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Last Name	<i>Eg. Haglone</i>
First Name	<i>Josephine</i>
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Party	Plaintiff <input checked="" type="checkbox"/>
Date (format =99/99/9999)	<i>12/9/03</i>
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<p>Page 1</p> <p>1 IN THE COURT OF COMMON PLEAS 2 OF CUYAHOGA COUNTY, OHIO 3 ----- 4 JESSE HATFIELD, et al., 5 Plaintiffs, 6 vs. Case No. CV-03-502766 7 PARMA COMMUNITY GENERAL 8 HOSPITAL, et al., 9 Defendants. 10 ----- 11 DEPOSITION OF JOSEPHINE GAGLIONE, L.P.N. 12 TUESDAY, DECEMBER 9, 2003 13 ----- 14 Deposition of JOSEPHINE GAGLIONE, 15 L.P.N., a Witness herein, called by the 16 Plaintiffs for examination under the statute, 17 taken before me, Cynthia A. Sullivan, a 18 Registered Professional Reporter and Notary 19 Public in and for the State of Ohio, pursuant to 20 notice and stipulations of counsel, at the 21 offices of Parma Community General Hospital, 22 7007 Powers Boulevard, Parma, Ohio, on the day 23 and date set forth above, at 1:00 p.m. 24 ----- 25</p>	<p>Page 2</p> <p>1 APPEARANCES: 2 On behalf of the Plaintiffs: 3 Becker & Mishkind Co., LPA, by 4 JACQUELINE TRESL, ESQ. 5 Skylight Office Tower 6 1660 West Second Street 7 Suite 660 8 Cleveland, Ohio 44113 9 (216) 241-2600 10 11 On behalf of the Defendant Parma Community 12 General Hospital: 13 Weston, Hurd, Fallon, Paisley & Howley, by 14 DANIEL A. RICHARDS, ESQ. 15 2500 Terminal Tower 16 50 Public Square 17 Cleveland, Ohio 44113 18 (216) 687-3321 19 On behalf of the Defendant Dr. Bertin: 20 Reminger & Reminger, by 21 ERIN SIEBENHAR HESS, ESQ. 22 1400 Midland Building 23 101 West Prospect Avenue 24 Cleveland, Ohio 44115 25 (216) 687-1311 16 ALSO PRESENT: 17 Monica English 18 ----- 19 20 21 22 23 24 25</p>	<p>Page 3</p> <p>1 JOSEPHINE GAGLIONE, L.P.N., of lawful 2 age, called for examination, as provided by the 3 Ohio Rules of Civil Procedure, being by me first 4 duly sworn, as hereinafter certified, deposed 5 and said as follows: 6 EXAMINATION OF JOSEPHINE GAGLIONE, L.P.N. 7 BY MS. TRESL: 8 Q. Joyce, we met earlier. You said it 9 was okay if I called you Joyce? 10 A. Yes. 11 Q. You can call me Jackie. Please feel 12 free. You understand that I represent the 13 Hatfields? 14 A. Uh-huh. 15 Q. I believe you told me you have never 16 had your deposition taken before. I'm going to 17 give you a few ground rules. Just now you shook 18 your head no. If I ask you a question, if you 19 could, say yes or no so that Cynthia can put it 20 down on the record. She's making a written 21 record of everything that we say, so you need to 22 talk loudly and say yes, no, and okay so that 23 she can get that. 24 A. Okay. 25 Q. You understand that you're under</p>	<p>Page 4</p> <p>1 oath, so you need to tell the truth? 2 A. Yes. 3 Q. I need you to let me finish asking 4 my question before you answer; okay? 5 A. Okay. 6 Q. I will try to give you the same 7 courtesy, to let you finish the answer. I may 8 look as if I'm waiting a little bit, but I just 9 want to make sure that you have had enough time 10 to answer my question. 11 A. Okay. 12 Q. If you don't understand a question 13 for any reason, please stop me, and tell me you 14 don't understand it; okay? 15 A. Okay. 16 Q. If you answer, I'm going to assume 17 that you understood the question; okay? 18 A. Okay. 19 Q. For the record, would you state your 20 name and address, please? 21 A. Josephine Gaglione, 5640 East 141st 22 Street in Maple Heights, Ohio. 44137 is my Zip. 23 MS. HESS: I'm sorry. Could you 24 spell your last name? 25 THE WITNESS: Gaglione,</p>
