

Condensed Transcript

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

Michelle R. Freeman,

Plaintiff,

vs.

Case No. 490991

Cardiovascular Clinic,
et al.,

Defendants.

~~~~~

### VIDEOTAPED DEPOSITION OF

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

November 1, 2004

5:45 p.m.

Knox Community Hospital  
1330 Coshocton Avenue  
Mount Vernon, Ohio

Sharon T. Pontius, Registered Merit Reporter, 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](http://www.setdepo.com)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

| Page 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 IN THE COURT OF COMMON PLEAS<br/>2 CUYAHOGA COUNTY, OHIO<br/>3 Michelle R. Freeman,<br/>4 Plaintiff,<br/>5 vs. Case No. 490991<br/>6<br/>7 Cardiovascular Clinic,<br/>8 et al.,<br/>9<br/>10 Defendants.<br/>11 ~~~~~<br/>12<br/>13 VIDEOTAPED DEPOSITION OF<br/>14<br/>15 BARRY S. GEORGE, M.D.<br/>16<br/>17 November 1, 2004<br/>18 5:45 p.m.<br/>19<br/>20 Knox Community Hospital<br/>21 1330 Coshocton Avenue<br/>22 Mount Vernon, Ohio<br/>23<br/>24 Sharon T. Pontius, Registered Merit Reporter, Notary Public<br/>25</p>                                                                                                                                                                                                                                                                                  | <p>1 APPEARANCES (continued)<br/>2<br/>3 ALSO PRESENT:<br/>4 KRISTEN MIELE, VIDEOGRAPHER<br/>5<br/>6<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                                                                                                                 |
| Page 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>1 APPEARANCES<br/>2<br/>3 ON BEHALF OF THE PLAINTIFF<br/>4 BECKER &amp; MISHKIND CO., L.P.A.<br/>5 MR. JOHN BURNETT, ATTORNEY AT LAW<br/>6 134 Middle Avenue<br/>7 Elyria, Ohio 44135<br/>8<br/>9 ON BEHALF OF THE DEFENDANTS JAMES SECHLER, M.D.,<br/>10 CHRISTINE ZIRAFI, M.D., AND THE CARDIOVASCULAR<br/>11 CLINIC<br/>12 BUCKINGHAM, DOOLITTLE &amp; BURROUGHS, LLP<br/>13 MR. PAUL A. DZENITIS, ATTORNEY AT LAW<br/>14 1375 East Ninth Street<br/>15 Suite 1700<br/>16 Cleveland, Ohio 44114<br/>17<br/>18 ON BEHALF OF THE DEFENDANT PARMA COMMUNITY<br/>19 GENERAL HOSPITAL AND PARMA HOME HEALTHCARE<br/>20 WESTON, HURD, FALLON, PAISLEY &amp; HOWLEY, LLP<br/>21 MR. KENNETH A. TORGERSON, ATTORNEY AT LAW<br/>22 2500 Terminal Tower<br/>23 50 Public Square<br/>24 Cleveland, Ohio 44113-2241<br/>25</p> | <p>1 STIPULATIONS<br/>2<br/>3 It is stipulated by and among<br/>4 counsel for the respective parties herein that<br/>5 this deposition of BARRY S. GEORGE, M.D., a<br/>6 Witness herein, called by the Defendants under<br/>7 the statute, may be taken at this time and<br/>8 reduced to writing in stenotypy by the<br/>9 Notary, whose notes may thereafter be<br/>10 transcribed out of the presence of the<br/>11 witness; and that proof of the official<br/>12 character and qualifications of the Notary is<br/>13 waived.<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

| Page 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 Videotaped Deposition of Barry S. George, M.D.<br/> 2 November 1, 2004<br/> 3 THE VIDEOGRAPHER: This is the<br/> 4 videotape deposition of Barry S. George, M.D.,<br/> 5 taken in the matter of Michelle R. Freeman<br/> 6 versus Cardiovascular Clinic, et al., for the<br/> 7 Court of Common Pleas, Cuyahoga County, Ohio,<br/> 8 Case Number 490991. This deposition is being<br/> 9 held at 1330 Coshocton Avenue, in Mount<br/> 10 Vernon, Ohio, on November 1, 2004. My name<br/> 11 is Kristen Miele. I am the videographer.<br/> 12 The court reporter is Susan (sic) Pontius.<br/> 13 Counsel will now introduce themselves.<br/> 14 MR. DZENITIS: Paul Dzenitis, for<br/> 15 Dr. Zirafi, Dr. Sechler, and Cardiovascular<br/> 16 Clinic.<br/> 17 MR. TORGERSON: Ken Torgerson, for<br/> 18 Parma Community General Hospital and Parma<br/> 19 Home Healthcare.<br/> 20 MR. BURNETT: John Burnett, for<br/> 21 the Estate of Sally Huerster.<br/> 22 THE VIDEOGRAPHER: The reporter<br/> 23 will now swear in the witness.<br/> 24 BARRY S. GEORGE, M.D., Being by me<br/> 25 first duly sworn, as hereinafter certified,</p> | <p>1 A. That is correct.<br/> 2 Q. Where did you go to medical<br/> 3 school?<br/> 4 A. I went to medical school at Ohio<br/> 5 State University.<br/> 6 Q. And you are a practicing<br/> 7 cardiologist; is that correct, sir?<br/> 8 A. That is correct.<br/> 9 Q. Where did you do your training?<br/> 10 A. My training in cardiology was at<br/> 11 Riverside Methodist Hospital and Ohio State<br/> 12 University Hospitals in Columbus, as well as<br/> 13 at Seton Medical Center in Daly City,<br/> 14 California.