

#511

ROBERT D. ZAAS, M.D.
DENNIS B. BROOKS, M.D.

INC.

ORTHOPAEDIC SURGERY

26900 CEDAR ROAD
BEACHWOOD, OHIO 44122
TELEPHONE 215/464-4414

July 4, 1984

~~Ms. Virginia L. Reichard~~
Attorney at Law
Sixth Floor, Bulkley Building
1501 Euclid Avenue
Cleveland, Ohio 44115

Re: Cheryl Spiegner (Holland)
File No. 777-82873

Dear Ms. Reichard:

Cheryl Spiegner Holland was examined by me on July 3, 1984 regarding an accident which occurred on July 8, 1981. This 28-year-old female informed me, in the presence of her counsel, that she was injured on July 8, 1981 when she was swinging on a swing. The chain broke and she fell "straight down"; approximately five feet. She fell backwards striking her head, neck, low back and buttocks. She did not become unconscious. Immediately following the accident, "everything hurt" and she then went to "the cottage and passed out". This episode lasted "not real long". She was taken to Suburban Community Hospital where she was examined, treated and released. She was advised to use "hot soaks and Tylenol".

Approximately a week after the accident, she came under the care of Dr. Chaikin and was treated by him with medication and heat. She received treatments approximately three times a week until October of 1981. She then returned to work as a "hospital aide".

She has received no further medical treatment since October of 1981. She recalled that Dr. Chaikin stated that she "could see someone forever but I could do the same for myself with heat and hot soaks".

At this time of this examination, Ms. Holland stated that she had a "nagging" in her low back. There was no associated leg radiation. This symptom would occur after work or after climbing steps on multiple occasions while doing the laundry. The "nagging" would occur approximately once a week and would be relieved by lying down and "propping my feet up" as well as by using heat and hot baths. She had an occasional headache behind her eyes.

Her past medical history indicated no symptoms referable to her low back prior to the accident. In 1982, she was involved in a vehicular accident and "lost the vision" in her right eye as well as sustaining a "crushed" right ankle. She was presently on "medical leave" for she had delivered a child approximately three weeks before this examination.

Physical examination revealed a female of approximately her stated age who was of short stature. She stated that she was 5 feet 4 inches tall and weighed 136 pounds. She arose from the sitting position without difficulty and ambulated without limp. She was able to ascend and descend the examining table in a normal fashion.

July 4, 1984

Ms. Virginia L. Reichard
Re: Cheryl Spiegner (Holland)
File No. 777-82873

Page two.

Examination of her lumbosacral spine revealed normal lumbar, lordosis without evidence of paraspinous spasm. There was tenderness to palpation in the lumbosacral area without associated sacroiliac or sciatic notch tenderness. Forward flexion was initially accomplished such that her fingertips reached her ankles and there was slight reduction in lateral bending bilaterally. Extension was normal. She was unable to walk on the heel or toes of her right foot because of her ankle fracture. Burns' test was negative. When this was explained to her, she **was** able to perform forward flexion such that her fingertips reached her toes and explained that she had a feeling of "strain" as she did so.

Further examination revealed that sitting straight leg raising could be accomplished to the horizontal bilaterally. Supine straight leg raising could be accomplished to 90 degrees bilaterally with pain in the low back between 45 and 90 degrees. Lasegue's maneuver was negative. Further neurological examination revealed normal patellar tendon and left Achilles tendon reflexes. There was no right Achilles tendon reflex, as a result of her fracture, for there was no ankle dorsiflexion. Motor strength and sensation were normal.

Radiographs of the lumbosacral spine and pelvis revealed no evidence of fracture, dislocation or degenerative change.

The material forwarded to me has been reviewed and the emergency room records of Suburban Community Hospital indicate that **Ms.** Spiegner was examined in that facility on July 8, 1981. The record is difficult to decipher but the diagnosis of the examining physician was "External head injury - Dizzy spell". Radiographs of the skull and cervical and thoracic spines were obtained and were normal.

In **his** report of February 9, 1983, Dr. Chaikin summarizes his treatment of **Ms.** Spiegner between July 17, 1981 and October 16, 1981. At the time of the initial examination, nine days after the accident, she had symptoms and physical findings consistent with Dr. Chaikin's conclusion of "Traumatic myofascitis of...neck, upper dorsal and lumbar spine. Cervico-occipital headaches". Although Dr. Chaikin describes the symptoms which were present on subsequent examinations, he does not describe the physical findings which may have been present.

In their reports of April 15, 1983, August 26, 1983 and February 8, 1984, Drs. Gross, Friedman and Nagelis describe their examinations of Ms. Spiegner. On each occasion, there were more symptoms and physical findings than were present at the time of this examination.

The records of Hillcrest Hospital indicate that Ms. Spiegner was in that facility between July 30, 1982 and August 3, 1982 for treatment of injuries to her right eye and right ankle. The records of Kaiser Permanente indicate that she was hospitalized between August 22, 1982 and August 24, 1982 for further treatment of her right eye injury. At that time, physical examination of the back revealed "NL spine".

Out-patient records from Kaiser Permanente indicate that Ms. Spiegner was examined there on various occasions between September 20, 1979 and April 25, 1984. On February 10, 1982, she was examined for "routine PE - no complaints". On February 4, 1983, when asked "Are you troubled by frequent back pain?", she indicated "No".

July 4, 1984

Ms. Virginia L. Reichard
Re: Cheryl Spiegner (Holland)
File No. 777-82873

Page three.

Based on the information available to me, I believe that Ms. Holland was involved in an accident on July 8, 1981 and that she **sustained** some injuries to her head, cervical, thoracic and lumbar spine. These injuries may have necessitated the three months of treatment provided by Dr. Chaikin.

At the time of this examination, approximately three years after the accident, she has minimal symptoms referable to her lumbosacral spine and no symptoms referable to her cervical or thoracic spine. The symptoms which she has are probably on the basis of the activities of daily living for there is nothing on physical or radiographic examination to indicate that she has any permanent disability directly attributable to the accident of July 8, 1981.

Very truly yours,

DBB Brooks MD

Dennis B. Brooks, M.D.

DBB/anm