

IN THE IOWA DISTRICT COURT FOR LEE COUNTY

<p>PAMELA PLOWMAN and JEREMY PLOWMAN,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>FORT MADISON COMMUNITY HOSPITAL, PIL KANG, M.D., DAVIS RADIOLOGY, P.C., LEAH STEFFENSMEIER, M.D., THE WOMEN'S CENTER, FORT MADISON PHYSICIANS and SURGEONS,</p> <p>Defendants.</p>	<p>LALA 006220</p> <p>PLAINTIFFS' AMENDED AND SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS</p>
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COME NOW the Plaintiffs and hereby submit their Proposed Jury

Instructions as follows:

/s/ John A. MacLellan
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(by *pro hac vice* application)
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JURY INSTRUCTION NO. 1

Statement of the Case

Members of the Jury: In this case Plaintiffs claim that the Defendants negligently provided medical services to Pamela Plowman Nelson during her pregnancy in 2011, culminating in the wrongful birth of Z.P. on August 17, 2011, and that as a result of this negligence the plaintiffs sustained damages. The defendants deny that they were negligent, or that their actions caused any injuries or damages to the plaintiff.

Do not consider this summary as proof of any claim. Decide the facts from the evidence and apply the law which I will now give you.

Authority

Iowa Civil Jury Instructions 100.1 (Modified).

JURY INSTRUCTION NO. 2

Duties of Judge and Jury, Instructions as a Whole

My duty is to tell you what the law is. Your duty is to accept and apply this law.

You must consider all of the instructions together because no one instruction includes all of the applicable law.

The order in which I give you these instructions is not important.

Your duty is to decide all fact questions.

As you consider the evidence, do not be influenced by any personal sympathy, bias, prejudices or emotions. Because you are making very important decisions in this case, you are to evaluate the evidence carefully and avoid decisions based on generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your reason and common sense, and these instructions. As jurors, your sole duty is to find the truth and do justice.

Authority

Iowa Civil Jury Instructions 100.2.

Roushar v. Dixon, 231 Iowa 993, 2 N.W.2d 660 (1942).

JURY INSTRUCTION NO. 3

Burden of Proof, Preponderance of Evidence

Whenever a party must prove something they must do so by the preponderance of the evidence.

Preponderance of the evidence is evidence that is more convincing than opposing evidence. Preponderance of the evidence does not depend upon the number of witnesses testifying on one side or the other.

Authority

Iowa Civil Jury Instructions 100.3.

Mabrier v. A.M. Servicing Corp of Raytown, 161 N.W.2d 180 (1968).

JURY INSTRUCTION NO. 4

Evidence

You shall base your verdict only upon the evidence and these instructions.

Evidence is:

1. Testimony in person or by deposition.
2. Exhibits received by the Court.
3. Stipulations, which are agreements between attorneys.
4. Any other matter admitted (e.g. answers to interrogatories, matters which judicial notice was taken, and etc.).

Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide.

Sometimes, during a trial, references are made to pre-trial statements and reports, witnesses' depositions, or other miscellaneous items. Only those things formally offered and received by the court are available to you during your deliberations. Documents or items read from or referred to which were not offered and received into evidence, are not available to you.

Only those things formally offered and received by the court are available to you during your deliberations. Documents or items read from or referred to which were not offered and received into evidence, are not available to you.

The following are not evidence:

1. Statements, arguments, questions and comments by the lawyers.
2. Objections and rulings on objections.
3. Any testimony I have told you to disregard.

4. Anything you saw or heard about this case outside the courtroom.

Authority

Iowa Civil Jury Instructions 100.4.

Iowa Rules of Evidence.

JURY INSTRUCTION NO. 5

Deposition Testimony

Certain testimony has been read into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing. Consider that testimony as if it had been given in court.

Authority

Iowa Civil Jury Instruction 100.5.

Iowa R. Civ. P. 1.704.

Farley v. Seiser, 316 N.W.2d 857 (Iowa 1982).

JURY INSTRUCTION NO. 6

Interrogatories

During this trial, you have heard the word ‘interrogatory’. An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.

Authority

Iowa Civil Jury Instructions 100.6.