<br/> 15 Q. Your training -- let's see. You<br/> 16 did a fellowship in cardiology at, which you<br/> 17 told us, Riverside and then the interventional<br/> 18 cardiology fellowship. That was in Daly<br/> 19 City, California?<br/> 20 A. Yes. It was at the Seton Medical<br/> 21 Center, which is affiliated with the<br/> 22 University of California at San Francisco.<br/> 23 Q. Are you board certified?<br/> 24 A. Yes, I am.<br/> 25 Q. In what specialties?</p>                                                                                                                                                                                                                      |
| Page 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 deposes and says as follows:<br/> 2 DIRECT EXAMINATION<br/> 3 BY-MR.DZENITIS:<br/> 4 Q. Will you introduce yourself to the<br/> 5 jury, please.<br/> 6 A. My name is Barry S. George.<br/> 7 Q. You are a cardiologist, sir?<br/> 8 A. That is correct.<br/> 9 Q. And you are going to be testifying<br/> 10 in this case about Ms. Huerster's life<br/> 11 expectancy and cause of death, correct, sir?<br/> 12 A. That is correct.<br/> 13 Q. I'd like to talk about your<br/> 14 background, your training, your opinions in<br/> 15 the case. First, I'd like to ask you, sir,<br/> 16 why are we watching this by videotape rather<br/> 17 than you testifying live at trial?<br/> 18 A. Next week I have a meeting I need<br/> 19 to attend in regards to cardiac devices and<br/> 20 research and development and speaking on<br/> 21 cardiac devices. And unfortunately, I couldn't<br/> 22 make the trial.<br/> 23 Q. Doctor, you are a licensed<br/> 24 physician in the state of Ohio; is that<br/> 25 correct?</p>                                                                                                          | <p>1 A. I am board certified in internal<br/> 2 medicine and I'm board certified in<br/> 3 cardiovascular diseases and I am board<br/> 4 certified in interventional cardiology.<br/> 5 Q. Doctor, could you take us through<br/> 6 a typical day or a typical week, what you do<br/> 7 in your practice of medicine.<br/> 8 A. Well, today, I -- for example,<br/> 9 this morning, I did a procedure on a patient<br/> 10 who had problems with varicose veins, which<br/> 11 involved using laser treatment. Then this<br/> 12 afternoon I saw about nine patients in the<br/> 13 office. Last week, last Friday -- I saw 15<br/> 14 patients in the office on Friday morning.<br/> 15 Thursday I did eight catheterization procedures<br/> 16 and angioplasty procedures in the cardiac cath<br/> 17 lab. My involvement in the care of patients<br/> 18 in the hospital, I see patients usually after<br/> 19 the procedures in the hospital. And all that<br/> 20 type of thing probably consumes about 90 to<br/> 21 95 percent of my time in medicine.<br/> 22 Q. Would you describe that as a<br/> 23 practice typical of an interventional<br/> 24 cardiologist?<br/> 25 A. It's a practice very typical of an</p> |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 9</p> <p>1 interventional cardiologist in that patients<br/>2 are seen in the office usually before<br/>3 procedures or after procedures and inpatients<br/>4 are seen in the hospital when they have their<br/>5 procedures.<br/>6 Q. Now, I note that and you've told<br/>7 us that you are board certified in internal<br/>8 medicine. Could you tell us what percent of<br/>9 your time you spend in the practice of<br/>10 internal medicine, primary care.<br/>11 A. Well, I think that all<br/>12 cardiologists to some extent do practice<br/>13 internal medicine. As a pathway to board<br/>14 certification and cardiovascular diseases, one<br/>15 must first do a residency in internal<br/>16 medicine and one must first pass the boards<br/>17 in internal medicine, which is basically<br/>18 treating nonsurgical problems of adults. Most<br/>19 who go into the subspecialty field then<br/>20 practice very limited amount of internal<br/>21 medicine. For example, in my particular<br/>22 practice, probably percentage-wise, internal<br/>23 medicine I'm practicing is 5 percent.<br/>24 Q. Are you going to be giving<br/>25 opinions in this case about the standard of</p> | <p style="text-align: right;">Page 11</p> <p>1 A. Yes, it is.<br/>2 Q. And if we could mark that as<br/>3 Exhibit Number 1, I'm going to move to have<br/>4 that introduced as an exhibit to the<br/>5 deposition.<br/>6 And, thereupon, Deposition Exhibit-1<br/>7 was marked for purposes of identification.<br/>8 Q. Is there anything else in the CV<br/>9 -- and we've run through the medical school,<br/>10 the training, and how you spend your day.<br/>11 Is there anything else in the CV that you<br/>12 think would be relevant to the opinions that<br/>13 you're going to be giving in the case here<br/>14 today?<br/>15 A. I don't believe so.<br/>16 Q. Okay.<br/>17 MR. BURNETT: Objection to the<br/>18 curriculum vitae as hearsay.<br/>19 Q. Doctor, let's get into your<br/>20 opinions. First, I want to talk about the<br/>21 life expectancy, and then I want to talk<br/>22 about cause of death. What materials were<br/>23 you provided in this case?<br/>24 A. The materials that I was provided<br/>25 with were the hospitalizations of this patient</p>                                |
