

# Anderson v. Babbe

**Case Number**

S-18-0847

**Case Audio**

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**Call Date**

August 29, 2019

**Case Time**

9:00 AM

**Court Number**

Douglas

**Case Location**

Lincoln

**Court Type**

District Court

**Case Summary**

S-18-0847, Rickey Anderson and Lynnette Anderson v. Gregory J. Babbe, M.D., Elisabeth L. Backer, M.D., and UNMC Physicians (Appellants)

Douglas County District Court, Judge Duane C. Dougherty

Attorneys: Joseph S. Daly, Mary M. Schott (Sodoro Daly Shomaker, PC, LLO, for Appellants); Patrick J. Cullan (Cullan & Cullan, L.L.C., for Appellees)

Civil: Medical Malpractice

Proceedings below: The trial court entered judgment against Appellants based on jury verdict awarding damages of \$800,000.00 and allocating fault 75% and 25% between the doctors.

Issues: Whether district court erred 1) during jury selection when it failed to grant a mistrial and failed to give a curative instruction after Appellees' counsel made a comment to the jury about the importance of health and mobility and questioned several prospective jurors regarding how their lives would be affected if they could not walk or work; 2) when it later overruled Appellants' motion for new trial based on the alleged impropriety during jury selection; 3) when it overruled Appellants' motion for directed verdict on the basis that Appellees' evidence failed to establish the applicable standard of care; and 4) when it allowed Appellees to cross-examine one of the Appellants as an expert witness against the other Appellant.

**Schedule Code**

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