

NO. 08-005895-CV

CORI HARBOUR CAÑAS

*Plaintiff,*

v.

JODY HAMMER, M.D.

*Defendant.*

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IN THE 531<sup>st</sup> DISTRICT COURT

IN AND FOR DALLAS COUNTY

STATE OF LONE STAR

**Prepared by:**

**Marvin W. Jones  
Sprouse Shrader Smith P.C.  
701 S. Taylor, Suite 500  
Amarillo, TX 79101**

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This case file was commissioned by the Texas Young Lawyers Association and was prepared by Marvin W. Jones for the 2010 National Trial Competition.

## STATEMENT OF THE CASE

This is a medical malpractice case in which Plaintiff Cori Harbour Cañas sued Dr. Jody Hammer for failure to warn her deceased husband, Rob Cañas, about the potentially dangerous interaction of certain medications he was taking.

Cori Harbour Cañas has testified that she was married to Judge Rob Cañas, a sitting state court judge who she describes as her husband and closest friend. On the evening of June 6, 2008, Judge Cañas did not return to their home, but she was not concerned about that because he typically worked very late each Friday evening, waiting for juries to reach a verdict. When he had not returned by Saturday morning, she became worried and went to the courthouse to check on him. She found the courthouse and his chambers open, and found him slumped in a chair. While she thought he might be asleep, she looked closer and determined he was in fact dead. Mrs. Cañas was aware that the Judge had a heart condition for which he took nitroglycerin tablets as needed. He was so concerned about his heart condition that he quit jogging and, in fact, quit all activities of a strenuous nature, including normal marital relations. Mrs. Cañas admits that she has been dating a lawyer named Kelly Taylor since the death of her husband. Taylor was in fact a defendant in a criminal case in which he was charged with the murder of Judge Cañas, but he was acquitted.

Dr. Andy Little is a medical doctor practicing in Armadillo, Lone Star who has developed a subspecialty involved with treating erectile dysfunction syndrome, or EDS. Dr. Little was hired by Mrs. Cañas to look into the death of her husband. Dr. Little has looked at the medical records from Dr. Jody Hammer's clinic as well as the autopsy report, a toxicology result and some literature on the medication known as Viagra. Dr. Little has formed an opinion that Judge Cañas died as a result of a drop in blood pressure caused by an interaction between this drug and the nitrates he took for a heart condition. Dr. Little opines that Dr. Hammer was professionally negligent in failing to warn Cañas of the potentially lethal combination of these medications, and that Hammer had sufficient information in a medical intake form to determine that Cañas was in fact taking both of these medications.

Dr. Hammer has testified that Judge Cañas was seen in one of the clinics run by the doctor in Armadillo, Lone Star. Dr. Hammer can identify the intake form filled out by Cañas, but does not specifically remember seeing the information on that form. It is, however, the doctor's normal practice to look at all the information on an intake form. The information on the form would not have alarmed Dr. Hammer because the combination of Viagra and nitrates would not normally cause problems in normal dosage levels, even given the diagnosis of heart issues. Dr. Hammer has looked at the autopsy report and believes that the cause of the death of Cañas was blunt force trauma to the head.

Stevie Walker is an investigator for the Dallas County district attorney's office. Walker was originally tasked with looking into the death of Judge Cañas as part of a criminal investigation. Based on Walker's work, attorney Kelly Taylor was charged with murdering Judge Cañas. Walker has testified that the death of Judge Cañas was the result of blunt force trauma to the back of Judge Cañas' head, caused by an ugly trophy the Judge kept in his office. In Walker's opinion, Taylor killed the Judge because the Judge had just taken a \$10,000,000 verdict away

from Taylor, after trying to fashion a jury charge designed to make Taylor lose the case. Walker will identify a copy of the draft of that charge with Taylor's handwriting on the front, threatening to get even for the court's action in drafting the charge.

CORI HARBOUR CAÑAS	§	IN THE 531 <sup>st</sup> DISTRICT COURT
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<i>Plaintiff,</i>	§	
	§	
v.	§	IN AND FOR DALLAS COUNTY
	§	
JODY HAMMER, M.D.	§	
	§	
<i>Defendant.</i>	§	STATE OF LONE STAR

**PLAINTIFF’S ORIGINAL COMPLAINT**

TO THE HONORABLE COURT:

COMES NOW, Plaintiff Cori Harbour Cañas and files this Original Complaint against Jody Hammer, M.D., showing the Court as follows:

**I.**  
**GENERAL ALLEGATIONS**

1. This is an action for damages within the jurisdictional limits of this Court.
2. Cori Harbour Cañas is a resident of Armadillo, Dallas County, Lone Star.
3. Jody Hammer, M.D. is a resident of Armadillo, Dallas County, Lone Star.
4. The conduct that is the subject of Plaintiff’s Original Complaint occurred in Dallas County, State of Lone Star.

**II.**  
**CAUSES OF ACTION**

5. On or about April 27, 2008, Lone Star State Judge Rob Cañas, deceased, visited a medical clinic in Armadillo, Dallas County, Lone Star, for the purpose of seeking medical treatment and advice. There, he was seen by Dr. Jody Hammer. Dr. Hammer reviewed an information sheet prepared by Judge Cañas, which

- information sheet inquired about medications taken by the patient and listed certain prior health conditions of the patient. The information sheet revealed that Judge Cañas was taking a medication containing nitrates, and that he had experienced chest pains, low blood pressure, dizziness and other symptoms related to heart problems. The information sheet also indicated that Judge Cañas was taking certain medications for erectile dysfunction syndrome.
6. Dr. Hammer failed to warn Judge Cañas of the potential drug interactions caused by taking nitrates and medications for erectile dysfunction syndrome, and failed to warn Judge Cañas that taking drugs such as Viagra could cause an unsafe drop in blood pressure in persons who had pre-existing blood pressure and heart conditions.
  7. On June 7, 2008, Judge Cañas was found dead in his chambers in the courthouse of Lone Star County. The cause of Judge Cañas' death was an unsafe drop in blood pressure, caused by the ingestion of Viagra. Further, Judge Cañas was determined to have ingested nitrates at or near the time he ingested Viagra, compounding the effect of Viagra on his low blood pressure problems.
  8. Dr. Hammer was negligent in failing to warn Judge Cañas of the potential interaction of the medications he was taking, and in failing to warn Judge Cañas of the dangerous effects of taking Viagra in amounts that could cause an unsafe drop in blood pressure. Such negligence was the proximate cause of the death of Judge Cañas.
  9. Cori Harbour Cañas was the wife of Judge Cañas at the time of his death. As such, the negligence of Dr. Hammer and the resulting death of her husband has

caused Plaintiff to suffer loss of income and support, loss of consortium, mental anguish, grief, loss of society and comfort and loss of inheritance, for which she sues Defendant.

**III.**  
**JURY DEMAND**

10. Cori Harbour Cañas hereby requests trial by jury.

**IV.**  
**PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff Cori Harbour Cañas requests that the Defendant be cited to answer and appear, and that upon final hearing, she have judgment for damages, pre-judgment and post judgment interest as allowed by law, costs of suit and such other and further relief, at law or in equity, to which she may be justly entitled.

Respectfully Submitted,

SHINEY & RINEY, P.C.  
83 Pauper's Parkway  
P.O. Box 1001  
Armadillo, Lone Star 72115-1001  
(800) 525-6161  
(512) 467-1455

By:       /s/ Dusty Stockard (electronically signed)  
Dusty Stockard  
State Bar No. 018569784

CORI HARBOUR CAÑAS

*Plaintiff,*

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JODY HAMMER, M.D.

*Defendant.*

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IN THE 531<sup>st</sup> DISTRICT COURT

IN AND FOR DALLAS COUNTY

STATE OF LONE STAR

**DEFENDANT’S ORIGINAL ANSWER**

TO THE HONORABLE COURT:

COMES NOW, Defendant Jody Hammer, M.D. and files this Original Answer to Plaintiff’s Original Complaint, showing the Court as follows:

**ANSWER**

1. Defendant admits the allegations in Paragraph 1 of Plaintiff’s Complaint.
2. Defendant admits the allegations in Paragraph 2 of Plaintiff’s Complaint.
3. Defendant admits the allegations in Paragraph 3 of Plaintiff’s Complaint.
4. Defendant admits the allegations in Paragraph 4 of Plaintiff’s Complaint.
5. Defendant admits the allegations in the first three sentences in Paragraph 5 of Plaintiff’s Complaint, and denies the remaining allegations in Paragraph 5 of Plaintiff’s Complaint.
6. Defendant denies the allegations in Paragraph 6 of Plaintiff’s Complaint.
7. Defendant admits the allegations in the first sentence in Paragraph 7 of Plaintiff’s Complaint, and denies the remaining allegations in Paragraph 7 of Plaintiff’s Complaint.
8. Defendant denies the allegations in Paragraph 8 of Plaintiff’s Complaint.