| <p style="text-align: right;">Page 10</p> <p>1 care as it applies to Dr. Zirafi, Dr.<br/>2 Sechler, and the physicians at Cardiovascular<br/>3 Clinic?<br/>4 A. No, I'm not.<br/>5 Q. Why not?<br/>6 A. I think that this is primarily an<br/>7 internal medicine type of situation, and<br/>8 because of my amount of time spent in<br/>9 internal medicine, particularly at this point<br/>10 in time in my career, I'm not sure that I<br/>11 have the expertise that I could really render<br/>12 an opinion on the standard of care. I do<br/>13 believe that I have the expertise to render<br/>14 an opinion about this patient's cardiac<br/>15 prognosis and also about the potential cause<br/>16 of the patient's unfortunate demise.<br/>17 Q. I would assume, Doctor, that 75<br/>18 percent or higher of your time is spent in<br/>19 the active practice of medicine or teaching<br/>20 medicine?<br/>21 A. Yes, it is.<br/>22 Q. And, Doctor, I have sitting in<br/>23 front of you there, I believe, a copy of<br/>24 your curriculum vitae to your right. Is that<br/>25 CV current and up to date?</p>                                                                                                                  | <p style="text-align: right;">Page 12</p> <p>1 in June of 1999 as well as July, the<br/>2 depositions of several nurses -- that would<br/>3 include Mary Ann Ambrose, Denise Laux -- the<br/>4 deposition of plaintiff's expert, Dr. Crane,<br/>5 the deposition of Carol Stem, an RN, the<br/>6 deposition of Dr. Sechler, the initial<br/>7 complaints, the deposition of Dr. Martin Raff.<br/>8 I believe that's pretty much it.<br/>9 Q. Have you received and reviewed a<br/>10 copy of the Cardiovascular Clinic records, the<br/>11 office records?<br/>12 A. Yes, I have.<br/>13 Q. And have you reviewed the autopsy<br/>14 report?<br/>15 A. Yes, I have.<br/>16 Q. And the autopsy report being a<br/>17 document which is, I believe, ten pages long.<br/>18 You've reviewed that document?<br/>19 A. Yes, I did.<br/>20 Q. Based upon your review of this<br/>21 material, have you been able to form an<br/>22 opinion, based on your experience and<br/>23 training, what Ms. Huerster's life expectancy<br/>24 was if she had not died on July 5, 1999?<br/>25 A. This patient, I believe, based on</p> |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

| Page 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 the fact that she had very significant</p> <p>2 cardiovascular disease coupled with other</p> <p>3 preexisting problems, including lung problems</p> <p>4 and what appeared to be chronic obstructive</p> <p>5 lung problems, that coupled with the fact</p> <p>6 that she had, what we call, depressed</p> <p>7 ejection fraction -- what that is --</p> <p>8 basically, in laypersons' terms, it's the --</p> <p>9 the horsepower, if you may, of the pump that</p> <p>10 pumps the blood throughout your body, was</p> <p>11 significantly down. It was basically about</p> <p>12 half of what a normal person's pump</p> <p>13 horsepower is, if you may. And we know from</p> <p>14 studies that have been done in the past and</p> <p>15 have been well documented in many medical</p> <p>16 textbooks that when --</p> <p>17 MR. BURNETT: Objection.</p> <p>18 Q. -- the ejection fraction is --</p> <p>19 MR. BURNETT: Hearsay. Foundation.</p> <p>20 Q. -- depressed as this unfortunate</p> <p>21 lady had, prognosis is not very good and</p> <p>22 highly unlikely whether she was going to live</p> <p>23 another two years.</p> <p>24 MR. BURNETT: Move to strike.</p> <p>25 Q. Doctor, you mentioned some terms</p>       | <p>1 measured by several different means. One</p> <p>2 that is most commonly used is what's called</p> <p>3 an echocardiogram where we actually bounce</p> <p>4 sound waves off the heart muscle and we look</p> <p>5 at and compare the dimensions of the main</p> <p>6 pumping chamber of the heart, the left</p> <p>7 ventricle when it is fully filled with blood,</p> <p>8 and then when all the blood that's going to</p> <p>9 be ejected with that heartbeat is ejected.