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THE STATE OF OHIO,)
) SS:
COUNTY OF CUYAHOGA.)

IN THE COURT OF COMMON PLEAS

JILL BOLTIN,)
)
Plaintiff,)
)
vs.) Case No. 90787
)
THE CLEVELAND CLINIC)
FOUNDATION, ET AL.,)
)
Defendants.)

- - -

Deposition of NATHAN D. CHOMA, M.D., called
as a witness by the Plaintiff before Elaine Sabo, a
Registered Professional Reporter and Notary Public
within and for the State of Ohio, at the offices of
Charles Kampinski Co., L.P.A., 1530 Standard Building,
Cleveland, Ohio, on Thursday, the 7th day of November,
1985, commencing at 12:00 p.m., pursuant to notice
and agreement of counsel.

- - -



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1 APPEARANCES:

2 Charles Kampinski Co., L.P.A., by:
3 Charles Kampinski, Esq.,
4 On behalf of the Plaintiff.

5 Reminger & Reminger Co., L.P.A, by:
6 Gary H. Goldwasser, Esq.,
7 On behalf of the Defendants.

8 ALSO PRESENT: Nazih A. Moufarrij, M.D.

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11 STIPULATIONS

12 It is stipulated by and between counsel for
13 the respective parties that this deposition may be
14 taken in stenotypy by Elaine Sabo; that her stenotype
15 notes may be subsequently transcribed in the absence
16 of the witness; and that all requirements of the Ohio
17 Rules of Civil Procedure with regard to notice of
18 time and place of taking this deposition are waived.

- - -

1 NATHAN D. CHOMA, M.D.,
2 called as a witness by the Plaintiff for the purpose
3 of cross-examination as provided by the Ohio Rules of
4 Civil Procedure, being by me first duly sworn, as
5 hereinafter certified, deposes and says as follows:

6 CROSS-EXAMINATION

7 BY MR. KAMPINSKI:

8 Q. State your full name, please.

9 A. Nathan David Choma, C-h-o-m-a.

10 Q. Where do you live, Mr. Choma?

11 MR. GOLDWASSER: Dr. Choma.

12 Q. Dr. Choma.

13 A. 2907 Ingleside -- that's I-n-g-l-e-s-i-d-e --
14 Drive, Parma.

15 Q. How old are you, sir?

16 A. That's a tough one. 28.

17 Q. Where do you work?

18 A. Cleveland Clinic.

19 Q. How long have you worked there?

20 A. Four years and four months.

21 Q. What is your position there?

22 A. I'm a resident physician.

23 Q. Are you specializing in any field of
24 medicine?

25 A. Yes. Internal medicine.

1 Q. Before the Cleveland Clinic did you do your
2 internship somewhere?

3 A. No.

4 Q. Or did you do it at the Clinic?

5 A. I did it at the Clinic.

6 Q. That's part of that four years and four
7 months?

8 A. Yes. I did two and a half years of surgery
9 and then medicine.

10 Q. How long will it be before you finish your
11 residency?

12 A. In June 1986 I will complete it.

13 Q. Before being at the Clinic where were you
14 for medical school?

15 A. University of South Florida in Tampa.

16 Q. Did you receive your medical degree from
17 there?

18 A. Yes.

19 Q. When was that?

20 A. June of 1981.

21 Q. How long had you gone there?

22 A. Three years for med school.

23 Q. Prior to that where did you go?

24 A. University of South Florida.

25 Q. For undergraduate school?

1 A. For undergrad.

2 Q. Four years?

3 A. Three years.

4 Q. Did you receive a degree?

5 A. Yes.

6 Q. What kind of degree?

7 A. Chemistry, B.S.

8 Q. Prior to that what did you do?

9 A. High school.

10 Q. Where at?

11 A. Milton High School, Milton, Florida.

12 Q. When did you graduate?

13 A. 1975.

14 Q. Are you licensed to practice in Ohio?

15 A. Yes.

16 Q. Since when?

17 A. I don't know the exact date. For

18 approximately two years.