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<p>1 G-A-G-L-I-O-N-E.</p> <p>2 Q. Tell me, where are you employed,</p> <p>3 Joyce?</p> <p>4 A. Parma Community General Hospital.</p> <p>5 Q. In what capacity?</p> <p>6 A. I'm a licensed practical nurse on</p> <p>7 the sixth floor.</p> <p>8 Q. How long have you been an LPN?</p> <p>9 A. 20 years.</p> <p>10 Q. Where did you graduate from LPN</p> <p>11 school?</p> <p>12 A. Marymount LPN School in Garfield.</p> <p>13 Q. That would have been in about 1982?</p> <p>14 A. '73. I graduated from the LPN</p> <p>15 school in '73.</p> <p>16 Q. How long have you been employed at</p> <p>17 Parma General?</p> <p>18 A. 20 years.</p> <p>19 Q. Always on the sixth floor?</p> <p>20 A. No. Maternity and then I floated</p> <p>21 and then the sixth floor.</p> <p>22 Q. How long have you been on the sixth</p> <p>23 floor?</p> <p>24 A. Six or seven years.</p> <p>25 Q. Do you work full time?</p>	<p>1 at the records?</p> <p>2 A. Yes. They will be, yes, from</p> <p>3 looking at the records.</p> <p>4 Q. Do you have any independent</p> <p>5 recollection of anything, his wife or his</p> <p>6 family?</p> <p>7 A. No, I do not.</p> <p>8 MR. RICHARDS: Let her finish the</p> <p>9 question.</p> <p>10 Q. That's fine. Do you remember any</p> <p>11 conversations with any physicians related to</p> <p>12 this case?</p> <p>13 A. No, I do not.</p> <p>14 Q. What have you reviewed for today's</p> <p>15 deposition?</p> <p>16 A. The chart.</p> <p>17 Q. That would be Mr. Hatfield's medical</p> <p>18 records?</p> <p>19 A. Yeah, Mr. Hatfield's chart.</p> <p>20 Q. From his stay at Parma during this</p> <p>21 period of time?</p> <p>22 A. Yes.</p> <p>23 Q. Did you review any records</p> <p>24 concerning before his admission?</p> <p>25 A. No, I did not.</p>
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<p>1 A. I used to. I work part time now.</p> <p>2 Q. At the time of this, which was</p> <p>3 August of 2002, you were employed full time or</p> <p>4 part time?</p> <p>5 A. I was employed full time.</p> <p>6 Q. What was your shift, or did you do</p> <p>7 various shifts?</p> <p>8 A. 3:00 to 11:00 shift.</p> <p>9 Q. The first two weeks of August of</p> <p>10 2002 you were working full time evening shift?</p> <p>11 A. Yes, I was.</p> <p>12 Q. Tell me what sort of patients you</p> <p>13 have on the sixth floor.</p> <p>14 A. Medical-surgical patients, older</p> <p>15 patients, more geriatric.</p> <p>16 Q. But you get some young patients as</p> <p>17 well?</p> <p>18 A. Yeah. Yes, we do.</p> <p>19 Q. You get a mix of patients?</p> <p>20 A. We get a mix of patients, yeah.</p> <p>21 Q. Do you remember Mr. Hatfield</p> <p>22 separate from reviewing the records?</p> <p>23 A. No, I do not.</p> <p>24 Q. So everything that you tell me today</p> <p>25 in answer to my questions will be from looking</p>	<p>1 Q. Did you review any policies or</p> <p>2 procedures for today's deposition?</p> <p>3 A. No.</p> <p>4 Q. Did you talk to any doctors or</p> <p>5 nurses before you came?</p> <p>6 A. No.</p> <p>7 Q. That's okay. So you've not</p> <p>8 discussed with Dr. Bertin that your deposition</p> <p>9 was going to be taken today?</p> <p>10 A. No.</p> <p>11 Q. Did you discuss with Laura Schneider</p> <p>12 that your deposition was going to be taken</p> <p>13 today?</p> <p>14 A. No.</p> <p>15 Q. Were you aware that Laura's</p> <p>16 deposition was going to be taken today?</p> <p>17 A. Yes.</p> <p>18 Q. How did you know that?</p> <p>19 MR. RICHARDS: Objection, just to</p> <p>20 the extent that -- well, I mean, I told her, so</p> <p>21 it would have been --</p> <p>22 Q. Laura didn't tell you?</p> <p>23 A. No.</p> <p>24 Q. That's what I'm trying to establish.</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q. Did you talk to your head nurse 2 about the fact that you were having your 3 deposition done today? 4 A. I think I told her that I was going 5 to have a deposition because she gave me the 6 paper to come see Monica, yeah. 7 Q. Are you BLS certified, basic life 8 support certified? 