

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

Case No. 9:18-cv-80843-BER

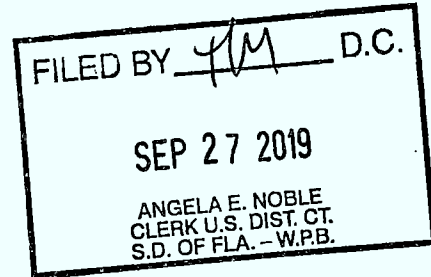
MIDLEVELU, INC.,

Plaintiff,

vs.

ACI INFORMATION GROUP,

Defendant.



**JURY VERDICT AND SPECIAL INTERROGATORIES**

1. Do you find by a preponderance of the evidence that Plaintiff has proven it owns a valid registered copyright in the following articles?

a. Must-Have Posters for Your Primary Care Clinic

Yes  No

b. Oncology Subspecialty Programs for Nurse Practitioners

Yes  No

c. Medical Assistance in Flight: What's Your Liability Risk

Yes  No

d. Me vs. My Employer - When Do Nurse Practitioners Need an Attorney?

Yes  No

- e. 5 Not-so-Great Realities of Owning Your Own NP Practice  
Yes  No
- f. Documenting a Back and Neck Exam Made Simple  
Yes  No
- g. Working In an Academic Medical Center: The Good, the Bad, and the Ugly  
Yes  No
- h. 4 Steps to Full Prescribing as a California Nurse Practitioner  
Yes  No
- i. You've Finished Your Nurse Practitioner Program, Now How Do You Find a Job  
Yes  No
- j. Legal Considerations: Prescribing Medications for Friends and Family  
Yes  No
- k. CRNAs Earn Over 200K in These States  
Yes  No
- l. 10 Highest Paying Cities for Physician Assistants  
Yes  No
- m. CT Scans: When Do You Need Contrast?  
Yes  No
- n. This NP Owns Her Own Clinic, Could You?  
Yes  No

- o. The NP's Recipe for Job Search Networking Success  
Yes  No
- p. Yep, Your Patients Are Stereotyping You By Gender  
Yes  No
- 
- q. The State of the Nurse Practitioner Profession  
Yes  No
- r. How to Get Hired by a Practice that Doesn't Want New Grad NPs  
Yes  No
- s. How Much Will an Ivy League Nurse Practitioner Education Cost You?  
Yes  No
- t. 7 Steps to Finding Your Clinical Passion  
Yes  No
- u. Best Legal Advice for Nurse Practitioners in 2016  
Yes  No
- v. X-Ray vs. CT vs. MRI: What's the Difference  
Yes  No
- w. How Well Do You Know Your Injectable Anesthetics  
Yes  No
- x. Phone Interview Tips for Job Seeking Nurse-Practitioners  
Yes  No
- y. Yes, You Can Deliver a Plan of Care with Confidence  
Yes  No

- z. The 411 on Documenting a HEENT Exam  
Yes  No
- aa. Collaboration vs. Supervision: Understanding NP Scope of Practice  
Yes  No
- bb. 4 Things I Wish I Learned in My NP Clinical Rotations  
Yes  No
- cc. 4 Ways Your Boss is Measuring Your NP Performance  
Yes  No
- dd. How to Study for the Emergency Nurse Practitioner Certification Exam  
Yes  No
- ee. Googling Your Patients: Right or Wrong?  
Yes  No
- ff. How Do You Overcome Lack of Experience in a NP Job Interview?  
Yes  No
- gg. When Is It OK for a Nurse Practitioner to Fire a Patient?  
Yes  No
- hh. Do You Need Your Own Medical Malpractice Insurance?  
Yes  No
- ii. MD vs. NP vs. PA: Here's How the Number of Clinical Hours Compare  
Yes  No
- jj. Why NPs Need to Antibioqramit!  
Yes  No

kk. 3 Things Nurse Practitioners Need to Know Before Volunteering

Yes  No

ll. Are You Eligible for NHSC Loan Repayment Opportunities?

