

1 THE STATE OF OHIO, )  
2 ) SS: CURRAN, J.  
3 COUNTY OF CUYAHOGA. )

4 IN THE COURT OF COMMON PLEAS

5 CIVIL BRANCH

6 BALDWIN DUNCAN, )

7 Plaintiff, )

8 vs. )

9 ST. LUKE'S MEDICAL CENTER, )

10 Defendant, )

11 - - - -

12 EXCERPT OF TRANSCRIPT OF PROCEEDINGS

13 - - - -

14 Whereupon the following proceedings were had  
15 before the Honorable Judge Thomas Patrick Curran,  
16 in Courtroom 17-D, The Justice Center, Cleveland,  
17 Ohio, commencing Monday, February 14, 2000 upon  
18 the pleadings filed heretofore.

19 APPEARANCES:

20 Daniel J. Ryan, Esq.,

21 on behalf of the Plaintiff;

22 George M. Moscarino, Esq.,

23 Susan Massey, Esq.,

on behalf of the Defendant.

24 Kellie M. Reeves-Roper, RPR, CAT

Official Court Reporter

25 Cuyahoga County, Ohio

357484

) Case No. CV ~~13-13~~

) C/A: N/A

FILED

APR 4 2000

GERALD E. FUERST  
CLERK OF COURTS  
CUYAHOGA COUNTY, OHIO

1 TUESDAY AFTERNOON SESSION, FEBRUARY 15, 2000

2 \* \* \* \* \*

3 THE COURT: Call your next  
4 witness, please.

5 MR. RYAN: We're going to call  
6 Dr. Camp, your Honor.

7 The PLAINTIFF, to maintain the  
8 issues on his part to be maintained,  
9 called as a witness LINDA CAMP, M.D., upon  
10 cross-examination, who, being first duly  
11 sworn was examined and testified as  
12 follows:

13 CROSS-EXAMINATION OF LINDA CAMP, M.D.

14 BY MR. RYAN:

15 Q Good afternoon, Doctor. Doctor, would you  
16 state your name, please.

17 A Linda Elene Camp.

18 Q And do you have a profession?

19 A Yes, I do.

20 Q You are a physician?

21 A I am.

22 Q All right. Going back to January of 1996,  
23 did you hold a position in regards to that  
24 profession?

25 A Yes. I was a third year general surgery

1 resident at Saint Luke's Hospital here in  
2 Cleveland.

3 Q Okay. In January of 1996, were you  
4 qualified to do a clinical examination of a  
5 wound?

6 A I was in training for that process. I was<sup>as</sup>  
7 in the stage of learning clinical exam, yes.

8 Q Were you qualified?

9 A I was not a Board Certified surgeon. I  
10 was in training for that process. I don't know<sup>w</sup>  
11 how more clearly to answer.

12 Q Did you have the ability to look at a  
13 wound and decide whether or not there is an  
14 infectious process going on there, or to have  
15 some concern to follow-up on? Could you do that<sup>hat</sup>  
16 as a third year resident?

17 A I could examine a wound and have concerns<sup>ns</sup>  
18 about a wound, yes.

19 Q Okay. You had already become an M.D. at<sup>t</sup>  
20 that point -- correct -- you were a medical  
21 doctor?

22 A Correct.

23 Q And you were involved in the process of<sup>i</sup>  
24 training in a specific area of medicine called<sup>ad</sup>  
25 surgery?

1 A Correct.

2 Q All right. You also had the opportunity,  
3 if you wished, to become licensed in the State  
4 of Ohio as a doctor at that time.

5 A Correct.

6 Q Okay. Were you licensed in January of  
7 1996?

8 A I know that I had a resident license  
9 through the hospital. And I may have applied  
10 for my medical license of Ohio but I'm not sure  
11 if it was issued at that time or if it was  
12 pending at that time.

