

# Original Transcript

## IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

Michelle R. Freeman,  
et al.,

Plaintiffs,

vs.

Case No. 490991

Cardiovascular Clinic,  
et al.,

Defendants.  
~~~~~

### TELEPHONIC DEPOSITION OF

**BARRY S. GEORGE, M.D.**

September 1, 2004  
6:03 p.m.

1330 Coschocton Avenue  
Mount Vernon, Ohio

Laurie A. Braverman  
Professional Reporter



**setdepo**

**Streamlined • Centralized • Standardized**  
*The Evolution of Deposition Management*

#### Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

**APPEARANCES**

**ON BEHALF OF THE PLAINTIFFS MICHELLE R. FREEMAN, ET  
AL.:**

**BECKER & MISHKIND CO., L.P.A.**

JOHN W. BURNETT

ATTORNEY AT LAW

VIA TELEPHONE

134 Middle Avenue

Elyria, Ohio 44135

**ON BEHALF OF THE DEFENDANTS DR. JAMES SECHLER, DR.  
RAJU MODI AND DR. CHRISTINE ZIRAFI:**

**BUCKINGHAM, DOOLITTLE & BURROUGHS, L.L.P.**

CHRISTOPHER L. PARKER

ATTORNEY AT LAW

Suite 1700

1375 East 9th Street

Cleveland, Ohio 44114-9714



**setdepo**

**Streamlined • Centralized • Standardized**  
*The Evolution of Deposition Management*

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

**APPEARANCES CONTINUED**

**ON BEHALF OF THE DEFENDANTS PARMA GENERAL  
COMMUNITY HOSPITAL AND PARMA GENERAL COMMUNITY  
HOSPITAL HOME HEALTH CARE.**

**WESTON, HURD, FALLON, PAISLEY & HOWLEY, L.L.P.**

**KENNETH A. TORGERSON**

**ATTORNEY AT LAW**

2500 Terminal Tower

50 Public Square

Cleveland, Ohio 44113-2241



**setdepo**

**Streamlined • Centralized • Standardized**  
*The Evolution of Deposition Management*

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

## STIPULATIONS

It is stipulated by and between counsel for the respective parties herein that this deposition of BARRY S. GEORGE, M.D., a Witness herein, called by the Defendants under the statute, may be taken at this time and reduced to writing in stenotypy by the Notary, whose notes may thereafter be transcribed out of the presence of the witness; that proof of the official character and qualifications of the Notary is waived.

**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

Telephonic Deposition of Barry S. George, M.D

September 1, 2004

BARRY S. GEORGE, M.D., being by me  
first duly sworn, as hereinafter certified,  
deposes and says as follows:

**EXAMINATION****BY-MR. BURNETT:**

Q. Doctor, I'm John Burnett. I  
represent the plaintiffs in this case. Would  
you tell us your full name, please?

A. Barry Scott George.

Q. Sir, do you understand that this  
is a question and answer session under oath?

A. Yes, I do.

Q. One of my goals here is to walk  
away from this deposition with a full  
understanding of your opinions in this case  
as well as each and every basis for the  
opinions. So as we go through this, if for  
some reason I have cut you off and not let  
you answer fully, will you tell me that so  
you can go ahead and give me your full  
answer?

A. Yes, I will.

Q. Also, if you have not understood

**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

1 one of my questions or I have not stated it  
2 artfully, would you tell me? And I'll do my  
3 best to rephrase it.

4 A. Yes, I will.

5 Q. Sir, if you answer my question,  
6 I'm going to conclude that you have  
7 understood it and have given me your best  
8 answer. Is that fair?

9 A. Yes.

10 Q. Okay. You know, why don't you  
11 just give me a quick thumbnail sketch of your  
12 educational background starting with college  
13 through medical school and residency?

14 A. I finished high school in 1972. I  
15 received a bachelor of engineering degree with  
16 a specialty in biomechanical and biomedical  
17 engineering from Youngstown State University in  
18 1976. I went on to Ohio State Medical  
19 School, and I received a doctor of medicine  
20 degree from Ohio State Medical School in  
21 1979.

22 Q. Okay.

23 A. After I finished that, I did my  
24 internship for one year at Riverside Methodist  
25 Hospital in Columbus.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1                   Then I did a two-year residency in  
2 internal medicine at Riverside Hospital. This  
3 was followed by a two-year fellowship in  
4 cardiology at Riverside Hospital in Columbus  
5 as well as Ohio State University Hospitals.  
6 This was then followed by an additional year  
7 at the University of California of San  
8 Francisco in interventional cardiovascular  
9 medicine.

10           Q.       Tell me about your practice as it  
11 is today. Break it down for me. Are you  
12 an interventionalist?

13           A.       My practice is primarily in  
14 clinical cardiology as well as interventional  
15 cardiovascular medicine which basically  
16 involves balloon angioplasty and stenting of  
17 coronary arteries, carotid arteries, leg  
18 arteries, kidney arteries; pretty much anything  
19 to do with clinical cardiovascular medicine.

20           Q.       Okay. How do you spend your  
21 professional time? Is more than 50 percent  
22 of it involved in the clinical practice of  
23 cardiology?

24           A.       Yes.

25           Q.       When you say clinical cardiology



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 and interventional cardiology, tell me what  
2 the difference is.

3 A. Well, I look at interventional  
4 cardiology as we sometimes refer to it in the  
5 vernacular, a lab rat. We're in the  
6 cardiovascular lab all the time doing  
7 angioplasty-type procedures. That is what I  
8 consider interventional cardiology. Clinical  
9 cardiology is the care of patients on an  
10 outpatient setting as well as in the hospital  
11 outside of the cardiac cath lab for  
12 cardiovascular disorders.

13 Q. With regard to your role as a lab  
14 rat as you put it, what percentage of your  
15 time is spent doing that?

16 A. I'm in the cardiac cath lab, I  
17 would say, probably about 80 percent of my  
18 time.

19 Q. Okay. And then how much, then,  
20 percentage-wise do you spend in the clinical  
21 practice?

22 A. Outside of the cardiac cath lab,  
23 probably 20 percent to as high as 35 percent  
24 is spent caring for patients on an outpatient  
25 basis or in hospital consultations.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



1 Q. Okay. Do you care for patients in  
2 a capacity as an internal medicine doctor?

3 A. Very little.

4 Q. Can you give me a percentage?

5 A. Less than 5 percent.

6 Q. Okay. You're licensed in Ohio?

7 A. Excuse me?

8 Q. You're licensed in Ohio, sir?

9 A. Yes.

10 Q. Anywhere else?

11 A. I'm also licensed in the state of  
12 Florida.

13 Q. Okay. I take it in neither of  
14 those states has your license ever been  
15 suspended, revoked, or called into question.

16 A. That is correct.

17 Q. In both of those states with  
18 regard to your privileges, have any of those  
19 privileges ever been suspended, revoked, or  
20 called into question?

21 A. No.

22 Q. To your knowledge, has there been  
23 a complaint filed with either of the medical  
24 boards in Florida or Ohio?

25 A. No.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Q. Prior lawsuits, have you been a  
2 defendant before?

3 MR. PARKER: Objection.

4 Go ahead.

5 A. I have been a defendant before.  
6 Yes.

7 BY MR. BURNETT:

8 Q. Can you please tell me how many  
9 times?

10 A. To my knowledge, two times.

11 Q. Okay. Let's talk about the first  
12 one. Can you tell me when that occurred,  
13 what the general allegations were, sir?

14 MR. PARKER: Objection.

15 A. It was, I believe, in 1988, give  
16 or take a couple years; but I'm pretty sure  
17 it was 1988. It was in regards to a patient  
18 who had aortic coarctation in which I  
19 performed a balloon angioplasty procedure on  
20 the aorta.

21 BY MR. BURNETT:

22 Q. Okay. Did the patient die?

23 A. No.

24 Q. Okay. What was the result of that  
25 suit? Did you pay any money? Did you go



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 to trial? What happened?

2 MR. PARKER: Objection.

3 A. I was vindicated at trial.

4 BY MR. BURNETT:

5 Q. A defense verdict.

6 A. That is correct.

7 Q. Let's talk about the next one,  
8 please, sir.

9 A. The next one was a patient that I  
10 was involved in the care after my partner had  
11 performed a coronary angioplasty who  
12 subsequently developed a septic arthritis in  
13 the knee about two weeks after the procedure  
14 was performed. And allegedly, this was due  
15 to the groin insertion site and infection  
16 from there in that it was not adequately or  
17 appropriately diagnosed and deviated from the  
18 standard of care.

19 Q. What happened with the patient?

20 A. The patient had no long-term  
21 sequelae, had to have a drainage procedure  
22 performed on the septic arthritis of the  
23 knee.

24 Q. Okay. Did that go to trial?

25 A. Yes.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Q. Okay. And what happened there?

2 A. The defense was vindicated on that  
3 as well.

4 Q. So another defense verdict for you.

5 A. That is correct.

6 Q. To your knowledge, are there any  
7 suits outstanding against you now?

8 A. To my knowledge, there are none.

9 Q. You haven't received any 180-day  
10 letters recently?

11 A. No.

12 MR. PARKER: Objection.

13 BY MR. BURNETT:

14 Q. Okay. Do you know what that is,  
15 the 180-day letter?

16 I'll explain it. It's a letter  
17 they send where they say we're contemplating  
18 bringing an action against you. We're  
19 extending the statute by 180 days.

20 A. Yes, I have not -- To my  
21 knowledge, I have not seen any of those  
22 recently.

23 Q. With regard to lawsuits, let me  
24 ask the question a little bit differently.  
25 To your knowledge, has any professional group



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 or hospital with which you've been associated  
2 been sued and you not named but your conduct  
3 nevertheless called into question?

4 MR. PARKER: Objection.

5 A. No.

6 BY MR. BURNETT:

7 Q. Okay. You do medical legal work  
8 apparently.

9 A. Yes, I do.

10 Q. How long have you been doing it?

11 A. I've been doing medical legal work  
12 for, I would say, about 12 to 14 years.

13 Q. Okay. How did you get involved in  
14 it?

15 A. I was asked by an attorney to  
16 opine on a case.

17 Q. Okay. And you started doing it,  
18 and I take it you enjoy it on some level.

19 A. Yes. That's correct.

20 Q. Okay. What, if you can, looking  
21 back over the years, what percentage of your  
22 medical legal work is reviewing for the  
23 defense; and what percentage is for the  
24 plaintiffs?

25 A. My review -- And I think it's --



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Sometimes, when the networking occurs, it  
2 skews it somewhat. But I would say probably  
3 75 to 80 percent of the cases that I have  
4 reviewed are for the defense; and 20, 25  
5 percent are for the plaintiff.

6 Q. All right. Do you advertise your  
7 services as a medical legal expert?

8 A. No, I don't.

9 Q. So it's just pretty much word of  
10 mouth.

11 A. Correct.

12 Q. Have you ever testified at trial  
13 for a plaintiff?

14 A. No, I have not.

15 Q. Okay. Have you ever testified at  
16 trial for a defendant?

17 A. Yes.

18 Q. How many times, please?

19 A. Three times.

20 Q. Okay. Now, by the way, in the  
21 cases in which you reviewed over the years,  
22 have any involved issues similar to the ones  
23 in this case?

24 A. In regards to the cardiovascular  
25 illnesses, yes. In regards to the other



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 noncardiac illnesses, no.

2 Q. Okay. And I'll get into this in  
3 more detail, but what was the likely cause of  
4 death in this case?

5 A. Well, that's always up for  
6 speculation. But my thoughts and opinions in  
7 regards to the cause of death is that this  
8 was not necessarily related to hyperkalemia  
9 and was more than likely related to the  
10 respiratory embarrassment from a mucous plug  
11 coupled with the fact that I believe despite  
12 appropriate therapy this patient succumbed to  
13 sepsis.

14 Q. In any of the cases you've  
15 reviewed, have you opined that the cause of  
16 the patient's death was the same as this  
17 patient's death?

18 A. No.

19 Q. Okay. By the way, have you done  
20 medical legal review for Buckingham, Doolittle  
21 in the past?

22 A. Yes, I have.

23 Q. How about Ron Wilt or Paul  
24 Dzenitis? Have you worked with them in the  
25 past as well?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1           A.       I can't recall for sure whether  
2 I've done work for Paul or not. I know I've  
3 done it for Buckingham, Doolittle; but I  
4 don't know if it was in particular for Paul.

5           Q.       Can we talk about what's in your  
6 file, please?

7           A.       Yes.

8           Q.       Did you bring it with you, sir?

9           A.       No, I did not.

10          Q.       Okay. Did you make any notes in  
11 your review of this case?

12          A.       The only notes I made on my chart  
13 is that basically on the cover sheet of  
14 information that I was offered I just had  
15 scribbled a very short note that said didn't  
16 die of hyperkalemia.

17          Q.       Okay. Do you remember what was in  
18 your chart? Can you recite it to me from  
19 memory? I mean what was in your file.

20          A.       You mean what all materials did I  
21 review?

22          Q.       Yes, sir.

23          A.       I reviewed the hospital charts that  
24 were from Parma Hospital, the admission prior  
25 to the patient's demise.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



1 Q. All right.

2 A. I also reviewed the charts of the  
3 hospitalization in which the patient expired.  
4 I reviewed the medical records of the  
5 cardiovascular clinic, Volume 1 and Volume 2.  