</p> <p>10 Q. Did Ms. Huerster have one of these</p> <p>11 echocardiograms done on her on or about April</p> <p>12 12 of 1999?</p> <p>13 A. Yes, she did.</p> <p>14 Q. Okay. I'm going to turn your</p> <p>15 attention to that visit, if I may, sir.</p> <p>16 MR. DZENITIS: And, gentlemen, this</p> <p>17 is from the medical records of Cardiovascular</p> <p>18 Clinic. It's marked as Defendant's A and</p> <p>19 Bates stamped page 51.</p> <p>20 Q. I'll ask you, sir, if you could</p> <p>21 tell us why Ms. Huerster was presenting to</p> <p>22 her cardiologist on that day, what kinds of</p> <p>23 problems she was having.</p> <p>24 A. This is basically in -- April 12,</p> <p>25 1999. And Ms. Huerster was presenting to her</p> |
| Page 14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>1 there, and I'd like to go back and explore</p> <p>2 your opinion a little bit more thoroughly.</p> <p>3 Before we do that, can we have an agreement,</p> <p>4 sir, that unless you otherwise indicate, the</p> <p>5 opinions that you're going to be giving us</p> <p>6 are based upon a reasonable degree of medical</p> <p>7 probability?</p> <p>8 A. That is correct.</p> <p>9 Q. Now, you mentioned the ejection</p> <p>10 fraction. What is an ejection fraction? What</p> <p>11 does that mean?</p> <p>12 A. Well, in -- to try to put it in</p> <p>13 laypersons' terms, or for the jury, the heart</p> <p>14 muscle, the main pumping chamber of the heart</p> <p>15 is called the left ventricle. The left</p> <p>16 ventricle fills with blood and enlarges. The</p> <p>17 muscle then contracts and squeezes down. And</p> <p>18 the ratio between the volume of blood in the</p> <p>19 left ventricle when it is fully enlarged and</p> <p>20 filled up and how much is squeezed out is</p> <p>21 called the ejection fraction.</p> <p>22 Q. Okay. And how is the ejection</p> <p>23 fraction measured by doctors?</p> <p>24 A. Well, ejection fraction is measured</p> <p>25 -- we measure it in percentages, but it is</p> | <p>1 cardiologist because she had had increasing</p> <p>2 dyspnea, or, as we laypeople call it,</p> <p>3 shortness of breath. She had also had some</p> <p>4 rib discomfort and also had a cough which had</p> <p>5 yellowish, intermittently bloody-tinged sputum.</p> <p>6 So she's short of breath, and it looks like</p> <p>7 she may possibly have a lung infection.</p> <p>8 Q. Based upon those presenting</p> <p>9 problems, was an echocardiogram done by Dr.</p> <p>10 Sechler?</p> <p>11 A. Yes, it was.</p> <p>12 Q. And the echocardiogram measured,</p> <p>13 among other things, the left ventricular</p> <p>14 ejection fraction?</p> <p>15 A. Yes.</p> <p>16 Q. And what was the result of that</p> <p>17 study?</p> <p>18 A. The study that was performed</p> <p>19 basically revealed that the -- the size of</p> <p>20 the main pumping chamber of the heart, the</p> <p>21 left ventricle, was normal in size but that</p> <p>22 it did not squeeze normally, that the</p> <p>23 ejection fraction was quantitated to be in</p> <p>24 the range of 35 to perhaps as high as 40</p> <p>25 percent. Normal ejection fraction in a healthy</p>                                                                   |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 17</p> <p>1 human heart is 50 to 70 percent.</p> <p>2 Q. What is the significance to you as</p> <p>3 a cardiologist of this left ventricular</p> <p>4 ejection fraction of 35 to 40 percent in Ms.</p> <p>5 Huerster in April of 1999? What does that</p> <p>6 mean?</p> <p>7 A. Well, in any patient who has an</p> <p>8 ejection fraction that is under 40 percent,</p> <p>9 in and around or just slightly under 40</p> <p>10 percent, we know that the prognosis is</p> <p>11 somewhat guarded in that patient. Regardless</p> <p>12 of the cause, whether it was due to a valve</p> <p>13 problem, as Ms. Huerster had, whether it was</p> <p>14 due to blocked up arteries that supply the</p> <p>15 heart muscle, whether it was due to a virus</p> <p>16 infection to the heart muscle itself, whether</p> <p>17 it's due to long-standing high blood pressure</p> <p>18 and thickening of the heart muscle, the fact</p> <p>19 of the matter is when the ejection fraction</p> <p>20 is around 40 percent or under that, the</p> <p>21 prognosis becomes significantly more guarded</p> <p>22 for survival.</p> <p>23 Q. And are you able to quantify her</p> <p>24 survivability and her life expectancy based</p> <p>25 upon that ejection fraction?</p> | <p style="text-align: right;">Page 19</p> <p>1 I believe you testified that you had reviewed</p> <p>2 -- and I can -- this is going to be at --</p> <p>3 Defendant's Exhibit E on page number 5, and</p> <p>4 it's under description of the heart and major</p> <p>5 blood vessels. And, Doctor, I'll go ahead</p> <p>6 and --</p> <p>7 A. Oh, thank you.