19 Q. When you assisted with respect to Jill
20 Boltin, you did not have an Ohio license at that time?

21 A. I had a temporary license.

22 Q. How does that work? When you are a
23 resident and an intern you just get a temporary
24 license?

25 A. You just have to have a temporary license.

1 Q. Do you have to take any type of test for
2 that or do you fill out an application to get it or
3 how does that work?

4 A. I don't remember.

5 Q. You don't remember taking a test though?

6 A. I don't know for sure, but I don't think a
7 test is required for a temporary license. I think as
8 long as you have graduated from medical school.

9 Q. And that's reciprocal wherever you go in
10 the United States?

11 A. This is an Ohio State temporary license.

12 Q. I understand. But if you get a medical
13 degree in Florida you can go anywhere in the United
14 States and then get a temporary license?

15 A. As far as I know. I don't know for sure.

16 Q. But that's the way it works in Ohio?

17 A. Yes.

18 Q. You came to the Cleveland Clinic I take it
19 then to receive training after medical school?

20 A. Correct.

21 Q. And you are still undergoing that training?

22 A. Correct.

23 Q. There was a period of time where you
24 apparently rotated through the neurosurgical
25 department?

1 A. Yes.

2 Q. Internally at the Cleveland Clinic how does
3 that work? I mean, how is it that you came to the
4 neurosurgical department? Was that just as a matter
5 of what happens when you undergo the type of training
6 you undergo?

7 A. Well, I was in general surgery residency at
8 the time and part of the curriculum is to rotate
9 through various departments, one of them being
10 neurosurgery.

11 Q. You came to the Clinic when?

12 A. 1981.

13 Q. What month, do you recall?

14 A. Are you talking about to begin the
15 residency?

16 Q. For anything.

17 A. Well, I was a medical student and I did a
18 rotation in January.

19 Q. Wait. Go slow. I thought you were a
20 medical student in Florida?

21 A. Yes, but I did one month reciprocal
22 rotation.

23 Q. While you were in Florida you came up here
24 for a month?

25 A. Correct.

1 MR. GOLDWASSER: That's the new
2 thing today. They do a lot of their clinical
3 training while they are still at med school.

4 Q. When did that take place then?

5 MR. GOLDWASSER: It's been a couple
6 years now, hasn't it?

7 Q. No. I mean, when did you come to the
8 Cleveland Clinic?

9 A. To the Cleveland Clinic as a medical
10 student?

11 Q. Yes.

12 A. It was in January of 1981.

13 Q. You liked the weather here so you came back
14 when you graduated.

15 When did you come back full-time to the
16 Clinic?

17 A. Well, June of -- or July, excuse me, July
18 of '81.

19 Q. '81?

20 A. Correct.

21 Q. Did you know at that time you wanted to go
22 into internal medicine?

23 A. No. I was going into surgery.

24 Q. Just general surgery?

25 A. General surgery.

1 Q. Is there a specific training program for
2 that as opposed to something else?

3 A. Yes.

4 Q. What did that consist of?

5 A. It's a five-year residency, and the first
6 two years you rotate through various services, the
7 third year again you rotate through various
8 departments for a longer term basis, and then you're
9 a chief resident -- or, excuse me, a senior resident
10 for the fourth and fifth years.