6 I also reviewed the opinion letters of the  
7 plaintiffs' expert, Dr. Crane.

8 Q. Okay.

9 A. I also had reviewed -- You know, I  
10 can't tell you; but there were numerous  
11 depositions.

12 Q. All right.

13 A. And I've reviewed quite a few of  
14 those.

15 Q. Did you review any other defense  
16 reports?

17 I understood -- Or maybe I'm  
18 thinking of Dr. Armitage. Did you review his  
19 report or his deposition?

20 A. Yes, I did.

21 Q. Okay. Can you think of anything  
22 else you reviewed?

23 A. I reviewed the opinions of Dr.  
24 Michael Yaffe.

25 Q. Okay. Anybody else?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1           A.           Not that I can recall off the top  
2 of my head.

3           Q.           Okay. Did you do any research in  
4 preparation for authoring your report in this  
5 case?

6           A.           No.

7           Q.           How much do you charge an hour to  
8 review?

9           A.           I charge \$500 an hour.

10          Q.           How about to testify?

11          A.           The same.

12          Q.           Even at trial?

13          A.           Yes. If I go to trial as an  
14 expert witness, it's \$500 an hour, minimum  
15 eight hours.

16          Q.           All right. Are you planning on  
17 testifying at this trial when it proceeds  
18 later this year?

19          A.           If asked to do so, I will.

20          Q.           Okay. Would you please define  
21 hyperkalemia for me?

22          A.           Hyperkalemia is an elevation of the  
23 serum potassium above what the usual,  
24 conventional laboratory numbers. They are  
25 slightly different depending on which



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 laboratory analysis and which lab is  
2 conducting the test. But it's usually if the  
3 serum potassium level was above 5.2 or 5.3 or  
4 thereabouts.

5 Q. In this case was she above 5.2 or  
6 5.3?

7 A. In the later part of her illness  
8 in the second admission, her potassium was  
9 elevated. Yes.

10 Q. Okay. And it was above 5.2,  
11 wasn't it?

12 A. Yes, it was.

13 Q. Okay. By the way, the patients  
14 you've treated over the years when you've  
15 evaluated them, have you ever had C. diff  
16 colitis on your differential?

17 A. Yes.

18 Q. Okay. In those circumstances, did  
19 you treat the C. diff empirically? Did you  
20 suspect the C. diff empirically, or did you  
21 wait for the result of a stool sample?

22 A. The way my practice is, I  
23 basically am more so a cardiologist than an  
24 internist. And as I mentioned before, I  
25 practice -- Only about 5 percent of what I



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 do is internal medicine. And in a patient  
2 such as this patient who perhaps was a  
3 patient under my care for a cardiovascular  
4 disorder that comes in with her signs and  
5 symptoms, she would be very quickly referred  
6 to an infectious disease specialist or a  
7 gastroenterologist.

8 Q. What if the patient came in, you  
9 know, in the evening like this patient did  
10 and they couldn't see an ID specialist until  
11 the next day? Would you have nevertheless  
12 treated the suspected C. diff colitis  
13 empirically?

14 A. Well, in my institution, that's not  
15 the case. We just don't deal with this.  
16 Like I say, if I had a patient who came in  
17 that I had been, that had been a cardiac  
18 patient of mine who came in with a main  
19 complaint of diarrhea, nausea, vomiting, fever,  
20 that type of thing, the communication with  
21 the emergency room physician would be one  
22 such that this patient would be referred to  
23 either an internist or an infectious disease  
24 specialist. And I then would be a consultant  
25 for her cardiovascular situation during her



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 hospitalization.

2 Q. Have you ever ordered Flagyl to  
3 cover suspected C. diff empirically?

4 A. Not in the last 15 years.

5 Q. Okay. Did you do it before that?

6 A. Yes.

7 Q. Okay. Why the difference in the  
8 15 years? Why do you say that?

9 A. Because where I practice, there are  
10 enough specialists and primary care physicians,  
11 what we call hospitalists who are internal  
12 medicine specialists, basically, who take care  
13 of people in the hospital full time that my  
14 practice of internal medicine has become less  
15 and less and less to the point where I  
16 mentioned before that it's probably no more  
17 than 5 percent of what I do.

18 Q. But if you saw a patient coming in  
19 with a two or three-day history of diarrhea  
20 with co-morbid conditions such as COPD and  
21 some heart disorders and you have on your  
22 differential C. diff colitis and it was in  
23 the evening, can we agree more likely than  
24 not you would treat that empirically until an  
25 internist would be able to see the patient?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 MR. PARKER: Objection.

2 A. No. Quite frankly, I wouldn't.

3 BY MR. BURNETT:

4 Q. Okay. Tell me why.

5 A. Because I haven't treated C.  
6 difficile colitis for well over 15 years.  
7 And not that I'm not board certified internal  
8 medicine which I am, but I have not treated  
9 a case of C. difficile colitis for over 15  
10 years; and I'm sure that there are things  
11 that have changed over the last 15 years that  
12 I really don't consider myself to have the  
13 expertise to do so. In my cardiac patient's  
14 best interest, I would refer them on to an  
15 expert who does have that expertise.

16 Q. If this was your patient and she  
17 was admitted under the same circumstances as  
18 she was with Dr. Zirafi, can we agree that  
19 you would have insisted that a internal  
20 medicine specialist see the patient that  
21 evening rather than waiting until the next  
22 evening then?

23 MR. PARKER: Objection.

24 A. I'm not sure that I would  
25 necessarily insist on an internal medicine



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 specialist seeing at that point in time. I  
2 think probably if I felt comfortable with the  
3 emergency room physician and I felt they were  
4 competent, that sort of thing, that probably  
5 would be sufficient for me. I would  
6 certainly make sure that contact was made  
7 with an internal medicine specialist that  
8 evening and then pretty much leave it up to  
9 them.

10 BY MR. BURNETT:

11 Q. And what would you tell the  
12 internal medicine specialist that evening?  
13 What would you convey in this case?

14 A. I would say: Look. This is a  
15 patient of mine who has a, you know, chronic  
16 cardiovascular disease, had a mitral valve  
17 replacement, has a low ejection fraction, has  
18 significant pulmonary disease, none of which  
19 are the presenting problem. It's acute  
20 diarrhea, leukocytosis. It appears to be  
21 some sort of a GI or infectious problem which  
22 I don't feel comfortable taking care of, and  
23 I think you need to.

24 Q. Very good. And then you would  
25 leave it up to that internal medicine



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 specialist to decide whether he or she needed  
2 to see the patient that evening or the next  
3 day; correct?

4 A. That's the way I would practice.  
5 Yes.

6 Q. Was that done in this case?

7 A. It would be appear to me that the  
8 patient was brought into the hospital, was  
9 admitted under the care of a cardiologist  
10 after correspondence with the emergency room  
11 physician. The clinical cardiologist who  
12 initially saw the patient, it would appear at  
13 least to my perusal of the chart, practices a  
14 lot more clinical cardiology and probably a  
15 fair amount more internal medicine than I do  
16 and felt comfortable with admitting to their  
17 service and proceeding with appropriate care.

18 Q. Okay. You know, a lot of these  
19 questions beg, my questions to you kind of  
20 beg this question. Are you going to testify  
21 as to standard of care in this case?

22 A. I am not going to testify in  
23 regards to the standard of care of whether  
24 appropriate antibiotic therapy was rendered.  
25 I don't feel I have the expertise to do



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



1 that. My main testimony is in regards to  
2 the presumed cause of death as well as the  
3 cardiovascular prognosis for this patient.

4 Q. Well, since you're a cardiologist  
5 and you practice some internal medicine and  
6 Dr. Zirafi's a cardiologist, I mean, we know  
7 she did not call an internal medicine  
8 specialist that evening and speak with them  
9 about the presenting symptoms and the concern  
10 about the C. diff colitis. Was that a  
11 deviation from the standard of care in your  
12 mind?

13 MR. PARKER: Objection.

14 A. I really do not feel that I have  
15 the expertise to render an opinion on that  
16 particular situation.

17 BY MR. BURNETT:

18 Q. Okay. By the way, were you asked  
19 to review this with an eye toward whether  
20 there was a standard of care violation or  
21 not?

22 A. I was asked to review the chart in  
23 regards to the cause of death and the future  
24 cardiovascular prognosis primarily.

25 Q. Okay. Do you think, though, that



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 she was more likely than not sick enough with  
2 C. diff Friday evening to be treated  
3 empirically?

4 MR. PARKER: Objection.

5 A. Again, I'm not sure I have the  
6 expertise to render an opinion about that.

7 BY MR. BURNETT:

8 Q. All right. In your practice, have  
9 you had patients who actually had  
10 pseudomembranous colitis?

11 A. Yes.

12 Q. Okay. Have any of them ever had  
13 a sudden cardiac arrest?

14 A. I don't think so; but it's, you  
15 know, I hesitate to say that it's not  
16 occurred because we take care of a lot of  
17 heart patients and see a lot of cardiac  
18 arrests. So it would be really hard for me  
19 to say that it's not happened, but I don't  
20 specifically recall a case where that has  
21 occurred.

22 Q. Is it fair to say that high  
23 potassium levels and bicarbonate levels can  
24 cause a sudden cardiac arrest?

25 A. Well, high potassium levels can



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 cause a cardiac arrest. As a general rule,  
2 the high potassium level associated with a  
3 low bicarbonate level and not a high  
4 bicarbonate level, it is more common for a  
5 low bicarbonate level to cause a cardiac  
6 arrest than a high bicarbonate level.

7 Q. Did she have a low bicarbonate  
8 level before her death in this case?

9 A. Yes, she did.

10 Q. And how low? Can you articulate  
11 that for me, put a number on it?

12 A. Well, her tank was about two-thirds  
13 full, shall we say; in other words, at the  
14 lower limits of normal for bicarbonate levels.  
15 She had about two-thirds of what you were  
16 supposed to have --

17 Q. Okay.

18 A. -- if I can explain it in  
19 layperson's terms.

20 Q. So it's fair to say that in  
21 general the high potassium level you saw in  
22 this patient and the low bicarbonate level  
23 you saw in this patient can, in general,  
24 cause a sudden cardiac arrest.

25 A. At the levels that she had of



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 bicarbonate level and potassium, it is  
2 unusual; but it can on occasion.

3 Q. Okay. Why do you say it's  
4 unusual, though?

5 A. Well, in this patient, the  
6 potassium level basically at the terminal  
7 event was, I believe, 7.4, 7.5; thereabouts.  
8 I'd have to double-check the charts to be  
9 sure which I don't have in front of me right  
10 now. But I'm pretty sure I'm close to the  
11 right number there. The day before, I think  
12 it was 6.0.

13 And those numbers and based on my  
14 experience in cardiovascular medicine over the  
15 last 24 years, that doesn't cause  
16 cardiovascular arrest. Ordinarily, we would  
17 see blood potassium levels above 8 where you  
18 really start seeing changes to the  
19 electrocardiogram and significant rhythm  
20 disturbances.

21 Q. Okay. What about the bicarbonate  
22 level? Was that sufficient, though?

23 A. The bicarbonate level of 19, if I  
24 recall is about what it was, in and of  
25 itself would be highly unusual for that to



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1       cause a cardiac arrest.

2           Q.       Is it fair to say toxins from  
3       sepsis syndrome can cause a cardiac arrest?

4           A.       I think that's a fair assumption.

5           Q.       Okay. By the way, on the patients  
6       you've had over the years who had C.  
7       difficile colitis, did any of them die?

8           A.       Not of the C. difficile colitis.

9           Q.       Yes. And I guess that was my  
10       question. I'm sure a lot of them die,  
11       but --

12          A.       Well, thanks a lot.

13          Q.       And I didn't mean it like that.

14          A.       I know.

15          Q.       Did any of them die from the  
16       complications of the C. diff colitis, though,  
17       such as -- And I may have asked this  
18       earlier. If I did, I hope you'll excuse me  
19       -- such as a cardiac arrest from the sepsis  
20       syndrome?

21          A.       Well, as you're aware, C. difficile  
22       colitis can cause diarrhea, nausea, vomiting,  
23       dehydration. All of those things when  
24       coupled with any patient who has  
25       cardiovascular disorders or any other chronic



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 cardiopulmonary diseases certainly can  
2 contribute to a sudden death event.

3 Q. All right. Did you read Dr.  
4 Modi's deposition transcript?

5 A. I believe I did, but it's been a  
6 long time since I've read it.

7 Q. I'm going to read to you from Page  
8 24 and ask if you agree with this or not.  
9 And I'm starting at Line 7. I asked Dr.  
10 Modi: More than likely than not, her death  
11 was a result of sepsis?

12 Answer: As we had suspected.  
13 Right.

14 Question: And more likely than  
15 not, the sepsis results from the C. diff  
16 colitis; correct?

17 Answer: Probably.

18 Do you agree with that?

19 A. Within my realm of expertise as an  
20 internal medicine specialist who has not been  
21 practicing internal medicine for a long time  
22 and a cardiologist, I would agree with it.

23 Q. Okay. But you don't agree with  
24 Dr. Crane's opinion as to the cause of death;  
25 correct?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1           A.       I would have to have his letter,  
2       opinion letter here.   Bear with me a second  
3       here.   I think we have it.   If I could  
4       review it or if you could paraphrase his  
5       opinion, I could more accurately answer that  
6       question.

7           Q.       You wanted to put me on the spot,  
8       didn't you?

9           A.       No.   Hang on a minute.   I've got  
10      the letter in front of me.   Just bear with  
11      me 30 seconds here.

