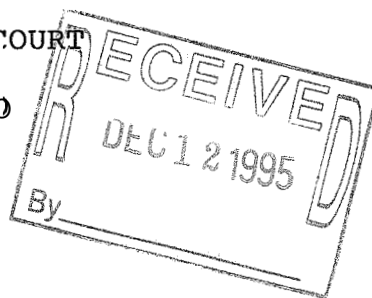


#565

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IN THE COMMON PLEAS COURT

WAYNE COUNTY, OHIO



MARLENE BROWN, et al.

Plaintiff,

vs.

DOUGLAS R. BROWN, D.O.,
et al.,

Defendants.

No. 94-CV-229

Deposition of DOUGLAS R. BROWN, D.O., Defendant
herein, called by the Plaintiff for cross-examination
pursuant to the Rules of Civil Procedure, taken before me,
the undersigned, Regina Salloum, a Stenographic Reporter and
Notary Public in and for the State of Ohio, at the offices
of Douglas R. Brown, 365 S. Crown Hill Road, Orrville, Ohio
at 2:00 p.m., on Thursday, the 16th day of November, 1995.

STOLL, PEISER & SNIDER, INC.

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Spangenberg, Shibley, Traci, Lancione Liber

4 By: John G. Lancione, Attorney at Law
2400 National City Center
5 1900 East Ninth Street
6 Cleveland, Ohio 44114-3026

7 On behalf of the Defendant:

8 Jacobson, Maynard, Tuschman & Kalur

9 By: David M. Best, Attorney at Law
1001 Lakeside Avenue
Cleveland, Ohio 44114-1192

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11 DOUGLAS R. BROWN, D.O.

12 of lawful age, Defendant herein, having been first duly
13 sworn as hereinafter certified, deposed and testified as
14 follows:

15 CROSS-EXAMINATION

16 By Mr. Lancione:

17 Q Would you state your full name for the record, please.

18 A Douglas Robert Brown.

19 Q And where do you live?

20 A Orrville.

21 Q Your address?

22 A Home address?

23 Q Yes.

24 A 245 Lakewood.

25 Q Tell me something about your education, beginning with

1 undergraduate school.

2 A I have a Bachelor of Science degree from the University
3 of Michigan, a D.O. degree from Crooksville College of
4 Osteopathic Medicine.

5 Q Give me the dates, please, the Michigan date and
6 then --

7 A I graduated from Michigan in 1970 and from Crooksville
8 College of Osteopathic Medicine in '74.

9 I did postgraduate training at Flint Osteopathic
10 Hospital ending in 1975.

11 Q During your postgraduate training, did you have any
12 medical practice at all?

13 A I'm not sure I understand.

14 Q Did you work in the emergency room or anything like
15 that?

16 A No.

17 Q When did you first begin your private practice?

18 A In 1975, in July.

19 Q Where was that?

20 A In Orrville, Ohio.

21 Q Are you originally from Orrville?

22 A No.

23 Q Where are you from?

24 A Detroit.

25 Q When you graduated from Michigan, did you apply to

1 various medical schools in addition to Crooksville?

2 A One, Wayne State.

3 Q Tell me what kind of practice you began when you first
4 started in '75.

5 A Family practice.

6 Q Did you have any further formal training at all?

7 A I have had many hours of continuing medical education.

8 Q Other than that?

9 A No.

10 Q Any formalized training programs that lasted more than
11 a week?

12 A None more than two weeks.

13 Q When you first began your practice, where was your
14 office located?

15 A On Crown Hill Road, where it is now.

16 Q Was this facility that we are in here at that time?

17 A It was the building next door.

18 Q And this building we are in now, when was that built?

19 A This building was built in 1985.

20 Q Do you own it?

21 A No.

22 Q Who owns it?

23 A A corporation, B & B.

24 Q Do you own the corporation?

25 A No.

1 Q Do you own any stock in it?

2 A No.

3 Q Who owns it?

4 MR. BEST: Well, I don't know that that's going to
5 the lead to the discovery of admissible evidence in
6 this case.

7 MR. LANCIONE: Well, I don't know.

8 By Mr. Lancione:

9 Q Does anybody in your family own it?

10 A My wife and two of my partners' wives.

11 Q How many hours of continuing medical education are
12 required per year for -- is it a one-year or two-year
13 period?