Iowa R. Civ. Pro. 1.509.

JURY INSTRUCTION NO. 8

Credibility of Witnesses

You will decide the facts from the evidence. Consider the evidence using your observations, common sense and experience. You must try to reconcile any conflicts in the evidence; but, if you cannot, you will accept the evidence you find more believable.

In determining the facts, you may have to decide what testimony you believe. You may believe all, part or none of any witnesses' testimony.

There are many factors which you may consider in deciding what testimony to believe, for example:

1. Whether the testimony is reasonable and consistent with other evidence you believe;
2. The witnesses' appearance, conduct, age, intelligence, memory and knowledge of the facts; and
3. The witnesses' interest in the trial, their motive, candor, bias and prejudice.

Authority

Iowa Civil Jury Instructions 100.9.

Burger v. Omaha & C.B. St. Ry. Co., 139 Iowa 645, 117 N.W.35 (1908).

JURY INSTRUCTION NO. 9

Contradictory Statement Under Oath

You have heard evidence claiming witnesses made statements before this trial while under oath.

If you find such a statement was made, you may regard the statement as evidence in this case the same as if that witness had made it under oath during the trial.

If you find such a statement was made and was inconsistent with a witness' testimony during the trial you may also use the statement as a basis for disregarding all or any part of that witness' testimony during the trial but you are not required to do so. You should not disregard a witness' testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

Authority

Iowa Civil Jury Instructions 100.14 and 100.15 (Modified).

JURY INSTRUCTION NO. 10

Opinion Evidence, Expert Witness

You have heard testimony from persons described as experts. Persons who have become experts in a field because of their education and experience may give their opinion on matters in that field and the reasons for their opinion.

Consider expert testimony just like any other testimony. You may accept it or reject it. You may give it as much weight as you think it deserves, considering the witness' education and experience, the reasons given for the opinion, and all the other evidence in the case.

Authority

Iowa Civil Jury Instructions 100.12.

Crouch v. National Livestock Remedy Co., 210 Iowa 849, 231 N.W. 323 (1930).

JURY INSTRUCTION NO. 11

Hypothetical Question, Expert Testimony

An expert witness was asked to assume certain facts were true and to give an opinion based on that assumption. This is called a hypothetical question. If any fact assumed in the question has not been proved by the evidence, you should decide if that omission affects the value of the opinion.

Authority

Iowa Civil Jury Instructions 100.11.

Cody v. Toller Drug Co., 232 Iowa 475, 5 N.W.2d 824 (1942).

JURY INSTRUCTION NO. 12

Ordinary Care – Common Law Negligence - Defined

“Negligence” means failure to use ordinary care. In a medical negligence case, negligence means a failure to meet the standard of care applicable to a particular health care provider.

Ordinary care is the care which a reasonable prudent person would use under similar circumstances. “Negligence” is doing something a reasonable careful person would not do under similar circumstances, or failing to do something a reasonably careful person would do under similar circumstances.

Authority

Iowa Civil Jury Instructions 700.2 (Modified).

Bartlett v. Chebuhar, 479 N.W.2d 321 (Iowa 1992).

Schalk v. Smith, 224 Iowa 904, 277 N.W. 303 (1938).

JURY INSTRUCTION NO. 13

Negligence – Duty of Physician

A physician must use the degree of skill, care and learning ordinarily possessed and exercised by other physicians in similar circumstances.

Authority

Iowa Civil Jury Instructions 1600.2.

Speed v. State, 240 N.W.2d 901 (Iowa 1976).

Perin v. Hayne, 210 N.W.2d 609 (Iowa 1973).

JURY INSTRUCTION NO. 14

Negligence – Duty of Specialist

Duty Of Specialist. Physicians who hold themselves out as specialists must use the degree of skill, care and learning ordinarily possessed and exercised by specialists in similar circumstances, not merely the average skill and care of a general practitioner.

A violation of this duty is negligence.

Authority

Iowa Civil Jury Instructions 1600.3.

McGulpin v. Bessmer, 241 Iowa 1119, 1132, 43 N.W.2d 121, 128 (1950)

JURY INSTRUCTION NO. 15

Fault - Defined

In these instructions I will be using the term "fault". Fault means one or more acts or omissions which constitutes negligence.