</p> <p>8 Q. -- hand you this document.</p> <p>9 A. Okay.</p> <p>10 Q. What I was interested in, sir, is</p> <p>11 in that description in the autopsy, was the</p> <p>12 left ventricle commented upon or remarked</p> <p>13 upon?</p> <p>14 A. There were comments made in the</p> <p>15 autopsy about the left ventricle, and</p> <p>16 basically, it said that the heart weighed 600</p> <p>17 grams, the weight being complicated by the --</p> <p>18 the major blood vessel coming out of the</p> <p>19 heart, the aorta, being attached to it.</p> <p>20 Pathologists, at autopsy, try to measure heart</p> <p>21 enlargement by how much the heart weighs</p> <p>22 after one expires. The -- the only thing</p> <p>23 really that I can say from the -- the</p> <p>24 autopsy findings that is striking is two</p> <p>25 things. Number one is that she had an</p>                                                               |
| <p style="text-align: right;">Page 18</p> <p>1 A. If you look in, actually, any of</p> <p>2 the common cardiovascular textbooks --</p> <p>3 MR. BURNETT: Objection. Hearsay.</p> <p>4 A. -- in medicine -- and I don't care</p> <p>5 which one you refer to -- they all</p> <p>6 universally show, as studies have shown,</p> <p>7 natural history studies, as we call it, where</p> <p>8 if you look at patients who have ejection</p> <p>9 fractions of 40 percent or under, at two</p> <p>10 years' time, slightly more than half of those</p> <p>11 patients are no longer alive.</p> <p>12 MR. BURNETT: Move to strike.</p> <p>13 Q. Doctor, based upon your education</p> <p>14 and experience in treating patients such as</p> <p>15 Ms. Huerster for heart ailments, what is your</p> <p>16 opinion regarding her life expectancy given</p> <p>17 her ejection fraction of 35 to 40 percent?</p> <p>18 A. I would say based upon reasonable</p> <p>19 degree of medical certainty and probability,</p> <p>20 there is a -- no greater than a 50 percent</p> <p>21 chance that this lady would be alive from</p> <p>22 just purely a cardiac standpoint at two</p> <p>23 years.</p> <p>24 Q. Turning your direction or</p> <p>25 attention, sir, to the autopsy report, which</p>               | <p style="text-align: right;">Page 20</p> <p>1 artificial heart valve in the mitral valve</p> <p>2 position. That's the one between the upper</p> <p>3 and lower left-hand chambers of the heart.</p> <p>4 And the other that was quite striking is the</p> <p>5 fact that she had a very thick heart muscle.</p> <p>6 The main pumping chamber of the heart was</p> <p>7 quite thick, and it was twice the thickness</p> <p>8 of normal, which is very unusual and, again,</p> <p>9 portrays a very guarded prognosis.</p> <p>10 Q. With -- we'll talk about the</p> <p>11 mitral valve in a minute. So setting that</p> <p>12 aside, what was the size of the wall of the</p> <p>13 left ventricle based upon the autopsy study?</p> <p>14 A. Well, the thickness of the heart</p> <p>15 muscle in the main pumping chamber of the</p> <p>16 heart was 2 centimeters, which is a little</p> <p>17 less than an inch.</p> <p>18 Q. And what is it ordinarily?</p> <p>19 A. Normally, the upper limits of</p> <p>20 normal is 1.1 centimeters.</p> <p>21 Q. And why does an enlarged ventricle</p> <p>22 wall, if I'm using those terms correctly,</p> <p>23 have any significance to you with regard to</p> <p>24 this patient's life expectancy had she</p> <p>25 survived in July of 1999?</p> |



**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

Page 21

1 A. Well, again, the -- the thickness  
2 of the heart muscle is very disconcerting for  
3 a couple of reasons. The first is her main  
4 heart valve problem was mitral stenosis before  
5 she had the heart valve surgery, and that is  
6 a -- a scarred-up, narrowed valve between the  
7 upper and lower left-hand chambers of the  
8 heart. So when there is a thickness and  
9 stricture and narrowing of the mitral valve,  
10 the lower chamber of the left ventricle  
11 actually becomes somewhat protected against  
12 high pressures. Therefore, it is most commonly  
13 of normal thickness. In this patient, it was  
14 markedly thickened, which suggests that she  
15 had not only one but two very serious cardiac  
16 problems. She had one where the heart muscle  
17 had become thick. And when a heart muscle  
18 becomes thick, it doesn't squeeze in properly,  
19 it doesn't relax properly, and the electrical  
20 signal as it goes through that thick heart  
21 muscle can become disarrayed and can cause  
22 heart rhythm disturbances.  