11 Q. All right. That's what you are now then?

12 A. I discontinued my surgical training and
13 started medicine, internal medicine training.

14 Q. Now, what is that going to entail? You
15 don't have to go through all this again, do you?

16 A. Yes, yes, I have. Through the various
17 medical departments I have rotated.

18 Q. Why did you switch?

19 A. A number of reasons. I just prefer
20 medicine over surgery, in general.

21 Q. You were doing your rotation then when you
22 had occasion to come into contact with Jill Boltin?

23 A. Correct.

24 Q. How long had you been in the neurosurgical
25 department at that time?

1 MR. GOLDWASSER: What do you need
2 reference to?

3 A. I need the op note.

4 MR. GOLDWASSER: All right.

5 A. To the best of my knowledge, approximately
6 three to four weeks.

7 Q. And that note you looked at was June 26th?

8 A. 26th, 1983.

9 Q. How is it that you can tell from looking at
10 the op note how long you had been on the service?

11 A. Because normally I was working with another
12 neurosurgeon and I was an assistant in this case.

13 Q. All right. Who was the other neurosurgeon
14 that you were working with?

15 A. Dr. Janet Bay.

16 Q. Why is it that you got involved in this
17 situation?

18 A. They needed additional assistants.

19 Q. Why, somebody was sick?

20 A. No. Just -- I don't know why.

21 Q. Well, were you just sitting with a number
22 in a room and you got picked or how does it work?

23 A. No. I got paged on my beeper and --

24 Q. Oh, I see. You didn't even know that you
25 were going to assist in this operation?

1 A. Correct.

2 Q. They needed somebody and they picked you?

3 A. Correct.

4 Q. And you walked in and scrubbed up and
5 assisted?

6 A. Correct.

7 Q. Do you recall what you did?

8 A. Minimal.

9 Q. Minimal recollection or minimal what you
10 did?

11 A. Both.

12 Q. Is this the only contact you had with Jill
13 Boltin?

14 A. I think I saw her that night as a postop
15 check.

16 Q. When I say this, you are now looking at the
17 June 26th surgery?

18 A. Correct.

19 Q. You were not involved in the June 2nd or
20 June 16th surgeries?

21 A. No.

22 Q. I'm sorry. Because we did see your name in
23 the physician's notes, I think, or physician's orders.

24 A. Just as a postoperative check, and I wrote
25 the postoperative orders for June 26th.

1 Q. How would you know what orders to write,
2 sir?

3 A. I would see what the surgery was, what
4 medications they were previously taking, and I would
5 be talking to Dr. Hahn and whomever else was in
6 charge.

7 Q. I don't see Dr. Hahn's countersignature on
8 the physician's orders.

9 A. That's not a requirement.

10 Q. How do you know that you talked to him in
11 terms of the physician's orders? I mean, as you sit
12 here today, do you have a recollection of talking to
13 him?

14 A. No, I don't.

15 Q. Do you have a recollection of how it is
16 that you were the one that had to write the orders?
17 I mean, they just paged you, you walked in, you
18 assisted with the surgery, you say you were minimally
19 involved?

20 A. Right.

21 Q. How is it you then went out and did the
22 postop orders?

23 A. I remember writing the postoperative orders
24 while we were in the operating room.

25 Q. In the operating room?

1 A. Yes.

2 Q. You would have had the chart there?

3 A. Yes.

4 Q. Did you see her that night also?

5 A. Yes.

6 Q. Why?

7 A. As a routine postoperative check.

8 Q. Why is it that you would have seen her?

9 A. Because I was on call for that evening.

10 Q. Were you supposed to reorder x-rays?

11 A. Let me check.

12 Q. I mean the orders would just show what you
13 did order. My question is, were you supposed to
14 order anything in addition to what is set on the
15 orders?

16 A. I don't quite understand the question.

17 Q. Do you have any recollection of being told
18 to order x-rays, follow-up x-rays?

19 A. And then not order them?

20 Q. That's right.

21 A. No, I don't recall being told to order
22 x-rays.

23 Q. Was that normal and standard to order
24 follow-up x-rays after surgery?

25 A. I don't know.

1 Q. Well, how many months did you spend in
2 neurosurgical service?

3 A. One month.

4 Q. During that one month did you ever do any
5 other postop orders?

6 A. Yes.

7 Q. Was it normal and standard to order x-rays
8 after operations?

9 A. No.

10 Q. It was not? It still is not?

11 A. I don't know. I am no longer with their
12 department.

13 Q. During that one-month period of time it was
14 not normal, you are saying, to order films
15 postoperatively in the neurosurgical department?

16 A. It depends on the operation. I don't know
17 if it's a routine or not.

18 Q. You certainly didn't put them down in your
19 orders, correct?

20 MR. GOLDWASSER: Well, the orders
21 speak for themselves.

22 Q. Well, why don't you take a look at them.
23 Is that numbered at all, by the way?

24 A. By date.

25 Q. Yes, it's got the date, but you don't

1 number your pages?