14 A Three years.

15 Q -- for a three-year period?

16 A 150 hours.

17 Q How is that documented or presented to the Medical
18 Board; if you know?

19 A There are computer cards sent in for all activities
20 which are collected, in my case, by the American Academy of
21 Family Physicians as well as the American Academy of
22 Osteopathic Family Physicians. I am member of both.

23 Q Okay.

24 Did you have to take any examination to become
25 certified in any organization?

1 A Yes.

2 Q Those two that you mentioned?

3 A Yes.

4 Q When was that done for each of them?

5 A Certification in AAFP was done through continuing
6 medical education and grandfathering in, and that was done
7 six years ago.

8 Certification for family practice for the American
9 Osteopathic Board of Family Physicians was done by exam two
10 years a ago.

11 Excuse me. Can I correct that? It was done last year.

12 Q How long has that certification program been available?

13 A I don't know.

14 Q It's not something recent, then?

15 A No.

16 Q It's the Osteopathic Family Physician certification
17 program?

18 A That's correct.

19 Q And that was done by examination?

20 A Correct.

21 Q Is that the first time you have taken the exam?

22 A Yes, it was.

23 Q Have you ever had your deposition taken before?

24 A Yes.

25 Q On how many occasions?

1 A I believe two.

2 Q What were the circumstances?

3 A I was testifying for the Plaintiff.

4 Q Where was that, in this county?

5 A Yes.

6 Q What kinds of cases, if you know; were they malpractice
7 or just civil?

8 A One was an automobile accident and one was a Workmen's
9 Compensation case.

10 Q You have never had your deposition taken in a medical
11 malpractice case?

12 A No.

13 Q Do you have any privileges at any hospitals?

14 A Yes,

15 Q Which ones?

16 A I am on active staff at Wooster Community Hospital, I
17 am on active staff at Dunlap Hospital in Orrville, and on
18 curtesy staff at Doctors Hospital in Massillon.

19 Q Where do you treat most of your patients who require
20 hospitalization?

21 A Dunlap Hospital in Orrville.

22 Q How long have you had privileges there?

23 A I can only give you an approximate answer.

24 Q That's okay.

25 A I believe 15 years.

1 Q Okay.

2 Have your privileges ever been restricted in any way?

3 A No.

4 Q What was the other hospital, Wooster?

5 A Wooster Community Hospital.

6 Q How long have you had privileges there?

7 A Approximately five years.

8 Q What is the nature of those privileges, general family
9 practice privileges?

10 A Yes.

11 Q Minor surgery?

12 A Minor surgery and obstetrics.

13 Q How many babies do you deliver a year?

14 A About 200.

15 Q Are they mostly at Wooster?

16 A No. They are mostly at Dunlap.

17 Q Have you ever had your obstetrics privileges or any
18 privileges at Wooster modified or restricted in any way?

19 A No.

20 Q What about at Massillon, the same question?

21 A No.

22 Q How long have you been having privileges there?

23 A 20 years.

24 Q How did you happen to see Marlene Brown as a patient;
25 do you know?

1 A She came to me requesting a second opinion.

2 Q Did any doctor contact you --

3 A No.

4 Q -- about her initially?

5 A No.

6 Q Had you ever treated her before?

7 A No.

8 Q Had you ever treated any members of her family?

9 A Her husband.

10 Q Tom?

11 A I believe that's his name.

12 Q What did you treat him for?

13 MR. BEST: You don't have to answer that. That is
14 a privilege problem.

15 MR. LANCIONE: I represent him, so what --

16 MR. BEST: So what. Yeah.

17 By Mr. Lancione:

18 Q How long had you treated Tom Brown?

19 A I don't know.

20 MR. BEST: I am not trying to be obstreperous,
21 but I don't want him to be in trouble about giving
22 privileged information. With whether he treats someone
23 or not and for how long, there is probably privilege.