Yes  No

---

mm. Which Type of Medical Malpractice Policy is Right for You?

Yes  No

nn. Million Dollar Questions that Make Diagnosis and Treatment a Sinch

Yes  No

oo. Navigating FMLA + HIPAA: Notes for Nurse Practitioners

Yes  No

pp. 7 Questions to Ask Yourself Before Accepting a Job Offer

Yes  No

qq. The Ultimate NP Resume Objective Statement

Yes  No

rr. Oh, \$@#\*%! 5 Steps to Take After Making a Medical Error

Yes  No

ss. Are We Asking Too Much of Preceptors?

Yes  No

tt. Info About the New NP Residency in 7 Informative Posts

Yes  No

uu. 3 Ways Student Loan Repayment is Offered to Nurse Practitioners

Yes  No

vv. What's the Average Hourly Wage for Nurse Practitioners?

Yes X No \_\_\_\_\_

**If your answer to any part of question number 1 is "Yes," then go to question number 2. If your answer is "No" to all parts of question number 1, then skip questions 2-4, answer question number 5 only, and then skip all remaining questions and have the foreperson sign and date the verdict form.**

2. Do you find by a preponderance of the evidence that Plaintiff has proven that Defendant infringed a copyrighted work owned by Plaintiff?

Yes X No \_\_\_\_\_

If you answered "yes," indicate which work(s):

- a. Must-Have Posters for Your Primary Care Clinic. X
- b. Oncology Subspecialty Programs for Nurse Practitioners X
- c. Medical Assistance in Flight: What's Your Liability Risk X
- d. Me vs. My Employer - When Do Nurse Practitioners Need an Attorney? \_\_\_\_\_
- e. 5 Not-so-Great Realities of Owning Your Own NP Practice X
- f. Documenting a Back and Neck Exam Made Simple X
- g. Working In an Academic Medical Center: The Good, the Bad, and the Ugly X
- h. 4 Steps to Full Prescribing as a California Nurse Practitioner X
- i. You've Finished Your Nurse Practitioner Program, Now How Do You Find a Job X
- j. Legal Considerations: Prescribing Medications for Friends and Family X
- k. CRNAs Earn Over 200K in These States X
- l. 10 Highest Paying Cities for Physician Assistants X
- m. CT Scans: When Do You Need Contrast? X
- n. This NP Owns Her Own Clinic, Could You? X
- o. The NP's Recipe for Job Search Networking Success X

- p. Yep, Your Patients Are Stereotyping You By Gender X ✓
- q. The State of the Nurse Practitioner Profession
- r. How to Get Hired by a Practice that Doesn't Want New Grad NPs X ✓
- s. How Much Will an Ivy League Nurse Practitioner Education Cost You? X ✓
- t. 7 Steps to Finding Your Clinical Passion X ✓
- u. Best Legal Advice for Nurse Practitioners in 2016
- v. X-Ray vs. CT vs. MRI: What's the Difference X ✓
- w. How Well Do You Know Your Injectable Anesthetics X ✓
- x. Phone Interview Tips for Job Seeking Nurse-Practitioners X ✓
- y. Yes, You Can Deliver a Plan of Care with Confidence X ✓
- z. The 411 on Documenting a HEENT Exam X ✓
- aa. Collaboration vs. Supervision: Understanding NP Scope of Practice X ✓
- bb. 4 Things I Wish I Learned in My NP Clinical Rotations X ✓
- cc. 4 Ways Your Boss is Measuring Your NP Performance X ✓
- dd. How to Study for the Emergency Nurse Practitioner Certification Exam X ✓
- ee. Googling Your Patients: Right or Wrong? X ✓
- ff. How Do You Overcome Lack of Experience in a NP Job Interview? X ✓
- gg. When Is It OK for a Nurse Practitioner to Fire a Patient? X ✓
- hh. Do You Need Your Own Medical Malpractice Insurance? X ✓
- ii. MD vs. NP vs. PA: Here's How the Number of Clinical



