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The State of Ohio,       )  
                              ) SS:       McMonagle, G., J.  
County of Cuyahoga.    )

IN THE COURT OF COMMON PLEAS  
(CIVIL BRANCH)

DONNA MAYER,                                )  
  )  
                  Plaintiff,                )  
  )  
              vs.                                )  
  )  
MARILYN KVALEC,                            )  
  )  
                  Defendant.                )

Case No. 107571

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TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

On behalf of the Plaintiff:

Dale S. Economus, Esq.  
James Watson, Esq.

On behalf of the Defendant:

John D. Campbell, Esq.

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Janice M. Lowe  
Official Court Reporter  
Cuyahoga County, Ohio

SCANNED

WEDNESDAY MORNING SESSION, MARCH 22, 1989

THEREUPON, the Plaintiff, to maintain the issues on her part to be maintained, called as a witness KENNETH ROBERT CALLAHAN, who, having been sworn, was examined and testified as follows:

CROSS-EXAMINATION OF KENNETH R. CALLAHAN

BY MR. ECONOMUS:

Q Doctor Callahan, your credentials are quite impressive.

A Thank you.

Q We have met before on other cases, haven't we, Doctor?

A I believe so, Mr. Economus.

Q We have quite a number of questions to ask you in this case, so I hope you will be patient with me, because, obviously, I am not a dentist.

Before testifying today in court did you review any of your notes or office records, sir, your file?

A I did.

Q Did you bring it with you?

A I did.

Q May I please see it? Your Honor, may I have a

1 moment?

2 Doctor, are these all the records that you have  
3 relative to Donna Mayer's case?

4 A Yes, Mr. Economus.

5 Q They are a copy or original of your report,  
6 dated October 13, 1987, on the subject of Donna  
7 Mayer, a letter from Mr. Campbell, a letter from  
8 Mr. Hopkins, a copy there of Miss Mayer's  
9 previous attorney, and some emergency room records  
10 from Parma Community General Hospital, some records  
11 from Dr. Kulick, and another report from Dr. Michael  
12 Kulick. Is that accurate?

13 A Yes.

14 Q Now, just so we can clear a few things up  
15 quickly, at no time prior to today did you ever  
16 see Donna Mayer?

17 A That is correct.

18 Q And that means, by definition, that prior to  
19 writing the report you did not conduct an examination  
20 of her physically, what we call clinically, did you?

21 A That is true.

22 Q And, therefore, you were really unable to, based  
23 upon any clinical evaluation, draw a diagnosis of  
24 her condition, is that true?

25 A I could draw a diagnosis, Mr. Economus, but not

1 based on clinical evidence.

2 Q I understand that, but my question is since  
3 you did not see her clinically you could not draw  
4 a diagnosis based upon any clinical evaluation?

5 A That is true.

6 Q You did no tests on her teeth. You could not  
7 draw a diagnosis based upon any tests that you did?

8 A That is correct.

9 Q Your opinion given here today is solely based  
10 upon a review of records, and a letter sent to you  
11 by Mr. Campbell, is that accurate?

12 A Plus thirty years of experience.

13 Q I understand, but thirty years of experience  
14 that you have is yours, and then you apply that,  
15 do you not, to whatever information you get?

16 A Yes.

17 Q And that is what you did in this case?

18 A Yes.

19 Q Now, Doctor, you are acquainted with Dr. John  
20 Kulick, are you not?

21 A I am acquainted with Dr. John Kulick.

22 Q As a matter of fact, didn't the two of you go  
23 to dental school together?

24 A Yes.

25 Q Or during the same period of time?

1 A He was a couple years behind me, yes.

2 Q Wouldn't you agree with me that Dr. Kulick's  
3 reputation in the community as a fine dentist is  
4 beyond reproach?