12          Q.       Okay.   I moved to the front of  
13      the office where our phone is.   I'm at the  
14      front desk rather than at my desk.   And if  
15      you need me to, I'll go back and get it if  
16      you can't find it.

17          A.       No.   I have the letter in front  
18      of me. I'm looking at it right now.

19          Q.       Okay.   Take a moment to read it.

20          A.       As best I can gather from Dr.  
21      Crane's letter, it doesn't specifically address  
22      it.   But his opinion basically is that the  
23      cause of the patient's demise was due to  
24      delayed appropriate antibiotic therapy for the  
25      C. difficile colitis.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Q. And I think additionally if you  
2 look at his deposition transcript, he says  
3 that a combination of the high potassium  
4 levels, the bicarbonate levels, and the toxins  
5 from the sepsis syndrome caused an arrhythmia  
6 from which she expired.

7 Do you agree with that?

8 A. Not necessarily so.

9 Q. Okay. That's what we need to get  
10 to.

11 A. Yes.

12 Q. Can you please tell me each and  
13 every reason why you don't agree with that?

14 A. Well, everybody dies of a cardiac  
15 arrhythmia.

16 Q. Okay.

17 A. I mean, let's get that right out  
18 in the open to begin with. I mean, your  
19 heart stops beating. Either it just ceases  
20 to beat and have rhythm, or you develop a  
21 rapid rhythm that then degenerates to what we  
22 call a fibrillatory rhythm; and the heart  
23 ceases to function as a pump.

24 Basically, that's pretty much how  
25 everybody dies, even a person who, say, is in



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



1 a multiple-trauma accident who bleeds to  
2 death. What happens is is that by losing  
3 all their blood, finally they develop eventual  
4 lack of oxygen-carrying capacity to the vital  
5 organs, most particular the heart. And the  
6 heart develops a rhythm disturbance, and you  
7 die.

8 Q. All right.

9 A. So it's really kind of difficult  
10 for me to -- I don't know exactly how I can  
11 be any clearer than that. Everybody dies of  
12 a heart rhythm disturbance. Your heart  
13 stops.

14 Q. Okay. But I think that what I  
15 was pressing you on was how is it that your  
16 opinion as to the cause of death differs from  
17 Dr. Crane's if, in fact, I've articulated it  
18 correctly?

19 A. I do not believe that the high  
20 potassium levels, the low bicarbonate levels  
21 in and of themselves caused the cardiac  
22 arrest and the demise. What caused her  
23 demise, I think, probably was a combination  
24 of the mucous plug which was documented on  
25 autopsy which most likely created lack of air



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 exchange, if you may, in this patient which  
2 subsequently led to low oxygen levels that in  
3 the face of probably sepsis, that was not  
4 fully under control -- the antibiotic hadn't  
5 controlled the problem -- coupled with  
6 abnormal potassium and bicarbonate levels, they  
7 all added up to her demise.

8 But I can tell you that in  
9 patients who die strictly of hyperkalemia, it  
10 is that they have very dramatic changes on  
11 their EKG rhythm strips which this patient  
12 did not have.

13 There are, I guess I would put it,  
14 warning signs, changes on the EKG, the P  
15 wave, the QRS intervals, the T waves such  
16 that you know hyperkalemia's coming and you  
17 know that that's going to cause the demise.  
18 We didn't see that in this patient.

19 Q. Would the hyperkalemia be a result  
20 of what? I mean, she had hyperkalemia.  
21 What was the result of that?

22 A. I think the hyperkalemia most  
23 likely was due to insidious and progressive  
24 kidney failure coupled with dehydration coupled  
25 with the sepsis picture.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Q. Did the sepsis cause the kidney  
2 failure?

3 A. I think the sepsis probably caused  
4 pretty much organ, total body shutdown towards  
5 the end in the last 24, 36 hours of this  
6 patient's illness. The sepsis basically  
7 hampered the kidney function such that she  
8 was less capable to rid her body of the  
9 poisons we all need to get rid of every day  
10 as well as -- Because of her chronic  
11 cardiovascular problems and her chronic  
12 pulmonary problems, her immune resistance was  
13 down; and despite using the appropriate  
14 antibiotics, they weren't working.

15 Q. Was the sepsis more than likely  
16 than not caused by the C. difficile disease?

17 MR. PARKER: Objection.

18 A. Again, it's a little difficult for  
19 me to render an opinion on that. But I  
20 think that if it wasn't the C. difficile  
21 infection, I don't know what else it could  
22 be. But I would certainly defer to an  
23 internist or an infectious disease person  
24 about that.

25 BY MR. BURNETT:



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

1 Q. Okay. Now, when we talk in terms  
2 of a mucous plug and you talk about a lack  
3 of air exchange, does a mucous plug have to  
4 -- Tell me what a mucous plug is. I suppose  
5 I should ask you to define that first.

6 A. Well, in layperson's terms, it's  
7 like somebody put a cork down your lungs and  
8 now you're trying to breathe.

9 Q. Where does the mucous plug  
10 physically have to be located for it to cause  
11 this lack of air exchange that you've  
12 described?

13 A. Well, the pulmonary, the lungs, the  
14 windpipe is connected to the lung tissue by a  
15 series of tubes which is not unlike the  
16 branches of a tree. And the closer to the  
17 trunk of the tree the mucous plug occurs, the  
18 more it compromises exchange of air and the  
19 surface area to exchange.

20 If you consider the fact that she  
21 had a mucous plug that was more on the left  
22 side in the left, upper lung, that in and of  
23 itself -- If you or I had a mucous plug in  
24 our left, upper lung, we would cough and  
25 choke and get short of breath; but it



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 wouldn't kill us per se. In a patient who  
2 has all the other cardiorespiratory infectious,  
3 bedridden illnesses that this lady was dealing  
4 with, yeah, it could kill you.

5 Q. Is that where it was found on  
6 autopsy, the left, upper part of the lung?

7 A. I believe that was correct. I'd  
8 have to refer to the chart again here.

9 Q. Yes. Please take a look and see  
10 so that we know.

11 A. Okay. Bear with me here just a  
12 second.

13 Q. Sure.

14 A. Yes. It was Finding Number 4 on  
15 the autopsy report; mucous plug left, upper  
16 lobe bronchus.

17 Q. Does it say how big it was?  
18 Doesn't it have to be a certain size?

19 A. Not really.

20 Q. How big does it have to be to  
21 cause this lack of air exchange that we've  
22 discussed?

23 A. It depends on how sick the patient  
24 is, that I think this patient had compromised  
25 air exchange to begin with because of the



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 chronic pulmonary disorder coupled with acute  
2 issues of -- Patients get what's called  
3 atelectasis where they get mini-lung collapse  
4 just from being acutely ill.

5 And all of this is an additive  
6 effect. And, yes, if you were to say this  
7 patient just had a left, upper lobe mucous  
8 plug and that's it, that's not going to kill  
9 the patient. But when you add it up to all  
10 the other issues surrounding this patient's  
11 acute illness, it could easily tip the  
12 patient over the edge.

13 Q. I'm going to just restate what I  
14 think your opinion is, and please tell me if  
15 I'm right or wrong. The cause of death was  
16 a combination of the mucous plus, the sepsis  
17 which was not fully under control, and the  
18 increased bicarb levels. Is that fair?

19 A. No. It's not increased bicarb  
20 levels.

21 Q. I'm sorry. The decreased bicarb  
22 levels.

23 A. Well, the decreased bicarb levels  
24 are basically a manifestation of acidosis  
25 which is again due to sepsis that's not being



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 adequately treated with the appropriate  
2 antibiotics due to the patient's compromised  
3 immune situation.

4 Q. Okay. So really, then, the cause  
5 of death is actually a combination of the  
6 mucous plug and the sepsis which was not  
7 fully under control. Is that fair?

8 A. I would say that would be in my  
9 opinion the best guess.

10 Q. Okay. Would you hold that opinion  
11 to a reasonable degree of medical probability?

12 A. Yes, I would.

13 Q. Okay. Then is it fair to say  
14 that the sepsis not fully under control was  
15 certainly a substantial contributing factor to  
16 this patient's death?

17 MR. PARKER: Objection.

18 A. Yes. Despite appropriate  
19 antibiotic therapy, it appeared as if it was  
20 not doing its job. The antibiotics weren't  
21 doing its job due to the patient's  
22 preexisting, compromised immune status.

23 BY MR. BURNETT:

24 Q. What do you mean by her  
25 preexisting, comprised immune status?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1           A.       Well, we know for a medical fact  
2       that patients who have preexisting cardiac  
3       disorders and/or pulmonary disorders or kidney  
4       failure or anemia, or these types of things,  
5       that these patients do not have near the  
6       ability to fight off infections that a  
7       normal, healthy individual who does not have  
8       chronic illnesses has.

9                    So the -- You know, I guess a  
10       layperson would think, okay, I take  
11       antibiotics and it will make everything  
12       better.    What antibiotics do is they have the  
13       ability to kill bacteria in most situations.  
14       But without an intact, robust immune system,  
15       antibiotics aren't going to work.

16           Q.       Okay.    All right.    So describe if  
17       you will for me, then, the mechanism of the  
18       death.    I mean, I take it there was, then,  
19       an arrhythmia.

20           A.       Well, it's a little difficult to  
21       say from looking at the charts.    But  
22       obviously, she had arrhythmia; or she wouldn't  
23       be dead.

24           Q.       Right.    I know that from what we  
25       discussed.    So we know that happened.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



1           A.       Right.    What I -- The best I can  
2 glean from the chart is that the patient  
3 developed what we refer to asystole which is  
4 basically the spark plugs cease to fire for  
5 the automobile engine, if you may, to use the  
6 analogy.    The pacing mechanism of the heart  
7 just gave up and stopped.

8           Q.       Okay.   Well, you say in your  
9 report with regard to the hyperkalemia this  
10 metabolic disorder did not cause an arrhythmia  
11 and subsequent death.   I want to make sure  
12 that I understand that fully.   Would you  
13 flush that out for me, please?

14          A.       Well, there's several reasons why I  
15 opined that the hyperkalemia was not a  
16 significant contributing factor to her demise.  
17 The two things, number one, is again I had  
18 previously mentioned that when you look at  
19 her EKG, the P wave, the QRS complex, the T  
20 wave soon, or prior to her demise, there were  
21 no warning signs on the EKG which is seen  
22 probably 90 percent of the time if  
23 hyperkalemia is the problem.

24                   We do have time to react the  
25 majority of the time to hyperkalemia.   That



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 coupled with the fact during her cardiac  
2 arrest she received not only epinephrine but  
3 she received calcium chloride. Calcium  
4 chloride is for cardiac rhythm disturbances  
5 due to hyperkalemia, is almost an instant  
6 antidote that will correct the rhythm  
7 disturbance in a cardiac arrest situation.  
8 And needless to say, it didn't correct  
9 anything in this situation.

10 Q. All right. Have you given me all  
11 the reasons why you state hyperkalemia did  
12 not cause an arrhythmia and subsequent death?

13 A. I'm not sure I understand your  
14 question. I thought I just did.

15 Q. Yes. That's what I'm saying. Is  
16 there anything else that you haven't told me?

17 A. No.

18 Q. Okay. That's what I'm trying to  
19 get at.

20 A. Okay.

21 Q. All right. Let's talk for a  
22 moment about your prognosis for her, her  
23 two-year survival to be no higher than 50  
24 percent. What's your basis for that?

25 A. My basis for that is primarily



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 related to the fact that she had very  
2 significant cardiac disease that had been  
3 cared for for, gee, 15 years and that recent  
4 evaluation by Dr. Sechler and his colleagues  
5 had shown that she had a rather substantial  
6 depressed, left ventricular ejection fraction  
7 that was in the range of 30 to 35 percent.

8 This was coupled with the fact  
9 that prior to her demise she had been treated  
10 for the prior four to six months for bouts  
11 of congestive heart failure. When you  
12 combine those two things, study after study  
13 after study, text book after text book after  
14 text book in cardiovascular diseases will  
15 confirm that the patient's prognosis is very  
16 poor when they have a depressed ejection  
17 fraction under 40 percent coupled with  
18 recurrent congestive heart failure despite  
19 medical therapy.

20 Q. I'm sorry. Did you reference  
21 studies or texts?

22 A. I didn't reference any particular  
23 cardiovascular textbook or any particular  
24 article. This is almost general knowledge, I  
25 guess I should say, in cardiology.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Q. Okay. I want to talk to you  
2 about the mucous plug again. I'm looking at  
3 Dr. Crane's deposition at Page 94. And he  
4 says -- And I'll quote:

5 I just think that if it's a mucous  
6 plug it would have to be the trachea because  
7 this has to be a total asphyxiation in order  
8 for her to die like that. And that would be  
9 a major blockage of the trachea.

10 And that's the end of the quote.  
11 Do you agree or disagree with that statement?

12 A. I disagree with the statement.

13 Q. And that's because where you  
14 believe it was found on autopsy combined with  
15 the sepsis and the organ shutdown, it was  
16 sufficient to cause the death?

17 A. As I mentioned before, I would  
18 agree with Dr. Crane's assessment if you or I  
19 had a left, upper lobe mucous plug. It  
20 would be pretty difficult for that to cause  
21 death in either you or I who -- I presume  
22 you're a healthy individual, also.

23 Q. I think so, once in a while  
24 anyway.

25 A. But in a patient who has



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 preexisting cardiopulmonary compromise and  
2 embarrassed cardiopulmonary reserve, I would  
3 easily be able to see this happening. As a  
4 matter of fact, it happened to one of my  
5 patients just less than two weeks ago.

