ው ርተ BRIAN W. GORTNEY, the Midland Building, Cleveland, a ct ք before me, the undersigned, Kelley E. Spears, the Ohio Rules of Civil Procedure, taken Plaintiffs D.M.D., a Defendant herein, called by the WESTERN RESERVE CENTER,) 0 ct p.m. I Notary Public a 1 . al., the offices of Reminger & Reminger, 1400 4th day of August, 2003, SA Deposition of E-Mail: bishassociates@neo.rr.com Defendants. Plaintiffs, ٠ ΙN BISH & ASSOCIATES, INC. 812 Key Building Akron, Ohio 44308-1303 (330) 762-0031 (800) 332-0607 FAX (330) 762-0300 for cross-examination pursuant THE COURT OF COMMON PLEAS STARK COUNTY, OHIO in and for the State NICHOLAS C. DIAMANTIS, I I I I) Case No. 2002 CVO 3755 I T Ohio, on Monday, at 5:40 ORIGINAL o'clock of Ohio, t 0 ۱ T

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Plaintiff's Exhibit No. ALSO PRESENT: **APPEARANCES:** Ву: By: On On Behalf of the Plaintiffs: Behalf of the Defendants: Ronald A. Mingus, Attorney at 1400 Midland Building 101 Prospect Avenue, West Cleveland, Ohio 44115-1093 J. Thomas Henretta, Attorney at Law 401 Quaker Square 120 E. Mill Street Akron, Ohio 44308 Gerald Leb Connie Gortney John F. Zak, M.D. Reminger & Reminger Law Offices of J. Thomas Henretta Exhibit Diamantis H NI I I U I ۱ 1 I 머니 1 \asymp Page:Line Law 4:8 \mathbb{N}

Q. Okay. Only face?	25
A. Uh-huh. Of cosmetic surgery.	24
the face?	23
Q. Okay. Not the hand, not the foot, just	22
committed to cosmetic surgery.	21
A. That is a subspecialty that is totally	20
Q. Okay. What is that, FAACS?	19
A. No, it is not.	18
reconstructive surgery?	17
${\it Q}_{{\scriptstyle \bullet}}$ Okay. Is that the same as plastic and	16
Cosmetic Surgery.	р 5
A. Fellow of the American Academy of	14
Q. What do know FAACS stands for?	1 3
A. Correct.	12
Q. M.D., FAACS, correct?	
A. Correct.	10
Q. Okay. You are Nicholas C. Diamantis?	9
BY MR. HENRETTA:	ω
CROSS-EXAMINATION	7
follows:	0
as hereinafter certified, deposed and said as	СЛ
Civil Procedure, being by me first duly sworn,	4
examination, as provided by the Ohio Rules of	ω
of lawful age, a Defendant herein, called for	Ν
NICHOLAS C. DIAMANTIS, D.M.D.	Ч

A. No, I have not.	N 5
professional negligence case?	24
Q. And when I say that, I mean in a	N W
A. No, I have not.	22
expert witness in a case?	21
Q. Did you have you ever served as an	20
A. Yes, it is.	19
curriculum vitae?	18
Q. All right. Is that your current	17
A. I do. I do. Correct.	16
said to Dr. Zak about questions and answers?	н С
Q. Now, again, Doctor, you remember what I	14
A. Correct.	μ ω
That's your curriculum vitae?	12
Q. Here, Doctor, is No. 11, all right.	
BY MR. HENRETTA:	10
was marked for identification.)	9
(Plaintiff's Exhibit Diamantis 11	ω
here.	T
MR. HENRETTA: Yes, just put it in	0
you want to mark it.	ഗ
MR. MINGUS: It's up to you whethe	4
do did we mark Dr. Zak's CV?	ω
Q. Such as liposuction? All right. Let	N
A. Uh-huh. And some body liposculpture.	لاسم

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that you disagree with or wanted to add to?
said in regard to treatment of Brian Gortney
Q. Okay. Was there anything that Dr. Za
A. Yes.
care. Do you share those views?
Zak discuss his opinions regarding standard o
Q. All right. Okay. Now, you heard Dr.
a medical degree.
A. No, I got a dental degree first and th
got a dentistry degree; is that correct?
before you went to dental school or before yo
Q. Okay. Now, you got your medical degre
A. Medical school and residency.
school?
Q. You guys knew each other in medical
A. Since the beginning of our practice.
Zak since when?
Q. All right. You've practiced with Dr.
A. I believe in '95, '94.
that?
Q. Okay. All right. And what year was
A. I was deposed.
Q. Did you testify in that case?
A. Yes.