9. Defendant admits the allegations in the first sentence of Paragraph 9 of Plaintiff's Complaint, and denies the remaining allegations in Paragraph 9 of Plaintiff's Complaint.

**AFFIRMATIVE DEFENSES**

1. Pleading by way of affirmative defense, Defendant states that the death of Rob Cañas was caused, in whole or in part, by his own negligence.
2. Pleading further by way of affirmative defense, Defendant states that the death of Rob Cañas was solely caused by the act or acts of Kelly Taylor.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant requests that upon final trial that Defendant have judgment that Plaintiff take nothing, that Defendant be discharged from any and all liability, that Defendant recover court costs and for such other and further relief, at law or in equity, general or special, to which Defendant may be entitled.

Respectfully Submitted,

BASKERVILLE & MALONEY, L.L.C.  
701 S. New Road, Suite 6700  
Armadillo Petroleum Building  
P.O. Box 1411  
Armadillo, Lone Star 72105-1411  
(512) 424-4411  
(512) 424-4422 FAX

By: /s/ Pam Baskerville (electronically signed)  
Pam Baskerville  
State Bar No. 26058726



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Original Answer has been served by U.S. Mail to Dusty Stockard, P.O. Box 1001, Armadillo, Lone Star, 72115-1001 on this 1<sup>st</sup> day of April, 2009.

By: /s/ Pam Baskerville (electronically signed)  
Pam Baskerville

## WITNESS LIST

### PLAINTIFF:

1. Dr. Andy Little\*
2. Cori Harbour Cañas\*\*

### DEFENDANT:

1. Dr. Jody Hammer\*
2. Stevie Walker\*

\* May be either male or female

\*\* Must be female

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## EXHIBIT LIST

1. FBI Employee Review of Stevie Walker
2. Photo of Decedent
3. Autopsy Report
4. Draft of Jury Charge in Civil Matter
5. Photo of Trophy
6. Medical Record
7. Advertisement for Viagra
8. Judgment from Malpractice Case
9. Sign on Courthouse Door
10. NEJM Article

## STIPULATIONS AS TO EVIDENTIARY MATTERS

### Procedural Matters

1. Federal Rules of Civil Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify who have identified the parties, other individuals, or tangible evidence in depositions or prior testimony can and will, if asked, identify the same at trial.
3. Each witness who testified previously or gave a deposition agreed under oath at the outset of his or her testimony to give a full and complete description of all material events that occurred and to correct the transcript of such deposition or testimony for inaccuracies and completeness before signing the transcript.
4. All depositions and transcripts of testimony were signed under oath.
5. For this competition, no team is permitted to attempt to impeach a witness by arguing to the jury that a signature appearing on a deposition or other transcript does not comport with signatures or initials located on an exhibit.
6. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
7. This competition does not permit a listed witness, while testifying, to "invent" an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that "invented" individual.
8. "Beyond the record" shall not be entertained as an objection. Rather, teams shall use cross-examination as to inferences from material facts pursuant to National Rules VII(4)(C) and (D) and VIII(5). Any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in rule VIII(4).

9. The Plaintiff and the Defendant must call the two witnesses listed as that party's witnesses on the witness list.

10. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that document unless otherwise noted on the exhibit or as established by the evidence.

11. It is stipulated that no one shall attempt to contact the problem drafter about this problem before the conclusion of the 2010 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

12. 2010 is the year in which this case comes to trial.

13. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the Plaintiff shall have four minutes to present any pretrial motions; (2) the Defendant shall have four minutes to respond to the Plaintiff's motion(s); (3) the Defendant shall have four minutes to present any pretrial motions; and (4) the Plaintiff shall have four minutes to respond to the Defendant's motion(s).

14. This competition permits teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues. However, no additions or deletions are permitted to the provided jury instructions or to the jury verdict form.

15. A motion to bifurcate the trial into separate liability and damages segments has been granted, and damages, if any, will be determined in a subsequent and separate trial.

16. All dispositive motions have been filed and denied; no further dispositive motions (other than motions for directed or instructed verdict) will be entertained.

17. The Statement of the Case is a quick summary written for the convenience of the judges and coaches, and shall not be used as evidence or for examination or cross-examination of any witness.

**Substantive Matters**

1. The autopsy report identified as Exhibit 3 is an official public record under Fed. R. Evid. 803(8) and is authentic.

**DEPOSITION OF CORI HARBOUR CAÑAS**  
**JULY 21, 2009**

1 Q: Can you tell us your full name please?

2 A: My full name is Cori Harbour Cañas.

3 Q: Were you previously married to Judge Rob Cañas?

4 A: Yes, Rob was my husband and my closest friend.

5 Q: How long were you and the Judge married?

6 A: We were married 10 good years, 15 in all.

7 Q: Was this your first marriage?

8 A: No, both of us were married previously. The Judge was married to a heartless, mean-  
9 spirited woman named Bree Trevino, and I was married to a no-good, cheating,  
10 neglectful cad named Zach Hall.

11 Q: How did you and Judge Cañas get together?

12 A: Well, I was actually his court coordinator before our respective divorces, and we just sort  
13 of gravitated together, if you know what I mean.

14 Q: Was that gravitating done before or after your respective divorces?

15 A: Well, now you're prying.

16 Q: Were you and Rob really close?

17 A: Yes, we were as close as any husband and wife I know. We were always together when  
18 he wasn't at the courthouse. There wasn't anything about him that I didn't know.

19 Q: Did you know that Judge Cañas had a heart condition?

20 A: Yes, I went with him to his regular cardiologist, Dr. Murphy. Dr. Murphy told Rob that  
21 he had low blood pressure and that if he started having some chest pains, he ought to take  
22 some nitroglycerin orally in order to ward off a heart attack. Rob kept nitroglycerin with  
23 him at all times.

24 Q: Did you ever hear Dr. Murphy warn the Judge about taking nitroglycerin and any other  
25 drugs at the same time?

**DEPOSITION OF CORI HARBOUR CAÑAS**  
**JULY 21, 2009**

1 A: No, Dr. Murphy just said to pop one of those nitro pills under his tongue if he got to  
2 feeling like he was having heart issues.

3 Q: Was Rob taking any other medications to your knowledge?

4 A: Only Vitamin C. That's all I am aware of.

5 Q: Was it unusual that Rob did not come home the Friday evening before his body was  
6 found?

7 A: Not really. In the last couple of years, Rob had really started having to work awfully  
8 hard. He told me that his caseload had really increased, and he was really having trouble  
9 keeping up.

10 Q: What kind of hours was he keeping?

11 A: Well, almost every Friday night for the last couple of years, he would come in really,  
12 really late, sometimes as late as 2 or 3:00 a.m. He told me that he was waiting on juries  
13 to come back, and he didn't want to release them until they had made a decision. He  
14 didn't want to hold them over until Monday. He wanted them to be deciding the cases  
15 then and there. So he stayed as long as it took. Every Friday night. I really admired his  
16 grit and determination.

17 Q: When you woke up Saturday morning and he wasn't there, did you become concerned?

18 A: Yes, that's when I started getting worried. I tried to call his cell phone and I tried to call  
19 his chambers and got not answer. So I went up to the courthouse to see if I could find  
20 him.

21 Q: Were you able to get in the courthouse?

22 A: Yes, the security people were working on the electronic locks that all of the outside doors  
23 had, and those doors were open when I got there at 9:00 a.m.

24 Q: Can you identify Exhibit 9?  
25

**DEPOSITION OF CORI HARBOUR CAÑAS**  
**JULY 21, 2009**

1 A: Yes, that's a sign that was on the courthouse door indicating that security people were  
2 working on the locks and if you needed help getting in or out any time after 6:00 p.m. on  
3 Friday evening, you should call a certain number.