6 Q. What? A mucous plug caused what  
7 was the triggering event to a death?

8 A. It was an 84-year-old gentleman who  
9 had undergone mitral valve surgery, had  
10 preexisting liver problems but required the  
11 mitral valve surgery because his valve was  
12 leaking very badly because of his advanced  
13 age which compromised his immune status  
14 coupled with the fact he had smoked for years  
15 and had pulmonary compromise coupled with the  
16 fact that he was just soon after major open  
17 heart surgery. He ended up, was doing fairly  
18 well and wound up with the same situation, a  
19 mucous plug that just put him over the edge,  
20 exhausted his reserve.

21 Q. What causes these mucous plugs?

22 A. Mucous plugs are caused primarily  
23 due to any patient who has an acute illness  
24 and particularly if there is problems with  
25 the lungs. Anytime that the lungs are not



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 fully aerated or expanded or if they have  
2 been compromised in any way by an infectious  
3 process or if their chest wall has been  
4 compromised, the lungs' response is to  
5 manufacture more mucous as part of the  
6 fighting off infection.

7 If too much mucous is produced and  
8 it is not mobilized with coughing, deep  
9 breathing, that type of thing, it can become  
10 dehydrated, harden, and act like a cork in a  
11 bronchus.

12 Q. When you say acute illness, in  
13 this patient, was the acute illness which led  
14 to the mucous likely the C. difficile leading  
15 to the sepsis?

16 A. I think the C. difficile and the  
17 sepsis and the surrounding diarrhea,  
18 dehydration, all of those things added up to  
19 mucous plug.

20 Q. Okay. So basically, more likely  
21 than not, if this patient's C. difficile  
22 colitis had been brought under control, we  
23 wouldn't have let the sepsis and, we wouldn't  
24 have had a mucous plug more likely than not.  
25 Fair?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 MR. PARKER: Objection.

2 A. Well, I think if the patient would  
3 have responded to antibiotics like most  
4 patients do to C. difficile colitis, there  
5 was a much greater chance that she would have  
6 survived the event; and there is probably a  
7 much greater chance that she would not have  
8 had a mucous plug.

9 BY MR. BURNETT:

10 Q. Okay. And you say most patients  
11 do respond to the antibiotics. Fair?

12 A. In my experience, yes.

13 Q. Okay. Is it in your experience,  
14 too, that the sooner the C. difficile colitis  
15 is treated by an appropriate antibiotic, the  
16 better the chance of the patient for  
17 survival? Fair?

18 MR. PARKER: Objection.

19 A. Well, I can just tell you as a  
20 practicing physician that when an infectious  
21 process is diagnosed or entertained, the  
22 sooner antibiotic therapy of any sort is  
23 started, as a general rule, that would lead  
24 to a better prognosis.

25 BY MR. BURNETT:



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 Q. In this patient more likely than  
2 not, had the Flagyl been started 24 hours  
3 earlier, would we have had a more favorable  
4 outcome?

5 MR. PARKER: Objection.

6 A. I'm really not in a position to  
7 render an expert opinion on that because I'm  
8 not an infectious disease specialist. So I  
9 just don't think it's probably worthwhile me  
10 answering one way or the other.

11 BY MR. BURNETT:

12 Q. Okay. And the reason I asked that  
13 is because you say that most patients respond  
14 to the Flagyl.

15 A. Right.

16 Q. And in my mind, that was the next  
17 logical question because it seems that you do  
18 have some experience with patients with C.  
19 diff and Flagyl and how they respond.

20 A. That's true. But it's usually --  
21 My experience is caring for patients from,  
22 like I say, 15 years ago. And my experience  
23 is caring for my cardiac patients watching  
24 after the cardiac problems as they're being  
25 treated for their C. difficile colitis by an



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



1 infectious disease specialist.

2 Q. Okay. And I probably asked you  
3 this; and if I did, forgive me.

4 Have any of your patients gone on  
5 to develop sepsis and die from either the  
6 sepsis or a combination of sepsis and a  
7 mucous plug if they had C. difficile colitis?

8 MR. PARKER: Objection.

9 A. In my experience, I have not seen  
10 that happen.

11 BY MR. BURNETT:

12 Q. Okay. Sir, have I covered all  
13 your opinions in this case?

14 A. Yes, you have.

15 MR. BURNETT: Ken, while I review  
16 my notes, do you have any questions of the  
17 doctor?

18 MR. TORGERSON: I have no  
19 questions of Dr. George.

20 BY MR. BURNETT:

21 Q. By the way, in your experience  
22 either in the last 15 years watching your  
23 patients being treated by an internist or an  
24 infectious disease specialist or, you know,  
25 prior to 15 years ago, have you ever seen



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 anyone prescribe Clindamycin when C. diff  
2 colitis was on the differential?

3 A. I've not seen it prescribed, but  
4 my understanding is that it is an alternative  
5 antibiotic for C. difficile colitis.

6 Q. Do you have any opinion relative  
7 to the heart size in this case as to whether  
8 it was at all abnormal and/or contributory to  
9 the death?

10 A. Her heart size was enlarged.

11 Q. Okay. I think it was 600 grams;  
12 right?

13 A. I'd have to refer back to the  
14 autopsy to confirm that.

15 Q. Yes. Do you have that at your  
16 fingertips?

17 A. I'm looking at it right now.  
18 Correct. It was 600 grams.

19 Q. Okay. What would the normal  
20 weight, you know, likely have been for  
21 someone this age?

22 A. You know, I really don't know.

23 Q. Okay.

24 A. I don't -- You know, it's a little  
25 tough when people are alive to weigh their



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 hearts. That's sort of a pathologist's  
2 assessment of heart enlargement. When we  
3 deal with living patients, the way we assess  
4 heart enlargement is primarily by chest x-ray  
5 and echocardiogram.

6 Q. Okay. If this is a large heart,  
7 if the pathologist describes it as a large  
8 heart, what's the likely cause of that if you  
9 know?

10 A. The enlarged heart was due to her  
11 preexisting valvular heart disease and the  
12 long-term ramifications of the preexisting  
13 heart valve disease.

14 Q. Okay. Are you critical of any of  
15 the care provided in this case?

16 A. No, I'm not.

17 Q. Now, you say she had severe COPD.  
18 What's the basis for that, please?

19 A. She didn't have COPD per se. My  
20 impression was from reading Dr. Sechler's  
21 evaluation that she had had past bouts of  
22 asthma and bronchitis, and this is not at all  
23 uncommon in patients who have mitral valve  
24 disorders such as this lady who had mitral  
25 stenosis and rheumatic heart disease prior to



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 her valve replacement.

2 Q. Okay. So is it fair to say,  
3 though, that she did not have severe COPD?

4 A. Well, she clearly had some degree  
5 of pulmonary compromise. I really in  
6 reviewing the chart could not say to what  
7 degree of severity it was. It was certainly  
8 clinically significant.

9 Q. I mean, you use the word severe.  
10 Is that accurate or is that inaccurate?

11 A. I think that it may not be totally  
12 accurate, severe COPD, because I don't have  
13 any objective parameters in the chart that I  
14 could, you know, support that.

15 Q. Having talked to me about this  
16 case right now -- and you're looking at your  
17 report -- is there anything in your report  
18 that you wish to change or that you think  
19 you should add to the report?

20 A. No, I don't.

21 Q. Okay. And you've conveyed to me  
22 all of your opinions in this case, sir?

23 A. Yes, I have.

24 Q. Okay. And the bases for these  
25 opinions?



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 A. The basis for these opinions?

2 Q. Yes, sir.

3 A. The basis for these opinions is  
4 based on my experience and training coupled  
5 with my review of the chart.

6 MR. BURNETT: Okay. Gentlemen, I  
7 think that's all I have.

8 MR. PARKER: Okay. John, I'm  
9 going to have him read. Is 30 days okay?

10 MR. BURNETT: Take as much time as  
11 you want. We're still a couple of months  
12 out from trial.

13 MR. PARKER: Right.

14 MR. BURNETT: That's fine.

15 (Signature not waived.)

16 And, thereupon, the deposition was concluded  
17 at approximately 7:01 p.m.

18

19

20

21

22

23

24

25

## CERTIFICATE

State of Ohio :

SS :

County of Franklin :

I, Laurie A. Braverman, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named BARRY S. GEORGE, M.D., was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotypy in the presence of said witness, afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

I certify that I am not a relative, employee, or attorney of any of the parties hereto, or of any attorney or counsel employed by the parties, or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Columbus, Ohio, on this 15th day of



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

1 September, 2004.

2 Laurie A. Braverman

3 LAURIE A. BRAVERMAN, Notary

4 Public in and for the State of

5 Ohio and Professional Reporter

6 My Commission expires January 16,

7 2006.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

CAPTION

The Deposition of **Barry S. George,**  
M.D., taken in the matter, on the date, and  
at the time and place set out on the title  
page hereof.

It was requested that the deposition  
be taken by the reporter and that same be  
reduced to typewritten form.

It was agreed by and between counsel  
and the parties that the Deponent will read  
and sign the transcript of said deposition.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



CERTIFICATE

STATE OF \_\_\_\_\_:

COUNTY/CITY OF \_\_\_\_\_:

Before me, this day, personally  
 appeared, **Barry S. George, M.D.**, who, being  
 duly sworn, states that the foregoing  
 transcript of his/her Deposition, taken in  
 the matter, on the date, and at the time and  
 place set out on the title page hereof,  
 constitutes a true and accurate transcript of  
 said deposition.

\_\_\_\_\_  
**Barry S. George, M.D.**

SUBSCRIBED and SWORN to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 2004 in the  
 jurisdiction aforesaid.

\_\_\_\_\_  
 My Commission Expires Notary Public



**setdepo**

Streamlined • Centralized • Standardized  
 The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

DEPOSITION ERRATA SHEET

RE: SetDepo, Inc.  
 File No. 5205  
 Case Caption: Michelle R. Freeman, et al., vs.  
 Cardiovascular Clinic, et al.

Deponent: **Barry S. George, M.D.**  
 Deposition Date: September 1, 2004

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_



**setdepo**

Streamlined • Centralized • Standardized  
 The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

Deposition of Barry S. George, M.D.

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Barry S. George, M.D.