13 Q Okay. Do you know an individual by the  
14 name of Dr. Savrin?

15 A Yes, I do.

16 Q Did Dr. Savrin have any involvement with  
17 your training there at Saint Luke's Medical  
18 Center?

19 A Yes, he did.

20 Q Okay. And what was that position or what  
21 was his involvement?

22 A I believe his title was assistant director  
23 of the surgery program. I first met Dr. Savrin  
24 when I came to Saint Luke's to interview for a  
25 position in the surgery program. And that was

1 while I was still in medical school. And as the  
2 assistant director he had an integral part of my  
3 training from even before I started because he  
4 was one of the physicians with whom I  
5 interviewed.

6 Q You then were accepted at Saint Luke's  
7 program and you then participated in that  
8 program?

A Correct.

1 Q Besides yourself, how many other  
1 individuals were accepted into that program when  
1 you started?

1 A Four each year, including myself.

1 Q All right. And were they then divided  
1 into two separate teams? If you know.

1 A Yes.

1 Q So you would be identified as say Team 1?

A Depending on the monthly assignment for  
junior residents you would be assigned to Team  
1 or Team 2.

Q All right. So that all the residents  
would be mixed then?

A Correct.

24 Q Okay. In January of 1996, did you have  
25 the -- were you permitted to order testing from

1 the microbiology lab for Saint Luke's Medical  
2 Center?

3 MR. MOSCAFUNO: Your Honor, can I  
4 approach the bench, please.

5 THE COURT: Yes.

6 - - - - -

7 (Thereupon, a discussion was had  
8 between all parties outside the hearing of  
9 the jury and off the record.)

10 - - - - -

11 Q Do you recall my last question?

12 A You asked me if I had the ability to order  
13 microbiology tests.

14 Q Right.

15 A Yes, I did.

16 Q Were you called upon at times to order  
17 such tests?

18 A Yes, I was.

19 Q And as a third year resident did you feel  
20 comfortable with that in performing that duty?

21 A Yes.

22 Q Okay. **Up** to and including March 4th of  
23 1996, did you know an individual -- had you had  
24 any involvement at all with the treatment and  
25 care of Baldwin Duncan?

1       A       I have a long answer. I personally never  
2 met Mr. Duncan. I was not on the vascular team  
3 that was responsible for his surgery in January.  
4 However, as a resident on-call in the hospital  
5 the vascular team would sign out their patients  
6 to me and so I had heard the name Mr. Duncan and  
7 had associated him with the vascular team in  
8 that he had had a surgery for a vascular  
9 problem.

10           I had never had occasion to be called to  
11 Mr. Duncan's bedside and never had occasion to  
12 order any tests over the phone or to see him for  
13 any reason during his hospital course. So in  
14 that regard I would say I was somewhat involved  
15 in that I knew his name and I was the doctor who  
16 would have been called if he would have had any  
17 surgical problems that needed addressed during  
18 the nighttime when the vascular team was not in  
19 the hospital.

20       Q       Okay, Are you familiar with the report  
21 that was generated from the microbiology  
22 department that contained your name on it  
23 concerning Baldwin Duncan?

24       A       Yes, I'm familiar with that report.

25       Q       If I hand you the medical records, Doctor,

1 could you easily access it, or do you want me to  
2 -- here we go. I withdraw that.

3 I have in front of me a document that has  
4 been previously identified as Plaintiff's  
5 Exhibit 43. Okay? Its a three-page document.  
6 Do you see that, Doctor?

7 A Yes, I do.

8 Q All right. Can you identify that for me,  
9 please. What is that?

10 A This is a report, a computer generated  
11 report from the microbiology department with  
12 results of a microbiology test. It says the  
13 specimen was received on 2-9 of '96 shortly  
14 after 3:00 o'clock in the afternoon. And the  
15 date of this report is marked 2-11-96.

16 Q Who is the client that is listed as the  
17 one who is the source of ordering that document?  
18 Do you know?

19 A The paper says Dr. Linda Camp.

20 Q Were you aware of any other Dr. Linda Camp  
21 at Saint Luke's Medical Center during that  
22 period of time?

23 A No, sir.

24 Q Are you aware of any other doctor in the  
25 Cleveland area of Dr. Linda Camp? Have you ever



1       come across that?

2       A       No, sir.

3       Q       Do you think that that designates you  
4       then?

5       A       Yes.

6       Q       Okay. Does it also list there also where  
7       that report was going to be directed to or sent  
8       to?