- Hours Compare X
- jj. Why NPs Need to Antibioqramit! X
- kk. 3 Things Nurse Practitioners Need to Know Before Volunteering X
- ~~ll. Are You Eligible for NHSC Loan Repayment Opportunities? X~~
- mm. Which Type of Medical Malpractice Policy is Right for You? X
- nn. Million Dollar Questions that Make Diagnosis and Treatment a Sinch X
- oo. Navigating FMLA + HIPAA: Notes for Nurse Practitioners X
- pp. 7 Questions to Ask Yourself Before Accepting a Job Offer X
- qq. The Ultimate NP Resume Objective Statement X
- rr. Oh, \$@#\*%! 5 Steps to Take After Making a Medical Error X
- ss. Are We Asking Too Much of Preceptors? X
- tt. Info About the New NP Residency in 7 Informative Posts \_\_\_\_\_
- uu. 3 Ways Student Loan Repayment is Offered to Nurse Practitioners X
- vv. What's the Average Hourly Wage for Nurse Practitioners? X

**If you answered “Yes” to question 2, then proceed to question number 3. If you answered “No” to question 2, then skip questions 3 and 4, answer question 5 only, and then skip all remaining questions and have the foreperson sign and date the verdict form.**

3. Do you find by a preponderance of the evidence that Defendant has proven any of the following affirmative defenses?

Fair Use: Yes \_\_\_\_\_ No X

Fraud on Copyright Office: Yes \_\_\_\_\_ No X

If you answered "Yes" to any part of question 3, indicate for which article(s)

Newstex proved an affirmative defense:

- a. Must-Have Posters for Your Primary Care Clinic. \_\_\_\_\_
- b. Oncology Subspecialty Programs for Nurse Practitioners \_\_\_\_\_
- c. Medical Assistance in Flight: What's Your Liability Risk \_\_\_\_\_
- d. Me vs. My Employer - When Do Nurse Practitioners Need an Attorney? \_\_\_\_\_
- e. 5 Not-so-Great Realities of Owning Your Own NP Practice \_\_\_\_\_
- f. Documenting a Back and Neck Exam Made Simple \_\_\_\_\_
- g. Working In an Academic Medical Center: The Good, the Bad, and the Ugly \_\_\_\_\_
- h. 4 Steps to Full Prescribing as a California Nurse Practitioner \_\_\_\_\_
- i. You've Finished Your Nurse Practitioner Program, Now How Do You Find a Job \_\_\_\_\_
- j. Legal Considerations: Prescribing Medications for Friends and Family \_\_\_\_\_
- k. CRNAs Earn Over 200K in These States \_\_\_\_\_
- l. 10 Highest Paying Cities for Physician Assistants \_\_\_\_\_
- m. CT Scans: When Do You Need Contrast? \_\_\_\_\_
- n. This NP Owns Her Own Clinic, Could You? \_\_\_\_\_

- o. The NP's Recipe for Job Search Networking Success \_\_\_\_\_
  - p. Yep, Your Patients Are Stereotyping You By Gender \_\_\_\_\_
  - q. The State of the Nurse Practitioner Profession \_\_\_\_\_
  - r. How to Get Hired by a Practice that Doesn't Want  
New Grad NPs \_\_\_\_\_
- 
- s. How Much Will an Ivy League Nurse Practitioner  
Education Cost You? \_\_\_\_\_
  - t. 7 Steps to Finding Your Clinical Passion \_\_\_\_\_
  - u. Best Legal Advice for Nurse Practitioners in 2016 \_\_\_\_\_
  - v. X-Ray vs. CT vs. MRI: What's the Difference \_\_\_\_\_
  - w. How Well Do You Know Your Injectable Anesthetics \_\_\_\_\_
  - x. Phone Interview Tips for Job Seeking Nurse-Practitioners \_\_\_\_\_
  - y. Yes, You Can Deliver a Plan of Care with Confidence \_\_\_\_\_
  - z. The 411 on Documenting a HEENT Exam \_\_\_\_\_
  - aa. Collaboration vs. Supervision: Understanding  
NP Scope of Practice \_\_\_\_\_
  - bb. 4 Things I Wish I Learned in My NP Clinical Rotations \_\_\_\_\_
  - cc. 4 Ways Your Boss is Measuring Your NP Performance \_\_\_\_\_
  - dd. How to Study for the Emergency Nurse Practitioner  
Certification Exam \_\_\_\_\_
  - ee. Googling Your Patients: Right or Wrong? \_\_\_\_\_
  - ff. How Do You Overcome Lack of Experience in a  
NP Job Interview? \_\_\_\_\_
  - gg. When Is It OK for a Nurse Practitioner to Fire a Patient? \_\_\_\_\_
  - hh. Do You Need Your Own Medical Malpractice Insurance? \_\_\_\_\_