9 A. CPR? 10 Q. Yes. 11 A. Yes, I am. 12 Q. Do you have any other certifications 13 above and beyond your licensing for practical 14 nursing? 15 A. My pharmacology to pass meds. 16 Q. Can you pass PO meds as well as IV 17 meds? 18 A. I can only pass PO meds. I don't 19 have an IV certificate. 20 Q. Let's just narrow it into this 21 period of time, the first two weeks of August. 22 What were your duties and responsibilities on 23 3:00 to 11:00? 24 A. Take care of the patients, medicate 25 them, keep them comfortable, you know, change</p>	<p style="text-align: right;">Page 11</p> <p>1 when there's a problem or whatever, and then the 2 RN takes over. 3 Q. In this case was that RN Laura? 4 A. Yes. 5 Q. Would Laura typically have been the 6 one doing the assessments? 7 A. Yes. She would have. 8 Q. Your role was never just to have two 9 or three patients that you assessed on your own, 10 but it was always as part of the team with the 11 RN doing the assessment; correct? 12 A. Right. Correct. 13 Q. From looking at the record, did you 14 remember anything that you had not remembered 15 prior? 16 A. No, I didn't. 17 Q. You don't remember anything about 18 visually what Mr. Hatfield's arm looked like -- 19 A. No. 20 Q. -- from reviewing the record? 21 A. No, I don't. 22 Q. Do you want to maybe get the record, 23 or do you think you know it enough to just 24 answer my questions? 25 A. I better look.</p>
<p style="text-align: right;">Page 10</p> <p>1 dressings, do glucometers, report to my RN if 2 there was anything, you know, wrong. 3 Q. Was one of your roles to do patient 4 assessments? 5 A. No, not on the sixth floor. 6 Q. Who was responsible for doing 7 patient assessments? 8 A. The RNs. 9 Q. Do you know who the RN was on these 10 three days that we're going to talk about which 11 was -- let me narrow this down for you. I'm 12 going to ask you about primarily August 6th to 13 August 8th. August 6th is when the records 14 indicate that Mr. Hatfield's arm became swollen, 15 and the 8th is when he had his surgery. 16 A. Okay. 17 Q. So do you know from reviewing the 18 records who your charge nurse was? 19 A. My charge nurse would have been 20 Corrine. I'm not sure who was on. I worked 21 with Laura, the RN Laura. I know that for sure. 22 Q. What was her role relative to you in 23 terms of who you report to and who is doing the 24 assessments? That's what I'm after. 25 A. The LPNs always report to the RN</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. RICHARDS: Let's look at it. 2 MS. HESS: Could we go off for a 3 second? 4 MR. RICHARDS: Sure. 5 (Discussion off the record.) 6 (Brief recess.) 7 Q. Since you don't have any independent 8 recollection, and since you just reviewed your 9 records, why don't you tell me from reading that 10 what it looks like your intervention was on the 11 6th there with him? 12 A. You want me to go to the 6th? 13 Q. Yes. Let's start at the 6th on my 14 numbered page 48 of 129, and I'm not sure that 15 you're going to be at the same numbering as me. 16 A. I'm getting there. 17 Q. At 1620? 18 MR. RICHARDS: Can I interrupt for 19 one second? Why don't we use Jackie's set. 20 That way you'll be comparing apples to apples 21 and Erin will, too. That way you can refer to 22 the same place. Is that okay, Jackie? 23 MS. TRESL: Sure. 24 MR. RICHARDS: That's great. That's 25 easier.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. I'm looking up here (indicating). 2 If we go backwards, it looks as if your first 3 notation there is at 1620; is that correct? 4 A. Right. On 8-6 at 1620. 5 Q. From reviewing that record, would 6 you have been the one that documented the 7 precipitating factors being the right arm? What 8 I'm trying to determine, Joyce, is I'm assuming 9 that everything below there until we get to LB 10 you documented; is that correct? 