9       A       I can't determine that by looking at this  
10       paper. I don't know what some of these numbers  
11       may mean. I'm not familiar with the computer  
12       system enough to be able to say if those numbers  
13       indicate a specific location that this report  
14       would go to or not.

15       Q       All right. You certainly can identify  
16       that it indicates the report was ordered by  
17       Camp, Linda. Correct?

18       A       Correct.

19       Q       So then who ordered that report?

20       A       It was not me. I don't know who ordered  
21       this report.

22       Q       All right. You were on vacation between  
23       February 16th and February I believe 24th of  
24       1996. Is that correct, Doctor? If you recall.

25       A       I believe those dates are correct.

1 Q Okay. You then returned to the hospital  
2 on or about February 27th to February 28th,  
3 towards the end of the month,  
4 A Correct.  
5 Q These dates are actually documented within  
6 the records of the hospital so they can be  
7 confirmed. Is that fair?  
8 A (Indicating.)  
9 Q I'm not trying to mislead you or anything  
10 on the dates. When you returned did you  
11 discover that document anyplace in the hospital?  
12 A Yes, I did,  
13 Q Tell the jury where you found it.  
14 A When I returned from vacation and had my  
15 first night of call, which was Tuesday or  
16 Wednesday of that week, it was after that day  
17 that I went to my mailbox which was held in my  
18 director's office. Its what I called my junk  
19 mailbox. Its where I got my direct deposit  
20 stub. And most importantly its where I got my  
21 food tickets for the next month, so I would go  
22 there at the end of the month to get my meal  
23 tickets.  
24 Q These are the Saint Luke's meal tickets?  
25 A ~~That's correct.~~

1 Q You're making it seem like you're on  
2 welfare. I'm sorry, go on.

3 A It was at that time that I found these  
4 reports. This single report of three pages in  
5 my resident mailbox.

6 Q All right. When you saw it was it a Xerox  
7 or did it appear to you to be one of the  
8 official copies coming from the lab?

9 A It appeared to me to be an official copy  
10 because it had the green color to the headline.

1 It was a copy I had never seen before in my  
1 resident mailbox. I was used to receiving a  
1 courtesy copy through our clinic which was  
1 usually just a pink Xerox copy that I got from  
1 the nurse there. This was something I had not  
1 seen before and I thought it was a formal  
1 original copy.

1 Q All right. As you were looking at it did  
1 it have on it some handwriting from anyone that  
2 you could identify?

2 A Yes, it did.

2 Q At that point in time did you look at the  
3 content of that report?

3 A I did briefly skim the report, yes.

25| Q ~~Did it cause you any concern at that time?~~

1 A It obviously did cause me concern. And  
2 even more importantly, reading the message on  
3 the report is what really captured my attention.

4 Q All right. I'm sorry, Doctor. I was  
5 directing your attention to the actual content  
6 of the report, what the results were such as  
7 what was found in -- from processing the swab.

8 A I read the report and I identified that it  
9 had showed that there was some organisms from a  
10 swab of the left leg.

11 Q Did you also make a determination at that  
12 time that there was a mention of a surgical --  
13 an incision or anything like that in that  
14 report?

15 A As described on the paper, "Swab in left  
16 leg incision."

17 Q In your experience, Doctor, that swab,  
18 would that have been taken by a doctor?

19 A Not necessarily.

20 Q All right. Would it have been taken under  
21 the direction of a doctor instructing someone to  
22 take it?

23 A In most cases but not always.

24 Q Right. Would you expect someone to walk  
25 into the clinic, Saint Luke's Medical Center and

1 go up to a nurse and instruct them to take a  
2 swab of it and then do it that way? Would that  
3 be one of the ways it could happen?

4 A That would not have happened in the  
5 surgery clinic.

6 Q Okay. Was this test taken at the surgery  
7 clinic?

8 A We cannot tell by this document where this  
9 test was taken; what location as far as  
10 building; whether it was in the hospital;  
11 whether it was in the emergency room; in the  
12 clinic; whether it was in a private office  
13 setting. This document does not say where this  
14 culture was taken at.