4 Q: After you got past the outside doors to the courthouse, what did you do?

5 A: I went up to Rob's chambers. The door was unlocked, which was kind of unusual.

6 Q: Why was that unusual?

7 A: Well, he's tried a lot of bad criminal cases where a lot of bad criminals had said a lot of  
8 bad things to him, so he usually kept his door locked when he was in there.

9 Q: So you found the door unlocked. What did you do next?

10 A: I opened the door and I saw Rob slumped in his chair. At first, I thought he was just  
11 asleep because he looked so peaceful. But then, I noticed that he had a certain pallor to  
12 him, kind of gray and unusual. I walked over and tried to wake him up, and noticed that  
13 he was colder than usual.

14 Q: What did you do then?

15 A: I called 911. The police came within a few minutes, probably around 9:30, and started  
16 putting up all their yellow tape and kicked me out of the area.

17 Q: Can you identify Exhibit 2?

18 A: Yes, that's a photograph of my poor dead husband, all slumped down in a chair in his  
19 chambers, dead and everything.

20 **CROSS-EXAMINATION**

21 Q: Was Judge Cañas concerned about his heart condition?

22 A: Yes, he was quite concerned about it.

23 Q: Did his concern about his heart problem change his lifestyle in any way?  
24  
25



**DEPOSITION OF CORI HARBOUR CAÑAS**  
**JULY 21, 2009**

1 A: Yes, he quit jogging. He quit working out at the gym. He even quit having normal  
2 marital relationships with me because he was afraid that it might cause him to have a  
3 heart attack. I fully understood and supported that.

4 Q: By the way, were you Judge Cañas' first wife?

5 A: No, I was his third wife.

6 Q: Do you happen to know how he met his first two wives?

7 A: Well, just coincidentally, both of them happened to be court coordinators for him.

8 Q: Do you know Kelly Taylor?

9 A: Yes, I have met Mr. Taylor.

10 Q: Have you ever dated Mr. Taylor?

11 A: Since Rob's death, Mr. Taylor has been very kind to me and has consoled me and we do  
12 occasionally go out to dinner and a movie.

13 Q: Did that relationship start before the Judge's death?

14 A: I might have needed a little consoling before the Judge's death.

15 Q: Can you identify Exhibit 4?

16 A: Well, Exhibit 4 appears to be a draft of one of those things that the Judge gives to the jury  
17 to answer questions, a court's charge.

18 Q: Can you identify the handwriting on the front of that charge?

19 A: Yes, that's Kelly Taylor's handwriting.  
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**DEPOSITION OF DR. ANDY LITTLE  
JULY 30, 2009**

1 Q: Please tell us your name.

2 A: My name is Dr. Andy Little, M.D., FACS.

3 Q: I take it you are a medical doctor?

4 A: Yes, I am a medical doctor.

5 Q: Tell us something about your background, Dr. Little.

6 A: I was raised in Milano, here in the great state of Lone Star, where I attended Milano High  
7 School and graduated as valedictorian. First in my class of four. I then went to the  
8 fabled University of Lone Star located in Plano, which is just north of Dallas. After  
9 graduating from the University of Lone Star with a Bachelor of Science degree in  
10 biochemistry, I attended medical school at the University of Polytechnical Studies in  
11 China Grove, also here in Lone Star. I then did a residency in cardiology at Fargo  
12 General Hospital in Fargo, Oklahoma. After completing that residency, I moved here to  
13 Armadillo where I have been in general practice for the past twenty years.

14 Q: Are you licensed to practice medicine in Lone Star?

15 A: Yes, my license is on file right here in Lone Star.

16 Q: In the past twenty years, have you had an opportunity to develop any kind of sub-  
17 specialty?

18 A: Yes, perhaps because of where I practice, I encounter a large number of patients with  
19 EDS, or erectile dysfunction syndrome. So I treat a lot of EDS and prescribe a lot of  
20 medications for it, including the drug commonly known as Viagra.

21 Q: Have you been asked by Mrs. Cañas to look in to the facts and circumstances surrounding  
22 the death of her poor husband, Judge Rob Cañas, and render opinions on the cause of that  
23 death?

24 A: Yes, Cori asked me take a look at this because it seemed mighty strange to her.

25 Q: What materials have you looked at?

**DEPOSITION OF DR. ANDY LITTLE**  
**JULY 30, 2009**

1 A: Well, I've looked at a toxicology report, an autopsy report, the deposition of investigator  
2 Stevie Walker, the deposition of Cori Cañas, and some literature that I keep around my  
3 office concerning the drug Viagra.

4 Q: Based on your review of these items, have you formed any opinions or conclusions  
5 regarding the cause of death of Judge Cañas?

6 A: Yes, it is my professional opinion, based on the materials I have reviewed and upon  
7 reasonable medical probability, that Judge Cañas died of a massive drop in blood  
8 pressure brought on by ingestion of the drug Viagra.

9 Q: Dr. Little, lots of people take Viagra without dying of a massive drop in blood pressure,  
10 don't they?

11 A: Yes, but you will find that Judge Cañas also suffered from certain medical conditions  
12 which made the use of Viagra unsafe, even dangerous, or in doctor language,  
13 contraindicated.

14 Q: I'm handing you marked as Exhibit 3, can you identify what it is?

15 A: Yes, that is an autopsy report reflecting that a potential cause of Judge Cañas' death was  
16 a loss of blood pressure. That's backed up by the toxicology results on blood samples  
17 and tissue samples taken at the time of Judge Cañas' autopsy.

18 Q: What if anything do you find significant about the toxicology report?

19 A: I find that the toxicology report shows the presence of Viagra, indicating results  
20 consistent with approximately 30 milligrams of Viagra in the Judge's bloodstream at the  
21 time of autopsy. The report also shows traces of nitrates, the amount of which is not  
22 quantified.

23 Q: If Judge Cañas had ingested 30 milligrams of Viagra any time prior to his death, would  
24 30 milligrams have remained in the bloodstream at the time of autopsy?  
25

**DEPOSITION OF DR. ANDY LITTLE**  
**JULY 30, 2009**

1 A: No, the body would have processed some of the Viagra, such that there would not be 30  
2 milligrams remaining in his body at the time of autopsy.

3 Q: I am handing you Exhibit 6, can you identify what it is?

4 A: Yes, this is a medical record from the Defendant's clinic, not his fancy upscale clinic but  
5 his walk-in clinic.

6 Q: What if anything is significant about this medical record?

7 A: Everything about this medical record is significant. First, you will notice that Judge  
8 Cañas was probably not a regular patient of Dr. Hammer. Like most of us, if we have  
9 some condition that is concerning us, he sought out a quick solution in a walk-in clinic.

10 Q: What else do you find to be significant about Exhibit 6?

11 A: Exhibit 6 is one of those intake sheets that you have to fill out every time you go to a  
12 clinic because they don't maintain electronic medical records. And so this is in Judge  
13 Cañas' own handwriting. In his own handwriting, Judge Cañas gave the doctor a clue  
14 that he was taking Viagra. Dr. Hammer should have caught that.

15 Q: Why is that significant?

16 A: Because of the other things that Judge Cañas self-reported on this form. For example, in  
17 the medical history portion he reported that he had suffered from chest pains, fainting  
18 spells, low blood pressure and dizziness. These are indicators of a heart condition. Just  
19 the blood pressure report alone should have tipped Dr. Hammer off that this patient  
20 needed some warning and counseling.

21 Q: Is there anything else in the medical record that is significant?

22 A: Yes, the Judge self-reported erections lasting longer than 4 hours, a clear indication that  
23 he was taking medications for EDS.

24 Q: Is there any actual indication he was taking Viagra?  
25

**DEPOSITION OF DR. ANDY LITTLE  
JULY 30, 2009**

1 A: What other indication would a competent doctor need? There is no other cause of that  
2 particular condition.

3 Q: Anything else significant about the medical record?

4 A: Yes, in the middle portion of the form, he also reported he was taking Nitrostat, which is  
5 a form of oral nitroglycerin.

6 Q: Why is that significant?

7 A: Because you take oral nitroglycerin for heart conditions. Again, if you have a heart  
8 condition, Viagra is not the kind of drug you ought to be taking.