Authority

Iowa Civil Jury Instructions 400.1 (Modified).

Iowa Code §668.1.

JURY INSTRUCTION NO. 16

Liability of Employee

An employer is liable for the negligent acts of an employee if the acts are done in the scope of the employment. It is stipulated that Defendant Leah Steffensmeier, M.D., was, at all times relevant, an employee of Fort Madison Community Hospital, acting within the scope of her employment. It is further stipulated that Defendant Pil Kang, M.D., was, at all times relevant, an employee of Davis Radiology, P.C., acting within the scope of his employment.

Authority

Iowa Civil Jury Instructions 730.1 (Modified).

Bethards v. Shivvers, Inc., 355 N.W.2d 39 (Iowa 1984)

Graham v. Worthington, 259 Iowa 845, 146 N.W.2d 626 (1966)

JURY INSTRUCTION NO. 17

Scope of Employment

For an act to be within the scope of an employee's employment, the act must be necessary to accomplish the purpose of the employment, and it must be intended to accomplish that purpose.

Authority

Iowa Civil Jury Instructions 730.2.

Merchants National Bank of Cedar Rapids v. Waters, 447 F.2d 234 (8th Cir. 1971)

Sandman v. Hagan, 261 Iowa 560, 154 N.W.2d 113 (1967)

JURY INSTRUCTION NO. 18

Wrongful Birth

When a defendant negligently deprives a parent of information important to the choice of whether to timely terminate a pregnancy, and a child is born thereby with disabilities, the compensable injury is the parents' loss of the opportunity to make an informed decision to terminate the pregnancy, and the damages that arise therefrom.

Authority

Plowman v. Fort Madison Community Hospital, 896 N.W.2d 393 (Iowa 2017).

JURY INSTRUCTION NO. 19

Informed Consent – Wrongful Birth

The plaintiffs claim the defendants failed to provide information to Pamela Plowman Nelson during the course of her pregnancy which deprived plaintiffs of the choice to timely terminate the pregnancy.

The plaintiffs must prove all of the following propositions:

1. The existence of material information concerning the pregnancy and/or the fetal condition.
2. Material information concerning the pregnancy and/or the fetal condition was unknown to the plaintiff.
3. The defendant failed to disclose material information concerning the pregnancy and/or the fetal condition to the plaintiff.
4. Disclosure of material information concerning the pregnancy and/or the fetal condition would have led plaintiff Pamela Plowman Nelson to terminate her pregnancy.
5. The failure to provide the information to plaintiff was a cause of plaintiff's damage.
6. The nature and amount of damage.

If the plaintiffs have failed to prove any of these propositions, the plaintiffs are not entitled to damages. If the plaintiffs have proved all of these propositions, the plaintiffs are entitled to damages in some amount.

Authority

Iowa Civil Jury Instructions 1600.10 (Modified).

Pauscher v. Iowa Methodist Medical Center, 408 N.W.2d 355 (Iowa 1987)

Thompson v. Kaczinski, 774 N.W. 2d 829, 836-39 (Iowa 2009) (causation)

Plowman v. Fort Madison Community Hospital, 896 N.W.2d 393 (Iowa 2017).

JURY INSTRUCTION NO. 20

Duty of Physician as to Informed Consent

A physician is required to provide certain information to a patient during the course of the patient's care and treatment. A physician must disclose to the patient all known material information concerning the care and treatment that would be significant to a reasonable patient's decisions regarding the care. Material information includes the risks and consequences of findings, and alternatives to a course of care.

Authority

Iowa Civil Jury Instructions 1600.12 (Modified).

Pauscher v. Iowa Methodist Medical Center, 408 N.W.2d 355 (Iowa 1987)

JURY INSTRUCTION NO. 21

Cause - Defined

The conduct of a party is a cause of damage when the damage would not have happened except for the conduct.

Authority

Iowa Civil Jury Instructions 700.3.