15 Q There exists a source document ordering  
16 this test that accompanies the swab. Is that a  
17 fair statement?

18 MR. MOSCARINO; Objection.

19 A I would expect that to be true.

20 THE COURT: Overruled.

21 Q Well, you signed the test. You ordered  
22 it. Correct?

23 A No. Saint Luke's had a computer system  
24 where orders were done through a pen-like screen  
25 on a computer.

1 Q And they capture then who ordered the test  
2 off that system then?

3 A I think that's true,

4 Q All right. Your concern then sent you on  
5 a search to find out then who put your name on  
6 that report.

7 A I did try to find that out.

8 Q Well, did you go to the billing department  
9 and check with them as to how this had come  
10 about?

11 A No, sir, I didn't go to the billing  
12 department.

13 Q Did you make a determination as to what  
14 batch that source document had been held to **make**  
15 a determination of who may have ordered it?

16 A No, sir.

17 Q Are you aware of the fact that the billing  
18 department keeps source documents by batch  
19 number? That keeps the source documents in  
20 order so they can perform billing. Are you  
21 aware of that?

22 A No, sir. I don't know about the billing  
23 department,

24 Q The signature and the writing that appears  
25 on there, do you know it?

1 A Yes, I do,

2 Q Is that Dr. Savrin?

3 A Yes, that's Dr. Savrin's signature.

4 Q All right. And it indicates that on  
5 2-12 there was a receipt of that document. I  
6 think this is a blow-up I have right here. But  
7 right here -- "Received 2-12-96" and there is  
8 initials there -- can you identify those  
9 initials?

10 A Those initials are Dr. Ron Savrin,

11 Q All right. Also, it is dated 2-13. It  
12 says, "Sent three pages to D Camp." Do you see  
13 that?

14 A Yes, I do.

15 Q Whose initials are those?

16 A Again those are Dr. Ron Savrin's initials?

17 Q Does it also make any indication who was  
18 following this patient?

19 A There is a separate statement underneath  
20 those first two statements with different  
21 writing that says this patient is being followed  
22 in surgery clinic.

23 Q Now, your best recollection -- correct me  
24 if I'm wrong -- is you saw this document the end  
of February of 1996.

1 A Correct.

2 Q Maybe the 28th, around that time. Did you  
3 then immediately pick up the phone and call  
4 Dr. Savrin?

5 A No, I did not.

6 Q Why not?

7 A **As** a third year resident I had the  
8 wherewithal to think that this assignment was  
9 given to me by my attending. And I had the  
10 initiative to start an investigation on my own  
11 before I called him to ask for guidance on my  
12 investigation.

13 Q Did you call him?

14 A I did not have the opportunity to call  
15 him. The first step of my investigation **was** to  
16 contact the patient, Mr. Baldwin Duncan. To  
17 bring him in to the surgery clinic so that I  
18 could evaluate him.

19 Q All right. Were you successful in  
20 contacting Mr. Duncan?

21 A I was not.

22 Q This had to do with you could not come up  
23 with, I believe, a phone number or somewhere to  
24 call him. Is that a fair statement?

25 A The first attempt to reach Mr. Duncan was



1 I went to my charge nurse in the surgery clinic  
2 and asked her to find his records in the staff  
3 patient file. Since this person was being  
4 followed in the surgery clinic, according to  
5 this note, I assumed his records would be in our  
6 staff clinic records.

7 Mrs. Gerevik accessed those records and  
8 could find no patient by the name of Mr. Duncan,  
9 or Baldwin Duncan or Baldwin L. Duncan in our  
10 staff clinic records. She at that time asked me  
11 how to proceed. I said, "Well, he must  
12 obviously have records somewhere in the hospital  
13 because he had the report."

14 At that time, she accessed the private  
15 patient records where she came across his  
16 records and a phone number. She had attempted  
17 to reach him through the phone number, which was  
18 disconnected. And at that time she contacted me  
19 again and then we initiated our protocol of  
20 sending a certified letter. Our staff patients  
21 not infrequently will have their phones  
22 disconnected and this is how we would attempt to  
23 reach them regarding necessary medical  
24 treatment, et cetera.