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)



## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ability</b> 40:6,13<br><b>able</b> 21:25 45:3<br><b>abnormal</b> 34:6<br>50:8<br><b>accident</b> 33:1<br><b>accurate</b> 52:10,12<br>57:10<br><b>accurately</b> 31:5<br><b>acidosis</b> 38:24<br><b>act</b> 46:10<br><b>action</b> 12:18<br>54:22<br><b>acute</b> 23:19 38:1<br>38:11 45:23<br>46:12,13<br><b>acutely</b> 38:4<br><b>add</b> 38:9 52:19<br><b>added</b> 34:7 46:18<br><b>additional</b> 7:6<br><b>additionally</b> 32:1<br><b>additive</b> 38:5<br><b>address</b> 31:21<br><b>adequately</b> 11:16<br>39:1<br><b>admission</b> 16:24<br>19:8<br><b>admitted</b> 22:17<br>24:9<br><b>admitting</b> 24:16<br><b>advanced</b> 45:12<br><b>advertise</b> 14:6<br><b>aerated</b> 46:1<br><b>affixed</b> 54:24<br><b>aforsaid</b> 54:10<br>57:17<br><b>age</b> 45:13 50:21<br><b>ago</b> 45:5 48:22<br>49:25<br><b>agree</b> 21:23 22:18<br>30:8,18,22,23<br>32:7,13 44:11<br>44:18<br><b>agreed</b> 56:9<br><b>ahead</b> 5:22 10:4<br><b>air</b> 33:25 36:3,11<br>36:18 37:21,25<br><b>all</b> 1:3,8 2:3 58:5<br>58:6<br><b>alive</b> 50:25<br><b>allegations</b> 10:13<br><b>allegedly</b> 11:14 | <b>alternative</b> 50:4<br><b>amount</b> 24:15<br><b>analogy</b> 41:6<br><b>analysis</b> 19:1<br><b>and/or</b> 40:3 50:8<br><b>anemia</b> 40:4<br><b>angioplasty</b> 7:16<br>10:19 11:11<br><b>angioplasty-type</b><br>8:7<br><b>answer</b> 5:13,21,23<br>6:5,8 30:12,17<br>31:5<br><b>answering</b> 48:10<br><b>antibiotic</b> 24:24<br>31:24 34:4<br>39:19 47:15,22<br>50:5<br><b>antibiotics</b> 35:14<br>39:2,20 40:11<br>40:12,15 47:3<br>47:11<br><b>antidote</b> 42:6<br><b>Anybody</b> 17:25<br><b>Anytime</b> 45:25<br><b>anyway</b> 44:24<br><b>aorta</b> 10:20<br><b>aortic</b> 10:18<br><b>apparently</b> 13:8<br><b>appear</b> 24:7,12<br><b>APPEARANCES</b> 2:1<br>3:1<br><b>appeared</b> 39:19<br>57:5<br><b>appears</b> 23:20<br><b>appropriate</b> 15:12<br>24:17,24 31:24<br>35:13 39:1,18<br>47:15 58:18<br><b>appropriately</b><br>11:17<br><b>approximately</b><br>53:17<br><b>area</b> 36:19<br><b>Armitage</b> 17:18<br><b>arrest</b> 26:13,24<br>27:1,6,24 28:16<br>29:1,3,19 33:22<br>42:2,7<br><b>arrests</b> 26:18<br><b>arrhythmia</b> 32:5<br>32:15 40:19,22<br>41:10 42:12 | <b>arteries</b> 7:17,17<br>7:18,18<br><b>artfully</b> 6:2<br><b>arthritis</b> 11:12<br>11:22<br><b>article</b> 43:24<br><b>articulate</b> 27:10<br><b>articulated</b> 33:17<br><b>asked</b> 13:15 18:19<br>25:18,22 29:17<br>30:9 48:12 49:2<br><b>asphyxiation</b> 44:7<br><b>assess</b> 51:3<br><b>assessment</b> 44:18<br>51:2<br><b>associated</b> 13:1<br>27:2<br><b>assumption</b> 29:4<br><b>asthma</b> 51:22<br><b>asystole</b> 41:3<br><b>atelectasis</b> 38:3<br><b>attach</b> 58:19<br><b>attorney</b> 2:6,15<br>3:7 13:15 54:19<br>54:20<br><b>authoring</b> 18:4<br><b>authorize</b> 58:18<br><b>automobile</b> 41:5<br><b>autopsy</b> 33:25<br>37:6,15 44:14<br>50:14<br><b>Avenue</b> 1:21 2:8<br><b>aware</b> 29:21<br><b>ay</b> 50:17 | 31:22 32:24<br>35:6 38:24 41:4<br>46:20<br><b>basis</b> 5:18 8:25<br>42:24,25 51:18<br>53:1,3<br><b>bear</b> 31:2,10<br>37:11<br><b>beat</b> 32:20<br><b>beating</b> 32:19<br><b>BECKER</b> 2:4<br><b>bedridden</b> 37:3<br><b>beg</b> 24:19,20<br><b>BEHALF</b> 2:2,11 3:2<br><b>believe</b> 10:15<br>15:11 28:7 30:5<br>33:19 37:7<br>44:14<br><b>best</b> 6:3,7 22:14<br>31:20 39:9 41:1<br><b>better</b> 40:12<br>47:16,24<br><b>bicarb</b> 38:18,19<br>38:21,23<br><b>bicarbonate</b> 26:23<br>27:3,4,5,6,7,14<br>27:22 28:1,21<br>28:23 32:4<br>33:20 34:6<br><b>big</b> 37:17,20<br><b>biomechanical</b><br>6:16<br><b>biomedical</b> 6:16<br><b>bit</b> 12:24<br><b>bleeds</b> 33:1<br><b>blockage</b> 44:9<br><b>blood</b> 28:17 33:3<br><b>board</b> 22:7<br><b>boards</b> 9:24<br><b>body</b> 35:4,8<br><b>book</b> 43:13,13,14<br><b>bouts</b> 43:10 51:21<br><b>branches</b> 36:16<br><b>Braverman</b> 1:24<br>54:5 55:3<br><b>Break</b> 7:11<br><b>breath</b> 36:25<br><b>breathe</b> 36:8<br><b>breathing</b> 46:9<br><b>bring</b> 16:8<br><b>bringing</b> 12:18<br><b>bronchitis</b> 51:22 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>bachelor</b> 6:15<br><b>back</b> 13:21 31:15<br>50:13<br><b>background</b> 6:12<br><b>bacteria</b> 40:13<br><b>badly</b> 45:12<br><b>balloon</b> 7:16<br>10:19<br><b>Barry</b> 1:16 4:3<br>5:1,3,11 54:8<br>56:2 57:5,13<br>58:8 59:11 60:9<br><b>based</b> 28:13 53:4<br><b>bases</b> 52:24<br><b>basically</b> 7:15<br>16:13 19:23<br>21:12 28:6                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>bronchus</b> 37:16<br>46:11<br><b>brought</b> 24:8<br>46:22<br><b>Buckingham</b> 2:13<br>15:20 16:3<br><b>Burnett</b> 2:5 5:8<br>10:7,21 11:4<br>12:13 13:6 22:3<br>23:10 25:17<br>26:7 35:25<br>39:23 47:9,25<br>48:11 49:11,15<br>49:20 53:6,10<br>53:14<br><b>BURROUGHS</b> 2:13<br><b>BY-MR. BURNETT</b> 5:7 | 8:9 24:14 43:25<br><b>cardiopulmonary</b><br>30:1 45:1,2<br><b>cardiorespira...</b><br>37:2<br><b>cardiovascular</b><br>1:7 7:8,15,19<br>8:6,12 14:24<br>17:5 20:3,25<br>23:16 25:3,24<br>28:14,16 29:25<br>35:11 43:14,23<br>58:6<br><b>care</b> 3:4 8:9 9:1<br>11:10,18 20:3<br>21:10,12 23:22<br>24:9,17,21,23<br>25:11,20 26:16<br>51:15<br><b>cared</b> 43:3<br><b>caring</b> 8:24 48:21<br>48:23<br><b>carotid</b> 7:17<br><b>case</b> 1:5 5:9,17<br>13:16 14:23<br>15:4 16:11 18:5<br>19:5 20:15 22:9<br>23:13 24:6,21<br>26:20 27:8<br>49:13 50:7<br>51:15 52:16,22<br>58:5<br><b>cases</b> 14:3,21<br>15:14<br><b>cath</b> 8:11,16,22<br><b>cause</b> 15:3,7,15<br>25:2,23 26:24<br>27:1,5,24 28:15<br>29:1,3,22 30:24<br>31:23 33:16<br>34:17 35:1<br>36:10 37:21<br>38:15 39:4<br>41:10 42:12<br>44:16,20 51:8<br>54:10<br><b>caused</b> 32:5 33:21<br>33:22 35:3,16<br>45:6,22<br><b>causes</b> 45:21<br><b>cease</b> 41:4<br><b>ceases</b> 32:19,23 | <b>certain</b> 37:18<br><b>certainly</b> 23:6<br>30:1 35:22<br>39:15 52:7<br><b>Certificate</b> 54:1<br>57:1 58:18<br><b>certified</b> 5:4<br>22:7<br><b>certify</b> 54:7,18<br><b>chance</b> 47:5,7,16<br><b>change</b> 52:18<br>58:21,23,24<br>59:1,2,4,5,7,8<br>59:10,13,15,16<br>59:18,19,21,22<br>59:24,25 60:2,3<br>60:5<br><b>changed</b> 22:11<br><b>changes</b> 28:18<br>34:10,14 58:15<br><b>character</b> 4:7<br><b>charge</b> 18:7,9<br><b>chart</b> 16:12,18<br>24:13 25:22<br>37:8 41:2 52:6<br>52:13 53:5<br><b>charts</b> 16:23 17:2<br>28:8 40:21<br><b>chest</b> 46:3 51:4<br><b>chloride</b> 42:3,4<br><b>choke</b> 36:25<br><b>CHRISTINE</b> 2:12<br><b>CHRISTOPHER</b> 2:14<br><b>chronic</b> 23:15<br>29:25 35:10,11<br>38:1 40:8<br><b>circumstances</b><br>19:18 22:17<br><b>clearer</b> 33:11<br><b>clearly</b> 52:4<br><b>Cleveland</b> 2:18<br>3:10<br><b>Clindamycin</b> 50:1<br><b>clinic</b> 1:7 17:5<br>58:6<br><b>clinical</b> 7:14,19<br>7:22,25 8:8,20<br>24:11,14<br><b>clinically</b> 52:8<br><b>close</b> 28:10<br><b>closer</b> 36:16<br><b>coarctation</b> 10:18 | <b>colitis</b> 19:16<br>20:12 21:22<br>22:6,9 25:10<br>26:10 29:7,8,16<br>29:22 30:16<br>31:25 46:22<br>47:4,14 48:25<br>49:7 50:2,5<br><b>collapse</b> 38:3<br><b>colleagues</b> 43:4<br><b>college</b> 6:12<br><b>Columbus</b> 6:25 7:4<br>54:25<br><b>combination</b> 32:3<br>33:23 38:16<br>39:5 49:6<br><b>combine</b> 43:12<br><b>combined</b> 44:14<br><b>comes</b> 20:4<br><b>comfortable</b> 23:2<br>23:22 24:16<br><b>coming</b> 21:18<br>34:16<br><b>Commission</b> 55:6<br>57:19<br><b>commissioned</b> 54:7<br><b>common</b> 1:1 27:4<br><b>communication</b><br>20:20<br><b>COMMUNITY</b> 3:3,3<br><b>competent</b> 23:4<br><b>complaint</b> 9:23<br>20:19<br><b>complex</b> 41:19<br><b>complications</b><br>29:16<br><b>comprised</b> 39:25<br><b>compromise</b> 45:1<br>45:15 52:5<br><b>compromised</b> 37:24<br>39:2,22 45:13<br>46:2,4<br><b>compromises</b> 36:18<br><b>computer</b> 54:13<br><b>concern</b> 25:9<br><b>conclude</b> 6:6<br><b>concluded</b> 53:16<br><b>conditions</b> 21:20<br><b>conduct</b> 13:2<br><b>conducting</b> 19:2<br><b>confirm</b> 43:15<br>50:14 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## C

**C** 19:15,19,20  
20:12 21:3,22  
22:5,9 25:10  
26:2 29:6,8,16  
29:21 30:15  
31:25 35:16,20  
46:14,16,21  
47:4,14 48:18  
48:25 49:7 50:1  
50:5  
**calcium** 42:3,3  
**California** 7:7  
**call** 21:11 25:7  
32:22  
**called** 4:4 9:15  
9:20 13:3 38:2  
**capable** 35:8  
**capacity** 9:2 33:4  
**caption** 54:16  
56:1 58:5  
**captioned** 58:13  
**cardiac** 8:11,16  
8:22 20:17  
22:13 26:13,17  
26:24 27:1,5,24  
29:1,3,19 32:14  
33:21 40:2 42:1  
42:4,7 43:2  
48:23,24  
**cardiologist**  
19:23 24:9,11  
25:4,6 30:22  
**cardiology** 7:4,14  
7:23,25 8:1,4,8



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| congestive 43:11<br>43:18<br>connected 36:14<br>consider 8:8<br>22:12 36:20<br>constitutes 57:10<br>consultant 20:24<br>consultations<br>8:25<br>contact 23:6<br>contemplating<br>12:17<br>CONTINUED 3:1<br>contribute 30:2<br>contributing<br>39:15 41:16<br>contributory 50:8<br>control 34:4<br>38:17 39:7,14<br>46:22<br>controlled 34:5<br>conventional<br>18:24<br>convey 23:13<br>conveyed 52:21<br>COPD 21:20 51:17<br>51:19 52:3,12<br>cork 36:7 46:10<br>coronary 7:17<br>11:11<br>correct 9:16 11:6<br>12:5 13:19<br>14:11 24:3<br>30:16,25 37:7<br>42:6,8 50:18<br>54:14<br>correctly 33:18<br>correspondence<br>24:10<br>Coschocton 1:21<br>cough 36:24<br>coughing 46:8<br>counsel 4:2 54:20<br>56:9<br>County 1:1 54:4<br>COUNTY/CITY 57:3<br>couple 10:16<br>53:11<br>coupled 15:11<br>29:24 34:5,24<br>34:24 38:1 42:1<br>43:8,17 45:14<br>45:15 53:4 | COURT 1:1<br>cover 16:13 21:3<br>covered 49:12<br>co-morbid 21:20<br>Crane 17:7<br>Crane's 30:24<br>31:21 33:17<br>44:3,18<br>created 33:25<br>critical 51:14<br>cut 5:20<br>CUYAHOGA 1:1<br><br>D<br>date 56:3 57:8<br>58:9 60:8<br>day 20:11 24:3<br>28:11 35:9<br>54:25 57:4,16<br>days 12:19 53:9<br>dead 40:23<br>deal 20:15 51:3<br>dealing 37:3<br>death 15:4,7,16<br>15:17 25:2,23<br>27:8 30:2,10,24<br>33:2,16 38:15<br>39:5,16 40:18<br>41:11 42:12<br>44:16,21 45:7<br>50:9<br>decide 24:1<br>decreased 38:21<br>38:23<br>deep 46:8<br>defendant 10:2,5<br>14:16<br>Defendants 1:10<br>2:11 3:2 4:4<br>defense 11:5 12:2<br>12:4 13:23 14:4<br>17:15<br>defer 35:22<br>define 18:20 36:5<br>degenerates 32:21<br>degree 6:15,20<br>39:11 52:4,7<br>dehydrated 46:10<br>dehydration 29:23<br>34:24 46:18<br>delayed 31:24<br>demise 16:25<br>31:23 33:22,23 | 34:7,17 41:16<br>41:20 43:9<br>depending 18:25<br>depends 37:23<br>Deponent 56:10<br>58:8<br>deposes 5:5<br>deposition 1:14<br>4:3 5:1,16<br>17:19 30:4 32:2<br>44:3 53:16 56:2<br>56:6,11 57:7,11<br>58:1,9,13 59:11<br>depositions 17:11<br>depressed 43:6,16<br>describe 40:16<br>described 36:12<br>describes 51:7<br>desk 31:14,14<br>despite 15:11<br>35:13 39:18<br>43:18<br>detail 15:3<br>develop 32:20<br>33:3 49:5<br>developed 11:12<br>41:3<br>develops 33:6<br>deviated 11:17<br>deviation 25:11<br>diagnosed 11:17<br>47:21<br>diarrhea 20:19<br>21:19 23:20<br>29:22 46:17<br>die 10:22 16:16<br>29:7,10,15 33:7<br>34:9 44:8 49:5<br>dies 32:14,25<br>33:11<br>diff 19:15,19,20<br>20:12 21:3,22<br>25:10 26:2<br>29:16 30:15<br>48:19 50:1<br>difference 8:2<br>21:7<br>different 18:25<br>differential<br>19:16 21:22<br>50:2<br>differently 12:24 | differs 33:16<br>difficile 22:6,9<br>29:7,8,21 31:25<br>35:16,20 46:14<br>46:16,21 47:4<br>47:14 48:25<br>49:7 50:5<br>difficult 33:9<br>35:18 40:20<br>44:20<br>disagree 44:11,12<br>discussed 37:22<br>40:25<br>disease 20:6,23<br>23:16,18 35:16<br>35:23 43:2 48:8<br>49:1,24 51:11<br>51:13,25<br>diseases 30:1<br>43:14<br>disorder 20:4<br>38:1 41:10<br>disorders 8:12<br>21:21 29:25<br>40:3,3 51:24<br>disturbance 33:6<br>33:12 42:7<br>disturbances<br>28:20 42:4<br>doctor 5:8 6:19<br>9:2 49:17<br>documented 33:24<br>doing 8:6,15<br>13:10,11,17<br>39:20,21 45:17<br>Doolittle 2:13<br>15:20 16:3<br>double-check 28:8<br>Dr 2:11,11,12<br>17:7,18,23<br>22:18 25:6 30:3<br>30:9,24 31:20<br>33:17 43:4 44:3<br>44:18 49:19<br>51:20<br>drainage 11:21<br>dramatic 34:10<br>due 11:14 31:23<br>34:23 38:25<br>39:2,21 42:5<br>45:23 51:10<br>duly 5:4 54:6,9<br>57:6 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                   |                          |                   |                                     |