23 Q. Let's talk about the mitral valve  
24 replacement. You're aware that Mrs. Huerster  
25 had her mitral valve replaced in her heart in

Page 23

1 porcine mitral valve, which is basically --  
2 it's a valve, an animal valve, a mammalian  
3 animal, porcine, that is prepared and treated  
4 and then mounted on a framework. And then  
5 the surgeon cuts out the old valve, sews in  
6 the porcine valve, as we call it, or the  
7 artificial animal valve, to take the place of  
8 the diseased human valve.  
9 Q. How long does a porcine valve  
10 last?  
11 A. It varies. Some studies have  
12 shown that they'll last as little as nine or  
13 ten years.  
14 MR. BURNETT: Objection. Hearsay.  
15 A. And some, they won't last 15  
16 years.  
17 Q. Based upon --  
18 MR. BURNETT: Move to strike.  
19 Q. Based upon your experience and  
20 training, are you able to give us an opinion  
21 about how long the typical mitral porcine  
22 valve lasts in patients that you've treated?  
23 A. Well, if this patient had it  
24 placed in 1986, she certainly has got a lot  
25 of mileage, if you may, out of that valve.

Page 22

1 May of 1986.  
2 A. Correct.  
3 Q. What is the mitral valve?  
4 A. Well, the mitral valve is --  
5 basically, it's -- it almost looks like a  
6 fish mouth sort of apparatus, if you may.  
7 That is the main valve between the upper and  
8 lower left-hand chambers of the heart.  
9 Unfortunately, this patient when she was much  
10 younger had rheumatic fever. Rheumatic fever  
11 has a tendency to affect the heart valves and  
12 in -- later on in life, then the heart  
13 valves become scarred. This fish mouth  
14 valve, as we would look at it, left chamber  
15 upper, left chamber lower, the valve goes  
16 like this, two leaflets. What happens is  
17 that when the rheumatic fever affects it and  
18 it scars it down, it just barely opens. And  
19 so then the blood getting from the upper  
20 chamber to the lower chamber's restricted.  
21 Back pressure then goes into the lungs, which  
22 causes patients to be very short of breath.  
23 Q. What kind of valve replacement did  
24 Ms. Huerster have?  
25 A. Ms. Huerster had a porcine valve,

Page 24

1 My experience has been that the porcine  
2 valves, particularly those that were placed in  
3 the '80s, 10 to 12 years at best. That was  
4 the best that could be expected out of that  
5 type of a valve.  
6 Q. In -- and just so we're clear,  
7 this valve was placed in May of 1986. Ms.  
8 Huerster passed away in July of 1999. That  
9 would indicate, sir, that this valve had  
10 lasted a little over 13 years. Would that  
11 be accurate?  
12 A. That's correct.  
13 Q. Doctor, I'd like to talk about  
14 your opinion regarding cause of death. Have  
15 you been able to form an opinion, based upon  
16 your review of the materials and your  
17 experience and training, about the cause of  
18 Ms. Huerster's death?  
19 A. Yes, I have.  
20 Q. And what is that opinion, sir?  
21 A. My opinion is that this unfortunate  
22 individual had many coexisting medical  
23 illnesses that eventually added up to her  
24 unfortunate demise. The probably one final  
25 terminal event, if you may, was most likely



**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

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 25</p> <p>1 due to the fact that because she was so ill,<br/>2 she was unable to mobilize or move secretions<br/>3 out of her bronchial tubes to the point where<br/>4 she actually developed a blockage in the<br/>5 bronchial tubes that prevented adequate<br/>6 oxygenation of her bloodstream. When you<br/>7 take that final event coupled with the fact<br/>8 that she had had preexisting vascular problems<br/>9 in her lungs, preexisting bronchial problems,<br/>10 preexisting cardiac problems, a recent GI<br/>11 infection with <i>C. difficile</i> colitis, I think<br/>12 this is what finally added up to her ultimate<br/>13 demise.</p> <p>14 Q. I want to take you to the day of<br/>15 her death, which was July 5 of 1999, and ask<br/>16 you, sir, if you can go through the clinical<br/>17 description that was given by Dr. Modi --<br/>18 this is going to be from Exhibit D, the<br/>19 Parma Community Hospital records from July 2<br/>20 to July 5, 1999 -- and ask you if you could<br/>21 review with us the description of the events<br/>22 immediately leading up to Ms. Huerster's death<br/>23 according to that bottom note.</p> <p>24 A. Well, as most doctors are not very<br/>25 good cursive writers, it makes it a little</p> | <p style="text-align: right;">Page 27</p> <p>1 Hospital, did Ms. Huerster have a history of<br/>2 mucus plug developing?</p> <p>3 A. It's of interest to note that this<br/>4 patient, I believe, has had problems with<br/>5 mobilizing her secretions because of her<br/>6 chronic lung disease. On her admission in<br/>7 July when she came into the hospital and had<br/>8 a -- what appeared to be a bronchitis-type<br/>9 infection, it was noted that she had a<br/>10 similar type of an episode where she had some<br/>11 difficulty. But at that time, she was able<br/>12 to produce a strong, forceful cough in order<br/>13 to get those secretions out of her lungs in<br/>14 order to better oxygenate her bloodstream.</p> <p>15 Q. You said July. I think you might<br/>16 have meant June. You meant the earlier<br/>17 hospitalization?</p> <p>18 A. The earlier hospitalization, yeah,<br/>19 whatever that was. I think it was June.</p> <p>20 Q. That's fine.</p> <p>21 I'll direct you to Defendant's<br/>22 Exhibit Number B, page 28 in the progress<br/>23 notes. And I believe it's dated 6/20/99,<br/>24 with some more doctors' writing at the bottom<br/>25 there. Can you describe for us what is</p>                         |
| <p style="text-align: right;">Page 26</p> <p>1 tough. But I'll do the best I can here.<br/>2 It says on 7/5, July 5, events noticed. The<br/>3 nurse went in to see how patient was doing.<br/>4 No changes in status. She suddenly coughed<br/>5 up excessive mucus with blood. Immediately<br/>6 after that, she expired. No preceding chest<br/>7 pain or shortness of breath, no arrhythmia<br/>8 before event. No bradycardia -- that means<br/>9 slow heartbeat -- with the event. No changes<br/>10 in abdominal pain. No pulse regained during<br/>11 CPR. Bowel sounds did become more hypoactive<br/>12 through night. Negative bowel movement,<br/>13 meaning she had not had a bowel movement<br/>14 since 3:00 that evening. Cause of death,<br/>15 unclear. Postmortem or autopsy ordered.</p> <p>16 Q. Is the description of events which<br/>17 had occurred there consistent, in your<br/>18 opinion, with a mucus plug?</p> <p>19 A. Yes, it is.</p> <p>20 Q. Is the description consistent with<br/>21 a pulmonary or lung problem as opposed to a<br/>22 cardiac or a heart rhythm problem?</p> <p>23 A. Yes, it is.</p> <p>24 Q. Doctor, in your review of other<br/>25 records in the case from Parma Community</p>                                                                     | <p style="text-align: right;">Page 28</p> <p>1 documented on that day, June 20, 1999.</p> <p>2 A. This was what I was referring to.<br/>3 It was a June, not a July, admission. Able<br/>4 to mobilize sputum and cough up mucus plug.<br/>5 Now much improved. Blood pressure 140/80,<br/>6 pulse 80. Lung exam -- I believe this says<br/>7 bilateral wheezing. Labs: PT, INR -- that's<br/>8 the blood thinning test -- 4.5, which is a<br/>9 little higher than we'd like. And it says,<br/>10 Plan: Hold Coumadin, which is the blood<br/>11 thinner, so that the blood will thicken up<br/>12 some.</p> <p>13 Q. Now, we have reviewed the events<br/>14 which occurred on July 5. Now, we've gone<br/>15 over June 20. What's the difference between<br/>16 what happened based upon your review of the<br/>17 materials here and hindsight being 20/20?</p> <p>18 A. Well, unfortunately, between June<br/>19 of 1999 and then her unfortunate demise, she<br/>20 really never got better. She had been<br/>21 treated with antibiotics, appropriate<br/>22 antibiotics for the lung infection.<br/>23 Unfortunately, the lung infection and the<br/>24 antibiotics used created a problem then with<br/>25 her gastrointestinal tract. When that</p> |