24 MR. LANCIONE: There is a waiver of privilege when
25 I represent them, and the husband is my client.

1 MR. BEST: Not for the husband. I'd rather
2 probably argue there is also a waiver for both the
3 husband and wife. If there is something you need to
4 know, tell me what it is and maybe we can get to it.

5 I assume you can ask Tom what his relationship is.
6 By Mr. Lancione:

7 Q Is there anything about having treated Mr. Brown that
8 related in any way to the treatment for Marlene Brown that
9 you know of?

10 A No.

11 Q Did Tom Brown come on any office visits with Marlene
12 Brown at any time?

13 A I don't recall.

14 Q Do you ever recall anyone from Marlene Brown's family
15 coming to an office visit with her?

16 A Yes.

17 Q Who?

18 A I believe her daughter.

19 Q Which one?

20 A I don't know.

21 Q Do you know how many daughters she has?

22 A No, I do not.

23 Q Do you know that one is a nurse?

24 A Yes.

25 Q Did the nurse ever come to an office visit with her

1 mother?

2 A I don't know.

3 Q During any of the office visits, do you ever remember
4 having any conversation with any of the daughters of Marlene
5 Brown?

6 A Yes.

7 Q Do you remember which one?

8 A No.

9 Q On more than one occasion, do you believe?

10 A I only recall one occasion.

11 Q So you only recall one occasion with one of the
12 daughters attending an examination with her mother?

13 A That's correct.

14 Q Okay.

15 Was it early; was it the first visit, for example?

16 A No.

17 Q There is some documentation of that that you have in
18 your records?

19 A It was the 29th of July.

20 Q Of?

21 A '93.

22 Q No time before that, to your recollection?

23 A No.

24 Q Let's go to your office records, because I'm not sure I
25 can decipher all of them.

1 The first time that you saw Marlene Brown was on the
2 17th of July; correct?

3 A That's correct.

4 Q And who wrote the words, "second opinion," dash,
5 "depression"?

6 A My nurse.

7 Q Who wrote the notes underneath that?

8 A The handwriting that is in the black, I think is mine.

9 Q Okay.

10 Let's start with the border there. What is -- does
11 that have any significance? It looks like an initial there
12 or something.

13 A That is the nurse who wrote "second opinion."

14 Q Okay. Who was that?

15 A I can't decipher her initials.

16 Q Then, going to the first entry, it looks like you wrote
17 1, 2, 3, 4?

18 A Yes.

19 Q What does that say?

20 A No. 1 says, "lost 15 pounds." No. 2 says, "extreme
21 fatigue." No. 3 says, "loss of appetite," and No. 4 says,
22 "unable to sleep typical pattern."

23 Q Underneath that, what does it say?

24 A "No surgeries. Patient had physical. Patient had
25 mammogram. Patient had complete blood work."

1 Q Does that mean she had those here or someplace else --

2 A She had them someplace else.

3 Q -- in the past?

4 A Correct.

5 Q It doesn't say when?

6 A No.

7 Q The next column to the right of that, what does that
8 represent?

9 A My notes in the chart.

10 Q Yes. I mean what is it?

11 This is obviously -- the first things you read to me
12 are obviously part of the history that the patient gives,
13 the complaints and so forth.

14 A The rest is -- it's further history.

15 Q Does that start out with No. 1?

16 A Starts out No. 1.

17 Q Let's go through those.

18 A It says, "Sick at time of mother's death. Unable to
19 eat or sleep. Depression diagnosed by other physician.
20 First took Mellaril, no help. Then patient on Vistaril,
21 then Prozac." No. 6 says, "Now on Zoloft."

22 Q Okay.

23 A No. 7 says, "EENT negative. All blood work normal.
24 Color good. Reflexes brisk or increased, lungs clear, heart
25 negative. Patient has not been able to eat fruits and/or

1 vegetables."

2 Would you like me to continue?

3 Q Yes. Impression?

4 A "Impression, depression, probably indigenous. No. 2,
5 "Rule out endocrine problems." No. 3, "Weight loss."

6 "Plan, get lab work only, Dr. Dunham."