N 5	24	2 3	N N	21	20	19	18	17	16	1 5	14	1 3	12	Ц Ч	10	9	∞	۲	on	<u>ர</u>	4	ω	N	<u>н</u>	
limiting it to what, maxillofacial?	Q. Okay. All right. Now, again, we're	A. Not in Ohio.	Q in Ohio for your specialty?	A. Sure.	certification in Ohio	Q. Okay. Is there a board, you know, board	documentation of continuing education.	procedures that I perform and I have multiple	certifications in ACLS, ABA, some of the other	I finished a fellowship and I have multiple	A. Yes. I'm certified that I took that	for your particular specialty?	Q. And how are there any certifications	A. Yes.	is it CME for medical?	we call continuing legal education, I think	Q. Now, along those lines, do you take what	A. Maxillofacial and the cosmetic portion.	want to call it the facial reconstruction?	you're going to concentrate on the I don't	take it just in this brief time I know you,	Q. You are concentrating then on the, I	dentistry, at least at this stage in my career.	A. I don't expect to plan on practicing	

N 5	24	23	22	21	20	19	18	17	16	15	14	1 ω	12	н Н	10	9	ω	7	<i></i> თ	ഗ	4	ω	N	E -	
though you went to Case Western Reserve	Q. All right. And all of your looks as	fellowship and that type of documentation.	decides that if you are worthy of such a	then there's a large board that reviews it and	in the specific areas that you operate on and	documentation of procedures that you have done	A. It's a tremendous amount of	is required?	need to do to get the FAACS certification that	Q. Okay. I'm just what is it that you	A. Yes, I have.	Dr. Armitage, have you read those reports?	those, Dr. Hussar, Dr. Hauser one and two, and	Q. Okay. Thus the name. Have you read	Cosmetic Surgery.	A. That is by the American Academy of	Q. Who issued that?	A. No, it is not.	Q. And is that by the state of Ohio?	A. Correct.	certification?	after your name, FACCS. Is that a	Q. How about the you had the letters	A. Uh-huh.	ŷ

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	4	Ν ω	22	21	20 Y	19		18 C	17 W	16	1 5 8	14	1 ω 	12	⊢⊥ ⊢┘	10 i	9 di	ω	7 r	o 	ى ى	4 v	ω	N	1 r	
s directly dependent on Dr. Diamantis' which	DR. ZAK:	MR. HENRETTA: Well, no.	ngoing.	MR. MINGUS: That case is still	ou mean I mean, this is just	MR. HENRETTA: Privilege of what?	. HENRETTA: Privilege of what	covered by privilege.	want to get into areas here that might be	MR. MINGUS: Okay. I just don't	urgery.	THE WITNESS: I consider that	MR. MINGUS: I	Q. Was that medicine or dentistry or	A. Surgical extraction of a tooth, correct.	ndividual?	lid you perform a tooth extraction on an	Q. Okay. March '98, okay. Now, you ran	ecollection of that.	A. That was prior to me. I have no	laced an order and his new partners.	tipulations says on March 4, '98 Dr. Sinclair	Q. Okay. It says one of the	A. No.	emember practicing with Dr. Sinclair?	ŀ

enough. I	Q. Okay. Fair enough. Fair e	N 5
	we had nothing to do with that.	24
the building so	[phonetic] who was the owner of the owner owner of the owner owner of the owner	2 3
Ragnamtum	A. Doctor or I'm sorry F	22
ign up there?	Q. Oh. Well, who put that sig	21
	started to practice.	20
ately when we	subsequently removed that immediat	19
d. We had	A. That was before we started.	18
	on	17
hat appears	characterize that relationship that	16
d you	Q. And Dr. Zak. So how would	1 5
	A. Yes, it is.	14
cholas?	Q. And is your first name Nich	13
	A. Correct.	12
T.F. Sinclair?	on a building with it looks like ?	
there's a sign	it's Exhibit 2, on this document t	10
u on, I think	here. I just want to show you	9
Well, did you	Q. Well, okay. All right. We	ω
	BY MR. HENRETTA:	7
	Ω Ν Φ Ι	5
solved, but the	DR. ZAK: That was res	G
	resolved?	4
matter was	going? I thought that criminal m	ω
case is still	MR. HENRETTA: Which c	N
	is still going.	⊢ ⊸∖
ц З		

gines.

1to comment on about thos2artful question, but do3findings and conclusions4experts and offered by t5A. I agree with Dr.6Q. Okay. Now, he di7you read them both?8A. Yes, I did.9Q. Are you in the po10conclusions drawn by the11Armitage, or not?12A. No, I'm not in a13Q. Okay. I want to14Doctor. Do you have any15with either Dr well,16relationship, if any, tc17A. There is no relat18Q. How about Dr. Hay19A. Strictly professi20Q. Okay. Older fell21established. I don't wa22he's older than you?23A. Who is that?24O. Hauser.
<pre>to comment on about tho artful question, but do findings and conclusion experts and offered by A. I agree with Dr. Q. Okay. Now, he d you read them both? A. Yes, I did. 9 Q. Are you in the p conclusions drawn by th Armitage, or not? A. No, I'm not in a Q. Okay. I want to Doctor. Do you have an with either Dr well relationship, if any, t A. There is no rela Q. How about Dr. Ha A. Strictly profess Q. Okay. Older fel established. I don't w he's older than you? A. Who is that?</pre>
<pre>1 to comment on about those? That's not artful question, but do you agree with findings and conclusions and opinions; A. I agree with Dr. Hauser's opini, Q. Okay. Now, he did those let you read them both? A. Yes, I did. Q. Are you in the position to opin conclusions drawn by the physician, Dr Armitage, or not? A. No, I'm not in a position to do Q. Okay. I want to treat you fair Doctor. Do you have any personal rela with either Dr well, what is your relationship, if any, to Dr. Armitage? A. There is no relationship. Q. Okay. Older felly, pretty well established. I don't want to say olde he's older than you?</pre>
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A. We see patients on separate days at	his own patients?	Like do you have your own patients and he has	Q. And how do you separate the patients?	A. Correct.	still practicing together?	patient load, if you will? You gentlemen are	Q. Okay. All right. Do you have your own	A. Both times.	Q. Both times?	A. General anesthesia.	type of anesthesia was used?	Q. What I didn't ask this earlier: What	ordinary.	nothing that stood out as being out of the	within the normal limits and there was really	and I believe that it went as well as could go	the surgical procedures Mr. Gortney had done	most of the treatment. I assisted Dr. Zak in	A. Sure. I think Dr. Zak fairly stated	I've heard a lot of testimony from Dr. Zak.	treating Brian Gortney, if you can recall?	of Brian Gortney? What was your role in	just tell us a little bit about your treatment	Q. Okay. Okay. Well, all right. Can you	16

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Nicholas C. Diamantis, D.M.D.

March 12, 2003

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[1] 14:8

Portion [1] 8:7

Reconstruction

8:6

Served

Separate

16:

[2]

16:22,25

Recollection

[1] 12:7

Name

9:3,11

Order

[1] 12:5

× 5. جندون ~~ ^ MUG-03-2003 SUN 09:54 AM WRC Spouse Place of Birth: Date of Birth: Home Address: Office Addresses: Cleveland, Ohio November 7, Vasiliki Diamantis 25865 Chaucer Court Westlake, Ohio 44145 440.779.0929 Canton, Ohio 44709 330.453.8570: Fax: Ridgewood Medical Building 3215 Cleveland Avenue, NW Professional Plaza South 7057 West 130th Street Parma Heights, Ohio 44130 440,845.555 Fax: 440.845.4556 St. Charles Court 14700 Detroit Avenue Lakewood, Ohio 44107 216.227.3333 Fax: 216.226.3700 Cosmetic and Maxillofacial Surgeon Nicholas C. Diamantis, MD, FAACS 1964 Curriculum Vitae 330,493.7392 FAX NO, 2162263700 SKEILUNVAC DIAMATIS P. 02 Sar

"mun		,									**************************************
1986 1987 1987 1988 1988 1998	Academic Honors and	 Facial Cosmetic C.W.R.U./ Baptist 	• Transmandibular Reconstruction Hospital, Groenigan, Netherlands	• Maxillofacial and Crai Hospital, Toluca, Mexico	• Oral & Max Hospitals/ Ve Center/ Metro	 General Surger Medical Center 	Postdoctoral Training:	1993-1995	1987-1991	1984-1987	Education:
Salute to White C.W.R.U Magna C National Dental F Dentistry Who's W Physicia	onors ar	etic and N otist Memoria	lar Reconstr nigan, Nether	and Cranialfacial :a, Mexico	Maxillofacial S Veteran's Adm etro Health Cente	y Internship / Metro Hea	Trainin	M.D.	D.D.S	B.S.	
Salute to Excellence, Kiwanis's Club, Clvd., Ohio White Award, Department of Anthropology, C.W.R.U., Cleveland, Ohio Magna Cum laude, C.W.R.U. Cleveland, Ohio National Dean's list Dental Honors Pilot Program, C.W.R.U. School of Dentistry, Cleveland, Ohio Who's Who in the U.S- National Registry Physician's Advisory Board of Ohio	nd Awards:	Facial Cosmetic and Maxillofacial Reconstruction Fellowship, C.W.R.U./ Baptist Memorial Hospital, Jacksonville, Florida	ruction Externship, C.W.R.U./ Groenigan rlands	lfacial Externship, C.W.R.U./ El Nino	Oral & Maxillofacial Surgery Residency, C.W.R.U./University Hospitals/ Veteran's Administration Hospital/ Mt. Sinai Medical Center/ Metro Health Center, Cleveland, Ohio	General Surgery Internship, C.W.R.U./University Hospitals, Mt. Sinai Medical Center/ Metro Health Center, Cleveland, Ohio	β <u>.</u>	C.W.R.U., School of Medicine, Ohio	C.W.R.U., School of Dentistry, Ohio	Case Western Reserve University, Ohio: Major-Biology + Anthropology	

Advanced Trauma Life Support

- Pediatric Advanced Life Support
- General Anesthesia Certificate (Ohio Association of Oral & Maxillofacial Surgeons)
- Advanced Cardiac Life Support
- Basic Life Support

Board Certification:

American Board of Oral and Maxillofacial Surgeons

Presentations:

- Case Western Reserve School of Dentistry, Professional Day, "Fracture of the Mandible in the Pediatric Population", Cleveland, Ohio, August 1987
- Ohio State Dental Association, "Physiologic Mouth Guards for Youth Athletics", Columbus, Ohio, September 1987
- University Hospitals, OMFS Conference, "Diagnosis and Surgical Management of Impacted Third Molar in the General Population," Cleveland, Ohio, August 1991
- University Hospital, OMFS Conference, "Diagnosis and Surgical Treatment of Mandibular Fracture," Cleveland, Ohio, February 1992
- University Hospitals, Anesthesia Grand Rounds, "Malignant Hyperthermia—In the Ambulatory Setting," Cleveland, Ohio, June 1992
- Case Western Reserve University School of Medicine, Family Medicine
 Conference, "Diagnosis and Treatment of Oral and Maxillofacial
 Infections for the Primary Care Physician," Cleveland, Ohio, July 1993
- Case Western Reserve School of Dentistry, Orthodontic Grand Conference, "Airway Obstruction Associated with Le Fort I Osteotomy Impaction," Cleveland, Ohio, January 1994
- Cincinnati University Medical School, National OMFS Resident Conference, "Le Fort I Advancement and Bilateral Saggital Split Osteotomies may alter Obstructive Sleep Apnea Indexes more Substantially than Uvulopalatalpharyngealplasty Alone," Cincinnati, Ohio, May 1995
- Veteran's Administration Hospital, Department of Surgery, "Diagnosis and Treatment of Maxillary and Mandibular Fractures," Wade Park, Ohio, August 1995
- Mt. Sinai Medical Center, Tri-City OMFS Conference, "Wound Healing; How does it Affect Maxillofacial Surgery?" Cleveland, Ohio, September 1995
- University Hospitals, Department of Emergency Medicine, " Maxillofacial Trauma and Infections", Cleveland, Ohio, October 1995

- Cleveland Dental Society, Mid-Winter General Dental Conference, "Indication and Techniques of Removal of Impacted Teeth", Independence, Ohio, December 1995
- Mt. Sinai Medical Center, Grand Rounds, "Diagnosis and Treatment of Naso-Orbital-Ethmoidal Fractures", Beachwood, Ohio, December 1995
- Henry Ford Hospital, North Eastern United States OMFS Resident Conference, "Peri-operative Management of the OMFS Patient", Detroit, Michigan, March 1996
- Metro General Health Center, North East Society of OMFS, "Resorbable Bone Plates—What are their Indications in Oral & Maxillofacial Surgery? Cleveland, Ohio, May 1996
- Baptist Medical Center, Continuing Education Course—Proctor, "The Evolution of Hair Transplantation for the 21st Century Male", Ponte Vedra, Florida, June 1997
- University Hospitals, OMFS Conference, "Dentoalveolar Trauma", Cleveland, Ohio, August 1998
- University Hospitals, OMFS Conference, "Maxillofacial Soft tissue Trauma", Cleveland, Ohio September 1998
- Lakewood Hospital-Cleveland Clinic, Department of Emergency Medicine, "Maxillofacial Trauma and Infections", Lakewood, Ohio, February 1999
- Athens School of Medicine, Department of Surgery, "Reconstruction of the Atrophic Mandible with The Transmandibular Implant System" Athens, Greece, May 1999
- University Hospitals, OMFS Conference, "Gun shot Wounds", Cleveland, Ohio, June 1999
- Bagley Surgery Center, Grand Rounds, "Adjunctive Procedures to Orthognathic Surgery, --How does it affect masticatory and aesthetic outcome?" Middleburgh Hts., Ohio, August 1999
- Hill and Dale's Center, General Dental Conference, "Oral Implant Reconstruction", Medina, Ohio, December 1999
- University Hospitals, OMFS Conference, "Cosmetic Maxillofacial Surgery", Cleveland, Ohio, March 2000
- Stark County Dental Association, "The Evolution of Orthognathic Surgery", Canton, Ohio, August 2000
- University Hospitals, OMFS Conference, "Salivary Gland Pathosis", Cleveland, Ohio, July 2001
- Aultman Hospital, Grand Rounds, "Masticatory and Respiratory dysfunction surgically corrected with Orthognathic Surgery", Canton, Ohio, June 2002
- Lakewood Hospital/Cleveland Clinic, Department of emergency Medicine, "Treatment of Maxillofacial Infections and Emergencies", Lakewood, Ohio, November 2002
- Jakewood Hospital/Cleveland Clinic, Grand Rounds, "The Evolution of Orthognathic Surgery", Lakewood, Ohio January 2003 (scheduled)