- ii. MD vs. NP vs. PA: Here's How the Number of Clinical Hours Compare \_\_\_\_\_
- jj. Why NPs Need to Antibioqramit! \_\_\_\_\_
- kk. 3 Things Nurse Practitioners Need to Know Before Volunteering \_\_\_\_\_
- ll. Are You Eligible for NHSC Loan Repayment Opportunities? \_\_\_\_\_
- mm. Which Type of Medical Malpractice Policy is Right for You? \_\_\_\_\_
- nn. Million Dollar Questions that Make Diagnosis and Treatment a Sinch \_\_\_\_\_
- oo. Navigating FMLA + HIPAA: Notes for Nurse Practitioners \_\_\_\_\_
- pp. 7 Questions to Ask Yourself Before Accepting a Job Offer \_\_\_\_\_
- qq. The Ultimate NP Resume Objective Statement \_\_\_\_\_
- rr. Oh, \$@#\*%! 5 Steps to Take After Making a Medical Error \_\_\_\_\_
- ss. Are We Asking Too Much of Preceptors? \_\_\_\_\_
- tt. Info About the New NP Residency in 7 Informative Posts \_\_\_\_\_
- uu. 3 Ways Student Loan Repayment is Offered to Nurse Practitioners \_\_\_\_\_
- vv. What's the Average Hourly Wage for Nurse Practitioners? \_\_\_\_\_

**If you answered "Yes" as to all articles, then skip question 4, answer question 5 only, and then skip all remaining questions and have the foreperson sign and**

date the verdict form. If you answered "No" to all parts of question 3, or as to any article, then proceed to question number 4.

4. Do you find that Plaintiff registered any of the following blog articles with the U.S. Copyright Office after Defendant commenced infringement and more than three months after the date of the article's first publication?

- a. Must-Have Posters for Your Primary Care Clinic  
Yes  No
- b. Medical Assistance in Flight: What's Your Liability Risk?  
Yes  No
- c. 10 Highest Paying Cities for Physician Assistants  
Yes  No
- d. The NP's Recipe for Job Search Networking Success  
Yes  No
- e. How Much Will an Ivy League Nurse Practitioner Education Cost You?  
Yes  No
- f. How Well Do You Know Your Injectable Anesthetics?  
Yes  No
- g. 4 Things I Wish I Learned in My NP Clinical Rotations

Yes  No

h. How Do You Overcome Lack of Experience in a NP Job Interview?

Yes  No

i. When Is It OK for a Nurse Practitioner to Fire a Patient?

Yes  No

j. MD vs. NP vs. PA: Here's How the Number of Clinical Hours Compare

Yes  No

k. Are You Eligible for NHSC Loan Repayment Opportunities?

Yes  No

l. 7 Questions to Ask Yourself Before Accepting a Job Offer

Yes  No

m. The Ultimate NP Resume Objective Statement

Yes  No

n. Oh, \$@#\*%! 5 Steps to Take After Making a Medical Error

Yes  No

o. 3 Ways Student Loan Repayment is Offered to Nurse Practitioners

Yes  No

p. What's the Average Hourly Wage for Nurse Practitioners?