7 No. 2, "Continue Zoloft," and in parentheses, "May need
8 Epstein-Barr, TSH, T-4, also CBC."

9 Q What were you going to do to rule out the endocrine
10 problem?

11 A First, I was going to look and see what tests had been
12 done before, and then I was going run a TSH and T-4 if they
13 had not been done.

14 Q Did you obtain the records from Dr. Dunham?

15 A Yes, I did.

16 Q What did that include?

17 A It included the mammogram, a Pap smear, blood
18 chemistries, and a TSH, T-3 and T-4.

19 Q No office records were ordered?

20 A No.

21 She was seeing me only for a second opinion. She did
22 not want to transfer physicians, so I just wanted the lab
23 work.

24 Q Did you learn on the 17th of July that she had
25 diminished hearing in her left ear?

1 A No.

2 Q Did you learn that she was having difficulty with
3 walking?

4 A No.

5 Q Did you conduct a complete physical examination?

6 A Yes.

7 Q And you found no extremity weakness or neurologic
8 symptoms?

9 A No.

10 Q On the 4th of September, do you know who called and
11 gave the information?

12 A No, I do not.

13 Q Do you know who received the call or wrote that note?

14 A Yes, I do.

15 Q Who?

16 A One of my nurses.

17 Q Which one?

18 A Jan Stivic, Janice Stivic.

19 Q What did you do in response to the phone call?

20 A I asked her to make a recheck appointment.

21 Q When was it made for?

22 A The 16th of September.

23 Q Would you go through that visit for me and read these
24 notes starting on the left and going left to right.

25 A Says, "Occasional neuralgia of the tongue. Plan,

1 Dalalone DP 0.5 cc."

2 Q What is that? Excuse me.

3 A That's a steroid.

4 Q Was that supposed to be taken orally?

5 A No, it was given IM.

6 Q What was that for?

7 A She had a sinus problem. She had sinus drainage.

8 Q I didn't see the IM notation. Okay.

9 What is the next one under that?

10 A "Ornade, one capsule twice a day as needed for sinus,
11 20 of them with two refills. Return for EB virus titers.

12 Q Okay.

13 Next, Items 1, 2, 3, 4?

14 A Says, "Adequate weight gain." An initial complaint had
15 been loss of weight, so I had entered she had gained some
16 weight.

17 It says, "Patient feels better. Still has occasional
18 lightheaded spells. Patient has mild sinus type of
19 problems. I will notify patient of results."

20 Q Did you examine her ears, eyes, nose, and throat?

21 A Yes.

22 Q Did she tell you anything about her hearing loss at the
23 time?

24 A No.

25 Q Did you test her hearing at all?

1 A No.

2 Q Did you learn from any source at that time that she had
3 a hearing loss on the left side?

4 A No.

5 Q Did you record anything about your examination on that
6 visit with respect to her ears, eyes, nose, and throat?

7 A None other than what I mentioned.

8 Q You saw her on October 21, then, was the next time?

9 A Yes, that's correct.

10 Q Prior to that time, did you speak to her daughter on
11 the phone on the 19th of October?

12 A No.

13 Q Whose initials are there below that note?

14 A Doris Zimmerly.

15 Q Did she communicate this message to you that the
16 patient's gait was unsteady, that she seemed confused at
17 times?

18 A Yes.

19 Q Did she ask you if this could be due to the medication?

20 A Yes, she did.

21 Q And you said probably not?

22 A I said probably not, but I needed to see the patient to
23 ascertain that.

24 Q When you saw her, you -- who made the note that says
25 gait is unsteady?

1 A My nurse.

2 Q Is that a complaint or observation?

3 A It's a complaint.

4 Q So, in addition to the daughter saying that, Mrs. Brown
5 said it when she came in, apparently?

6 A Apparently.

7 Q Did you conduct an examination?

8 A Yes, I did.

9 Q Describe for me the examination that you conducted.

10 A Basically in that complaint, I asked her to stand. I
11 did a Romberg's test. I asked her to walk through the room.
12 I did not notice any significant gait problems.