Thompson v. Kaczinski, 774 N.W.2d 829, 836-39 (Iowa 2009)

Royal Indemnity Co. v. Factory Mut. Ins. Co., 768 N.W.2d 839, 850-51 (Iowa 2010)

Restatement (Third) of Torts: Liability for Physical and Emotional Harm, § 26

JURY INSTRUCTION NO. 21A

Causation

The conduct of a party is a proximate cause of damage when it is a substantial factor in producing damage and when the damage would not have happened except for the conduct.

There can be more than one proximate cause of an injury or damage. When the fault of two or more separate parties is so related to an event that their combined fault, when viewed as a whole, is the cause of the event without which the event would not occur, then the fault of each person or party may be a proximate cause, provided the fault of each substantially contributes to the plaintiffs' injuries.

“Substantial” means the party’s conduct has such an effect in producing damages as to lead a reasonable person to regard it as a cause.

Authority

Mastland v. Evens, 498 N.W.2d 682 (Iowa 1993).

Peterson v. Taylor, 316 N.W.2d 869 (Iowa 1982).

Restatement (Torts) Second, §283A (1965).

JURY INSTRUCTION NO. 22

Concurrent Cause - Defined

There can be more than one cause of an injury or damage. When the fault of two or more separate parties is so related to an event that their combined fault, when viewed as a whole, is the cause of the event without which the event would not occur, then the fault of each party may be a cause.

Authority

Iowa Civil Jury Instructions 700.4.

Thompson v. Kaczinski, 774 N.W.2d 829, 836-39 (Iowa 2009).

Foggia v. Des Moines Bowl-O-Mat 543 N.W.2d 892 (Iowa 1996) (multiple defendants).

Spaur v. Owens-Corning Fiberglas Corp., 510 N.W.2d 854, 858, 861 (Iowa 1994) (concept approved in a toxic tort case).

AMENDED JURY INSTRUCTION NO. 23

Essentials for Recovery

The Plaintiffs must prove the following propositions as to the defendant Dr. Kang:

1. Dr. Kang was negligent in one or more of the following ways:
 - a. Failing to mention in the ultrasound report that the HC/AC ratio was more than two standard deviations from the norm;
 - b. Failing to speak with Dr. Steffensmeier of the need for a follow up ultrasound because of the inability to definitively visualize a normal cavum septum pellucidum in the April 25, 2011 ultrasound exam;
 - c. Failing to speak with Dr. Steffensmeier of the need for a follow up ultrasound because of the HC/AC ratio being more than two standard deviations from the norm;
 - d. Failing to use ordinary and reasonable care;
2. Any of the above acts of negligence was a cause of damage to the plaintiffs.
3. The amount of damage.

If the plaintiffs have failed to prove these propositions, the plaintiffs are not entitled to damages from defendant Dr. Kang. If the plaintiffs have proved any of the propositions of negligence, along with causation and damages, the plaintiffs are entitled to damages in the amount determined.

The plaintiffs must prove the following propositions as to defendant Dr. Steffensmeier:

1. Dr. Steffensmeier was negligent in one or more of the following ways:
 - a. Failing to timely order a pre-natal ultrasound to assess fetal anatomy between the 18th and 20th weeks of Pamela Plowman's pregnancy.
 - b. Failing to follow the recommendation of Dr. Kang to schedule a repeat ultrasound due to not definitively visualizing the cavum septum pellucidum;

- c. Failing to follow the recommendation of Dr. Kang to schedule a repeat ultrasound due to the abnormal HC/AC ratio;
 - d. Failing to communicate to Pamela Plowman that Dr. Kang recommended a repeat ultrasound due to not definitively visualizing the cavum septum pellucidum in the April 25, 2011 ultrasound exam;
 - e. Failing to communicate to Pamela Plowman that Dr. Kang recommended a repeat ultrasound due to the abnormal HC/AC ratio in the April 25, 2011 ultrasound exam;
 - f. Failing to communicate to Pamela Plowman the significance of the cavum septum pellucidum not being definitively visualized in the April 25, 2011 ultrasound exam and why it's important to document the normal appearance of the cavum septum pellucidum;
 - g. Failing to communicate to Pamela Plowman the significance of the abnormal HC/AC ratio in the April 25, 2011 ultrasound exam;
 - h. Failing to timely and fully advise Pamela Plowman of the two other options she had aside from continuing the pregnancy namely 1) termination at that time or 2) obtaining a repeat ultrasound in time to still lawfully terminate;
 - i. Failing to use ordinary and reasonable care;
2. Any of the above acts of negligence was a cause of damage to the plaintiffs.
 3. The amount of damage.