9 Q: Are you saying that people who have a heart condition or low blood pressure should  
10 never take Viagra?

11 A: Well, no, I am not saying that. However, people who do have such conditions ought to  
12 take Viagra at its lowest dosage level, and Judge Cañas obviously wasn't doing that.

13 Q: Are you familiar with the dosage levels that Viagra is available in?

14 A: Certainly. I deal with Viagra all the time. It comes in dosages of 25, 50 and 75  
15 milligrams.

16 Q: Why do you say the Judge wasn't taking Viagra at the lowest dosage levels?

17 A: Because the lowest dosage level is 25 milligrams, and he had 30 milligrams in his blood  
18 stream at autopsy.

19 Q: Can you identify Exhibit 7?

20 A: Yes, that is one of Viagra's many tasteful advertisements. You can see here that Viagra  
21 is available in 25, 50 and 75 milligram dosages. Judge Cañas must have taken at least 50  
22 milligrams to have 30 remaining in his bloodstream upon autopsy. Fifty milligrams is  
23 contraindicated in a man with his conditions.

24 Q: What else does Exhibit 7 tell us of significance?  
25

**DEPOSITION OF DR. ANDY LITTLE**  
**JULY 30, 2009**

1 A: Exhibit 7 contains a warning that people who have low blood pressure should not take  
2 Viagra.

3 Q: Anything else?

4 A: Well, the fact that it's a legal journal tells us that lawyers need certain medications and  
5 that they can read and understand warnings.

6 Q: Dr. Little did you form an opinion based on reasonable medical probability as to whether  
7 Judge Cañas died as a result of unsafe drop in blood pressure caused by the ingestion of  
8 Viagra?

9 A: Yes, that is exactly my opinion and that is exactly the cause of death.

10 Q: In your opinion as a practitioner, should Dr. Hammer have noticed the information on  
11 Exhibit 6, Judge Cañas' intake form, that indicated he had a heart condition and low  
12 blood pressure and was taking Viagra?

13 A: Absolutely, that is why you do a medical history, so that the doctor can look at it and  
14 have information that is important to make diagnostic decisions.

15 Q: And in your opinion, based on your understanding of the practice of medicine in this  
16 area, should Dr. Hammer have warned Judge Cañas about taking Viagra in light of his  
17 medical conditions?

18 A: He absolutely should have taken the Judge aside and said "Judge, don't be taking Viagra  
19 anymore. You understand me, son?"

20 Q: In your opinion, if Judge Cañas had received this warning, would he have quit taking  
21 Viagra and still be alive today?

22 A: Absolutely, the Judge was the kind of man, based upon my knowledge of him, who  
23 would have absolutely, positively followed any warning that he gave him of that nature.  
24  
25

**DEPOSITION OF DR. ANDY LITTLE  
JULY 30, 2009**

1 CROSS-EXAMINATION

2 Q: Dr. Little, returning to the autopsy report upon which you have relied, did you find any  
3 indication that Judge Cañas' heart had been examined during the autopsy?

4 A: Yes, the pathologist obviously looked at Judge Cañas' heart. There is a report here that  
5 the heart had a very hard exterior.

6 Q: But is there any indication that the heart was dissected?

7 A: No, the heart apparently was not dissected during the autopsy.

8 Q: During an autopsy isn't it normal procedure to dissect a person's heart?

9 A: You would hope so.

10 Q: And the principle finding of the autopsy is that the Judge died as a result of blunt force  
11 trauma, isn't it?

12 A: Well, it was a sloppy autopsy, wasn't it?

13 Q: And the findings in that regard were made after physically examining the body itself,  
14 including the skull?

15 A: But the report just says that there was blunt force trauma some time before death. It  
16 could have been quite a long time for all we know.

17 Q: Can you identify Exhibit 10?

18 A: Yes, Exhibit 10 is a copy of an article that I wrote that was published in the New English  
19 Journal of Medicine relating to cardiological episodes as indicated on autopsy.

20 Q: Does this article reflect your own extensive research in the subject of the examination of  
21 a body on autopsy for evidence of heart conditions?

22 A: Yes.  
23  
24  
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**DEPOSITION OF JODY HAMMER  
AUGUST 18, 2009**

1 Q: Tell the jury your name, please.

2 A: My name is Jody Hammer.

3 Q: What do you do for a living?

4 A: I am a medical doctor.

5 Q: Dr. Hammer tell us something about your background.

6 A: I was born in New Orleans, where I graduated high school. I then went to Tulane  
7 University where I received an undergraduate degree in Biology and Chemistry, a double  
8 major. After that, I went to New York University Medical School in New York, where I  
9 graduated with honors. I then served a residency at Johns Hopkins University, where I  
10 specialized in internal medicine. I then joined the staff of Princeton-Plainsboro Teaching  
11 Hospital in New Jersey, where I served as an assistant to Dr. Gregory House, M.D.

12 Q: Do you have a specialty?

13 A: Yes, I specialize in diagnostic medicine.

14 Q: Describe for the jury what a doctor who specializes in diagnostic medicine does.

15 A: Well, you try to figure out what's making people sick, then figure out how to make them  
16 better.

17 Q: When did you move to the Armadillo area?

18 A: About 5 years ago, after I left Princeton-Plainsboro hospital in New Jersey. Everybody  
19 who works for House gets fired sooner or later, you know.

20 Q: Why did you choose to come to Armadillo?

21 A: Well, the Lone Star legislature has made it virtually impossible to sue a doctor  
22 successfully, and I just thought that was the kind of place I needed to be, where I couldn't  
23 get sued.

24 Q: What kind of practice do you have here in Armadillo?

25



**DEPOSITION OF JODY HAMMER  
AUGUST 18, 2009**

1 A: Well, I actually have two different kinds of clinics here. One of the clinics is a walk-in  
2 clinic where I treat just anybody who comes in the door. The other clinic is an upscale  
3 clinic. We even have our own Starbucks inside the clinic. But I really like practicing  
4 over at the walk-in clinic because you get to see so many different kinds of people with  
5 so many different kinds of conditions. It is really challenging.

6 Q: At the walk-in clinic, how many patients will you see in the course of a day?

7 A: Oh I don't know, we try to keep a pace where I am seeing 10 patients an hour. So  
8 whatever that works out to on my regular work day, which is about 12 hours. We try to  
9 keep it where people don't have to wait in the waiting room so long.

10 Q: Do you recall seeing Judge Rob Cañas in your clinic?

11 A: Vaguely.

12 Q: Can you identify Exhibit 6?

13 A: Yes, that is an intake form that Judge Cañas filled out when he came into the clinic.

14 Q: In the usual course of your practice, would you have actually read this intake form before  
15 you treated Judge Cañas?

16 A: Well, you see, with Judge Cañas it was pretty simple. I remember he was light-headed. I  
17 looked at his throat and it was red. Sore throat. End of visit. Next patient. Oh, and write  
18 a prescription.

19 Q: Are you saying that you did not read the medical record?

20 A: It is my habit and routine to read the intake form for every patient. Do I specifically  
21 remember this one? No.

22 Q: Do you have a specific recollection of seeing information that Judge Cañas had  
23 symptoms such as fainting spells, dizziness, chest pains and low blood pressure and was  
24 taking nitrates?

25 A: Again, my routine habit and practice is to read all of the information.

**DEPOSITION OF JODY HAMMER  
AUGUST 18, 2009**

1 Q: Did you notice indications that Judge Cañas was taking the medication Viagra?

2 A: Again, my routine habit and practice is to read the medical record.

3 Q: If you read the medical record and saw these various symptoms listed, and also saw  
4 indications that he was taking Viagra, would that have caused you concern?

5 A: No. The usual dosage of Viagra is so low, it shouldn't cause problems. Second, he was  
6 only taking nitrates on an as needed basis, which meant that he wasn't taking them all the  
7 time. With all of the advertising that Viagra does these days, any sensible grown adult  
8 man would know that he shouldn't take nitrates at the same time he is taking Viagra  
9 which would be the risk factor here. So, no, it would not have caused me concern.

10 Q: If you had read the medical record and noticed these symptoms, would you have felt it  
11 necessary as a medical doctor to warn Judge Cañas about taking Viagra and nitrates?