13 Q Is that documented somewhere in this note?

14 A No.

15 Q What does the note say?

16 A It says, "Gait is worse." That's the patient's
17 complaint. "Uncertain as to time of onset."

18 Number two says, "Patient has some fatigue with --"
19 incomplete sentence. Says, "Patient has changed jobs."
20 Says, "Stop Sinequan, put patient on B complex, also vitamin
21 C and check blood pressure in three weeks."

22 I was concerned that her pressure was elevated
23 somewhat.

24 Q Her blood pressure had been elevated on the last two
25 visits, hadn't it? 142/100 and 152/92; that is elevated,

1 isn't it?

2 A Which pressure were you referring to?

3 Q Well, 142/100 --

4 A -- is elevated.

5 Q And 152/92?

6 A Is not considered significant.

7 Q It is elevated, though?

8 A Most physicians wouldn't treat a blood pressure of
9 152/92, so -- it's elevated.

10 Q I don't want to argue about it. It is elevated, but
11 not significant?

12 A Correct.

13 Q At that October 21 visit, did you learn from any source
14 that Mrs. Brown had a left-sided hearing loss?

15 A No, I did not.

16 Q You next saw her on November 10?

17 A That's correct.

18 Q What was the reason for that visit?

19 A That was to recheck a blood pressure.

20 Q What were the notes that you wrote there, Nos. 1, 2, 3?

21 A "Blood pressure is good. Repeated blood pressure is
22 normal. Sleeping better. Nausea is only occasional.
23 Impression, chronic fatigue syndrome. Continue present
24 therapy."

25 Q When did she first make you aware of a complaint of

1 nausea?

2 A It was in a phone call on the 6th of November.

3 Q What was your prescription or recommendation at that
4 time?

5 A She was given Compazine for the nausea.

6 Q And at the visit on November 10 does it say to continue
7 present therapy?

8 A Yes.

9 Q What was the telephone call; what did that relate to on
10 the 27th of November, 1992?

11 A She started having problems with her difficulty
12 sleeping again, since she was off the Sinequan.

13 Sinequan and doxepin are the same drug. One is the
14 generic name and one is a trade name. The problem is it has
15 about a three-week onset of effect, and also has a period
16 where it takes awhile to get out of the system.

17 Since we stopped the Sinequan approximately a month
18 ago, her depression was recurring and causing her
19 sleeplessness to come back, so we restarted the doxepin.

20 Q Then you saw her on December 14 after that?

21 A That's correct. She was complaining of a hangover
22 effect from the doxepin, that when she would get up in the
23 morning she would feel groggy.

24 Q Did she have any complaint of unsteadiness of gait or
25 weakness in her extremities?

1 A No.

2 Q Hearing difficulties in the left ear?

3 A No.

4 Q Did you learn any of those things at that time from
5 anyone else about her?

6 A No, I did not.

7 Q Was there any examination at that time on the 12th of
8 December?

9 A Yes.

10 Q Okay. Tell me about it.

11 A I observed her walking in and out of the room. The
12 weight was recorded, and she had increased weight. And that
13 was -- weight was a concern because her initial complaint
14 when I saw her in July was that she had lost a lot of weight
15 and I wanted to make certain that that was not a continued
16 pattern.

17 We checked her blood pressure to make sure that was
18 normal and it was. We checked her reflexes and basically I
19 discussed problems with her.

20 Q Over on the continuation of that examination, No. 1,
21 what does that say?

22 A Says, "Slight hyperreflexia."

23 Q Had you found that before?

24 A Yes.

25 Q What did you make of that?

1 A When I first saw her, she was very, very anxious, and
2 she was also very slight, a very thin lady; and that is a
3 very common problem.

4 Q What did you make of it later on in December when you
5 found it once again?

6 A I thought it was a continuation. It had not changed
7 from the time I had seen her in July.

8 Q So, on these other visits it was the same
9 hyperreflexia?

10 A I don't --

11 Q You didn't record it?

12 A I didn't record it.

13 Q So it's not that it wasn't there, that time was just
14 the second time you noticed it from the clinical
15 examination?