2 A. We frequently will number copies when they
3 are photostated, but we don't number our original
4 records.

5 Q. You are looking now at physician's order
6 sheet dated June 26, 1983 in red ink with your name
7 on it, right?

8 A. Correct.

9 No, I did not order any x-rays.

10 Q. You are saying that this was written in
11 surgery?

12 A. I was in the operating room when I wrote
13 these.

14 Q. Was it after the surgery?

15 A. Yes, to the best of my recollection.

16 Q. What does that say?

17 A. Negroski, notify.

18 Q. Who is Negroski?

19 A. He is a resident who is a neurology
20 resident.

21 Q. Then there is some other signatures there.
22 Do you know who that is?

23 A. No, I don't.

24 Q. Would that have been the nurse taking the
25 orders off?

1 A. Probably.

2 Q. There is another one there too?

3 A. Yes. I think that is the nurse's. I'm not
4 certain who this other person is.

5 MR. GOLDWASSER: The other person
6 in the black ink?

7 THE WITNESS: Yes.

8 Q. (BY MR. KAMPINSKI) You are saying that
9 it's not necessary to have the responsible physician
10 countersign orders by a rotating -- I don't want to
11 say it wrong -- intern or resident?

12 A. Resident.

13 Q. That it's not necessary to do that?

14 A. It is not a requirement.

15 Q. All right. I just want to make sure that
16 we are not dealing in semantics. When you say not a
17 requirement, my question was, is it necessary?

18 A. What do you mean by necessary?

19 Q. Well, do you check with the head surgeon
20 and show him the orders and say is this okay as
21 opposed to it being a requirement for his initials or
22 name to be on it?

23 A. Yes.

24 Q. Yes what?

25 A. Yes, sir, yes, I do go over the orders with

1 the physician.

2 Q. And you recall doing that in this case?

3 MR. GOLDWASSER: Whatever you
4 remember.

5 A. I have minimal recollection and I don't
6 recall whether or not I did this with this specific
7 case.

8 Q. What do you recall about the surgery itself?

9 A. I have very little recollection again for
10 the surgery, but I do recall the purulence in the
11 subdural region.

12 Q. Why do you recall it?

13 A. I just happen to have recollection for that.

14 Q. Was that a significant finding that was
15 made at the time of that procedure that caused you to
16 recall it?

17 A. Well, it was abnormal.

18 Q. Right. What was done regarding the
19 purulence, do you recall?

20 MR. GOLDWASSER: From independent
21 memory or from the record?

22 Q. Independent.

23 A. Independently?

24 Q. Yes.

25 A. I don't recall.

1 Q. Who actually did the procedure?

2 A. Again, I can't recall from memory.

3 Q. It could have been Dr. St. Louis, right?

4 A. I don't know.

5 Q. Do you know Dr. St. Louis?

6 A. Yes.

7 Q. Was he there?

8 A. Yes.

9 Q. Was Dr. Hahn there?

10 A. Yes.

11 Q. You are sure?

12 A. Yes.

13 Q. Did you ever do any surgeries with
14 Dr. Hahn other than this one?

15 A. I can't remember.

16 Q. Did Dr. Hahn do the surgery or
17 Dr. St. Louis?

18 MR. GOLDWASSER: He said he doesn't
19 remember.

20 Q. In this case.

21 A. In this case?

22 Q. Yes.

23 A. I don't recall.

24 Q. What did you do, do you recall that?

25 A. I recall cutting a couple of sutures and

1 that's about the extent of my involvement.

2 Q. Do you recall seeing the wire mesh?

3 A. No.

4 Q. Do you recall any discussion about it?

5 A. No.

6 Q. Do you recall any discussion about the
7 purulence when it was noted?

8 A. I cannot recall any additional comments
9 other than the fact that purulence was present.

10 Q. What did that mean to you with your limited
11 knowledge at that time, that there was an infection
12 present?

13 A. That it was abnormal.

14 Q. You didn't know why it was abnormal because
15 you had never dealt with this case before and really
16 weren't familiar with it, were you, or had you
17 reviewed it before you actually went in there?

18 A. No, I had not reviewed it.

19 Q. Did you know anything about it? Did they
20 tell you about it as you were in the operating room?
21 Was it being explained to you by Dr. Hahn?

