

Doc.  
1551                    IN THE COURT OF COMMON PLEAS2                    CUYAHOGA COUNTY, OHIO3            BARBARA GRASGREEN,            )  
4            Executrix of the Estate) )  
5            of Arthur Grasgreen,            )  
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-vs-

JUDGE GRIFFIN  
CASE NO. 263268MERIDIA HILLCREST            )  
HOSPITAL, et al.,            )  
Defendants.)

- - - -

Deposition of ANN GENOVESE, taken as if upon  
cross-examination before Susan M. Cebron, a  
Registered Professional Reporter and Notary  
Public within and for the State of Ohio, at the  
Meridia Hillcrest Hospital, 6780 Mayfield Road,  
Mayfield Heights, Ohio, at 9:35 a.m. on  
Wednesday, May 25, 1994, pursuant to notice  
and/or stipulations of counsel, on behalf of the  
Plaintiff in this cause.

- - - -

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1       APPEARANCES:

2           Dale P. Zucker, Esq.  
3           Zucker & Trivelli  
4           600 Standard Building  
            Cleveland, Ohio 44113  
            (216) 694-3055,

5                   On behalf of the Plaintiff;

6           Andrew S. Pollis, Esq.  
7           Hahn, Loeser & Parks  
8           3300 BP America Building  
            200 Public Square  
            Cleveland, Ohio 44114  
            (216) 621-0150,

9                   On behalf of the Defendant  
10                  Meridia Hillcrest Hospital;

11       ALSO PRESENT:

12           Carlyle A. Kane

13                   - - - -

1           ANN GENOVESE, of lawful age, called by  
2           the Plaintiff for the purpose of  
3           cross-examination, as provided by the Rules of  
4           Civil Procedure, being by me first duly sworn,  
5           as hereinafter certified, deposed and said as  
6           follows:

7           CROSS-EXAMINATION OF ANN GENOVESE

8           BY MR. ZUCKER:

9   Q.   Ann, my name is Dale Zucker and I represent the  
10       Grasgreen family in a lawsuit that's been  
11       brought against, the hospital, and I am sure you  
12       had an opportunity to meet with Mr. Pollis and  
13       had explained to you the format of the  
14       deposition.

15           I'll be asking you questions and if for any  
16       reason you don't understand a question that I  
17       ask, you will make sure that I clarify it for  
18       you and you will understand the question before  
19       you answer it, okay?

20   A.   Okay.

21   Q.   If you do answer a question I will assume that  
22       you understood it and that you are telling the  
23       truth, okay?

24   A.   Okay.

25   Q.   How long have you been working at the hospital?

1 A. It will be 13 years.

2 Q. How long have you been in CCU?

3 A, 13 years.

4 Q. Okay. The subject matter of this lawsuit  
5 occurred on May 21st, 1993, May 22, 1993. Are  
6 you aware of that?

7 A. No.

8 Q. Do you know the difference between independent  
9 recollection, that is knowing something now that  
10 -- recalling something now that took place in  
11 the past versus having to have your memory  
12 refreshed in order to answer a question?

13 A. Yes.

14 Q. Okay. Do you have any specific or independent  
15 recollection of the Grasgreen case?

16 A. No.

17 Q. None whatsoever?

18 A, None so whatever.

19 Q. Do you recall rendering any care or treatment to  
20 Arthur Grasgreen in May of 1993?

21 A. No.

22 Q. Okay. You don't know who Arthur Grasgreen is?

23 A. No.

24 Q. And you cannot answer any questions pertaining  
25 to his case?

1 A. No.

2 Q. Okay. Chart, progress notes? I should say,  
3 Ann, that you cannot answer any questions  
4 pertaining to Arthur Grasgreen's case from your  
5 independent memory, is that correct?

6 A. That's correct.

7 Q. You are going to need to look at the hospital  
8 chart and/or for me to advise you of information  
9 in order for your memory to be refreshed, is  
10 that correct?

11 MR. POLLIS: I am just going to  
12 object to the assumption that is contained  
13 in your question that her memory can, in  
14 fact, be refreshed.

15 MR. ZUCKER: If, in fact, I can.

16 Q. Ann, did you understand my last statement or  
17 question?

18 A. Could you repeat it again?

19 Q. Okay.

20 - - - -

21 (Thereupon, the requested portion of  
22 the record was read by the Notary.)

23 - - - -

24 A. Yes.

25 MR. POLLIS: Where did you want

1 her to look in the chart?

2 MR. ZUCRER: Progress notes.

3 MR. POLLIS: Which one in  
4 particular?

5 MR. ZUCKER: Excuse me. Orders,  
6 Andrew, doctors, orders.

7 Q. In particular, on 5/21/93 the only reference to  
8 time would be in the top panel, it says 3:30  
9 a.m.

10 A. Okay.

11 Q. On the bottom panel, there are three panels as I  
12 refer to it, on the back of the order sheet,  
13 there is an order dated 5/21?