5 A Absolutely.

6 Q As a matter of fact, you are personally acquainted  
7 with Dr. Michael Kulick as well, aren't you?

8 A Yes.

9 Q And you think he is a fine dentist?

10 A Oh, I know Mike Senior. He and I interned  
11 together. I do not know Mike Junior.

12 Q Well, in your report didn't you indicate that  
13 you knew Mike Kulick?

14 A Yes. I was thinking of his father, Mike Kulick.

15 Q So you were mistaken?

16 A Yes.

17 Q Now, Doctor, you are not Board-certified in  
18 endodontics, are you?

19 A No.

20 Q And I think endodontics , just to clear another  
21 thing up -- Mr. Campbell said something to you about  
22 your taking your time away from your practice to  
23 be here in court.

24 You regularly take your time away from your  
25 practice to review cases, don't you?

1 A. If I am asked to do an examination I do, yes.

2 Q. And you have been in court before?

3 A. Yes.

4 Q. You have never been nor are you now a treating  
5 dentist for Donna Mayer?

6 A. That is correct.

7 Q. Now, Doctor, you made some reference to the  
8 emergency room records, and I think that you in part  
9 based your conclusions that you gave us here today  
10 on the Parma Emergency Room records, is that a fact?

11 A. Partly, yes, that's true.

12 Q. Now, certainly you weren't there at the hospital  
13 when Donna Mayer made any complaints at Parma  
14 Community Hospital on the 31st of March of 1984?

15 A. No.

16 Q. Nor was I, of course?

17 A. Uh-huh.

18 Q. You don't know what was excluded from those  
19 records, do you?

20 A. Yes, I do.

21 Q. You know what wasn't put in?

22 A. Yes, Mr. Economus, because in this litigious  
23 age every one of us knows you write down every  
24 single thing that the patient says verbatim. You  
25 don't exclude anything unless it wasn't said, so I

1 do know what was not said, was not there.

2 Q You are assuming the detail and exactness of  
3 the person taking the information, are you not,  
4 when you make that statement?

5 A Yes, but emergency room people are so inclined.

6 Q The emergency room records do indicate a trauma  
7 to the back of the neck, don't they?

8 A Yes, a strain of the cervical and lumbar spinal  
9 muscles.

10 Q And on the subject of occlusal trauma you are  
11 not saying that occlusal trauma never occurs because  
12 of a car accident, are you?

13 A Oh, no.

14 Q And you are also not saying that occlusal trauma  
15 is not a cause of the fracture of teeth, are you?

16 A I am saying that in this case occlusal trauma  
17 is not a cause of the fractured teeth.

18 Q That is not what I asked you, Doctor. My  
19 question was --

20 A Repeat the question.

21 Q Are you saying that occlusal trauma caused by  
22 car accidents is never the cause of the fracture  
23 of teeth?

24 A No.

25 Q And are you saying that occlusal trauma caused

1 by car accidents is never the cause or is never  
2 known to be the cause of the fracture of anterior  
3 or front teeth?

4 A I am saying that that is extraordinarily unlikely,  
5 Mr. Economus.

6 Q My word was never, Doctor. Can you tell us  
7 with any degree of dental probability that occlusal  
8 trauma never caused the anterior teeth to fracture  
9 as a result --

10 MR. CAMPBELL: I will object to  
11 the question, how he can testify probably,  
12 something is never.

13 THE COURT: I don't know whether  
14 he is going into dental literature or what  
15 it is you are inquiring about. I take it  
16 really your question is -- he testified  
17 that this anterior occlusion never damaged  
18 teeth. Is that what you are asking?

19 MR. ECONOMUS: The front teeth,  
20 Judge.

21 THE COURT: Anterior, you are  
22 talking?

23 MR. ECONOMUS: Yes, sir.

24 THE WITNESS: In my experience I  
25 have never seen anterior teeth sheared by

1 occlusal trauma. They could be evulsed or  
2 knocked up and out, but not sheared, in my  
3 experience.

4 Q In your experience?

5 A That is correct.

6 Q Which is, of course, limited to you?

7 A Yes.

8 Q Now, Doctor, your practice is limited to oral  
9 surgery, correct?

10 A Yes.

11 Q And you are familiar, of course, because of  
12 your review of this case, with the type of treatment  
13 that Donna received from Dr. Kulick, are you not?