22 A. Yes. I recall the patient history and
23 problems being discussed, but again, I cannot recall
24 the details.

25 Q. When you say the problems, are you now

1 talking about the epileptic problems or the problems
2 regarding the infection?

3 A. I cannot recall.

4 Q. Was Dr. Hahn instructing Dr. St. Louis as
5 to what to do in the operation?

6 A. Again, I cannot recall.

7 Q. Was he instructing you what to do?

8 A. To the extent of cut here on the sutures,
9 yes.

10 Q. And the purulence is something you actually
11 observed, you recall that?

12 A. Yes.

13 Q. What did it look like?

14 A. It was cloudy.

15 Q. Anything else?

16 A. No.

17 Q. Do you recall any discussion by Dr. Hahn or
18 Dr. St. Louis regarding it?

19 A. No.

20 Q. Do you recall any discussion about how it
21 was to be taken care of?

22 A. No.

23 Q. Was there any discussion with respect to
24 taking any specimens or studies?

25 A. I'm sorry. What is the question again?

1 Q. Was there any discussion regarding taking
2 this cloudy substance and having it sent for any type
3 of study?

4 A. I cannot recall.

5 Q. Was that done?

6 A. Cultures were sent intraoperatively.

7 Q. What you looked at was the clinical sheet
8 for the 26th to determine that?

9 A. Yes.

10 Q. It's not set forth in the operative note,
11 is it, or is it?

12 A. I do not see anything in the operative note
13 regarding --

14 Q. You didn't prepare that, that was prepared
15 by Dr. St. Louis?

16 A. Correct.

17 Q. You did write, apparently, the note in the
18 clinical sheet?

19 A. Yes.

20 Q. And that's in red again?

21 A. Yes.

22 Q. The same pen you used for the doctor's
23 orders, apparently?

24 A. I would presume.

25 Q. And it's got under comments, culture sent

1 to -- What is that?

2 A. Micro.

3 Q. Micro. Can you find out what was sent and
4 what the results were?

5 A. Sure.

6 Q. That's what you wanted to show us before,
7 right?

8 A. Yes.

9 Q. That's a computer printout there, right?

10 A. Yes.

11 Q. Are there other sheets that would reflect
12 what was sent and the results?

13 A. No.

14 Q. In other words, lab sheets, lab slips?

15 A. No. That would be it.

16 Q. Well, where does that information come from,
17 do you know?

18 A. From the micro lab.

19 Q. You don't know what they have internally
20 that ultimately gets it onto this computer printout?

21 A. No, I don't.

22 Q. Whether or not they would have any other
23 records?

24 A. I don't know.

25 Q. Does any of your rotation require going

1 through the labs?

2 A. No.

3 Q. Can you tell what was sent to the lab from
4 the note that you wrote there? Keep this space so we
5 can get back to it.

6 A. All I have is -- All I have written down is
7 that cultures were sent to micro.

8 Q. Cultures of what?

9 A. I don't have it specified.

10 Q. Do you have any recollection as to what was
11 sent?

12 A. No, I don't.

13 Q. I'm sorry. Go ahead. Indicate to me at
14 least what is reflected on the computer printout.

15 A. On June 26, '83 it's labeled as body fluid
16 from brain subgalea -- s-u-b-g-a-l-e-a, subgalea --
17 that cultures were collected in surgery.

18 Q. Was anything else sent?

19 A. As far as what the cultures grew?

20 Q. No. Was anything else sent?

21 A. Sent?

22 Q. Yes.

23 A. Okay. Also body fluid, epidural specimen
24 collected in surgery.

25 Q. Epidural meaning what?

1 A. Outside the dura.

2 Q. And you differentiate that then from what
3 was referred to before?

4 A. Correct.

5 Q. From the subgalea area?

6 A. Correct.

7 Q. Where would that be, inside the dura?

8 A. No. Again, this is not my area of
9 expertise, but it would be outside the dura.

10 Q. Where?

11 A. Under the skull.

12 Q. All right. But neither of these would be
13 the purulent or the cloudy material then that you
14 referred to earlier?