12 A: Again, anyone who watches television or reads magazines sees that warning all the time.  
13 In theory, if he had taken the usual 25 milligram dose of Viagra, he would have to have  
14 stuck a nitrate tablet under his tongue at the same time in order to have any kind of effect  
15 that could be fatal.

16 Q: Can you identify Exhibit 3?

17 A: Yes, that's an autopsy report that shows by reasonable medical probability that the cause  
18 of death was blunt force trauma to the head. That's what the coroner determined on this  
19 autopsy report.

20 Q: Do you have an opinion based on reasonable medical probability that it was more likely  
21 that the Judge died as a result of blunt force trauma or as a result of an unsafe drop in  
22 blood pressure caused by the ingestion of Viagra?

23 A: No contest. The blunt force trauma is what killed him. I had nothing to do with that.  
24  
25

**DEPOSITION OF JODY HAMMER  
AUGUST 18, 2009**

1 CROSS-EXAMINATION

2 Q: Since you are seeing 10 patients an hour, how much time are you getting to spend with  
3 each one?

4 A: Enough.

5 Q: How much of that time is spent looking at the intake form?

6 A: As much as it takes.

7 Q: How much of that time is spent talking to the patient?

8 A: Enough to figure out what's wrong with the patient.

9 Q: How much of that time is spent writing a prescription?

10 A: All of that is electronic these days. I carry a wireless device with me and just punch in  
11 the script, hit the button. It's emailed to the pharmacy. Bing, bang, boom and it's done.  
12 Very efficient operation.

13 Q: Before you moved to Lone Star, the safe haven for negligent doctors, were you involved  
14 in any lawsuits?

15 A: I'm a doctor. Of course I have been involved in lawsuits.

16 Q: How many?

17 A: Less than a dozen.

18 Q: Did any of those cases involve a claim of failure to properly diagnose a condition?

19 A: I don't remember.

20 Q: Can you identify Exhibit 8?

21 A: Exhibit 8 is a judgment rendered against me in a New Jersey court ten years ago for  
22 failing to warn a patient of a drug interaction. I really got hammered up there, so to  
23 speak. It is what makes Lone Star's tort laws so attractive. You can't get sued here for  
24 mere malpractice. Apparently you didn't get the message.

25 Q: Have you seen Exhibit 2?

**DEPOSITION OF JODY HAMMER  
AUGUST 18, 2009**

1 A: Yes, I looked at that for quite some time while I was waiting to see my lawyer after you  
2 sued me.

3 Q: Anything strike you as odd about this photo?

4 A: No, just looks like a regular cadaver to me.

5 Q: Do you know Kelly Taylor?

6 A: Sure, he comes in to see me from time to time.

7 Q: Are you aware that he was accused but acquitted of the murder of Judge Cañas?

8 A: I also treat that guy Douglas Farnsley who blew the murder trial so bad that Taylor got off  
9 scot-free. So I'm not all that impressed with the judicial system, if you know what I  
10 mean.

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**DEPOSITION OF STEVIE WALKER  
JUNE 16, 2009**

1 Q: Tell us your name.

2 A: My name is Stevie Walker.

3 Q: Who do you work for, Mr. Walker?

4 A: I work for the Dallas County District Attorney's office, here in Armadillo.

5 Q: What is your position with the Dallas County District Attorney's office?

6 A: I am an investigator for that office.

7 Q: How did you come to be an investigator?

8 A: Originally, I was with the Federal Bureau of Investigation in its crime scene investigation  
9 unit out of Las Vegas, Nevada. After working there for fifteen years, I went to work for a  
10 network television show called *CSI* that was also set in Las Vegas. I worked there for  
11 five years but became disenchanted with all the Hollywood stuff, so I moved to  
12 Armadillo and became an investigator at the district attorney's office.

13 Q: What was your training to become an FBI agent?

14 A: After graduating from Italy College over in Italy, Lone Star, with a degree in music  
15 history, I went to a crime investigation school in Quantico, Virginia, that was sponsored  
16 by the FBI. I graduated there after two years with a specialization in crime scene  
17 analysis, and went right to work for the Bureau's crime scene investigation unit.

18 Q: Why did you decide to leave the Federal Bureau of Investigation?

19 A: I became disenchanted with the bureaucracy at the FBI. They were interfering with the  
20 way I did investigations, and when I complained about it, they started giving me bad  
21 reviews.

22 Q: Can you identify Exhibit 1?

23 A: Exhibit 1 is one of the bad reviews that the FBI – CSI Unit gave me just before I told  
24 them to shove it and went on to Hollywood.

25 Q: Did you enjoy working on the television set for *CSI*?

**DEPOSITION OF STEVIE WALKER**  
**JUNE 16, 2009**

1 A: I did originally, but after a couple of years, their show started getting a little further and  
2 further out, and I started objecting that the things they were doing weren't realistic.

3 Q: What kind of things did you feel were not realistic?

4 A: Well, they did a show where they never could figure out the cause of death because there  
5 were too many potential causes of death. The corpse had been stabbed, he had been shot,  
6 he had been poisoned, he had been thrown off a bridge, everything in the world that was  
7 just totally unrealistic. Doesn't happen in the real world. So I quit.

8 Q: And how have you enjoyed your employment at the Dallas County District Attorney's  
9 office?

10 A: I like it great. They let me have free reign with my investigations, and I am not restricted  
11 by all of the silly rules that the FBI came up with.

12 Q: Were you asked to investigate the untimely death of Judge Rob Cañas?

13 A: Yes, I was notified of Judge Cañas's death at approximately 11:34 a.m. on the Saturday  
14 morning his body was found, which was June 7, 2008. I immediately went to the Dallas  
15 County courthouse and to Judge Cañas's chambers.

16 Q: What did you see when you arrived here at the Dallas County courthouse?

17 A: Well, once I got past all the crime scene tape and the officers who didn't seem to want to  
18 recognize my credentials, I entered Judge Cañas's chambers and saw Judge Cañas  
19 slumped in a chair. On initial observation, it appeared that he was simply asleep. On  
20 closer observation, his skin had a certain pallor that told me he had been dead and dead  
21 quite some time. When I walked around behind the chair, I observed a very strange  
22 bruise on the balding spot of his head. I also observed a blunt object, what appeared to be  
23 a trophy of some kind, lying near the chair. I tagged and bagged the trophy for  
24 fingerprint analysis, and then began looking around for anything else that might be of  
25 interest in the Judge's chambers.

**DEPOSITION OF STEVIE WALKER  
JUNE 16, 2009**

1 Q: Can you identify Exhibit 2?

2 A: Yes, that's a photo of poor Judge Cañas, all dead in his chair.

3 Q: Based on your training and experience, did you come to a conclusion as to the manner  
4 and cause of the Judge's death?

5 A: Yes, I concluded that the Judge had been murdered. I even found the murder weapon  
6 close to the body, an ugly trophy.

7 Q: Can you identify Exhibit 5?

8 A: Yes, that's the dog ugly trophy used to kill the good Judge.

9 Q: Did you do fingerprint analysis on the trophy?

10 A: Yes, the trophy had fingerprints from a local lawyer named Kelly Taylor on it.

11 Q: Any other fingerprints?

12 A: Yes, Judge Cañas's fingerprints were on it and the fingerprints of the defense lawyer in a  
13 civil case that the Judge had been trying the week of his death.

14 Q: Was any other analysis done on the trophy?

15 A: Yes, we did an analysis of blood that was found on the trophy.

16 Q: What did that analysis show?

17 A: It was the same blood type as Judge Cañas.

18 Q: Did you do any DNA analysis?

19 A: Yes, the crime lab did a DNA run and found that the blood on the trophy included blood  
20 from Judge Cañas.

21 Q: Was there other blood on the trophy?

22 A: Apparently there was someone else's blood also, mixed in with that of the good Judge.

23 Q: Did you find anything else of interest in the Judge's chambers?  
24  
25

**DEPOSITION OF STEVIE WALKER  
JUNE 16, 2009**

1 A: Yes, I found a copy of a jury charge, actually a draft of a jury charge, that was lying on  
2 the Judge's desk. Apparently, Judge Cañas had been trying a trademark case of some  
3 kind during the week before his death. The draft jury charge was related to that case.