14 A Yes.

15 Q And that was root canal therapy, wasn't it?

16 A Yes.

17 Q Would you agree with me that root canal therapy  
18 is painful at least part of the time?

19 A I think putting the novocaine in is painful.  
20 We all know that, but after that, no, it ought not  
21 to be very painful, Mr. Economus.

22 Q You mentioned pulp vitality.

23 A Yes.

24 Q The pulp is that inner chamber of the tooth that  
25 you referred to?

1 A Right.

2 Q Now, when a fracture of a tooth occurs first  
3 of all the dentin is not sensitive to pain usually,  
4 is it?

5 A Oh, yes, it is.

6 Q I am sorry. I meant enamel?

7 A Is not, no.

8 Q Dentin is the next section?

9 A Yes.

10 Q Then we have the pulp?

11 A Right.

12 Q Once the pulps are exposed to air or saliva or  
13 some other foreign matter they hurt, don't they?

14 A Yes.

15 Q And from your review of Donna's case do you  
16 know that on the 27th of June, 1984, her teeth  
17 cracked off?

18 A Yes.

19 Q And are you aware that on the 31st of March, 1984  
20 she was in an automobile accident?

21 A Yes.

22 Q And can you tell the ladies and gentlemen of the  
23 jury based upon your personal knowledge of anything  
24 that you know of between, aside from the accident,  
25 between March 31, 1984 and June 27, 1984 that would

1 have caused her teeth to crack off, based upon what  
2 you know, any event?

3 A Based on what I know I do not have any notion,  
4 no. I know what didn't cause it.

5 Q But you don't know what did?

6 A That's correct.

7 Q And if there had been, Doctor, a recent traumatic  
8 event to Donna's mouth, around the 27th, when these  
9 teeth cracked off, a blow to the face, a fall down,  
10 anything like that, would you agree with me that it  
11 would have been likely that her treating dentists,  
12 Drs. Kulick, would have recognized some evidence of  
13 that in her face when they treated her for the root  
14 canal therapy?

15 A Not necessarily, Mr. Economus. You can just  
16 injure teeth without injuring any soft tissue.

17 Q So it is possible that teeth can be injured,  
18 fractured, cracked, without any evidence of trauma,  
19 you know, a bloody lip, a cracked lip, something  
20 like that? Would you agree with that?

21 A Yes.

22 Q So that we get this established would you agree  
23 with me that because of the nature of Donna's tooth  
24 injury that at some point in time after these teeth  
25 cracked off she had some pain?

1 A Oh, yes.

2 Q And if I told you that they cracked off on the  
3 evening of the 27th of June, 1984, and that she  
4 didn't see the doctor, or dentist, until the morning  
5 of the 28th, and that those pulps were vital, would  
6 you agree that she would have had pain during that  
7 period of time?

8 A Yes.

9 Q Would you also agree with me that emotional  
10 disturbance from pain in the face is generally far  
11 more intense than that associated with occurrence  
12 of pain in most other parts of the body?

13 A I don't know the answer to that. It depends on  
14 what other parts we are talking about, but generally  
15 speaking, I think that it is an emotional experience,  
16 yes.

17 Q Would this be so because of the importance, for  
18 example, in our society of our faces, things people  
19 look at first when they meet us?

20 A Yes.

21 Q Would you agree that a dentist who is dealing  
22 with facial pain should realize he is dealing with  
23 an effective disorder that is of a special nature,  
24 especially intensive?

25 A I don't quite follow the question.

1 THE COURT: Restate your question.

2 BY MR. ECONOMUS:

3 Q Do you think that a dentist who is treating  
4 a patient who has facial pain, like vital pulps,  
5 should be particularly attuned to that in the way  
6 he treats a person?

7 A Well, yes, Mr. Economus, we should be attuned  
8 to everything, every patient who has any pain, yes.

9 Q Would you agree with me that the emotional  
10 upheaval, based upon facial pain, probably is more  
11 intense in women than in men?

12 A I think all of us are about the same as far as  
13 our appearance is concerned, our cosmetic defects,  
14 or lack of them, about the same.