Yes  No

5. Do you find by a preponderance of the evidence that Defendant has proven that Plaintiff committed fraud on the U.S. Copyright Office in connection with obtaining registrations for any of the following blog articles?

a. Must-Have Posters for Your Primary Care Clinic

Yes \_\_\_\_\_ No X

b. Medical Assistance in Flight: What's Your Liability Risk?

Yes \_\_\_\_\_ No X

c. 10 Highest Paying Cities for Physician Assistants

Yes \_\_\_\_\_ No X

d. The NP's Recipe for Job Search Networking Success

Yes \_\_\_\_\_ No X

e. How Much Will an Ivy League Nurse Practitioner Education Cost You?

Yes \_\_\_\_\_ No X

f. How Well Do You Know Your Injectable Anesthetics?

Yes \_\_\_\_\_ No X

g. 4 Things I Wish I Learned in My NP Clinical Rotations

Yes \_\_\_\_\_ No X

h. How Do You Overcome Lack of Experience in a NP Job Interview?

Yes \_\_\_\_\_ No X

i. When Is It OK for a Nurse Practitioner to Fire a Patient?

Yes \_\_\_\_\_ No X

j. MD vs. NP vs. PA: Here's How the Number of Clinical Hours Compare

Yes \_\_\_\_\_ No X

k. Are You Eligible for NHSC Loan Repayment Opportunities?

Yes \_\_\_\_\_ No X

l. 7 Questions to Ask Yourself Before Accepting a Job Offer

Yes \_\_\_\_\_ No X

m. The Ultimate NP Resume Objective Statement

Yes \_\_\_\_\_ No X

n. Oh, \$@#\*%! 5 Steps to Take After Making a Medical Error

Yes \_\_\_\_\_ No X

o. 3 Ways Student Loan Repayment is Offered to Nurse Practitioners

Yes \_\_\_\_\_ No X

p. What's the Average Hourly Wage for Nurse Practitioners?

Yes \_\_\_\_\_ No X



6. a) What is the total number of articles you answered "Yes" to in response to question 2 (that is, the number of articles for which Plaintiff proved it owned a valid registered copyright and which Defendant infringed)?

43

b) How many of those articles did you also answer "Yes" to in response to question 3, 4, or 5 (that is, articles for which the Defendant proved an affirmative defense and/or fraud on the Copyright Office and/or failure to register within 90 days of original publication)?

16

c) Subtract the number in 6(b) from the number in 6(a):

27

If the number entered in response to question number 6(c) is greater than zero, proceed to question 7. If the number entered in response to question 6(c) is zero or negative, then skip all remaining questions and have the foreperson sign and date the verdict form.

7. Do you find by a preponderance of the evidence that Defendant has proven that Plaintiff's copyrighted articles in its blog feed are part of a single compilation or collective work?

Yes \_\_\_\_\_ No X \_\_\_\_\_

8. Do you find by a preponderance of the evidence that Defendant's infringement was "innocent", "willful," or neither?

Innocent \_\_\_\_\_ Willful X \_\_\_\_\_ Neither \_\_\_\_\_

You will now calculate the amount of statutory damages owed to Plaintiff. If your answer to question 7 is "Yes," then you must find that Plaintiff is permitted to receive only one award of statutory damages. If your answer to question number 7 is "No," then your award of statutory damages will be multiplied by the number entered in response to question 6(c).

9. What is the amount of statutory damages that you award per infringed work that Plaintiff owns? If your answer to question 8 was "Neither," then you must award statutory damages of between \$750 and \$30,000 per work. If your answer to question 8 was "Innocent," then you must award statutory damages of between \$200 and \$30,000 per work. If your answer to question 8 was "Willful," then you must award statutory damages of between \$750 and \$150,000 per work.

\$ 7,500.00

10. Calculate the full damages award (if any):

Number of infringed works (question 6(c))		<u>27</u>
Damages per work (question 9)	x	<u>\$7,500.00</u>
Total Award	=	<u>\$202,500.00</u>

SO SAY WE ALL:

\_\_\_\_\_  
(Print Jury Foreperson's Name)

Date: 9-27-19

\_\_\_\_\_  
(Jury Foreperson's Signature)