4 Q: Can you identify Exhibit 4?

5 A: Yes, Exhibit 4 is the draft jury charge I found on the Judge's desk.

6 Q: Why did you think this was significant, if you did?

7 A: Well, I thought it was significant because written across the face of the charge were the  
8 words: "You know this is wrong. I'll burn you for this one."

9 Q: Why did that seem significant to you?

10 A: Well, I believe it was Kelly Taylor's handwriting, and I understood from courthouse  
11 gossip that Taylor was really upset with the way that the court had drafted the charge. So  
12 I figured this was some evidence that Taylor was out to get Judge Cañas.

13 Q: Did you take the draft jury charge into evidence?

14 A: Yes, I tagged it and bagged it and put it in line for processing fingerprints.

15 Q: Did you check the draft jury charge for fingerprints?

16 A: Yes, I did. The fingerprint analysis came back with Judge Cañas's fingerprints, and with  
17 fingerprints belonging to that lawyer, Kelly Taylor.

18 Q: You mentioned that there were fingerprints on the trophy from the other lawyer; who was  
19 the defense lawyer in that intellectual property civil case that was on trial?

20 A: Well, that was John Ward, a well known intellectual property defense lawyer.

21 Q: Any reason to suspect Mr. Ward of any complicity in the murder of Judge Cañas?

22 A: No, the case went exactly the way Mr. Ward wanted. Judge Cañas gave him everything  
23 in the world he could possibly give him in that charge. Even though the jury went crazy  
24 and gave Taylor's client \$10 million, Judge Cañas immediately took it away on a  
25



**DEPOSITION OF STEVIE WALKER  
JUNE 16, 2009**

1 judgment notwithstanding the verdict. And they were close personal friends to boot.  
2 There is no way John Ward killed Rob Cañas.

3 Q: Did you ask John Ward why his fingerprints were on that trophy?

4 A: Yes, there was that one fingerprint from John Ward on the trophy, and I asked Mr. Ward  
5 about that. Mr. Ward said that he had picked up the trophy and looked at it while they  
6 were back in the Judge's chambers hammering out the jury charge. He thought it was a  
7 strange looking trophy and he wondered who in the world would keep such an ugly thing  
8 around their office. But that's how his fingerprint got on the trophy.

9 Q: Are you familiar with Judge Cañas' widow, Cori Harbour Cañas?

10 A: Yes, I was asked by Dr. Hammer to look in to her background some.

11 Q: Did you do that?

12 A: Yes, I looked at her background some.

13 Q: What was the result of your investigation?

14 A: I determined that Cori Harbour Cañas has, for the past two years, been romantically  
15 involved with another man who was not her husband.

16 Q: How did you come to find that out?

17 A: I talked to a lot of people at the coffee shop about it, and they all agreed that she had been  
18 slippin' around with that Kelly Taylor person, the lawyer who murdered Rob.

19 Q: Did you do any further investigation to verify that?

20 A: Yes, I did. After Judge Cañas' murder, I set up surveillance on Kelly Taylor. I saw Mrs.  
21 Cañas going in and out of his house here in Armadillo on several occasions. On many of  
22 those occasions, she spent the night there. She always got there after dark and always left  
23 before dawn. I don't think she was cleaning his house.

**DEPOSITION OF STEVIE WALKER  
JUNE 16, 2009**

1 Q: Based on your investigation, and in your professional opinion, is it more likely that Judge  
2 Cañas was killed by an unsafe drop in blood pressure because he took Viagra, or that he  
3 was killed by blunt force trauma to his head?

4 A: No contest, blunt force trauma. Dr. Hammer had nothing to do with this death.

5 **CROSS EXAMINATION**

6 Q: Wasn't there a trial involving Kelly Taylor?

7 A: Yes, he was tried for murder but the Judge in that case, a special guy appointed for the  
8 job named Douglas Farnsley, messed the trial up so bad that the jury acquitted Taylor.

9 Q: Were you the investigator on that murder case?

10 A: Yes, my testimony should have put him behind bars.

11 Q: Do you know Dr. Hammer?

12 A: Yes, Hammer is my doctor. I know Hammer's habit and routine practice in terms of the  
13 examinations for the visits that I have had at that great clinic. Hammer is always  
14 thorough and professional, and that Starbucks coffee they serve is the very best.

15 Q: In looking at Exhibit 2 can you point out any blood anywhere in the photograph?

16 A: No, all the blood was on the other side of the Judge's head.

17 Q: Did you take any photos of the blood stain itself?

18 A: Yes, I took probably two dozen photos in the Judge's chambers, but somehow all but this  
19 one got erased before I got them off the camera.

20 Q: That kind of thing happen to you often?

21 A: No, it's pretty rare. Just this time and that one other time when I lost all the photos of  
22 that bad car/truck accident near the local cemetery.

23 Q: The Ebay versus Ebuy trial ended around 7:00 pm on Friday evening, didn't it?

24 A: That's correct.

25

**DEPOSITION OF STEVIE WALKER  
JUNE 16, 2009**

1 Q: So once Taylor left the premises, it wouldn't be possible to get back in. The courthouse  
2 would be locked down that time of night, wouldn't it?

3 A: Not that night. The security company folks told me that they were in the basement re-  
4 wiring the security cameras, and had left the doors unlocked until around midnight.

5 Q: Can you identify Exhibit 7?

6 A: Yes, that's a magazine that I found on the edge of the Judge's desk, turned to that  
7 particular advertisement.

8 Q: Did you do any fingerprint analysis on the magazine ad?

9 A: Yes, we checked the ad and the magazine cover for fingerprints.

10 Q: Find anything?

11 A: Yes, we found that the Judge's fingerprints were on the magazine cover and we found  
12 that Kelly Taylor's fingerprints were on that Viagra ad.

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**FEDERAL BUREAU OF INVESTIGATION**  
**EMPLOYEE PERFORMANCE REVIEW**

EMPLOYEE: Stevie Walker  
DATE: February 15, 2002  
TYPE OF REVIEW: OUT OF NORMAL COURSE (EVENT RELATED)

This review was triggered by actions on the part Special Agent Stevie Walker, an investigator in the Crime Scene Investigation Unit. Agent Walker was trained at Quantico, Virginia, then was employed by the Bureau in its CSI Unit as a Junior Investigator. Walker soon demonstrated an inability to follow protocols and directives, often telling superiors that the rules did not make sense and should not be followed "blindly like little mice." Walker often assumed more responsibility than given at specific crime scenes, often tainting evidence inadvertently due to evident incompetence or neglect.

On February 14, 2002 at approximately 3:11:14 PM, Agent Walker was dispatched to the scene of an apparent murder with the specific directive to take blood samples only, and to refrain from touching any other evidence whatsoever. On arriving at the scene, Agent Walker walked past the blood evidence area (a chair back streaked with a substance believed to be human blood) and began telling the CSI Unit photographer, Special Agent Gene Simmons, how to take photographs. Special Agent Walker then undertook to collect certain other physical evidence, saying that it needed to be "tagged and bagged" before it got misplaced by the "nimrods" from the local police department. In the process, Walker contaminated several objects of physical evidence with fingerprints and, in an inexplicable manner, with saliva.

RECOMMENDATION: Special Agent Walker should be re-assigned from the Crime Scene Investigation Unit to a division or unit where no evidence can be mishandled or contaminated. It is the opinion of this reviewer that Walker should be assigned to the Special Unit now investigating dog fighting rings in Lone Star.



NTC-36

EXHIBIT 2

I performed an autopsy on the body of Rob Cañas at the DEPARTMENT OF PATHOLOGY, ARMADILLO HOSPITAL, ARMADILLO, LONE STAR on June 9, 2008.

From the anatomic findings and pertinent history, I ascribe the death to: EPIDURAL HEMATOMA SECONDARY TO BLUNT FORCE TRAUMA TO HEAD

---

EXTERNAL EXAMINATION:

The body is that of a well developed, very well nourished Caucasian male appearing much older than the reported age of 57 years. The body weighs 224 pounds, measuring 69 inches from crown to sole. The little remaining hair on the scalp is white and straight. The irides appear hazel with the pupils fixed and dilated. There is a tattoo on the lateral aspect of the left buttocks: "Bad Newz."

The head is normocephalic, and there is some evidence of external traumatic injury, with slight blood loss evident.