11 A. I'm not on here. 12 Q. Perhaps not. Let me show you what 13 I'm after. This is the little period of time 14 that I wanted to ask you about (indicating). 15 A. Page 48? 16 Q. Right, 48 from there to there 17 (indicating). Just so I get familiar with how 18 the records are set up, everything from here 19 down you documented until we get to LB with the 20 other dark line; is that correct? 21 A. Yeah. JG, yeah, this is the pain 22 screen. I medicated him at 1620 for his right 23 arm. He expressed it verbally. See, it says 24 pain location arm. Then it says specify, and 25 then I wrote right. Pain type, acute, and I</p>	<p style="text-align: right;">Page 15</p> <p>1 A. No, I do not. 2 Q. That was your job, so to speak, on 3 the 6th. Then if we look to page 49, it looks 4 like you come back again at 1800 which is 6:00; 5 correct? 6 A. Correct. 7 Q. I'm reading here that you commented, 8 patient states that pain is less if he does not 9 move his arm; is that correct? 10 A. Yes. That's correct. 11 Q. You would have written that note? 12 A. Yes. 13 Q. But again, you have no recollection 14 of that? 15 A. No. 16 Q. Does that mean just exactly what it 17 says? There's nothing else there that you're 18 referring to other than he tells you if he keeps 19 his arm still it doesn't hurt as badly? 20 A. Correct. 21 Q. Now, if we turn to page 55 of 129, 22 it looks like you cared for him again the 23 following evening; is that correct? 24 A. Where at? 25 Q. 55 of 129. We're on this side</p>
<p style="text-align: right;">Page 14</p> <p>1 medicated him with a Darvocet, one tab PO. Then 2 my intervention was to elevate his arm and apply 3 ice per doctor's order. 4 Q. Does that mean that you did that in 5 addition to giving him Darvocet? When I read 6 alternative, it almost sounds like you had a 7 choice between Darvocet and ice, but based on 8 this you're saying that you gave him a Darvocet 9 and elevated his arm and applied ice? 10 A. I did both, yeah. 11 Q. Actually, you did all three; is that 12 correct? 13 A. All three. I medicated him, and I 14 had his arm up on pillows with ice. 15 Q. How do you know that's pillows as 16 opposed to a sling and an IV pole or something? 17 A. Because I usually write per doctor's 18 orders if I see the orders if I'm taking care of 19 the patient, usually on the cardex when we 20 review them during the report, and I write it on 21 my paper. So then I'll write it here as a 22 measure to maintain the order, the doctor's 23 order. 24 Q. You have no recollection of this at 25 all other than what you see in front of you?</p>	<p style="text-align: right;">Page 16</p> <p>1 (indicating). 2 A. Okay. 1630, correct. 3 Q. Again, what was your role at 1630? 4 A. To medicate the patient. 5 Q. If you can't tell me or if you don't 6 really know, just tell me, and that's fine, but 7 do you have any recollection of why this time 8 you chose Vicodin as opposed to Darvocet? 9 A. The order must have been changed. 10 Q. Let's take a quick look if this was 11 that or an independent decision on your part, if 12 you had an either/or. Do you routinely look at 13 doctor's orders? 14 A. No. 15 Q. I'm trying to get a sense because 16 you don't remember. I think it's fair to say 17 that the Vicodin we could say is stronger than 18 the Darvocet, so I'm looking to see if you -- 19 A. See, this would have been in my 20 cardex. 21 Q. What you're saying there is that the 22 doctor ordered his arm up on pillows? 23 A. Right, and then a sling and an ice 24 pack, yeah. So we get that on our cardex when 25 we're in report, so I just follow the doctor's</p>

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1 orders. Here's the Vicodin.