14 A. Okay.

15 Q. Is that your signature?

16 A. Yes, it is.

17 Q. Okay. Can you read the order for me, please,  
18 starting with the date?

19 A. Okay. 5/21, stat H&H, stat type and screen, DC  
20 nitro drip, DC TPA, 250 normal saline, wide  
21 open, repeat times one, Dopamine 250, start at 5  
22 mixes, keep DP systolic greater than 90. Stools  
23 for OB.

24 Q. Continue if you would.

25 A. Telephone order, Dr. VanDyke, M.D.

1 Q. Is there a time listed that you took this order  
2 in your handwriting?

3 A. No.

4 Q. And there is a lot of scribbling over here,  
5 that's why I am asking. Did you note the time?

6 A. No, because I didn't.

7 Q. My question was, did you write the time that you  
8 took this order?

9 A. No.

10 Q. Okay. Do you recall having just looked at this  
11 order, do you recall this event?

12 A. No, I don't recall the event. But it would not  
13 be uncommon if you are sitting by a phone to  
14 take a group of orders.

15 Q. There is a signature, a date and a time right up  
16 above Dr. Van Dyke's signature?

17 A. Uh-huh.

18 Q. With a line underneath it, do you see that?

19 A. Uh-huh.

20 Q. It says 5/21/93, 9:30 P?

21 A. Yes.

22 Q. Do you know whose signature that is, can you  
23 read that?

24 A. Uh-huh.

25 Q. Over in the margin --

1 MR. POLLIS: I am sorry. You have  
2 to answer yes or no.

3 A. Oh, I'm sorry. No.

4 Q. Over in the left-hand margin there is also some  
5 initials and date and time, do you see that?

6 A. Yes.

7 Q. Can you -- do you recognize that?

8 A. I don't know if it is check AM. That's the best  
9 I can make out of it.

10 Q. Do you recognize that as anybody's initials that  
11 you may have been working with at the time?

12 A. Not necessarily. That was 1:00 in the morning.  
13 I know I wasn't there.

14 Q. What time did you come on this day?

15 A. 7:00 A.

16 Q. How do you recall that?

17 A. Because if I was here at this point in time I  
18 did a 7:00 A.

19 Q. You don't recall observing Omar Jordan treat  
20 Arthur Grasgreen?

21 A. No.

22 Q. You don't recall anybody in the unit treating  
23 Arthur Grasgreen?

24 A. No. I didn't remember the name.

25 Q. Have you reviewed any documents prior to this



1 deposition?

2 A. No.

3 Q. You haven't looked at the hospital chart?

4 A. No.

5 Q. Have you ever discussed this case with anybody  
6 besides Mr. Pollis this morning?

7 A. Rusty.

8 Q. Besides Mr. Pollis and Rusty, have you ever  
9 discussed this case with anybody else?

10 A, The other people involved.

11 Q. When did you discuss the case with Rusty?

12 A. Last week.

13 Q. For the first time?

14 A. For the first time.

15 Q. And what other people involved are you referring  
16 to?

17 A. Just Pat Hawk.

18 Q. She is the only other person that you have  
19 spoken with about this case besides Mr. Pollis  
20 and Rusty?

21 A. Yes.

22 Q. You never discussed the case with Omar Jordan?

23 A. No.

24 Q. Or Dr. VanDyke?

25 A. No.

1 Q. Or anybody else?

2 A. No.

3 &. Would you look through the doctors order sheets  
4 for me and see if you made any other entries in  
5 there, if your handwriting appears anywhere else  
6 in the doctors' orders sheets?

7 A. No.

8 Q. Would you look in the nurses' notes for the  
9 period of time that you were at the hospital on  
10 May 21st or May 22, 1993.

11 A. Okay. Am I looking for anything in particular?

12 Q. Looking for an entry that you made, that's all.

13 A. No.

14 Q. After reading the order that you took, that you  
15 read to me a few minutes ago, does that refresh  
16 your memory regarding this case?

17 A. Not especially. Some things may, but nothing  
18 major. It is not uncommon if a bedside nurse is  
19 at a bedside taking care of a patient that  
20 somebody else is receiving orders from the  
21 physician.

22 Q. And relaying them to the treating nurse?

23 A. Exactly.

24 Q. But is there anything, you said not especially,  
25 there may be some things that you recall about

1       this case?

2   A.   Not until when I spoke with Rusty and they just  
3       gave me an overview.

4                   MR. POLLIS:   Don't talk about  
5       anything that you may have heard from Rusty  
6       or from me.