25 Prior to sending out a certified letter

1 Mr. Duncan had called Dr. Savrin's office, was  
2 directed -- and I know this only by what I read  
3 in the record. He called Dr. Savrin's office,  
4 was directed to the surgery clinic and at that  
5 time Mrs. Gerevik received his phone call and  
6 asked him to come in as soon as possible.

7 Q You indicated you had some difficulty  
8 coming **up** with information concerning  
9 Mr. Duncan. Correct?

10 A Correct.

11 Q But on the report *you* already had his  
12 account number. That's his patient number,  
13 isn't it?

14 A Yes, it is.

15 Q But you never called Dr. Savrin. Were you  
16 concerned that Dr. Savrin was going to be upset  
17 because it had gone this long period of time and  
18 there had been no follow-up?

19 A I was not concerned about this report  
20 because my attending had seen the report.

21 Q Okay. The assignment though had been  
22 given to you according to this though. Correct?

23 A That was my assumption.

24 Q Well, certainly wouldn't you call back  
25 Dr. Savrin and discuss it with him why he would

1 direct this to you?

2 A I had plans to call Dr. Savrin as soon as  
3 I had some information to discuss with him.

4 Q All right. You had the patient account  
5 number. You knew he was known at the hospital.  
6 You knew that the attending physician was  
7 Dr. Sandhu, which is shown in the records. Is  
8 that a fair statement?

9 A I did not know that at that time.

10 Q You certainly were deeply concerned about  
11 the fact that this had gone more than two  
12 and-a-half weeks, it appears with nothing being  
13 done. Didn't that trouble you?

14 A I did not say that, Mr. Ryan. I was not  
15 deeply concerned.

16 Q You were not or you were?

17 A I was not.

18 Q Why not?

19 A My attending had seen this record.

20 Q Yes.

21 A It was my understanding that this paper  
22 was sent to me because there was a very  
23 important lesson for me to learn by seeing and  
24 examining this patient by understanding the  
25 ~~process that he was going through. At no time~~

1 was I notified of urgency. At no time was I  
2 notified that this report had ever been  
3 unaddressed. After receiving this report at the  
4 end of February it would not be reasonable for  
5 me to even assume that this had never been  
6 addressed in the past.

7 Q I'm sorry, what was not addressed? What  
8 are you referring to when you say, "it has never  
9 been addressed"?

10 A You're asking me if I had a deep concern  
11 about the longevity of this report at the time  
12 that I **saw** the patient. **No**, I was not concerned  
13 about that time difference.

14 Q Are you saying that someone else ordered  
15 that report and put your name on it?

16 A Yes.

17 Q How did you make that determination?

18 A I did not see the patient. I did not see  
19 Mr. Duncan on February the 9th of 1996. I did  
20 not put a swab in his left leg incision, and I  
21 did not order this report. I **had** no knowledge  
22 **of** this report until I saw it in my mailbox at  
23 **the** end of February.

24 Q You did go back and check the records of  
25 St. Luke's Medical Center concerning

1 Baldwin Duncan -- correct -- later on?

2 A No, I did not.

3 Q Well, were you aware of the fact that  
4 there is no clinical note of anyone having taken  
5 that swab?

6 A I know that after the fact. After  
7 discussing it with my attorneys.

8 Q There was another time where you wrote  
9 some notes concerning a patient. Then you  
10 removed that note and replaced it with another  
11 note. Do you know what I'm referring to?

12 A Yes, I do.

13 Q All right. So on March 5th, 1996,  
14 Mr. Duncan came in and saw you. Correct?

15 A Yes, he did.

16 Q All right. And you then in writing out  
17 what you observed and everything diagnosed  
18 cellulitis. Correct?

19 A Correct.

20 Q All right. In February -- from February  
21 -- say February 1st up until March 5th, you  
22 hadn't had any additional training or anything  
23 in the diagnosis of the term -- of the condition  
24 of cellulitis. Correct?

25 A Residency is an ongoing process of

1 learning so, yes, I had had a couple months more  
2 of learning at that point.

3 Q Well, my math is -- correct me if I'm  
4 wrong. I'm showing this was done on  
5 February 9th and now we're to March 5th. Are we  
6 talking about a couple months or are we talking  
7 about three and-a-half weeks?