15 Q Doctor Callahan, there are sub-specialties in  
16 dentistry, are there not and yours is oral and maxillo-  
17 facial surgery?

18 A Right.

19 Q How did I do?

20 A Very good.

21 Q Endodontics is another sub-specialty?

22 A It is.

23 Q And endodontics is the sub-specialty that deals  
24 with tooth restoration. Would you agree with that?

25 A Well, no. Tooth restoration means putting in

1 fillings, removal of pulps, and taking out, doing  
2 root canal.

3 Q You are not an endodontist?

4 A No.

5 Q Based upon your study of this case and the  
6 pictures that you have seen and I think I heard  
7 you testify that Donna's teeth are fractured off  
8 about what, half-way, two-thirds? Do you want to  
9 see the pictures again?

10 A I think Dr. Kulick stated between a half and  
11 one-third.

12 Q What would you say based upon the pictures that  
13 are Plaintiff's Exhibit Nos. 11 through 14?

14 A Well, in these pictures it looks like it is  
15 about half, just about half-way up the middle of  
16 the tooth.

17 The tooth is shaped like a little chicklet,  
18 and about half a chicklet is sheared off in each  
19 picture.

20 Q The dentin, you testified that the dentin is  
21 hard, kind of like ivory?

22 A Yes, but also somewhat -- remember, it has  
23 collagen in it.

24 Q Doesn't that make it resilient?

25 A That is a good question. I don't know. I guess

1 it does, yes.

2 Q What is collagen?

3 A It's a protein.

4 Q And it gives dentin some elasticity, doesn't it?

5 A Yes.

6 Q Now, in the early formative stages of the tooth  
7 the pulp is the portion that kind of builds the tooth,  
8 isn't it?

9 A Yes.

10 Q And the pulp has the nerve and the blood supply  
11 and the like?

12 A Right.

13 Q And it, for lack of a better term, lays down  
14 the dentin?

15 A Yes.

16 Q And this occurs for the most part throughout life,  
17 but more often than not, in a normal tooth, at the  
18 earlier stages of life; in other words, the pulp is  
19 much larger the younger you are?

20 A Yes.

21 Q It reduces in size as we get older?

22 A Uh-huh.

23 Q Now, when the root canal therapy was done on  
24 Donna by Dr. Kulick he extirpated, his word, the  
25 pulp?

1 A Right, yes.

2 Q With some sort of a burr instrument, to pull  
3 it out?

4 A A little thing that looks, has got little burrs  
5 on the side, looks like a little hat pin.

6 Q A fish tooth barb?

7 A Right. Then you pull the pulp out.

8 Q Once those pulps come out of the teeth, for all  
9 intents and purposes for us, as laymen, the teeth  
10 are dead, aren't they?

11 A That is correct.

12 Q The pulp is what gives the tooth life?

13 A Yes.

14 Q So we can't dispute, and I don't think you  
15 would disagree with me, that as Donna sits here now  
16 her two front teeth are dead?

17 A Yes.

18 Q And they are going to stay that way, aren't they?

19 A Absolutely.

20 Q Now, Doctor, in your thirty years' experience  
21 as a dentist, and I take it you don't do that many  
22 root canals these days, correct?

23 A Not many.

24 Q Can you tell us, do those caps last forever?

25 A No, Mr. Economus. You can allow for one change

1 at least throughout life.

2 Q One throughout life?

3 A One, maybe two. It is always a difficult point.

4 Q It depends on the individual, of course?

5 A Yes. The dentist thinks he makes crowns forever  
6 and always tells the patient that, in fact, they  
7 don't last forever.

8 Q Isn't it a fact that it is generally recognized  
9 in your business that crowns will last about ten  
10 years and then should be replaced?

11 A It's a difficult point. Some say fifteen, some  
12 say twenty, on an average.

13 Q But they do have to be replaced?

14 A Yes.

15 Q Because they wear down?

16 A Something happens to them. They get loose.

17 Q If you can answer this I would appreciate it.  
18 If you can't, just tell me.

19 In your experience have the charges that dentists  
20 have for recapping teeth increased over the years?

21 A Sure.

22 Q And would it be likely that for the foreseeable  
23 future that will continue to occur, that charges  
24 will increase?

25 A That is a nebulous question. I don't know the

1 answer to that.

2 Q You can't answer?

3 A It has to do with economics.

4 Q Well, based upon past history they have increased?

5 A That's true but, you know, things go down too.

6 Q I understand. Based upon your review of Dr.  
7 Kulick's records, Doctor Callahan, you can give the  
8 jury no indication that before March 31, 1984 she  
9 ever had any serious problems with her two front  
10 teeth, is that correct?

11 A That is correct.

12 Q No indication or evidence of fracture?

13 A No.

14 Q No indication or evidence of tooth decay?

15 A No.

16 Q No indication or evidence of any unusual circum-  
17 stance except, you know, the usual cleaning and  
18 dental hygiene, correct?

19 A Right.

20 Q Are you aware that Dr. John Kulick has been  
21 Donna's dentist since she was about five years old?

22 A Yes.

23 Q It's good dental practice to keep a running  
24 history and chart of your patient over the years,  
25 is it not?

1 A Of course.

2 Q And you generally do that, don't you?

3 A Yes.

4 Q So would you agree with me that Dr. John Kulick  
5 is a person who is more familiar with the general  
6 conditon of Donna's teeth than you are?

7 A Yes.

8 Q And certainly on the 27th of June, 1984, when  
9 Dr. Michael Kulick did the root canal you would  
10 agree that anything associated with the root canal  
11 that happened on that day Dr. Michael Kulick would  
12 be a person who has far greater knowledge than you  
13 do of that set of circumstances, wouldn't you?

14 MR. CAMPBELL: Object.

15 THE WITNESS: I don't know.

16 MR. ECONOMUS: I will rephrase  
17 the question, Judge.

18 Q With regard to what her teeth looked like on  
19 the 28th, since you weren't there, Dr. Kulick was,  
20 he knows more about it than you do? Would you  
21 agree with me?

22 A In regard to the clinical evidence before him  
23 he knows more than I. Other than that I don't know  
24 that he knows more than I. Nobody knows more than I.

25 Q With regard to your report, Doctor, and you have

1 it there in front of you, this is not the first  
2 report that you have written for a defense lawyer,  
3 is it?

4 A No.

5 Q As a matter of fact, Doctor, in addition to Mr.  
6 Campbell's firm, you have been hired to give your  
7 opinions by many other defense firms in this city,  
8 have you not?

9 A I have, Mr. Economus. I do plaintiffs' work  
10 too, if they ask me.

11 Q I understand that. In fact, you also do reviews  
12 of cases and give opinions for companies, don't you?

13 A Yes.

14 Q You do between forty to fifty-two of these a  
15 year, don't you?

16 A Perhaps.

17 Q And in every one of these you charge for your  
18 services, don't you?

19 A Yes.

20 Q And you charge for writing the report, correct?

21 A Pardon?

22 A You charge for your review and writing of your  
23 report?

24 A Yes.

25 Q And then you charge separately for coming to

1 court to testify?

2 A If I miss office time I do, yes.

3 Q The largest percentage of cases that you review,  
4 Doctor, are for defense lawyers, aren't they?

5 A Probably, yes.

6 Q This accident happened, Doctor, as you know,  
7 on March 31st, 1984, is that true?

8 A Yes.

9 Q And your report is dated, if I am not mistaken,  
10 October 13, 1987, about three and a half years later,  
11 is that right?

12 A Well, yes. The facts haven't changed in those  
13 years.

14 Q Doctor, what is the typical length of one of  
15 your reports?

16 A They are pretty long. They are usually about --

17 Q Eight, nine pages?

18 A Yes.

19 Q And you have a habit, don't you, of using a lot  
20 of similar language in your reports. Do you agree  
21 with that?

22 A I like not to think so, but it is possible that  
23 I may.

24 Q Well, let me give you some examples. You like  
25 to use the words forthright, trenchant, sincere,

1 firm, and sincere when describing your dental opinions,  
2 don't you?

3 A Yes.

4 Q You did that in Donna's case, didn't you?

5 A Yes.

6 Q And you have done it in a number of other cases  
7 using the same language, haven't you?

8 A It is better than saying insincere, non-forth-  
9 right, yes.

10 Q So your answer is yes?

11 A Yes.

12 Q And in many of the cases that you review, Doctor,  
13 you conclude that there is no direct causal connec-  
14 tion between the incident and the claimed injury,  
15 don't you?

16 A Yes, Mr. Economus, In some I find there is.  
17 You don't see those.

18 Q No, I don't, and in writing your reports, Doctor  
19 Callahan, you frequently call on authors of dental  
20 literature and cite other dental books as being  
21 authoritative, don't you?

22 A Well, I think that adds substance to a report  
23 on occasion. I did not in this case.

24 Q I know that, but you have done it in the past?

25 A Yes.

1 Q And you will use it a quote oftentimes from  
2 some authoritative source and put it in your reports  
3 in an attempt to underscore your conclusions or  
4 support your conclusions, would you not?

5 A Yes.

6 Q Now, Doctor, let me ask you this. Have you  
7 quoted Dr. Daniel Laskin in any of your reports?

8 A I don't believe I have quoted Daniel Laskin  
9 since 1980 or 1981. I don't use him anymore.

10 Q Well, I don't want to get bogged down in details,  
11 but I have some reports here in which you have quoted  
12 him. Would you like to see them?

13 A What year?

14 Q '85, '86.

15 A Laskin in '86?

16 Q Uh-huh.

17 A I am surprised. I don't think he is an authori-  
18 tative person. That only deals with temporal mandibu-  
19 lar joints. It has nothing to do with this case.

20 Q You have quoted him, haven't you?

21 A Yes.

22 Q And there have been times, Doctor, when you have  
23 quoted him out of context in your reports, haven't  
24 there?

25 A Out of context?

1 Q Uh-huh, taking something from this place and  
2 putting it in this place where it really doesn't  
3 belong? Have you done that with Dr. Laskin's works?

4 A I don't think so. I think you may think so,  
5 but I don't.

6 Q Do you recall giving a deposition on January 21,  
7 1987, Doctor?

8 THE COURT: In this case?

9 MR. ECONOMUS: No, Your Honor, in  
10 a different case.

11 MR. CAMPBELL: Mr. Economus, in  
12 fairness, I mean, pick a date. How about  
13 a little more information?

14 THE COURT: He has got a date  
15 in January, 1987, at Southgate, at 4:30,  
16 before a court reporter, Kathleen A. Wheeler,  
17 taken on behalf of Howard Mishkin, and Mr.  
18 Lybrand, defense lawyer, was there. Do  
19 you remember that?

20 THE WITNESS: Not right offhand,  
21 no.

22 BY MR. ECONOMUS:

23 Q Would you like to look at it to refresh your  
24 recollection?

25 THE COURT: Counsel, are you

1 suggesting there is something that he stated  
2 on deposition in another case at some other  
3 time that apparently impeaches what he says  
4 here?

5 MR. ECONOMUS: Yes, Your Honor.

6 THE COURT: Come over here.  
7 Bring that with you. Bring it with you.

8 (Thereupon, a discussion was had  
9 between Court and counsel at the side bar,  
10 off the record.)

11 THE COURT: May I have it,  
12 please, Doctor? Just a minute. Don't  
13 answer, Doctor. You might not have to  
14 answer the question. Hand it to him,  
15 Doctor.

16 (Thereupon, the following proceed-  
17 ings were resumed in the presence of the  
18 jury and parties as follows:)

19 THE COURT: You may not inquire  
20 about it.

21 MR. CAMPBELL: Thank you, Judge.

22 BY MR. ECONOMUS:

23 Q Do you know how many x-rays were taken of Donna  
24 at Parma Hospital, Doctor?

25 A I do not know the exact number. I do know an

1 x-ray was taken of the cervical spine and the lumbo-  
2 sacral spine.