7   A.   Okay.

8   Q.   What did you and Pat discuss about the case?

9   A.   I asked her if she remembered.

10   Q.   And --

11   A.   She had a little recollection.   Well, I had  
12       none.

13   Q.   Did she tell you what she remembered about the  
14       case?

15   A.   Not really.   She just told me she remembered  
16       some things.

17   Q.   Which things did she tell you?

18   A.   About being at a bedside with the wife being  
19       there, going through the list.

20   Q.   She told you that she was at Mr. Grasgreen's  
21       bedside --

22   A.   When Omar was going through the checklist with  
23       him.

24   Q.   The thrombolytic guideline sheets?

25   A.   Yes.

1 Q. With Mr. and Mrs. Grasgreen?

2 A. She couldn't remember if the wife was there for  
3 certain.

4 Q. Was that the extent of your conversation with  
5 patient?

6 A. Uh-huh.

7 MR. POLLIS: You have to say yes  
8 or no.

9 A. I'm sorry.

10 Q. No other questions or answers between you?

11 A. No.

12 Q. Do you remember Pat being present?

13 A. I didn't remember being there let alone anybody  
14 else being there.

15 Q. Were you in May of 1993 familiar with the  
16 hospital policy manual regarding the  
17 administration of thrombolytic drugs?

18 A. Yes.

19 Q. Do you recall when you had first seen the policy  
20 manual?

21 A. No.

22 Q. Do you remember when the last time was that you  
23 saw the policy manual?

24 A. No.

25 MR. POLLIS: I am just going to

1 state an objection, with your permission a  
2 continuing objection, especially  
3 considering that you have asked exhaustive  
4 questions on this matter with Pat Hawk, but  
5 since this witness has no memory of any  
6 events having to do with this case that the  
7 questions you are asking her are not  
8 relevant.

9 May I have a continuing objection  
10 on that basis? You have to answer audibly  
11 for the court reporter.

12 MR. ZUCKER: You are asking me for  
13 my permission?

14 MR. POLLIS: Well, otherwise I  
15 have to object to each question.

16 MR. ZUCKER: I would prefer that  
17 your continuing objection be noted and I  
18 grant my permission.

19 Q. Were you aware of the contents of the policy  
20 manual relative to thrombolytic agents?

21 A. I believe so.

22 Q. Did you know the contraindications that were  
23 listed in the policy manual?

24 A. Yes.

25 Q. Was it something that the policy manual, the

1 contents of the policy manual, was that  
2 something that you had committed to memory?

3 A. No, no.

4 Q. Where did you learn about thrombolytic agents?

5 A. Here.

6 Q. How?

7 A. In services.

8 Q. And what is your understanding in May of 1993 of  
9 the contraindications to TPA?

10 A. I don't understand your question.

11 Q. Well, you were aware in May of 1993 that there  
12 were indications and contraindications to the  
13 use of TPA, correct?

14 A. Right. Uh-huh.

15 Q. What was your understanding first of the  
16 indications for the use of TPA?

17 A. For an acute MI.

18 Q. What was your understanding regarding the  
19 contraindications to TPA?

20 A. A fall, recent surgery, any history of a stroke,  
21 CVA.

22 MR. POLLIS: Do you want an  
23 exhaustive list, Dale?

24 MR. ZUCKER: I want as much as she  
25 can tell me.

1 MR. POLLIS: Independent from the  
2 chart?

3 MR. ZUCKER: Independently.

4 Q. Is that it?

5 A. High PTT's, hypertension uncontrolled.

6 Q. Anything else?

7 A. That's about it.

8 Q. Okay. Was it your understanding in May of 1993  
9 that one of the contraindications to TPA was  
10 current anticoagulant therapy?

11 A. No.

12 Q. Or prothrombin greater than 15 seconds?

13 A. No.

14 Q. Okay. Is there any reason that you can think of  
15 that you didn't put the time down that you took  
16 that order from Dr. VanDyke?

17 A. I was probably busy with my own patient care.

18 Q. You do not have any independent recollection of  
19 the conversation with Dr. VanDyke, is that  
20 correct?

21 A. No.

22 Q. Nor the communication of that conversation to  
23 Omar Jordan or anybody else, is that correct?

24 A. Just probably yelled across the unit.

25 MR. ZUCKER: I have no further

1 questions for this witness.

2 MR. POLLIS: We will read it.

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4

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ANN GENOVESE

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C E R T I F I C A T E

The State of Ohio, ) SS:  
County of Cuyahoga.)

I, Susan M. Cebren, a Notary Public within and for the State of Ohio, authorized to administer oaths and to take and certify depositions, do hereby certify that the above-named ANN GENOVESE, was by me, before the giving of their deposition, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the deposition as above-set forth was reduced to writing by me by means of stenotypy, and was later transcribed into typewriting under my direction; that this is a true record of the testimony given by the witness, and was subscribed by said witness in my presence; that said deposition was taken at the aforementioned time, date and place, pursuant to notice or stipulations of counsel; that I am not a relative or employee or attorney of any of the parties, or a relative or employee of such attorney or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Cleveland, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_.

Susan M. Cebren, Notary Public, State of Ohio  
1750 Midland Building, Cleveland, Ohio 44115  
My commission expires August 17, 1998