

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

██████████,

Plaintiff,

v.

██████████,

Defendant.

CIVIL ACTION FILE
NO. ██████████

JUDGE BESSEN

ORDER DENYING OBJECTION TO PLAINTIFF'S NOTICE OF INTENT TO USE
MEDICAL REPORT/NARRATIVE AT TRIAL

Plaintiff ██████████ filed this suit to recover for injuries allegedly received from an automobile collision. He was treated, in part, by Dr. ██████████. As part of his case-in-chief, Plaintiff has served notice of his intent to introduce the narrative of Dr. ██████████ at trial in lieu of Dr. ██████████ personal testimony. Defendant ██████████ opposes this notification, arguing that the exhibits attached to and supporting the narrative are not in plain terms readily understandable to laymen.

OCGA § 24-3-18 provides that medical narratives are admissible in trial as a substitute for the live testimony of a treating or examining physician in "any civil case involving injury or disease," insofar as the narrative "purports to represent the history, examination, diagnosis, treatment, prognosis, or interpretation of tests or examinations, including the basis therefor, by the person signing the report, the same as if that person were present at trial and testifying as a witness." The narratives should set forth the medical testimony in story form. *Bell v. Austin*, 278 Ga. 844, 847, 607 SE2d 569 (2005).

[R]ecords which would require an expert to explain them are still subject to a hearsay objection, as the law authorizes the admission of only those reports which, rather than consisting of unexplicated medical terms and uninterpreted

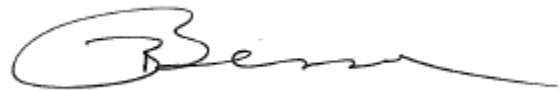
scientific test results, set forth the relevant information in prose language that is more readily understandable to laymen.

(Citation and punctuation omitted.) *Lott v. Ridley*, 285 Ga. App. 513, 514 (2007).

Here, the narrative itself is in plain, clear language. While affidavits supporting the narrative admittedly contain medical terms, the narrative itself is readily understood by laymen. Defendant has not cited to the Court any law for the proposition that a doctor cannot base his narrative on records containing medical terms, and the Court has found none.

The objection is DENIED.

This 21st day of June, 2018.



Judge Diane E. Bessen
State Court of Fulton County

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