15 A. The epidural fluid could very well be
16 represented by the cloudy fluid previously.

17 Q. Do you recall if it is?

18 A. Again, I do not recall exactly where the
19 specimens were obtained.

20 Q. I'm sorry. Go ahead. Anything else?

21 A. Here is a second listing of body fluid
22 epidural specimen collected in surgery and it is
23 listed as a swab. Finally, another collection is
24 shown on the 26th of '83 as a body fluid subdural,
25 and again it is listed as a swab.

1 Q. Is that it then?

2 A. There is another listing I see of saline
3 fluid I see on June 26th, but I do not know if they
4 were obtained intraoperatively.

5 There is tissue obtained intraoperatively
6 which was sent for culture.

7 Q. What kind of tissue?

8 A. Subdural exudate.

9 Q. What is exudate?

10 A. It's a pus protein.

11 Q. Go ahead. Anything else?

12 A. More listings of exudates obtained
13 intraoperatively and that's it.

14 Q. Are there other notes by yourself in terms
15 of the follow-up that evening? I think you said you
16 saw her that night?

17 A. Yes.

18 Q. And this one is in blue ink?

19 A. Yes.

20 Q. Are there any others other than this one?

21 MR. GOLDWASSER: Turn the page.

22 A. Yes. On the back.

23 MR. GOLDWASSER: Don't get the
24 record messed up now until we put that page back.

25 A. I don't see any other notes by myself.

1 Q. Is that the last involvement you had with
2 Jill then?

3 A. As far as I know.

4 Q. Do you recall anything else about the
5 surgery or any discussions with any other physicians
6 regarding Jill Boltin either during or after the
7 surgery pertaining to her care or treatment?

8 A. No, I don't.

9 Q. Was there any discussion at any time in
10 your presence regarding potential for osteomyelitis
11 or the existence of osteomyelitis?

12 A. I don't have any recollection of such.

13 Q. You don't have any recollection of any
14 discussions regarding the pus other than it was there?

15 A. Correct.

16 MR. KAMPINSKI: Thank you.

17 MR. GOLDWASSER: Doctor, you are
18 free to go. Thank you.

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1 I have read the foregoing transcript from page 1
2 to page 26 and note the following corrections:

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4 PAGE: LINE: CORRECTION: REASON:

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17 NATHAN D. CHOMA, M.D.
Subscribed and sworn to before me this day
18 of , 1985.

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Notary Public

22 My Commission Expires:

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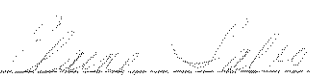
1 THE STATE OF OHIO,)
) SS: CERTIFICATE
2 COUNTY OF CUYAHOGA.)

3 I, Elaine Sabo, a Notary Public within and for
4 the State of Ohio, duly commissioned and qualified,
5 do hereby certify that NATHAN D. CHOMA, M.D., was by
6 me, before the giving of his deposition, first duly
7 sworn to testify the truth, the whole truth, and
8 nothing but the truth; that the deposition as above
9 set forth was reduced to writing by me by means of
10 Stenotypy and was subsequently transcribed into
11 typewriting by means of computer aided transcription
12 under my direction; that said deposition was taken at
13 the time and place aforesaid pursuant to notice and
14 agreement of counsel; and that I am not a relative or
15 attorney of either party or otherwise interested in
16 the event of this action.

17 IN WITNESS WHEREOF, I hereunto set my hand and
18 seal of office at Cleveland, Ohio, this 21st day of
19 November, 1985.

20

21


Elaine Sabo, RPR, Notary Public
Within and for the State of Ohio
540 Terminal Tower
Cleveland, Ohio 44113

24 My Commission Expires: October 20, 1986.

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1 I have read the foregoing transcript from page 1
2 to page 26 and note the following corrections:

<u>PAGE:</u>	<u>LINE:</u>	<u>CORRECTION:</u>	<u>REASON:</u>
15	2-4	MR. Goldwasser	I did not make the comment noted - Mr. Goldwasser did.

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NATHAN D. CHOMA, M.D.

Subscribed and sworn to before me this 7th day
of December, 1985.



Notary Public

RITA DREGALLA, Notary Public
State of Ohio, Cuyahoga County
My Commission Expires Oct. 5, 1987

My Commission Expires: