided to McDonald Murrman Women's Clinic (Bates Lacey Storey 368 - 403)
- P-8 Dr. Foster Ruhl, Senatobia Family Practice (Bates Lacey Storey 404 - 444)
- P-9 Dr. Michael Jones, The Jones Clinic (Bates Lacey Storey 465 - 480)
- P-10 Methodist Healthcare Olive Branch, MS (Bates Lacey Storey 481 - 681)
- P-11 Methodist Healthcare University (TN) (Bates Lacey Storey 682 - 3597)
- P-12 CareCentrix (Home Health) dated 4/15/2015 (Bates Lacey Storey 3598 - 3604)
- P-13 Napoli Physical Therapy dated 4/29/2015 (Bates Napoli.PT/Storey/WCCC/000001 - 000008)
- P-14 FMLA Application of Clayton Storey dated 5/6/2015 (Bates Lacey Storey 3631 - 3638)
- P-15 Letter from Lucas Elijovich, M.D. and Semmes Murphey record dated 7/17/2015 (Bates Lacey Storey 3639-3643)
- P-16 Photographs of Lacey Storey (Bates Lacey Storey 3645 - 3653)
- P-17 Videos of Lacey Storey (Bates Lacey Storey 3654 - 3657)
- P-18 Audio recording of Clayton Storey and Lacey Storey at Methodist University Hospital in Memphis, TN dated 6/17/2015 (Lacey Storey Bates 3659)
- P-19 Fort Walton Beach Hospital dated 7/2/2015 (Bates FWBH/Storey/WCCC/000001 - 000073)
- P-20 CV of Brandon Baughman, Ph.D.

- P-21 Independent Neuropsychological Evaluation Report & Data Appendix of Brandon Baughman, Ph.D. dated 3/20/2017 (Bates SemmesMurphey.Baughman.Storey.WCCC/000001 – 000105)
- P-22 Video Deposition of Brandon Baughman, Ph.D (March 4, 2021)
- P-23 CV of Alan Bragman, D.C.
- P-24 Article by Alan Bragman, D.C.
- P-25 Video Deposition of Alan Bragman, D.C. (July 21, 2020)
- P-26 Diagram of Cervical Neck (Exhibits to Dr. Bragman's Deposition)
- P-27 Methodist Hospital Olive Branch Radiology Records (MRA/MRI 4/9/2015) (Bates Methodist-OliveBranch/Storey/WCCC/000115)
- P-28 Methodist Healthcare Imaging of Storey (MRI/CT/MRA) (4/9/2015 – 6/10/2015) (Bates MethUniv/StoreyWCCC/000685)
- P-29 EOB and supporting documents (DAMAGES) (Lacey Storey Bates 2-8, 3670-3744)
- P-30 Model - Cervical Spine (illustrative only)

Plaintiffs reserve the right to introduce any other document produced during discovery and/or any document listed or used by Defendants.

b. To be Offered by the Defendants:

- D-1 Office forms that were in use when Ms. Storey was a patient of Dr. Allen.
- D-2 Records of Dr. Elijovich (3640-3643)
- D-3 Articles produced
- D-4 C.V. of Dr. Rordorf
- D-5 C.V. of Dr. Cole
- D-6 C.V. of Dr. Andrews

Defendant reserves the right to introduce any other document produced during discovery and/or any document listed or used by Plaintiff.

The authenticity and admissibility in evidence of the preceding exhibits are stipulated unless the subject of a pending Daubert motion or motion in limine. IF the authenticity and/or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified ground(s) for the objection(

13. The following is a list and brief description of all demonstrative aids (charts, graphs, models, schematic diagrams, and similar objects) which will be used in opening statements or closing statements but which will not be offered in evidence:

- a. **To be Offered by the Plaintiffs: Display of cervical neck**
- b. **To be Offered by the Defendant: Medical drawing of neck and head.**

14. The following is a list of witnesses Plaintiffs anticipate calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge prior to commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

<u>Name</u>	<u>Will Call</u>	<u>May Call</u>	<u>Fact/Expert/Damages</u>	<u>Address & Telephone Number</u>
Lacey Storey	X		Fact/Damages	2828 McIngvale Drive, Apt. 808 Hernando, MS 38632 901.315.3223
Clayton Storey	X		Fact/Damages	P.O. Box 878 Hernando, MS 38632 662.380.2991
Mitzi Hodge	X		Fact/Damages	3856 Daffodil Drive Southaven, MS 38652 901.827.1670
Shonna Broadnax	X		Fact/Damages	417 Crossover Road Pineville, LA 71360 318.787.1986
Lucas Elijovich, M.D.	X		Expert	6325 Humphreys Blvd. Memphis, TN 38120 901.522.7700
Alan H. Bragman, D.C.	X		Expert	5500 Errol Place Atlanta, GA 30327 678.777.1161
Brandon Baughman, Ph.D.	X		Expert	6325 Humphreys Blvd. Memphis, TN 38120 901.522.2637

Plaintiffs reserve the right to call any witness listed by Defendant.

15. The following is a list of witnesses Defendant anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge prior to commencement of trial. The listing of a WILL CALL witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

<u>Name</u>	<u>Will Call</u>	<u>May Call</u>	<u>Fact/Expert/Damages</u>	<u>Address & Telephone Number</u>
William Allen, D.C.	X		Fact/Damages	408 S. Main Street, C Jamestown, TN 38556
Stormy Allen		X	Fact/Damages	408 S. Main Street, C Jamestown, TN 38556
Richard Cole, D.C.	X		Expert	2845 Summer Oaks Dr. Bartlett, TN 901-377-2340
Guy Rordorf, M.D.		X	Expert	49 Bowdoin Street Newton, MA 02461 617-726-8459
Garrett Andrews, Ph.D.		X	Expert	1701 Centerview Dr. Little Rock, AR 72114 501-537-1388

Defendant reserves the right to call any witness listed by Plaintiffs, either live or through deposition testimony.

16. This is a jury case.

17. Counsel suggests the following additional matters to aid in the disposition of this civil action: _____


18. Counsel estimates the length of trial will be four (4) days.

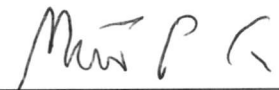
19. Reasonable opportunity has been afforded for corrections or additions prior to signing.

This order will control the course of the trial, as provided by Rule 16, Mississippi Rules of Civil Procedure, and it may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

ORDERED, this the 29th day of March, 2021.


CIRCUIT COURT JUDGE


David G. Hill (MSB # 2444)
Paul Chiniche (MSB # 101582)
Counsel for the Plaintiffs


Mark Caraway (MSB # 5860)
Kimberly N. Howland (MSB # 9580)
Counsel for the Defendant
Dr. William Allen