2 Q. Tell me, what date was that Vicodin
3 ordered?
4 A. The 7th. Is that the 7th? Yeah.
5 Q. Prior to that then just from looking
6 at this it looks like he was on Darvocet?
7 A. Right.
8 Q. What date was he on the Darvocet?
9 A. The 6th.
10 Q. Is it your understanding, being a
11 nurse who administers medication, that Vicodin
12 is stronger than Darvocet?
13 A. Yes, it is.
14 Q. Do you know why that is?
15 A. I think Vicodin has codein in it.
16 Q. Darvocet does not?
17 A. No. I don't think Darvocet has
18 codein in it.
19 Q. Going back to that same record,
20 elevate right arm and ice, again, that's the
21 same thing we talked about earlier, and this
22 time you mentioned the sling?
23 A. Yes.
24 Q. Now, if we flip over to 2100, which
25 is 9:00 on page 56 of 129 --

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1 A. 56.
2 Q. -- and it's going to be the right
3 column. Tell me what's going on there, what
4 your job is there.
5 A. I'm medicating the patient again
6 with Vicodin. He must have verbally complained
7 to me, and I medicated him with Vicodin. I gave
8 him Vicodin ES, 1.5 tabs per pharmacy, doctor's
9 order, and then I elevated his arm with ice and
10 put it in a sling with pillows.
11 Q. Is there anywhere that we see where
12 you typically document if the pain medication
13 was effective or not? Do you follow up with the
14 patient?
15 A. Yes, I do. With the Darvocet, I did
16 on that one.
17 Q. Can you refer me to that? I should
18 have asked you sooner. I apologize.
19 A. That's all right.
20 Q. That would be what, page 48, I
21 believe. Yes, Darvocet on page 48 of 129.
22 A. I'm coming.
23 Q. You're doing fine.
24 MR. RICHARDS: What's the time of
25 the entry, Jackie?

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1 MS. TRESL: 1620 is the time that she
2 gave the Darvocet.
3 A. It would be more like in the evening
4 when I go back in the room I would ask the
5 patient. Here it is (indicating). It was this
6 one. At 1800 here, this is I took him to the
7 bathroom, and that's what I must have asked him,
8 you know. And I wrote, patient states the pain
9 is less if he doesn't move his arm.
10 Q. Then when you ask him is the pain
11 level acceptable to the patient, do you verbally
12 ask him, do you have some relief there? You
13 document that up above there.
14 A. Uh-huh. I usually ask them if the
15 pain medication works. If they say yes or no --
16 if they say no, you then tell the RN.
17 Q. Do we see any follow-up then when
18 you give the Vicodin on the 7th?
19 A. What page?
20 Q. 55 of 129. I'm just trying to get a
21 sense if he had relief from the pain or not.
22 That's really what I'm after. At 1630 on page
23 55 of 129 you medicated him with Vicodin.
24 A. Right.
25 Q. At 1630 do we see anywhere that you

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1 followed up?
2 A. I don't think I did. Sometimes --
3 Q. Sometimes -- go ahead.
4 A. Sometimes the RN will go in. When
5 she's going in, she'll ask, and she might chart
6 it. I'm not sure if she did or not.
7 Q. I can ask Laura about that when she
8 comes in. Then when you medicated him again at
9 2100, do we see anywhere that you followed up
10 and said if his pain was better or not?
11 A. No. I didn't follow up on that.
12 Q. Am I correct that you did not have
13 that same role with him on the following day, on
14 the 8th; is that correct?
15 A. I did not have him on the 8th. I do
16 not see my name anywhere.
17 Q. When is the next time that you had
18 him, if you know?
19 A. I think that's it.
20 Q. That's it?
21 A. Our districts get moved when we're
22 off a day or two.
23 Q. I notice here that oftentimes from
24 the 6th on Mr. Hatfield's blood pressure was
25 being taken by his leg.