|-------------------|--------------------------|-------------------|-------------------------------------|
| Dzenitis 15:24    | evaluation 43:4<br>51:21 | 47:11,17 52:2     | function 32:23<br>35:7              |
| <b>E</b>          | evening 20:9             | fairly 45:17      | future 25:23                        |
| earlier 29:18     | 21:23 22:21,22           | FALLON 3:5        |                                     |
| 48:3              | 23:8,12 24:2             | favorable 48:3    |                                     |
| easily 38:11 45:3 | 25:8 26:2                | feel 23:22 24:25  |                                     |
| East 2:17         | event 28:7 30:2          | 25:14             | <b>G</b>                            |
| echocardiogram    | 45:7 47:6                | fellowship 7:3    | gastroenterol...<br>20:7            |
| 51:5              | eventual 33:3            | felt 23:2,3 24:16 | gather 31:20                        |
| edge 38:12 45:19  | everybody 32:14          | fever 20:19       | gee 43:3                            |
| educational 6:12  | 32:25 33:11              | fibrillatory      | general 3:2,3<br>10:13 27:1,21      |
| effect 38:6       | exactly 33:10            | 32:22             | 27:23 43:24                         |
| eight 18:15       | EXAMINATION 5:6          | fight 40:6        | 47:23                               |
| either 9:23 20:23 | exchange 34:1            | fighting 46:6     | gentleman 45:8                      |
| 32:19 44:21       | 36:3,11,18,19            | file 16:6,19 58:4 | Gentlemen 53:6                      |
| 49:5,22           | 37:21,25                 | filed 9:23        | George 1:16 4:3<br>5:1,3,11 49:19   |
| ejection 23:17    | excuse 9:7 29:18         | finally 33:3      | 54:8 56:2 57:5                      |
| 43:6,16           | exhausted 45:20          | financially 54:21 | 57:13 58:8                          |
| EKG 34:11,14      | expanded 46:1            | find 31:16        | 59:11 60:9                          |
| 41:19,21          | experience 28:14         | Finding 37:14     | GI 23:21                            |
| electrocardio...  | 47:12,13 48:18           | fine 53:14        | give 5:22 6:11<br>9:4 10:15         |
| 28:19             | 48:21,22 49:9            | fingertips 50:16  | given 6:7 42:10<br>54:15            |
| elevated 19:9     | 49:21 53:4               | finished 6:14,23  | glean 41:2                          |
| elevation 18:22   | expert 14:7 17:7         | fire 41:4         | go 5:19,22 10:4<br>10:25 11:24      |
| Elyria 2:9        | 18:14 22:15              | first 5:4 10:11   | 18:13 31:15                         |
| embarrassed 45:2  | 48:7                     | 36:5              | goals 5:15                          |
| embarrassment     | expertise 22:13          | Flagyl 21:2 48:2  | going 6:6 24:20<br>24:22 30:7       |
| 15:10             | 22:15 24:25              | 48:14,19          | 34:17 38:8,13                       |
| emergency 20:21   | 25:15 26:6               | Florida 9:12,24   | 40:15 53:9                          |
| 23:3 24:10        | 30:19                    | flush 41:13       | good 23:24                          |
| empirically 19:19 | expired 17:3 32:6        | followed 7:3,6    | grams 50:11,18                      |
| 19:20 20:13       | expires 55:6             | following 58:15   | greater 47:5,7                      |
| 21:3,24 26:3      | 57:19                    | follows 5:5       | groin 11:15                         |
| employed 54:21    | explain 12:16            | foregoing 54:14   | group 12:25                         |
| employee 54:19    | 27:18                    | 54:16 57:6        | guess 29:9 34:13<br>39:9 40:9 43:25 |
| ended 45:17       | extending 12:19          | forgive 49:3      |                                     |
| engine 41:5       | eye 25:19                | form 56:8         |                                     |
| engineering 6:15  |                          | found 37:5 44:14  |                                     |
| 6:17              | <b>F</b>                 | four 43:10        |                                     |
| enjoy 13:18       | face 34:3                | fraction 23:17    |                                     |
| enlarged 50:10    | fact 15:11 33:17         | 43:6,17           |                                     |
| 51:10             | 36:20 40:1 42:1          | Francisco 7:8     |                                     |
| enlargement 51:2  | 43:1,8 45:4,14           | Franklin 54:4     |                                     |
| 51:4              | 45:16                    | frankly 22:2      |                                     |
| entered 58:15     | factor 39:15             | Freeman 1:2 2:2   |                                     |
| entertained 47:21 | 41:16                    | 58:5              |                                     |
| entire 58:12      | failure 34:24            | Friday 26:2       |                                     |
| epinephrine 42:2  | 35:2 40:4 43:11          | front 28:9 31:10  |                                     |
| Errata 58:1,17    | 43:18                    | 31:12,14,17       |                                     |
| et 1:3,8 2:2 58:5 | fair 6:8 24:15           | full 5:10,16,22   |                                     |
| 58:6              | 26:22 27:20              | 21:13 27:13       |                                     |
| evaluated 19:15   | 29:2,4 38:18             | fully 5:21 34:4   |                                     |
|                   | 39:7,13 46:25            | 38:17 39:7,14     |                                     |
|                   |                          | 41:12 46:1        |                                     |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com



## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|
| hard 26:18        | ID 20:10          | involves 7:16     | layperson's 27:19 |
| harden 46:10      | ill 38:4          | issues 14:22 38:2 | 36:6              |
| head 18:2         | illness 19:7 35:6 | 38:10             | lead 47:23        |
| HEALTH 3:4        | 38:11 45:23       |                   | leading 46:14     |
| healthy 40:7      | 46:12,13          | J                 | leaking 45:12     |
| 44:22             | illnesses 14:25   | JAMES 2:11        | leave 23:8,25     |
| heart 21:21 26:17 | 15:1 37:3 40:8    | January 55:6      | led 34:2 46:13    |
| 32:19,22 33:5,6   | immune 35:12 39:3 | job 39:20,21      | left 36:21,22,24  |
| 33:12,12 41:6     | 39:22,25 40:14    | John 2:5 5:8 53:8 | 37:6,15 38:7      |
| 43:11,18 45:17    | 45:13             | jurisdiction      | 43:6 44:19        |
| 50:7,10 51:2,4    | impression 51:20  | 57:17             | leg 7:17          |
| 51:6,8,10,11,13   | inaccurate 52:10  |                   | legal 13:7,11,22  |
| 51:25             | increased 38:18   | K                 | 14:7 15:20        |
| hearts 51:1       | 38:19             | Ken 49:15         | letter 12:15,16   |
| hereinafter 5:4   | indicated 58:16   | KENNETH 3:6       | 31:1,2,10,17,21   |
| hereof 56:5 57:9  | individual 40:7   | kidney 7:18 34:24 | letters 12:10     |
| hereto 54:20      | 44:22             | 35:1,7 40:3       | 17:6              |
| hesitate 26:15    | infection 11:15   | kill 37:1,4 38:8  | let's 10:11 11:7  |
| high 6:14 8:23    | 35:21 46:6        | 40:13             | 32:17 42:21       |
| 26:22,25 27:2,3   | infections 40:6   | kind 24:19 33:9   | leukocytosis      |
| 27:6,21 32:3      | infectious 20:6   | knee 11:13,23     | 23:20             |
| 33:19             | 20:23 23:21       | know 6:10 12:14   | level 13:18 19:3  |
| higher 42:23      | 35:23 37:2 46:2   | 16:2,4 17:9       | 27:2,3,4,5,6,8    |
| highly 28:25      | 47:20 48:8 49:1   | 20:9 23:15        | 27:21,22 28:1,6   |
| history 21:19     | 49:24             | 24:18 25:6        | 28:22,23          |
| his/her 57:7      | information 16:14 | 26:15 29:14       | levels 26:23,23   |
| hold 39:10        | initially 24:12   | 33:10 34:16,17    | 26:25 27:14,25    |
| HOME 3:4          | insertion 11:15   | 35:21 37:10       | 28:17 32:4,4      |
| hope 29:18        | insidious 34:23   | 40:1,9,24,25      | 33:20,20 34:2,6   |
| hospital 3:3,4    | insist 22:25      | 49:24 50:20,22    | 38:18,20,22,23    |
| 6:25 7:2,4 8:10   | insisted 22:19    | 50:22,24 51:9     | license 9:14      |
| 8:25 13:1 16:23   | instant 42:5      | 52:14             | licensed 9:6,8,11 |
| 16:24 21:13       | institution 20:14 | knowledge 9:22    | limits 27:14      |
| 24:8              | intact 40:14      | 10:10 12:6,8,21   | Line 30:9 58:21   |
| hospitalists      | interest 22:14    | 12:25 43:24       | 58:24 59:2,5,8    |
| 21:11             | interested 54:22  |                   | 59:13,16,19,22    |
| hospitalization   | internal 7:2 9:2  | L                 | 59:25 60:3        |
| 17:3 21:1         | 20:1 21:11,14     | L2:14             | little 9:3 12:24  |
| Hospitals 7:5     | 22:7,19,25 23:7   | lab 8:5,6,11,13   | 35:18 40:20       |
| hour 18:7,9,14    | 23:12,25 24:15    | 8:16,22 19:1      | 50:24             |
| hours 18:15 35:5  | 25:5,7 30:20,21   | laboratory 18:24  | liver 45:10       |
| 48:2              | internist 19:24   | 19:1              | living 51:3       |
| HOWLEY 3:5        | 20:23 21:25       | lack 33:4,25 36:2 | lobe 37:16 38:7   |
| HURD 3:5          | 35:23 49:23       | 36:11 37:21       | 44:19             |
| hyperkalemia 15:8 | internship 6:24   | lady 37:3 51:24   | located 36:10     |
| 16:16 18:21,22    | intervals 34:15   | large 51:6,7      | logical 48:17     |
| 34:9,19,20,22     | interventional    | Laurie 1:24 54:5  | long 13:10 30:6   |
| 41:9,15,23,25     | 7:8,14 8:1,3,8    | 55:3              | 30:21             |
| 42:5,11           | interventiona...  | LAW 2:6,15 3:7    | long-term 11:20   |
| hyperkalemia's    | 7:12              | lawsuits 10:1     | 51:12             |
| 34:16             | involved 7:22     | 12:23             | look 8:3 23:14    |
|                   | 11:10 13:13       | layperson 40:10   | 32:2 37:9 41:18   |
| I                 | 14:22             |                   |                   |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>looking</b> 13:20<br>31:18 40:21<br>44:2 50:17<br>52:16<br><b>losing</b> 33:2<br><b>lot</b> 24:14,18<br>26:16,17 29:10<br>29:12<br><b>low</b> 23:17 27:3,5<br>27:7,10,22<br>33:20 34:2<br><b>lower</b> 27:14<br><b>lung</b> 36:14,22,24<br>37:6<br><b>lungs</b> 36:7,13<br>45:25,25 46:4<br><b>L.L.P</b> 2:13 3:5<br><b>L.P.A</b> 2:4                                                                                                                                                                                                                                                                                                         | <b>metabolic</b> 41:10<br><b>Methodist</b> 6:24<br><b>Michael</b> 17:24<br><b>Michelle</b> 1:2 2:2<br>58:5<br><b>Middle</b> 2:8<br><b>mind</b> 25:12 48:16<br><b>mine</b> 20:18 23:15<br><b>minimum</b> 18:14<br><b>mini-lung</b> 38:3<br><b>minute</b> 31:9<br><b>MISHKIND</b> 2:4<br><b>mitral</b> 23:16 45:9<br>45:11 51:23,24<br><b>mobilized</b> 46:8<br><b>Modi</b> 2:12 30:10<br><b>Modi's</b> 30:4<br><b>moment</b> 31:19<br>42:22<br><b>money</b> 10:25<br><b>months</b> 43:10<br>53:11<br><b>Mount</b> 1:22<br><b>mouth</b> 14:10<br><b>moved</b> 31:12<br><b>mucous</b> 15:10<br>33:24 36:2,3,4<br>36:9,17,21,23<br>37:15 38:7,16<br>39:6 44:2,5,19<br>45:6,19,21,22<br>46:5,7,14,19,24<br>47:8 49:7<br><b>multiple-trauma</b><br>33:1<br><b>M.D</b> 1:16 4:3 5:1<br>5:3 54:8 56:3<br>57:5,13 58:8<br>59:11 60:9 | <b>neither</b> 9:13<br><b>networking</b> 14:1<br><b>nevertheless</b> 13:3<br>20:11<br><b>noncardiac</b> 15:1<br><b>normal</b> 27:14 40:7<br>50:19<br><b>Notary</b> 4:5,8 54:5<br>55:3 57:19<br><b>note</b> 16:15<br><b>notes</b> 4:6 16:10<br>16:12 49:16<br><b>number</b> 27:11<br>28:11 37:14<br>41:17<br><b>numbers</b> 18:24<br>28:13<br><b>numerous</b> 17:10                                                                                                                                                                                                                                                                                               | 25:18,25 26:12<br>27:17 28:3,21<br>29:5 30:23<br>31:12,19 32:9<br>32:16 33:14<br>36:1 37:11 39:4<br>39:10,13 40:10<br>40:16 41:8<br>42:18,20 44:1<br>46:20 47:10,13<br>48:12 49:2,12<br>50:11,19,23<br>51:6,14 52:2,21<br>52:24 53:6,8,9<br><b>once</b> 44:23<br><b>ones</b> 14:22<br><b>open</b> 32:18 45:16<br><b>opine</b> 13:16<br><b>opined</b> 15:15<br>41:15<br><b>opinion</b> 17:6<br>25:15 26:6<br>30:24 31:2,5,22<br>33:16 35:19<br>38:14 39:9,10<br>48:7 50:6<br><b>opinions</b> 5:17,19<br>15:6 17:23<br>49:13 52:22,25<br>53:1,3<br><b>order</b> 44:7<br><b>ordered</b> 21:2<br><b>Ordinarily</b> 28:16<br><b>organ</b> 35:4 44:15<br><b>organs</b> 33:5<br><b>original</b> 58:19<br><b>outcome</b> 48:4<br><b>outpatient</b> 8:10<br>8:24<br><b>outside</b> 8:11,22<br><b>outstanding</b> 12:7<br><b>oxygen</b> 34:2<br><b>oxygen-carrying</b><br>33:4 |
| <b>M</b><br><b>main</b> 20:18 25:1<br><b>major</b> 44:9 45:16<br><b>majority</b> 41:25<br><b>manifestation</b><br>38:24<br><b>manufacture</b> 46:5<br><b>materials</b> 16:20<br><b>matter</b> 45:4 56:3<br>57:8 58:13<br><b>mean</b> 16:19,20<br>25:6 29:13<br>32:17,18 34:20<br>39:24 40:18<br>52:9<br><b>mechanism</b> 40:17<br>41:6<br><b>medical</b> 6:13,18<br>6:20 9:23 13:7<br>13:11,22 14:7<br>15:20 17:4<br>39:11 40:1<br>43:19<br><b>medicine</b> 6:19 7:2<br>7:9,15,19 9:2<br>20:1 21:12,14<br>22:8,20,25 23:7<br>23:12,25 24:15<br>25:5,7 28:14<br>30:20,21<br><b>memory</b> 16:19<br><b>mentioned</b> 19:24<br>21:16 41:18<br>44:17 | <b>N</b><br><b>name</b> 5:10 58:17<br><b>named</b> 13:2 54:8<br><b>nausea</b> 20:19<br>29:22<br><b>near</b> 40:5<br><b>necessarily</b> 15:8<br>22:25 32:8<br><b>need</b> 23:23 31:15<br>32:9 35:9<br><b>needed</b> 24:1<br><b>needless</b> 42:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>O</b><br><b>oath</b> 5:13<br><b>Objection</b> 10:3,14<br>11:2 12:12 13:4<br>22:1,23 25:13<br>26:4 35:17<br>39:17 47:1,18<br>48:5 49:8<br><b>objective</b> 52:13<br><b>obviously</b> 40:22<br><b>occasion</b> 28:2<br><b>occurred</b> 10:12<br>26:16,21<br><b>occurs</b> 14:1 36:17<br><b>offered</b> 16:14<br><b>office</b> 31:13<br>54:24<br><b>official</b> 4:7<br><b>Ohio</b> 1:1,22 2:9<br>2:18 3:10 6:18<br>6:20 7:5 9:6,8<br>9:24 54:2,6,25<br>55:5<br><b>okay</b> 6:10,22 7:20<br>8:19 9:1,6,13<br>10:11,22,24<br>11:24 12:1,14<br>13:7,13,17,20<br>14:15,20 15:2<br>15:19 16:10,17<br>17:8,21,25 18:3<br>18:20 19:10,13<br>19:18 21:5,7<br>22:4 24:18 | <b>P</b><br><b>P</b> 34:14 41:19<br><b>pacing</b> 41:6<br><b>page</b> 30:7 44:3<br>56:5 57:9 58:21<br>58:24 59:2,5,8<br>59:13,16,19,22<br>59:25 60:3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |


**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PAISLEY</b> 3:5<br><b>parameters</b> 52:13<br><b>paraphrase</b> 31:4<br><b>PARKER</b> 2:14 10:3<br>10:14 11:2<br>12:12 13:4 22:1<br>22:23 25:13<br>26:4 35:17<br>39:17 47:1,18<br>48:5 49:8 53:8<br>53:13<br><b>Parma</b> 3:2,3 16:24<br><b>part</b> 19:7 37:6<br>46:5<br><b>particular</b> 16:4<br>25:16 33:5<br>43:22,23<br><b>particularly</b><br>45:24<br><b>parties</b> 4:3 54:20<br>54:21 56:10<br><b>partner</b> 11:10<br><b>pathologist</b> 51:7<br><b>pathologist's</b><br>51:1<br><b>patient</b> 10:17,22<br>11:9,19,20<br>15:12 17:3 20:1<br>20:2,3,8,9,16<br>20:18,22 21:18<br>21:25 22:16,20<br>23:15 24:2,8,12<br>25:3 27:22,23<br>28:5 29:24 34:1<br>34:11,18 37:1<br>37:23,24 38:7,9<br>38:12 41:2<br>44:25 45:23<br>46:13 47:2,16<br>48:1<br><b>patients</b> 8:9,24<br>9:1 19:13 26:9<br>26:17 29:5 34:9<br>38:2 40:2,5<br>45:5 47:4,10<br>48:13,18,21,23<br>49:4,23 51:3,23<br><b>patient's</b> 15:16<br>15:17 16:25<br>22:13 31:23<br>35:6 38:10 39:2<br>39:16,21 43:15<br>46:21 | <b>Paul</b> 15:23 16:2,4<br><b>pay</b> 10:25<br><b>people</b> 21:13<br>50:25<br><b>percent</b> 7:21 8:17<br>8:23,23 9:5<br>14:3,5 19:25<br>21:17 41:22<br>42:24 43:7,17<br><b>percentage</b> 8:14<br>9:4 13:21,23<br><b>percentage-wise</b><br>8:20<br><b>performed</b> 10:19<br>11:11,14,22<br><b>person</b> 32:25<br>35:23<br><b>personally</b> 57:4<br><b>perusal</b> 24:13<br><b>phone</b> 31:13<br><b>physically</b> 36:10<br><b>physician</b> 20:21<br>23:3 24:11<br>47:20<br><b>physicians</b> 21:10<br><b>picture</b> 34:25<br><b>place</b> 54:16 56:4<br>57:9<br><b>plaintiff</b> 14:5,13<br><b>plaintiffs</b> 1:4<br>2:2 5:9 13:24<br>17:7<br><b>planning</b> 18:16<br><b>PLEAS</b> 1:1<br><b>please</b> 5:10 10:8<br>11:8 14:18 16:6<br>18:20 32:12<br>37:9 38:14<br>41:13 51:18<br><b>plug</b> 15:10 33:24<br>36:2,3,4,9,17<br>36:21,23 37:15<br>38:8 39:6 44:2<br>44:6,19 45:6,19<br>46:19,24 47:8<br>49:7<br><b>plugs</b> 41:4 45:21<br>45:22<br><b>plus</b> 38:16<br><b>point</b> 21:15 23:1<br><b>poisons</b> 35:9<br><b>poor</b> 43:16 | <b>position</b> 48:6<br><b>potassium</b> 18:23<br>19:3,8 26:23,25<br>27:2,21 28:1,6<br>28:17 32:3<br>33:20 34:6<br><b>practice</b> 7:10,13<br>7:22 8:21 19:22<br>19:25 21:9,14<br>24:4 25:5 26:8<br><b>practices</b> 24:13<br><b>practicing</b> 30:21<br>47:20<br><b>preexisting</b> 39:22<br>39:25 40:2 45:1<br>45:10 51:11,12<br><b>preparation</b> 18:4<br><b>prescribe</b> 50:1<br><b>prescribed</b> 50:3<br><b>presence</b> 4:6<br>54:12<br><b>presenting</b> 23:19<br>25:9<br><b>pressing</b> 33:15<br><b>presume</b> 44:21<br><b>presumed</b> 25:2<br><b>pretty</b> 7:18 10:16<br>14:9 23:8 28:10<br>32:24 35:4<br>44:20<br><b>previously</b> 41:18<br><b>primarily</b> 7:13<br>25:24 42:25<br>45:22 51:4<br><b>primary</b> 21:10<br><b>prior</b> 10:1 16:24<br>41:20 43:9,10<br>49:25 51:25<br><b>privileges</b> 9:18<br>9:19<br><b>probability</b> 39:11<br><b>probably</b> 8:17,23<br>14:2 21:16 23:2<br>23:4 24:14<br>30:17 33:23<br>34:3 35:3 41:22<br>47:6 48:9 49:2<br><b>problem</b> 23:19,21<br>34:5 41:23<br><b>problems</b> 35:11,12<br>45:10,24 48:24<br><b>procedure</b> 10:19<br>11:13,21 | <b>procedures</b> 8:7<br><b>proceeding</b> 24:17<br><b>proceeds</b> 18:17<br><b>process</b> 46:3<br>47:21<br><b>produced</b> 46:7<br><b>professional</b> 1:25<br>7:21 12:25 55:5<br><b>prognosis</b> 25:3,24<br>42:22 43:15<br>47:24<br><b>progressive</b> 34:23<br><b>proof</b> 4:7<br><b>provided</b> 51:15<br><b>pseudomembranous</b><br>26:10<br><b>Public</b> 3:9 54:6<br>55:4 57:19<br><b>pulmonary</b> 23:18<br>35:12 36:13<br>38:1 40:3 45:15<br>52:5<br><b>pump</b> 32:23<br><b>put</b> 8:14 27:11<br>31:7 34:13 36:7<br>45:19<br><b>p.m</b> 1:19 53:17 |
| <b>Q</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>QRS</b> 34:15 41:19<br><b>qualifications</b><br>4:7<br><b>qualified</b> 54:7<br><b>question</b> 5:13 6:5<br>9:15,20 12:24<br>13:3 24:20<br>29:10 30:14<br>31:6 42:14<br>48:17<br><b>questions</b> 6:1<br>24:19,19 49:16<br>49:19<br><b>quick</b> 6:11<br><b>quickly</b> 20:5<br><b>quite</b> 17:13 22:2<br><b>quote</b> 44:4,10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>R</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>R1</b> :2 2:2 58:5<br><b>RAJU</b> 2:12<br><b>ramifications</b><br>51:12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|
| range 43:7        | report 17:19 18:4 | Riverside 6:24    | series 36:15      |
| rapid 32:21       | 37:15 41:9        | 7:2,4             | serum 18:23 19:3  |
| rat 8:5,14        | 52:17,17,19       | robust 40:14      | service 24:17     |
| react 41:24       | reporter 1:25     | role 8:13         | services 14:7     |
| read 30:3,6,7     | 55:5 56:7 58:11   | Ron 15:23         | session 5:13      |
| 31:19 53:9        | reports 17:16     | room 20:21 23:3   | set 54:23 56:4    |
| 56:10 58:12,14    | represent 5:9     | 24:10             | 57:9              |
| reading 51:20     | request 58:14     | rule 27:1 47:23   | SetDepo 58:3      |
| really 22:12      | requested 56:6    |                   | setting 8:10      |
| 25:14 26:18       | required 45:10    | S                 | severe 51:17 52:3 |
| 28:18 33:9        | research 18:3     | S 1:16 4:3 5:1,3  | 52:9,12           |
| 37:19 39:4 48:6   | reserve 45:2,20   | 54:8 56:2 57:5    | severity 52:7     |
| 50:22 52:5        | residency 6:13    | 57:13 58:8        | sheet 16:13 58:1  |
| realm 30:19       | 7:1               | 59:11 60:9        | 58:17             |
| reason 5:20 32:13 | resistance 35:12  | sample 19:21      | short 16:15 36:25 |
| 48:12 58:23       | respective 4:2    | San 7:7           | shown 43:5        |
| 59:1,4,7,10,15    | respiratory 15:10 | saw 21:18 24:12   | shutdown 35:4     |
| 59:18,21,24       | respond 47:11     | 27:21,23          | 44:15             |
| 60:2,5            | 48:13,19          | saying 42:15      | sick 26:1 37:23   |
| reasonable 39:11  | responded 47:3    | says 5:5 32:2     | side 36:22        |
| reasons 41:14     | response 46:4     | 44:4              | sign 56:11        |
| 42:11 58:16       | restate 38:13     | school 6:13,14,19 | Signature 53:15   |
| recall 16:1 18:1  | result 10:24      | 6:20              | 60:8              |
| 26:20 28:24       | 19:21 30:11       | Scott 5:11        | signed 58:17      |
| received 6:15,19  | 34:19,21          | scribbled 16:15   | significant 23:18 |