16 A Right.

17 Q What does the next note, No. 2, what does that say?

18 A Says, "Patient has done well but needs Sinequan
19 occasionally."

20 Q Is the prescription, then, for Sinequan?

21 A Right.

22 Q It's a -- what is that?

23 A It's Sinequan, 25 milligrams, half the dose as
24 previously because she was having -- as the note said
25 concerning a hangover effect -- a little bit of drowsy

1 effects from the drug. We reduced the dosage to try and
2 eliminate that.

3 Q And under plan?

4 A "Plan, check patient for Pap smear in February.

5 Q And she came back, then, in April?

6 A That's correct.

7 Q One of the nurses then wrote down, "complains of
8 fatigue again"?

9 A Yes.

10 Q And the whole note was apparently the complaint of the
11 patient?

12 A That's correct.

13 Q And going down on that left side of the notes where
14 it's numbered one, two, three?

15 A Says, "Patient has patchy numbness left face."

16 Q Was that the first time you had ever found that?

17 A Yes, it is.

18 Q And what is below that?

19 A "Also numbness."

20 Q Also numbness where?

21 A It doesn't say.

22 Q Number 3?

23 A "Anticipate possible MRI to rule out multiple
24 sclerosis, MS, if symptoms progress.

25 Q What does that note in the margin say, 2W, or --

1 A That's the initials of the nurse that took the initial
2 complaint.

3 Q That was Z-W, then?

4 A Right.

5 Q Let's go to below that where it says plan.

6 A I'm sorry?

7 Q Below the --

8 A Says, "Patient also has some mild problems with
9 urination."

10 Q Okay. Then the next, going over to No. 1?

11 A One says, "Patient had several days of fatigue. Some
12 swelling left side of face. No motor weakness. No
13 paraesthesia."

14 No. 4, "Patient has chronic fatigue symptoms and still
15 has some fatigue. Weight gain is good. Negative further
16 exam. Plan, B12, 1cc IM, call if symptoms persist."

17 Q Did you become aware from any source at that visit that
18 she had a left-sided hearing loss?

19 A No, I did not.

20 Q Who wrote the note on the 9th of April, 1993 that
21 starts, "B12"?

22 A One of my nurses.

23 Q Was that a visit?

24 A No. Well, the patient was in the office, but I did not
25 see the patient.

- 1 Q Says, "Complains left side of face swollen"?
- 2 A Correct.
- 3 Q And the nurse thought it might be Bell's palsy?
- 4 A Correct. Well, no. I read it as the patient questions
5 the possibility of Bell's palsy.
- 6 Q She may have brought it up?
- 7 A I don't know.
- 8 Q Or maybe the daughter who was the nurse was there at
9 that time?
- 10 A I don't know. I didn't see the patient.
- 11 Q "Problem with balance and walking times one year."
- 12 A That's correct.
- 13 Q And she must have told that to the nurse --
- 14 A That's correct.
- 15 Q -- or somebody did?
- 16 A Right.
- 17 Q Who was the nurse at that time?
- 18 A Her name?
- 19 Q Yes.
- 20 A Susan Schofter.
- 21 Q Is she still here?
- 22 A No.
- 23 Q Do you know where she is?
- 24 A No.
- 25 Q Did she tell you about this visit and what had been

1 said on the 9th of April, 1993?

2 A No, she did not.

3 Q When did you read that note?

4 A Probably not until July of '93.

5 Q Did it surprise you that the nurse was told by someone
6 that Mrs. Brown had a problem with balance and walking for
7 one year, since you had never noticed anything like that?

8 A Did it surprise me in July?

9 Q Whenever you read it.

10 A Yes.

11 Q What did you do about it when it surprised you?

12 A At the time, there wasn't anything I could do about it.
13 She had transferred records to another physician.

14 Q This July date, what was the July date?

15 A July 29 when she came in for a check-up.

16 Q At that time you read the note --

17 A Correct.

18 Q -- that the nurse had written back in April?

19 A That's correct.

20 Q Did you ever write anything about that note later in
21 July when you first looked at it and read it? Ever make a
22 note about your thoughts? I mean in her chart.