1993	1992	1991	1990	Continuing	• Assistant C Department c	Faculty App	 Lakewood Hc Mercy Medica Aultman Hos The Surgery 	<u>Hospital Ap</u>	• American So • American Ac	 American Ac International 	 Ohio Society Stark Count 	 American De American As American Co 	• American Me	Professiona
Treatment of NOE Fractures, Dr. Ponsik, Broadcasted Via Satellite, June	Branemark—Extra oral Implants, Dr. Johenson, Cleveland, Ohio, February	ACLS, University Hospitals, Cleveland, Ohio, July	Branemark Oral Implants, Dr. Yeugler, Cleveland, Ohio, June	ontinuing Education:	Assistant Clinical Professor: Case Western Reserve Center, Department of Oral and Maxillofacial Surgery, Cleveland, Ohio	Appointment:	Lakewood Hospital/Cleveland Clinic Health System, Lakewood, Ohio Mercy Medical Center, Canton, Ohio Aultman Hospital, Canton, Ohio The Surgery Center, Middleburg Hts., Ohio	Hospital Appointments:	American Society of Maxillofacial Surgeons American Academy of Hair Restoration Surgeons	American Academy of Cosmetic Surgery	Ohio Society of Oral and Maxillofacial Surgeons Stark County Dental Society	American Dental Association American Association of Oral and Maxillofacial Surgeons American College of Oral and Maxillofacial Surgeons	American Medical Association	Professional Memberships:

1999	1998	1998	1998	1998	1998	1998	1997	1997	1997	1997	1996	1997	1996	1995	1995	1994
Safe and Effective use of Anesthesia for Outpatient Oral and Maxillofacial Surgery, Cincinnati, July	Maxillofacial Soft Tissue and Osseous Reconstruction, Dr. Kaltman, Cleveland, Ohio, May	Surgery for Implant Reconstruction of the Compromised Maxilla and Mandible, Dr. Moy, Cleveland, Ohio, May	Creating Predictable Dental Implant Success, Dr. Finley, Beachwood, Ohio, February	Street Drugs, Akron Dental Society, Dr. Sullivan, Akron, Ohio, December	Basic Life Support, Fairview Hospital, Rocky River, Ohio, Nov.	ACLS, Fairview Hospital, Rocky River, Ohio, Nov.	Rhinoplasty for the Oral and Maxillofacial Surgeon, Dr. Helman, Ann Harbor, Michigan, June	Clinical Use of the CO2 Laser in Cosmetic Skin Resurfacing, Dr. Stein, Jacksonville, May	Transmandibular Implant System Workshop, Dr. Powers, Cleveland, Ohio, April	Oral Pathology, Dr. Silverman, Cleveland, Ohio, April	ACLS, University Hospital, Cleveland, Ohio, Nov.	Oral and Maxillofacial Surgery Comprehensive Review Course, LSU, November	Dental Implantology, Steri-oss, Cleve., Ohio, April	Dental Implantology, Dr. Hahn, Cleveland, Ohio, April	CO2 Surgical Laser Technique and Applications, Dr. Wooten, Cleveland, Ohio, November	Northeast Ohio Society of Oral & Maxillofacial Surgeons Meeting, Dr. Sleimann, "Gingival Procedures for the Aesthetic Zone of Maxillary Implants", March

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2002	2002	2002	2002	2002	2001	2001	2000	2000	2000	2001	2000	1999
Practical Approach to the Diagnosis and Management of Temporomandibular Disorders,	Renaissance Study Club, Astra Dental Implants, Dr. Franzen, May	Straumann ITI Implant Seminar, Dr. Schneider, Medina, Ohio, March	Diagnosis and Treatment of Medical Emergencies in the Dental Setting, Dr. Smith, Lakewood, Ohio, February	Orthodontics: Incipient Orthodontic Problems, Diagnosis and Treatment Planning, Stark County Dental Society, January	Pediatric Plastic Surgery, Cleveland Clinic Foundation, September	Perianesthetic Complications in the Office Prevention, Diagnosis and Management, Ohio Society of Oral and Maxillofacial Surgeons, July	Cosmetic Surgery, Department of Dermatology, Harvard University, Boston, Massachusetts, October	Pediatric Trauma, Lakewood Hospital/Affiliations, Lakewood Emergency Department, Toledo, Ohio, September	International Society of Hair Transplantation, Dr. Unger, August	Update in the Diagnosis and Management of Oral and Maxillofacial Pathology, Ohio Society of Oral and Maxillofacial Surgeons, July	Oral and Maxillofacial Surgery Faculty Presentation, C.W.R.U., Department of OMFS, April	Aesthetic and Facial Plastic Surgery, Dr. Terino, New Port Beach, California, June