8 A Three and-a-half weeks. Thank you.

9 THE COURT: How much longer  
10 will you be?

11 MR. RYAN: Just a couple more  
12 minutes, your Honor.

13 Q Should there have been a clinical write-up  
14 as to the taking and the -- of the swab and also  
15 the observations when the swab was taken?

16 A In my training I was taught that any time  
17 a patient was seen and examined a note was  
18 written. And therefore I respond to your  
19 question with yes.

20 Q Okay.

21 A If that patient was seen and examined a  
22 note should have been written.

23 Q All right. Have you ever had any  
knowledge of this situation ever happening where  
25 your name or a doctor's name appeared on a

1 report and they were the one that did not order  
2 it?

3 A Yes, I am.

4 Q Would you explain that, please. How would  
5 that happen?

6 A There were situations -- and these were  
7 regarding in-house patients because that's who I  
8 dealt with, not out of house patients --  
9 situations on the floor where a nurse might have  
10 been concerned about a urinary tract infection  
11 or another situation that she was alarmed or he  
12 was alarmed about and had the liberty to order a  
13 test and put the doctor's name on who was  
14 on-call for that service. **As** long as the doctor  
15 **was** informed at a later time, there was never a  
16 problem with it. It was for patient care and in  
17 the patient's best interest.

18 Q What if that doctor has never been  
19 informed of it later on? Does that trouble you?

20 A It would definitely trouble me but I can't  
21 answer to that situation. It never arose that I  
22 know of.

23 Q When Saint Luke's Medical Center performed  
24 this test in the microbiology department on 2-9  
25 and put your name on it, okay, wouldn't it make

1 sense to give you a copy of it?

2 A To give me a copy of the order?

3 Q Did you see the result of the test?

4 A A copy of the order **or** a copy of the test  
5 result?

6 Q The copy of the **test** result we have right  
7 here with your name saying you ordered **it**.

8 A **As** a resident I never received official  
9 copy of any test that I ordered.

10 Q So then that is **a** problem that exists in  
11 the hospital.

12 A That's not a **problem**, Mr. Ryan.

13 Q You didn't get a copy of **it** though, did  
14 you?

15 A No, I did not. If this were a staff  
16 patient the result would have gone directly to  
17 the staff surgery clinic where the attending  
18 covering the clinic would have seen the original  
19 report. The charge nurse in the clinic would  
20 have given a courtesy copy to the resident who  
21 ordered the test. I never received **any** copy of  
22 this report through my resident surgery clinic  
23 mailbox, which **was** the mailbox that I received a  
24 courtesy copy of patient records.

25 If this were a private patient, no matter



1 if I ordered the test for a private attending or  
2 however the test got ordered, the report would  
3 have been sent to the private attending's office  
4 or wherever they kept their patient records at.  
5 An official report was never sent to a resident.

6 Q But the final question is then why are you  
7 on the report as the one that ordered it?

8 A I don't have an answer.

9 Q Okay. Thank you, doctor.

10 THE COURT: All right. You may  
11 step down.

12 \* \* \* \* \*

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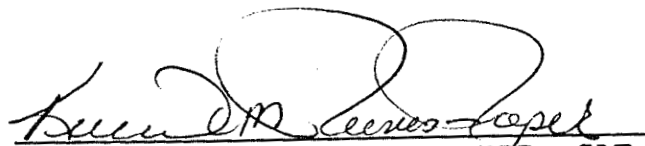
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C E R T I F I C A T E

I, Kellie M. Reeves-Roper, an Official  
Court Reporter for the Court of Common Pleas,  
Cuyahoga County, Ohio, do hereby certify that I  
am employed as an Official Court Reporter, and I  
took down in stenotypy all of the proceedings had  
in said Court of Common Pleas in the  
above-entitled cause; that I have transcribed my  
said stenotype notes into typewritten form; that  
said Transcript is a complete record of the  
proceedings had in the said cause, and  
constitutes a true and correct Transcript of  
Proceedings had therein.

  
\_\_\_\_\_  
Official Court Reporter  
Cuyahoga County, Ohio