<p style="text-align: right;">Page 21</p> <p>1 A. Correct.</p> <p>2 Q. Can you explain to me about that?</p> <p>3 A. If you cannot use both arms, okay,</p> <p>4 then you have to take a blood pressure on the</p> <p>5 leg. It's just what you do.</p> <p>6 Q. I notice that it switched back and</p> <p>7 forth from different legs; is that correct?</p> <p>8 A. Yes, so that you don't keep using</p> <p>9 the same leg for circulation.</p> <p>10 Q. Can you tell from looking at the</p> <p>11 records that Mr. Hatfield also had a</p> <p>12 hemodialysis AV shunt? Tell me from looking at</p> <p>13 the records if that appears to be correct and</p> <p>14 what you determine from reviewing them.</p> <p>15 A. Well, I see Laura charted that he</p> <p>16 had a shunt in his left arm.</p> <p>17 Q. You do not draw any blood work being</p> <p>18 an LPN?</p> <p>19 A. No, I do not.</p> <p>20 Q. Does the RN draw any blood work?</p> <p>21 A. Not on our floor, no.</p> <p>22 Q. If a phlebotomist had a hard stick,</p> <p>23 then that phlebotomist doesn't come and ask the</p> <p>24 RN to come out and draw the blood as far as you</p> <p>25 know?</p>	<p style="text-align: right;">Page 23</p> <p>1 A. No, I do not.</p> <p>2 Q. You have no recollection from</p> <p>3 looking at the records what the site looked</p> <p>4 like?</p> <p>5 A. No, I do not.</p> <p>6 Q. Do you have any understanding as we</p> <p>7 sit here today of what caused the injury?</p> <p>8 MR. RICHARDS: Objection.</p> <p>9 A. No, I do not.</p> <p>10 Q. Do you understand what the injury</p> <p>11 was? That's fine. You can answer anyway.</p> <p>12 A. No, I do not.</p> <p>13 Q. Do you have any memory of</p> <p>14 Mr. Hatfield going down for a CAT scan?</p> <p>15 A. No.</p> <p>16 Q. Do you have any memory of seeing</p> <p>17 Drs. Bertin or Chang on the floor?</p> <p>18 A. No.</p> <p>19 Q. Do you know Dr. -- I want to say</p> <p>20 Mowkie, but your attorney -- Mowrie?</p> <p>21 MR. RICHARDS: Mow, I think.</p> <p>22 A. Maung.</p> <p>23 Q. Do you know Dr. Maung?</p> <p>24 A. He's the house doctor.</p> <p>25 Q. Tell me what Dr. Maung does for you</p>
<p style="text-align: right;">Page 22</p> <p>1 A. No. Not unless they have that line,</p> <p>2 no. The RNs don't draw from the arms on our</p> <p>3 floor.</p> <p>4 Q. Are you involved at all in the</p> <p>5 hemodialysis?</p> <p>6 A. No, I am not.</p> <p>7 Q. Are you involved at all in bringing</p> <p>8 the patients back from hemodialysis?</p> <p>9 A. Yes, LPN, RN, aide.</p> <p>10 Q. When you admit them back, do you do</p> <p>11 an assessment of them?</p> <p>12 A. The LPN and the aide gets the vital</p> <p>13 signs.</p> <p>14 Q. Then the RN comes in and does the</p> <p>15 assessment?</p> <p>16 A. Yes, of the arm.</p> <p>17 Q. Where is the hemodialysis done</p> <p>18 relative to the sixth floor?</p> <p>19 A. I think on the ninth floor.</p> <p>20 Q. So the patient goes up and comes</p> <p>21 back down?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Can you tell from the record, and I</p> <p>24 think that I probably should ask Laura this,</p> <p>25 about how the injury was first noted?</p>	<p style="text-align: right;">Page 24</p> <p>1 on 3:00 to 11:00, what his duties are relative</p> <p>2 to patient care.</p> <p>3 A. If there's a problem and I report to</p> <p>4 the RN, then the RN calls the house doctor to</p> <p>5 come, you know, do an assessment. I really</p> <p>6 don't have anything as an LPN -- only the RN</p> <p>7 calls the doctor.</p> <p>8 Q. You know Dr. Maung? If you saw he</p> <p>9 or she in the hallway, you would know them?</p> <p>10 A. Yes, I would.</p> <p>11 Q. Let me just look at my notes here</p> <p>12 quickly, and we may be done.</p> <p>13 Is there anything that we have not</p> <p>14 talked about that you may remember that I have</p> <p>15 not asked you about, something that stands out</p> <p>16 when you talk to your attorney or review the</p> <p>17 records?</p> <p>18 A. No, but I would like to make a</p> <p>19 correction. When you asked me about Laura, the</p> <p>20 one day that Laura was working, I asked her</p> <p>21 about did she get called for a deposition. I</p> <p>22 didn't know about the case, if she knew anything</p> <p>23 or anything.</p> <p>24 Since I swore, she says, yeah, but</p> <p>25 she says, we're not allowed to talk about it.</p>