HEAD--CENTRAL NERVOUS SYSTEM:

The brain weighs 1350 grams, in the middle of the range of the adult human average of 1300 to 1400 grams. There is a tear of the dura mater and evidence of epidural hemorrhage. The dura is stripped revealing no fractures of the bones of the calvarium or base of the skull.

CARDIOVASCULAR SYSTEM:

The heart weighs 290 grams, and has a normal size and configuration. No dissection was undertaken due to hardened surface features.

TOXICOLOGY:

A sample of right pleural blood as well as bile are submitted for toxicologic analysis. Findings included levels of sildenafil citrate (Viagra) consistent with a dosage of 30 mg. Traces of nitrates are noted but not quantified.

OPINION:

The decedent sustained a blunt force trauma to the back of the head sometime before death, inducing an epidural hemorrhage that then caused generalized central nervous system failure.

Other potential cause of death: findings are consistent with fatal loss of blood pressure.

The remainder of the autopsy revealed a normal, healthy adult male with no congenital anomalies.

/s/ CHRISTINE STROUD, M.D.  
CHIEF MEDICAL EXAMINER  
June 9, 2008.

EBAY INTERNET SELLING FACILITY, INC.

Plaintiff,

v.

EBUY INTERNET SALES, INC.,

Defendant.

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IN THE 131<sup>ST</sup> DISTRICT COURT

IN AND FOR

DALLAS COUNTY, LONE STAR

JURY CHARGE

LADIES AND GENTLEMEN OF THE JURY:

This case is submitted to you by asking questions about the facts, which you must decide from the evidence you have heard in this trial. You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony, but in matters of law, you must be governed by the instructions in this charge. In discharging your responsibility on this jury, you will observe all instruction which have been previously given to you. I shall now give you additional instructions which you should carefully and strictly following during your deliberations.

1. Do not let bias, prejudice or sympathy play any part in your deliberations.

2. In arriving at your answers, consider only the evidence introduced here under oath and such exhibits, if any, as have been introduced for your consideration under the rulings of this Court, that is, what you have seen and heard in this courtroom, together with the laws given to you by the Court. In your deliberations, you will not consider or discuss anything that is not represented by the evidence in this case.

EXHIBIT 4



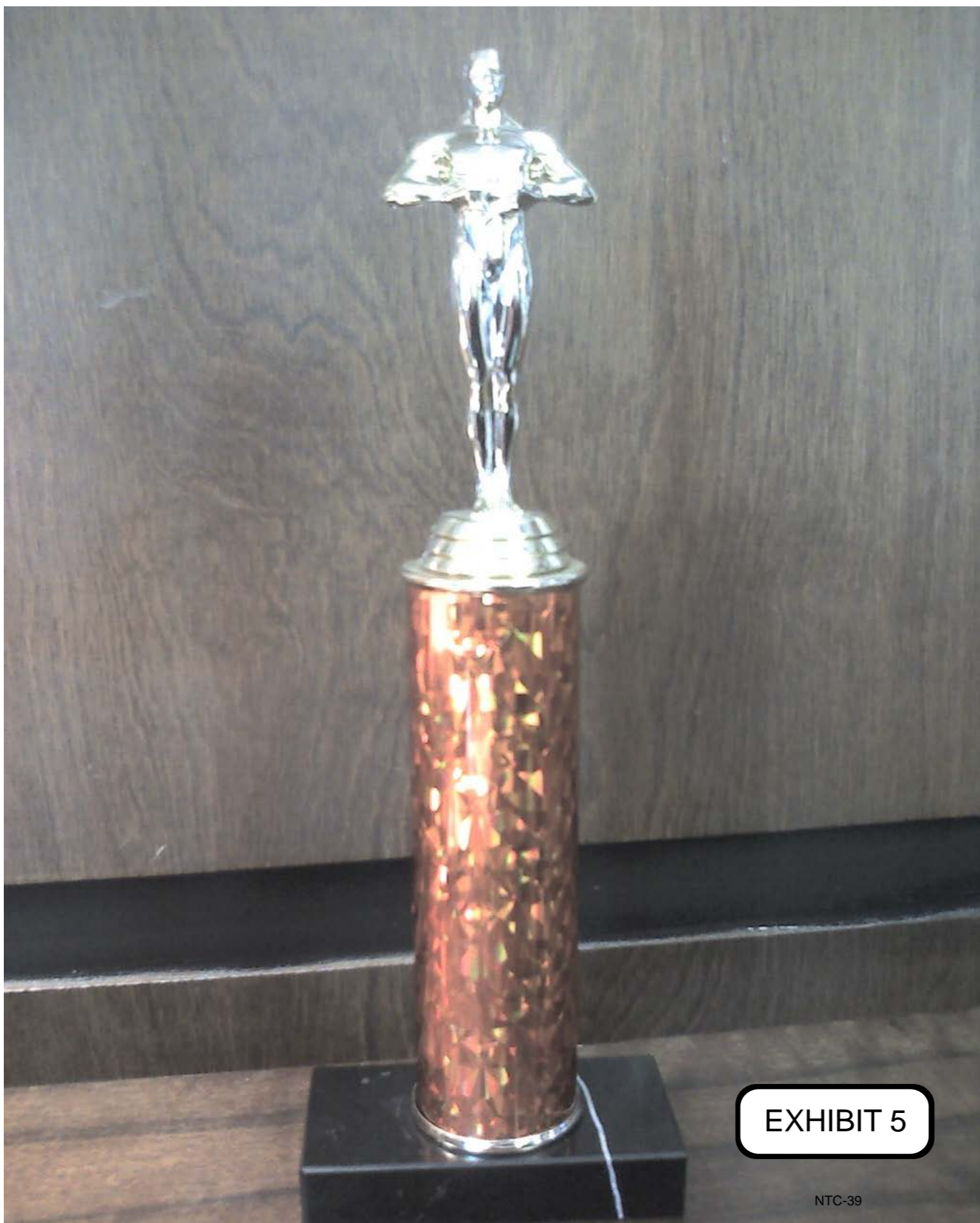


EXHIBIT 5



# ARMADILLO HEALTH CLINIC, LLC, LP, PA, INC.

Dr. Jody Hammer, MD, FACS  
333 Medical Way, Armadillo, Lone Star 72112

PATIENT NAME: Rob Comas DATE: 04-27-08  
 DOB: 11-11-1950 AGE: 57 REFERRING PHYSICIAN: None  
 PRESENT COMPLAINT: Light Headed  
 DATE PROBLEM BEGAN: Yesterday  
 PROBLEM WORK RELATED? YES  NO  ACCIDENT RELATED? YES  NO   
 DESCRIBE HOW PROBLEM BEGAN: Unknown

HAVE YOU HAD PRIOR TREATMENT FOR THIS PROBLEM? YES  NO   
 DESCRIBE PRIOR TREATMENT: \_\_\_\_\_

PLEASE LIST ALL MEDICATIONS YOU ARE CURRENTLY TAKING:

MEDICATION	DOSAGE	FREQUENCY
<u>Nitrostat</u>	<u>0.6 mg</u>	<u>As Needed</u>
<u>Zovirax</u>	<u>?</u>	<u>As Needed</u>

DO YOU SMOKE? YES  NO  DO YOU USE RECREATIONAL DRUGS? YES  NO

DO YOU SUFFER FROM OR IS THERE ANY FAMILY HISTORY OF:

ILLNESS	Y/N	ILLNESS	Y/N
AIDS/HIV	<u>No</u>	DIZZINESS	<u>Yes</u>
ANEMIA	<u>No</u>	ULCERS	<u>No</u>
ALCOHOLISM	<u>No</u>	HYPOMANIA	<u>No</u>
CANCER	<u>No</u>	CHEST PAINS	<u>Yes</u>
DIABETES	<u>No</u>	NEUROLOGICAL DISEASE	<u>No</u>
EMPHYSEMA	<u>No</u>	KIDNEY DISEASE	<u>No</u>
HEART DISEASE	<u>Yes</u>	LIVER DISEASE	<u>No</u>
HIGH BLOOD PRESSURE	<u>No</u>	FAINING SPELLS	<u>Yes</u>
LOW BLOOD PRESSURE	<u>Yes</u>	SEIZURES	<u>No</u>
RENAL FAILURE	<u>No</u>	ERECTION > 4 HOURS	<u>Yes</u>

EXHIBIT 6

# LOOKS LIKE HE NEEDS A LIFT



## WE'RE RAISING THE BAR ON TREATMENT OPTIONS.



ED is more common than you might think. More than half of all lawyers have difficulty with ED. Don't let the stress and worry of your practice interfere with your life another day. With Viagra, we can raise the bar on treatment options.

Don't take VIAGRA if you take nitrates, often prescribed for chest pain, as this may cause a sudden, unsafe drop in blood pressure. If you have prostate problems or high blood pressure for which you take medicines called alpha blockers, your doctor may start you on a lower dose of VIAGRA. VIAGRA is dispensed in dosage levels of 25 mg, 50 mg and 75 mg.



PENGUINS & THE ENVIRONMENT  
ECO-LEGAL CONSIDERATIONS  
OF RACE TRACK EMISSIONS



COLE

EXHIBIT 7

IN THE 3154<sup>TH</sup> DISTRICT COURT  
IN AND FOR  
THE STATE OF NEW JERSEY

DENNIS MAGGI

Plaintiff,

v.

JODY HAMMER, M.D.

Defendant.

NO. 102,348,925-CV-1999

**JUDGMENT**


On the 15<sup>th</sup> day of October, 2001, at a regular term of this Court, came to be heard the above-entitled and numbered cause. The Plaintiff, DENNIS MAGGI, appeared by counsel and in person. The Defendant appeared by counsel and in person. All parties announced ready for trial.

A jury was demanded by Plaintiff. Accordingly, a jury determined the issues of fact with respect to liability, to wit, whether Defendant failed to properly warn Plaintiff of the likelihood of unfavorable interactions between the two medications Tronolane and Valtrex, and if so, whether such failure to warn was a proximate cause of the debilitating injuries suffered by Plaintiff Maggi.

Thereupon, on October 26, 2001, the jury returned its verdict in open court in favor of Plaintiff and against Defendant on the issue of liability, and in favor of Plaintiff and against Defendant in terms of damages.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that DENNIS MAGGI have and recover of and from the Defendant the sum of Two Thousand Two Hundred Twenty Two Dollars and No/100 (\$2,222.00) for the payment of any and all personal injuries, embarrassment, loss of consortium, loss of social status, pain and whining, anxiety, nervousness, humiliation, loss of income in the past and future, loss of self-esteem and loss of limb, and that he recover all costs of court incurred herein, for which let execution issue if not timely paid.

DATED this 31<sup>th</sup> day of October, 2001.

  
\_\_\_\_\_  
Judge Presiding

**EXHIBIT 8**

# NOTICE

SECURITY SYSTEM MAINTENANCE  
BEGINNING FRIDAY EVENING  
AFTER 6:00

IF YOU NEED ACCESS AND  
DOOR IS NOT ALREADY OPEN  
CALL 222-394-9388



AUTOPSY EVIDENCE OF DEATH CAUSED BY CARDIOLOGICAL EVENTS

BY DR. A.G. LITTLE, M.D.

Recent developments in the field of pathology have demonstrated that many deaths thought to be the result of accident or foul play are actually caused by cardiological events that preceded the death. Given the increasingly sophisticated techniques available at autopsy, it is now believed that these precipitating events may account for nearly half of the deaths previously attributed to accident or foul play. A typical example is found in what appears to be a straightforward motor vehicle accident where a fatality is attributed to the accident itself. A careful autopsy later reveals that the deceased driver was actually a heart attack victim, and that the accident was the result of loss of meaningful input from the dead driver.

What are some of the new techniques that allow more accurate autopsy results? Improved dissection techniques are one example. It is now possible through microsurgical techniques to discern the difference between death brought on by trauma and death caused by myocardial infarction. Second, improved diagnostic techniques in chemistry allow the careful practitioner to detect more subtle chemical indicators of a heart episode, again allowing the pathologist to distinguish between death caused by a heart attack and one caused by trauma.

Another area where new techniques are clearly advantageous is that of death caused by sudden drops in blood pressure, often caused by medications used for medical conditions such as erectile dysfunction syndrome. In a large number of recent cases, what was thought to be death by accident or trauma has proven to be death brought about by imprudent use of medications used to enhance sexual performance. This cause of death cannot accurately be determined without rigorous examination of the heart tissue itself and without a careful consideration of the blood chemistry.

Given these new techniques and the increasing importance of good diagnostics in the medico-legal context, it is questionable to draw conclusions without dissecting the heart and doing proper blood chemistry. In cases without a clear explanation of death, one should never reach an opinion as to the cause of death without availing himself of the newest techniques.

EXHIBIT 10

CORI HARBOUR CAÑAS

*Plaintiff,*

v.

JODY HAMMER, M.D.

*Defendant.*

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IN THE 531<sup>st</sup> DISTRICT COURT

IN AND FOR DALLAS COUNTY

STATE OF LONE STAR

**FINAL JURY INSTRUCTIONS**

Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you to the facts as you find them, from the evidence.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence.

In determining the believability of any witness and the weight to be given the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the

ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in light of your own experience and common sense.

The issue for your determination on the claim of Cori Harbour Cañas is whether the death of her husband, Rob Cañas, was the result of the negligence, if any, of Dr. Jody Hammer in failing to warn Judge Cañas of potentially dangerous drug interactions. In that regard, you are instructed that Cori Harbour Cañas has the burden of proof on her negligence claim against Dr. Hammer, meaning that she must convince you by a preponderance of the evidence that Judge Cañas' death was the result of Dr. Hammer's negligence, if any.

You are instructed that the term "negligence" means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary care" means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

"Proximate cause" means that cause which, in a natural and continuous sequence, produces an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using *ordinary care* would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

Answer "Yes" or "No" to all questions unless otherwise instructed. A "Yes"

answer must be based on a preponderance of the evidence unless you are otherwise instructed. If you do not find that a preponderance of the evidence supports a “Yes” answer, then answer “No.” The term “preponderance of the evidence” means the greater weight and degree of credible evidence admitted in this case. Whenever a question requires an answer other than “Yes” or “No,” your answer must be based on a preponderance of the evidence unless you are otherwise instructed.

At this point in the trial, you, as jurors, are deciding if Dr. Hammer’s negligence, if any, was a proximate cause of the death of Judge Cañas. If you find Dr. Hammer was at fault in whole or in part, you will hear additional argument from the attorneys and you will hear additional witnesses testify concerning damages. Until that time, you are not to concern yourselves with any question of damages. Your verdict must be based on the evidence that has been received and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice, sympathy, or any other sentiment for or against any party. When you retire to the jury room, you should select one of your members to act as foreperson, to preside over your deliberations, and to sign your verdict. You will be given a verdict form, which I shall now read and explain to you.

**(READ VERDICT FORM)**

When you have agreed on your verdict, the foreperson, acting for the jury, should date and sign the verdict form and return it to the courtroom. You may now retire to consider your verdict.



**NO. 08-005895-CV**

**CORI HARBOUR CAÑAS**

*Plaintiff,*

v.

**JODY HAMMER, M.D.**

*Defendant.*

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**IN THE 531<sup>st</sup> DISTRICT COURT**

**IN AND FOR DALLAS COUNTY**

**STATE OF LONE STAR**

**JURY QUESTION NO. 1**

Did the negligence, if any of the parties below proximately cause the death of Rob Cañas?

Answer “Yes” or “No” for each of the following:

- 1. Dr. Jody Hammer? \_\_\_\_\_
- 2. Rob Cañas \_\_\_\_\_

If you have answered “yes” with respect to more than one party in response to Jury Question No. 1, answer the following Jury Question; otherwise, do not answer the following Jury Question.

**JURY QUESTION NO. 2**

What percentage of the negligence that caused the death of Rob Cañas do you find to be attributable to each of those listed below and found by you, in your answer to Jury Question No. 1, to have been negligent?

- 1. Dr. Jody Hammer? \_\_\_\_\_
- 2. Rob Cañas \_\_\_\_\_

Total                      100%

**CERTIFICATE**

We the jury, have answered the above and foregoing questions as herein indicated, and herewith return same into Court as our verdict.

\_\_\_\_\_  
Presiding Juror

To be signed by those rendering the verdict if not unanimous.

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