3 Q You don't know whether there are any x-rays taken  
4 of any other part of her body, do you?

5 A I know there were not any taken of any other  
6 parts of the body, because she should have -- I  
7 would think they would have been included in the  
8 chart. I should think they would.

9 Q The teeth that have pulps in them are living  
10 structures, aren't they?

11 A Yes.

12 Q And they are suspended in the mouth by ligaments,  
13 in a socket?

14 A Yes.

15 Q And there is a certain give to them upon impact,  
16 isn't there, generally?

17 A Generally they loosen a little bit upon impact,  
18 yes.

19 Q And they are generally resilient to damage,  
20 aren't they?

21 A That's a nebulous question as well. They are  
22 not resilient to caries, to decay. They shear off.  
23 They can be broken. They can be evulsed, so they  
24 are not resilient to damage.

25 Q One last question or, two, really. So I

1 understand you can't deny Donna's teeth sheared off  
2 on the 27th of June, 1984, can you?

3 A No.

4 Q And you can't give us a reason why they did  
5 specifically, can you?

6 A No.

7 MR. ECONOMUS: No further questions.

8 THE COURT: Anything further?

9 MR. CAMPBELL: One or two, Your

10 Honor.

11 THE COURT: All right.

12 REDIRECT EXAMINATION OF KENNETH R. CALLAHAN

13  
14 BY MR. CAMPBELL:

15 Q Doctor, you just, in answer to a question by  
16 Mr. Economus, said that when teeth are impacted  
17 they will loosen, is that correct generally?

18 A Usually if they are hit from an angle they will  
19 loosen.

20 Q Even minutely they will loosen?

21 A Yes.

22 Q And if a person has even minutely loose teeth  
23 are they likely to detect that?

24 A Yes. You know, immediately you are sitting  
25 there and saying, that isn't right, yes.

1 Q Can you feel your tongue?

2 A Yes.

3 Q You feel differences existing to talk. I am  
4 not hitting the right place with my tongue?

5 A Yes.

6 Q So if there was an impact you would expect the  
7 person to be able to feel something different with  
8 their mouth?

9 A Absolutely.

10 Q Now, let's take that the next step. You say  
11 the average person would detect something wrong.  
12 What about a person who really loved their teeth,  
13 somebody who thought she had fabulous teeth, who  
14 took great care of her teeth, was very conscious  
15 of their teeth? Is that person going to be even  
16 more likely than you or I or any member of the  
17 jury to see if there is something wrong with their  
18 teeth?

19 A Yes.

20 Q You told Mr. Economus that teeth can be fractured,  
21 sheared off, without trauma to the lips, or to the  
22 gums, or to any other signs of trauma other than  
23 the fractured teeth. Do you remember saying that?

24 A Yes, without any soft tissue injury.

25 Q Have you seen that occur?

1 A Oh, yes.

2 Q Can you give a couple examples of what you have  
3 seen happen?

4 A I had a kid just a little while ago who plays  
5 shortstop. The ball comes up and hits the teeth.  
6 The teeth are gone. He has no cut in his lip or  
7 anything, but the teeth are sheared off.

8 Q When that happened he had pain, didn't he?

9 A Oh, yes. The poor guy.

10 Q And his mouth hurt?

11 A Yes.

12 Q And he felt those fractures?

13 A Yes.

14 MR. CAMPBELL: Nothing further,  
15 Doctor. Thank you very much.

16 THE COURT: Is everybody all  
17 finished? Are you?

18 MR. ECONOMUS: I think so, Judge.  
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C E R T I F I C A T E

I, Janice M. Lowe, Official Court Reporter for the Court of Common Pleas, Cuyahoga County, Ohio, do hereby certify that as such reporter I took down in stenotypy all of the proceedings had in said Court of Common Pleas in the above-mentioned cause; that I have transcribed my said stenotype notes into typewritten form, as appears in the foregoing Transcript of Proceedings; that said transcript is a partial record of the proceedings had in the trial of said cause and constitutes a true and correct Transcript of Proceedings had therein.

  
\_\_\_\_\_  
Janice M. Lowe  
Official Court Reporter  
Cuyahoga County, Ohio