| 12:9 42:2,3       | results 30:15     | se 37:1 51:19     | 28:19 41:16       |
| recite 16:18      | review 13:25      | seal 54:24        | 43:2 52:8         |
| record 58:16      | 15:20 16:11,21    | Sechler 2:11 43:4 | signs 20:4 34:14  |
| records 17:4      | 17:15,18 18:8     | Sechler's 51:20   | 41:21             |
| recurrent 43:18   | 25:19,22 31:4     | second 19:8 31:2  | similar 14:22     |
| reduced 4:5 56:8  | 49:15 53:5        | 37:12             | sir 5:12 6:5 9:8  |
| refer 8:4 22:14   | reviewed 14:4,21  | seconds 31:11     | 10:13 11:8 16:8   |
| 37:8 41:3 50:13   | 15:15 16:23       | see 20:10 21:25   | 16:22 49:12       |
| reference 43:20   | 17:2,4,6,9,13     | 22:20 24:2        | 52:22 53:2        |
| 43:22             | 17:22,23          | 26:17 28:17       | site 11:15        |
| referred 20:5,22  | reviewing 13:22   | 34:18 37:9 45:3   | situation 20:25   |
| regard 8:13 9:18  | 52:6              | seeing 23:1 28:18 | 25:16 39:3 42:7   |
| 12:23 41:9        | revoked 9:15,19   | seen 12:21 41:21  | 42:9 45:18        |
| regards 10:17     | rheumatic 51:25   | 49:9,25 50:3      | situations 40:13  |
| 14:24,25 15:7     | rhythm 28:19      | send 12:17        | six 43:10         |
| 24:23 25:1,23     | 32:20,21,22       | sepsis 15:13 29:3 | size 37:18 50:7   |
| related 15:8,9    | 33:6,12 34:11     | 29:19 30:11,15    | 50:10             |
| 43:1              | 42:4,6            | 32:5 34:3,25      | sketch 6:11       |
| relative 50:6     | rid 35:8,9        | 35:1,3,6,15       | skews 14:2        |
| 54:19             | right 14:6 17:1   | 38:16,25 39:6     | slightly 18:25    |
| remember 16:17    | 17:12 18:16       | 39:14 44:15       | smoked 45:14      |
| render 25:15 26:6 | 26:8 28:9,11      | 46:15,17,23       | somebody 36:7     |
| 35:19 48:7        | 30:3,13 31:18     | 49:5,6,6          | somewhat 14:2     |
| rendered 24:24    | 32:17 33:8        | September 1:18    | soon 41:20 45:16  |
| rephrase 6:3      | 38:15 40:16,24    | 5:2 55:1 58:9     | sooner 47:14,22   |
| replacement 23:17 | 41:1 42:10,21     | septic 11:12,22   | sorry 38:21 43:20 |
| 52:1              | 48:15 50:12,17    | sequelae 11:21    | sort 23:4,21      |
|                   | 52:16 53:13       |                   | 47:22 51:1        |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>spark</b> 41:4<br><b>speak</b> 25:8<br><b>specialist</b> 20:6<br>20:10,24 22:20<br>23:1,7,12 24:1<br>25:8 30:20 48:8<br>49:1,24<br><b>specialists</b> 21:10<br>21:12<br><b>specialty</b> 6:16<br><b>specifically</b><br>26:20 31:21<br><b>specified</b> 54:17<br><b>speculation</b> 15:6<br><b>spend</b> 7:20 8:20<br><b>spent</b> 8:15,24<br><b>spot</b> 31:7<br><b>Square</b> 3:9<br><b>SS</b> 54:3<br><b>staining</b> 7:16<br><b>standard</b> 11:18<br>24:21,23 25:11<br>25:20<br><b>start</b> 28:18<br><b>started</b> 13:17<br>47:23 48:2<br><b>starting</b> 6:12<br>30:9<br><b>state</b> 6:17,18,20<br>7:5 9:11 42:11<br>54:2,6 55:4<br>57:2<br><b>stated</b> 6:1<br><b>statement</b> 44:11<br>44:12<br><b>states</b> 9:14,17<br>57:6<br><b>status</b> 39:22,25<br>45:13<br><b>statute</b> 4:4 12:19<br><b>stenosis</b> 51:25<br><b>stenotypy</b> 4:5<br>54:11<br><b>stipulated</b> 4:2<br><b>STIPULATIONS</b> 4:1<br><b>stool</b> 19:21<br><b>stopped</b> 41:7<br><b>stops</b> 32:19 33:13<br><b>Street</b> 2:17<br><b>strictly</b> 34:9<br><b>strips</b> 34:11<br><b>studies</b> 43:21 | <b>study</b> 43:12,12,13<br><b>SUBSCRIBED</b> 57:15<br><b>subsequent</b> 41:11<br>42:12<br><b>subsequently</b><br>11:12 34:2<br><b>substantial</b> 39:15<br>43:5<br><b>succumbed</b> 15:12<br><b>sudden</b> 26:13,24<br>27:24 30:2<br><b>sued</b> 13:2<br><b>sufficient</b> 23:5<br>28:22 44:16<br><b>suit</b> 10:25<br><b>Suite</b> 2:16<br><b>suits</b> 12:7<br><b>support</b> 52:14<br><b>suppose</b> 36:4<br><b>supposed</b> 27:16<br><b>sure</b> 10:16 16:1<br>22:10,24 23:6<br>26:5 28:9,10<br>29:10 37:13<br>41:11 42:13<br><b>surface</b> 36:19<br><b>surgery</b> 45:9,11<br>45:17<br><b>surrounding</b> 38:10<br>46:17<br><b>survival</b> 42:23<br>47:17<br><b>survived</b> 47:6<br><b>suspect</b> 19:20<br><b>suspected</b> 20:12<br>21:3 30:12<br><b>suspended</b> 9:15,19<br><b>sworn</b> 5:4 54:9<br>57:6,15<br><b>symptoms</b> 20:5<br>25:9<br><b>syndrome</b> 29:3,20<br>32:5<br><b>system</b> 40:14 | <b>taken</b> 4:5 54:11<br>54:15 56:3,7<br>57:7 58:13<br><b>talk</b> 10:11 11:7<br>16:5 36:1,2<br>42:21 44:1<br><b>talked</b> 52:15<br><b>tank</b> 27:12<br><b>TELEPHONE</b> 2:7<br><b>Telephonic</b> 1:14<br>5:1<br><b>tell</b> 5:10,21 6:2<br>7:10 8:1 10:8<br>10:12 17:10<br>22:4 23:11<br>32:12 34:8 36:4<br>38:14 47:19<br><b>terminal</b> 3:8 28:6<br><b>terms</b> 27:19 36:1<br>36:6<br><b>test</b> 19:2<br><b>testified</b> 14:12<br>14:15<br><b>testify</b> 18:10<br>24:20,22 54:9<br><b>testifying</b> 18:17<br><b>testimony</b> 25:1<br>54:10,15<br><b>text</b> 43:13,13,14<br><b>textbook</b> 43:23<br><b>texts</b> 43:21<br><b>thanks</b> 29:12<br><b>therapy</b> 15:12<br>24:24 31:24<br>39:19 43:19<br>47:22<br><b>thereabouts</b> 19:4<br>28:7<br><b>thing</b> 20:20 23:4<br>46:9<br><b>things</b> 22:10<br>29:23 40:4<br>41:17 43:12<br>46:18<br><b>think</b> 13:25 17:21<br>23:2,23 25:25<br>26:14 28:11<br>29:4 31:3 32:1<br>33:14,23 34:22<br>35:3,20 37:24<br>38:14 40:10<br>44:5,23 46:16<br>47:2 48:9 50:11 | 52:11,18 53:7<br><b>thinking</b> 17:18<br><b>thought</b> 42:14<br><b>thoughts</b> 15:6<br><b>Three</b> 14:19<br><b>three-day</b> 21:19<br><b>thumbnail</b> 6:11<br><b>time</b> 4:5 7:21 8:6<br>8:15,18 21:13<br>23:1 30:6,21<br>41:22,24,25<br>53:10 54:16<br>56:4 57:8<br><b>times</b> 10:9,10<br>14:18,19<br><b>tip</b> 38:11<br><b>tissue</b> 36:14<br><b>title</b> 56:4 57:9<br><b>today</b> 7:11<br><b>told</b> 42:16<br><b>top</b> 18:1<br><b>TORGERSON</b> 3:6<br>49:18<br><b>total</b> 35:4 44:7<br><b>totally</b> 52:11<br><b>tough</b> 50:25<br><b>Tower</b> 3:8<br><b>toxins</b> 29:2 32:4<br><b>trachea</b> 44:6,9<br><b>training</b> 53:4<br><b>transcribed</b> 4:6<br>54:13<br><b>transcript</b> 30:4<br>32:2 54:14<br>56:11 57:7,10<br>58:12,19<br><b>treat</b> 19:19 21:24<br><b>treated</b> 19:14<br>20:12 22:5,8<br>26:2 39:1 43:9<br>47:15 48:25<br>49:23<br><b>tree</b> 36:16,17<br><b>trial</b> 11:1,3,24<br>14:12,16 18:12<br>18:13,17 53:12<br><b>triggering</b> 45:7<br><b>true</b> 48:20 54:14<br>57:10<br><b>trunk</b> 36:17<br><b>truth</b> 54:9<br><b>trying</b> 36:8 42:18 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|


**setdepo**

 Streamlined • Centralized • Standardized  
 The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

## Telephonic Deposition of Barry S. George, M.D. - September 1, 2004

|                   |                  |                   |                   |
|-------------------|------------------|-------------------|-------------------|
| tubes 36:15       | wait 19:21       |                   | 24 28:15 30:8     |
| two 10:10 11:13   | waiting 22:21    | X                 | 35:5 48:2         |
| 21:19 41:17       | waived 4:8 53:15 | x-ray 51:4        | 25 14:4           |
| 43:12 45:5        | walk 5:15        |                   | 2500 3:8          |
| two-thirds 27:12  | wall 46:3        | Y                 |                   |
| 27:15             | want 41:11 44:1  | Yaffe 17:24       | 3                 |
| two-year 7:1,3    | 53:11            | yeah 37:4         | 30 31:11 43:7     |
| 42:23             | wanted 31:7      | year 6:24 7:6     | 53:9              |
| type 20:20 46:9   | warning 34:14    | 18:18             | 35 8:23 43:7      |
| types 40:4        | 41:21            | years 10:16 13:12 | 36 35:5           |
| typewritten 56:8  | wasn't 19:11     | 13:21 14:21       |                   |
|                   | 35:20            | 19:14 21:4,8      | 4                 |
| U                 | watching 48:23   | 22:6,10,11        | 4 37:14           |
| uncommon 51:23    | 49:22            | 28:15 29:6 43:3   | 40 43:17          |
| undergone 45:9    | wave 34:15 41:19 | 45:14 48:22       | 44 113-2241 3:10  |
| understand 5:12   | 41:20            | 49:22,25          | 44 114-9714 2:18  |
| 41:12 42:13       | waves 34:15      | Youngstown 6:17   | 44 135 2:9        |
| understanding     | way 14:20 15:19  |                   | 49 0991 1:5       |
| 5:17 50:4         | 19:13,22 24:4    | Z                 | 5                 |
| understood 5:25   | 25:18 29:5 46:2  | Zirafi 2:12 22:18 | 5 9:5 19:25 21:17 |
| 6:7 17:17         | 48:10 49:21      | Zirafi's 25:6     | 5.2 19:3,5,10     |
| University 6:17   | 51:3             |                   | 5.3 19:3,6        |
| 7:5,7             | weeks 11:13 45:5 | \$                | 50 3:9 7:21 42:23 |
| unusual 28:2,4,25 | weigh 50:25      | \$500 18:9,14     | 5205 58:4         |
| upper 36:22,24    | weight 50:20     | 1                 |                   |
| 37:6,15 38:7      | went 6:18        | 1 1:18 5:2 17:5   | 6                 |
| 44:19             | weren't 35:14    | 58:9              | 6.0 28:12         |
| use 41:5 52:9     | 39:20            | 12 13:12          | 6:03 1:19         |
| usual 18:23       | WESTON 3:5       | 1330 1:21         | 600 50:11,18      |
| usually 19:2      | we're 8:5 12:17  | 134 2:8           |                   |
| 48:20             | 12:18 53:11      | 1375 2:17         | 7                 |
| V                 | we've 37:21      | 14 13:12          | 7 30:9            |
| valve 23:16 45:9  | WHEREOF 54:23    | 15 21:4,8 22:6,9  | 7.4 28:7          |
| 45:11,11 51:13    | Wilt 15:23       | 22:11 43:3        | 7.5 28:7          |
| 51:23 52:1        | windpipe 36:14   | 48:22 49:22,25    | 7:01 53:17        |
| valvular 51:11    | wish 52:18       | 15th 54:25        | 75 14:3           |
| ventricular 43:6  | witness 4:4,7    | 16 55:6           |                   |
| verdict 11:5 12:4 | 18:14 54:12,15   | 1700 2:16         | 8                 |
| vernacular 8:5    | 54:23            | 180 12:19         | 8 28:17           |
| Vernon 1:22       | word 14:9 52:9   | 180-day 12:9,15   | 80 8:17 14:3      |
| vindicated 11:3   | words 27:13      | 19 28:23          | 84-year-old 45:8  |
| 12:2              | work 13:7,11,22  | 1972 6:14         |                   |
| violation 25:20   | 16:2 40:15       | 1976 6:18         | 9                 |
| vital 33:4        | worked 15:24     | 1979 6:21         | 9th 2:17          |
| Volume 17:5,5     | working 35:14    | 1988 10:15,17     | 90 41:22          |
| vomiting 20:19    | worthwhile 48:9  |                   | 94 44:3           |
| 29:22             | wouldn't 22:2    | 2                 |                   |
| vs 1:5 58:5       | 37:1 40:22       | 2 17:5            |                   |
| W                 | 46:23,23         | 20 8:23 14:4      |                   |
| W 2:5             | wound 45:18      | 2004 1:18 5:2     |                   |
|                   | writing 4:5      | 55:1 57:16 58:9   |                   |
|                   | wrong 38:15      | 2006 55:7         |                   |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

Nationwide Scheduling

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

www.setdepo.com