6 (Pages 21 to 24)

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1 So I did want to say that I did ask her, you 2 know, did you know this Jesse person. 3 Q. What did she say? 4 A. She said we're not allowed to talk 5 about it. 6 Q. Did she know this Jesse person? 7 A. I don't know. She just said we're 8 not allowed to talk about it. 9 Q. Just let me review this. I thank 10 you for that. Let me just ask about his 11 activity level, and I think we'll be done. 12 I'm assuming you don't remember, so 13 by looking at the records, can you tell how 14 ambulatory Mr. Hatfield was? 15 A. What page? 16 Q. Whatever page you want. 17 A. One time I took him to the bathroom. 18 I remember reading that from my notes. 19 Q. Can you tell anything from taking 20 him to the bathroom, if you had to assist him 21 with your arm or he had a wheelchair? 22 A. I don't know. 23 Q. Just take your time. 24 A. I took him to the bathroom on one of 25 these (indicating). Do you have the page?	1 AFFIDAVIT 2 I have read the foregoing transcript from 3 page 1 through 26 and note the following 4 corrections: 5 PAGE LINE REQUESTED CHANGE 6 7 8 9 10 11 12 13 14 15 16 17 18 JOSEPHINE GAGLIONE, L.P.N. 19 20 Subscribed and sworn to before me this 21 _____ day of _____, 2003. 22 23 24 _____ 25 My commission expires _____, Notary Public
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1 Q. I don't. I don't actually. 2 A. Here is the one (indicating). 3 Q. What page? 4 A. Page 49. I took him to the 5 bathroom. That's my initials. 6 Q. I see where it says per bathroom 7 with assist. 8 A. Right. 9 Q. He was continent of bowels, so you 10 took him up to move his bowels; yes? 11 A. Yes, and he voided, too. It says 12 that he voided. 13 Q. It says 100 cc's. Relative to when 14 it says assist, do you have any recollection of 15 whether it was your arm or was it a cane or did 16 you just accompany him? Can you tell anything 17 from that note? 18 A. No. Just that I took him to the 19 bathroom with assist. 20 MS. TRESL: Unless Erin has 21 questions, I think we're done. 22 MR. RICHARDS: We'll read it. 23 (Deposition concluded at 1:45 p.m.) 24 (Signature not waived.) 25 - - - -	1 CERTIFICATE 2 3 State of Ohio,) 4) SS: 5 County of Cuyahoga.) 6 7 8 9 I, Cynthia A. Sullivan, a Notary Public 10 within and for the State of Ohio, duly 11 commissioned and qualified, do hereby certify 12 that the within named JOSEPHINE GAGLIONE, L.P.N. 13 was by me first duly sworn to testify to the 14 truth, the whole truth and nothing but the truth 15 in the cause aforesaid; that the testimony as 16 above set forth was by me reduced to stenotypy, 17 afterwards transcribed, and that the foregoing 18 is a true and correct transcription of the 19 testimony. 20 I do further certify that this deposition 21 was taken at the time and place specified and 22 was completed without adjournment; that I am not 23 a relative or attorney for either party or 24 otherwise interested in the event of this 25 action. I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D). IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 15th day of December 2003. Cynthia A. Sullivan Cynthia A. Sullivan, Notary Public Within and for the State of Ohio My commission expires October 6, 2006.

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