If the plaintiffs have failed to prove these propositions, the plaintiffs are not entitled to damages from defendant Dr. Steffensmeier. If the plaintiffs have proved any of the propositions of negligence, along with causation and damages, the plaintiffs are entitled to damages.

Authority

Iowa Civil Jury Instructions 700.1 and 1600.1 (Modified).

Coker v. Abell-Howe Co., 491 N.W.2d 143 (Iowa 1992).

Rinkleff v. Knox, 375 N.W.2d (Iowa 1985).

Bauman v. City of Waverly, 164 N.W.2d 840 (Iowa 1969).

Thompson v. Kaczinski, 774 N.W.2d 829, 836-39 (Iowa 2009) (causation).

AMENDED JURY INSTRUCTION NO. 24

Damages

If you find plaintiffs are entitled to recover damages, it is your duty to determine the amounts. In doing so you shall consider the following items:

1. The cost of Z.P.'s extraordinary care and services from birth to present, including medical, nursing, hospital, pharmaceutical, rehabilitative, custodial and attendant care, as well as equipment and adaptive housing.
2. The cost of Z.P.'s extraordinary care and services from today for the remainder of his life, including medical, nursing, hospital, pharmaceutical, rehabilitative, custodial and attendant care, as well as equipment and adaptive housing.
3. Pamela Plowman Nelson's mental anguish, pain and suffering, and inconvenience.
4. Jeremy Plowman's mental anguish, pain and suffering, and inconvenience.

Authority

Iowa Civil Jury Instructions Nos. 200.6 and 200.7 (Combined and Modified).

Plowman v. Fort Madison Community Hospital, 896 N.W.2d 393 (Iowa 2017).

JURY INSTRUCTION NO. 25

Definition of Present Value

Future damages must be reduced to present value. “Present value” is a sum of money paid now in advance which, together with interest earned at a reasonable rate of return, will compensate the plaintiff for future losses.

Authority

Iowa Civil Jury Instruction No. 200.35B.

Iowa Code section 624.18 (2), 668.3(b).

Schnebly v. Baker, 217 N.W.2d 708 (Iowa 1974).

In Re Millard Estate, 251 Iowa 1282, 105 N.W.2d 95 (1960).

JURY INSTRUCTION NO. 26

Mortality Tables – Personal Injury

A Standard Mortality Table indicates the normal life expectancy of people who are the same age as Z.P. is 69 years. The statistics from a Standard Mortality Table are not conclusive. You may use this information, together with all the other evidence, about Z.P.'s health, habits, occupation, and lifestyle, when deciding issues of future damages.

Authority

Iowa Civil Jury Instructions 200.37.

Ehlinger v. State, 237 N.W.2d 784 (Iowa 1976).

Ruud v. Grimm, 252 Iowa 1266, 110 N.W.2d 321 (1961).

Newman v. Blom, 249 Iowa 836, 39 N.W.2d 349 (1958).

JURY INSTRUCTION NO. 27

Quotient Verdict

In arriving at an item of damage or any percentage of fault you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage or percentage of fault and agreeing in advance that the average of those estimated shall be your item of damage or percentage of fault.

Authority

Iowa Civil Jury Instructions 200.38 (Modified).

Moose v. Rich, 253 N.W.2d 565 (Iowa 1977).

Sheker v. Jensen, 241 Iowa 583, 41 N.W.2d 679 (1950).

Manna v. McIntosh, 519 N.W.2d 815 (Iowa App. 1984).

JURY INSTRUCTION NO. 28

General Instructions to Jury

Upon retiring you shall select a foreman or forewoman. It will be his or her duty to see discussion is carried on in an orderly fashion, the issues are fully and freely discussed, and each juror is given an opportunity to express his or her views.

Your attitude at the beginning of your deliberations is important. It is not a good idea for you to take a position before thoroughly discussing the case with the other jurors. If you do this, individual pride may become involved and you may later hesitate to change an announced position even if shown it may be incorrect. Remember you are not partisans or advocates, but are judges – judges of the facts. Your sole interest is to find the truth and do justice.

Authority

Iowa Civil Jury Instructions 100.18.

JURY INSTRUCTION NO. 29

Cautionary Instruction – Juror’s Notes.

During the trial, you have been allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and not evidence. Generally, they reflect the recollection or impressions of the evidence as viewed by the person taking them, and may be inaccurate or incomplete.

Upon reaching a verdict, leave the notes in the jury room, and they will be destroyed.

Authority

Iowa Jury Instruction No. 100.21.

Iowa R.CIV.P. 1.926(1).

JURY INSTRUCTION NO. 30

Use of Electronic Devices

You may not communicate about this case before reaching your verdict. This includes cell phones, and electronic media such as text messages, Facebook, MySpace, LinkedIn, YouTube, Twitter, email, etc.

Do not do any research or make any investigation about this case on your own. Do not visit or view any place discussed in this case, and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony. Also, do not research any information about this case, the law, or the people involved, including the parties, the witnesses, the lawyers, or the judge. This includes using the Internet to research events or people referenced in the trial.

This case will be tried on evidence presented in the courtroom. If you conduct independent research, you will be relying on matters not presented in court. The parties have a right to have this case decided on the evidence they know about and that has been introduced here in court. If you do some research or investigation or experiment that we do not know about, then your verdict may be influenced by inaccurate, incomplete or misleading information that has not been tested by the trial process, including the oath to tell the truth and by cross-examination. All of the parties are entitled to a fair trial, rendered by an impartial jury, and you must conduct yourself so as to maintain the integrity of the trial process. If you decide a case based on information not presented in court, you will have denied the parties a fair trial in accordance with the rules of this state and you will have done an injustice. It is very important that you abide by these rules.

[Failure to follow these instructions may result in the case having to be retried and could result in you being held in contempt and punished.]

It is important that we have your full and undivided attention during this trial.

Authority

Iowa Jury Instruction No. 100.23.

JURY INSTRUCTION NO. 31

Occasionally, after a jury retires to the jury room, the members have questions. I have prepared the instructions after carefully considering this case with the parties and lawyers. I have tried to use language which is generally understandable. Usually questions about instructions can be answered by carefully re-reading them. If however, any of you feel it necessary to ask a question, you must do so in writing and deliver the question to the court attendant. I cannot communicate with you without first discussing your question and potential answer with the parties and lawyers. This process naturally takes time and deliberation before I can reply. The foreperson shall read my response to the jury. Keep the written question and response and return it to the court with the verdict.

The court attendant who has been working with me on this case is in the same position as I am. She has taken an oath not to communicate with you except to ask if you have agreed upon a verdict. Please do not put her on the spot by asking him or her any questions. You should direct your questions to the court and not to the court attendant.

JURY INSTRUCTION NO. 32

Return of Verdict – Forms of Verdict

I am giving you one verdict form and special interrogatories. During the first six hours of deliberations, excluding meals and recesses outside your jury room, your decision must be unanimous. If you all agree, the verdict and interrogatories must be signed by your foreman or forewoman.

After deliberating for six (6) hours from _____ o'clock __.m., excluding meals or recesses outside your jury room, then it is necessary that only (seven) (six)* of you agree upon the answers to the questions. In that case the verdict [and interrogatories] must be signed by all (seven) (six)* jurors.

When you have agreed upon a verdict [and interrogatories] and appropriately signed it, tell the Court Attendant.

Authority

Iowa Civil Jury Instructions 300.1.

Comment

Note: *Use if a juror has been excused during the trial.

SUPPLEMENTAL JURY INSTRUCTION NO. 33

Right to Terminate Pregnancy

During the events in question in 2011, Iowa law permitted Plaintiff to legally terminate her pregnancy through the end of her second-trimester, which occurs at 28 weeks gestation. You must respect that the Plaintiff had a legal right to terminate her pregnancy had she chosen to do so.

Authority

Plowman v. Fort Madison Cmty. Hosp., 896 N.W.2d 393, 409 (Iowa 2017)

Iowa Code Ann. § 707.7