23 MR. BEST: Did he comment upon having now seen the
24 note? Is that the question?

25 MR. LANCIONE: Yeah.

1 THE WITNESS: No, no.

2 By Mr. Lancione:

3 Q What you have, or someone wrote down here I guess, she
4 came in for check-up and then says, "chronic fatigue
5 syndrome and weight loss;" is that correct?

6 A We are on the 29th?

7 Q Yes.

8 A That's correct.

9 Q And what does it say, then, under that?

10 A "Patient may have a problem with appetite loss, unable
11 to eat lots of kinds of food. Patient has a mild bite
12 abnormality."

13 Q Bite?

14 A Bite, biting down.

15 Q Okay.

16 A "Patient may have other neurologic problems such as
17 multiple sclerosis, and plan was to set up an MRI."

18 Q And up to and including the time of that visit, you
19 never received information from anyone that she had a
20 left-sided hearing loss; is that true?

21 A That's true.

22 Q And then an appointment was made for her for an MRI?

23 A That's correct.

24 Q Did you see her again after that?

25 A No, I did not.

1 Q What does it say on August 3rd, discussion. What's
2 that say, discussion about tumor?

3 A Says, "Discussion about tumor." I was in possession of
4 the MRI results. I stand corrected on not seeing her again.
5 I don't remember talking with her. That is an occasion I
6 talked with the daughter who was a nurse.

7 Basically, I went over the discussion about a tumor.
8 That's something I don't like to do over the telephone when
9 you have devastating news.

10 Q It says on the fourth, the following day, "Daughter
11 Linda called."

12 A I had made an appointment with the neurosurgeon at
13 Aultman, and the family had another choice of a
14 neurosurgeon, so they wanted to see somebody else. And of
15 course, that's fine.

16 Q Did you ever talk to Dr. Kates?

17 A No.

18 Q Did you ever talk to Dr. Nash?

19 A No.

20 Q On the 3rd of August, 1993, did you talk to
21 Dr. Lawrence Nash on the telephone? He's a dentist.

22 A I don't recall.

23 Q He's a dentist; do you recall that conversation?

24 A I don't believe so.

25 MR. BEST: Is he a family member or treating

1 doctor?

2 MR. LANCIONE: He's a treating doctor.

3 MR. BEST: Thanks.

4 MR. LANCIONE: He is from New Lexington, Ohio,
5 which is down around Cambridge, I think, or Zanesville.

6 By Mr. Lancione:

7 Q Did Mrs. Brown discuss with you the fact that she
8 wanted to go on a medical leave from her job at Smuckers?

9 A Not that I recall.

10 Q Did you discuss with Marlene Brown or any member of her
11 family the fact that they wanted to have a neurological
12 consultation?

13 A No.

14 Q Did you give Mrs. Brown a chronic fatigue syndrome
15 booklet?

16 A I don't recall.

17 Q Do you have such things, or did you have such things
18 back then to give patients?

19 A We have hand-outs on various disease entities. I don't
20 specifically recall having one on chronic fatigue syndrome.

21 Q Did you have many patients being treated for that
22 condition back at the time you treated Mrs. Brown?

23 A No.

24 MR. LANCIONE: That's all I have, Doctor.

25 Thank you very much.

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(Thereupon, the deposition was concluded at

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3:00 o'clock, p.m.)

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I, DOUGLAS R. BROWN, D.O., do verify that I have
read this transcript consisting of thirty-two (32) pages,
and that the questions and answers are correct.

Douglas R. Brown, D.O..

Subscribed and sworn to before me this _____
day of _____, 1995.

Notary Public.

My commission expires _____
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I, Regina Salloum, a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, DOUGLAS R. BROWN, D.O., was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid, that the testimony then given by him was by me recorded in stenotype in the presence of said witness, afterwards transcribed using computer-assisted transcription; and that the foregoing is a true and correct transcription of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal of office at Akron, Ohio on this 6th day of
December, 1995.

Regina Salloum
REGINA SALLLOUM, Stenographic Reporter and
Notary Public in and for the State of Ohio.

My commission expires March 24, 1998.