**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



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 29</p> <p>1 occurred, she developed a lot of diarrhea,<br/> 2 had some, I believe, nausea and some<br/> 3 vomiting, and she became dehydrated. Well, in<br/> 4 order to effectively mobilize or get the<br/> 5 secretions out of your lungs when you have an<br/> 6 infection, your mucus has to be moist. If<br/> 7 it's not moist, it literally can turn to<br/> 8 almost concrete in your bronchial tubes and<br/> 9 become extremely difficult to -- to get out<br/> 10 of your lungs to effectively oxygenate. So I<br/> 11 think that the -- the lung infection was<br/> 12 compounded then by the -- the gastrointestinal<br/> 13 infection, which -- which then caused her to<br/> 14 become dehydrated, which then further<br/> 15 aggravated her lung problems and her ability<br/> 16 to oxygenate.<br/> 17 Q. All right. The opinion has been<br/> 18 expressed in this case that Ms. Huerster had<br/> 19 high potassium, which led to cardiac problems<br/> 20 and cardiac arrhythmia. I want to explore<br/> 21 that with you for a minute.<br/> 22 Can high potassium cause heart<br/> 23 problems?<br/> 24 A. Elevated potassium levels can<br/> 25 indeed cause heart problems, heart rhythm</p> | <p style="text-align: right;">Page 31</p> <p>1 related to the potassium. Her eventual<br/> 2 demise, she had a heart rhythm disturbance.<br/> 3 But when we all die, we have a heart rhythm<br/> 4 disturbance. Our heart just stops beating.<br/> 5 But to say that a high potassium caused her<br/> 6 heart rhythm disturbance or that that was the<br/> 7 primary inciting event that caused her death,<br/> 8 I see nothing in the chart that would lead<br/> 9 me to believe that that's the case.<br/> 10 Q. And that would include review of<br/> 11 those EKG strips?<br/> 12 A. That is correct.<br/> 13 Q. Do you find evidence in the<br/> 14 autopsy report that was done -- I think you<br/> 15 may have it over there to your right. Is<br/> 16 that it there, ten-page document?<br/> 17 A. This is it, yes.<br/> 18 Q. Do you find evidence in the<br/> 19 autopsy report or support for your opinion<br/> 20 that this was a pulmonary or lung problem<br/> 21 leading to Ms. Huerster's death as opposed to<br/> 22 a metabolic or heart problem?<br/> 23 A. Yes, I do.<br/> 24 Q. What is that support?<br/> 25 A. Well, I can quote from the autopsy</p>                     |
| <p style="text-align: right;">Page 30</p> <p>1 problems, and disturbances as such.<br/> 2 Q. Okay. And why is that, sir?<br/> 3 A. What happens is is the -- the --<br/> 4 when the levels of potassium increase in the<br/> 5 heart muscle and in the electrical tissue in<br/> 6 the heart muscle, it can cause the electrical<br/> 7 signal to become distorted or disarrayed to<br/> 8 the point where it can cause very rapid<br/> 9 heartbeats or very slow heartbeats.<br/> 10 Q. In this case, have you -- well,<br/> 11 how do we measure heartbeat and heart<br/> 12 disturbance?<br/> 13 A. Well, we measure heartbeats and<br/> 14 heart disturbance by putting patients on<br/> 15 monitors or by doing electrocardiograms.<br/> 16 Q. In this case, have you had the<br/> 17 opportunity to review the records and<br/> 18 echocardiograms?<br/> 19 A. Yes, I have.<br/> 20 Q. Based upon your review of those<br/> 21 echocardiograms and your training and<br/> 22 experience as a cardiologist, did Ms. Huerster<br/> 23 experience heart problems due to potassium?<br/> 24 A. In my opinion, there was not a<br/> 25 heart rhythm problem. It was primarily</p>                                                                    | <p style="text-align: right;">Page 32</p> <p>1 findings as described by the pathologist,<br/> 2 which shows there is a mucus plug in the<br/> 3 left upper lobe bronchus, and bilaterally,<br/> 4 there is red discoloration, with suggestion of<br/> 5 granularity of the mucosa of the bronchi.<br/> 6 Basically, what that means is that she had<br/> 7 plugs in her bronchial tubes as well as<br/> 8 inflammation in the lung tissue itself.<br/> 9 Now granted, it was not the whole<br/> 10 lung. It's not like the main windpipe had a<br/> 11 cork in it. This was just a substantial<br/> 12 portion of the left upper portion of the<br/> 13 lung. But if you add that to the other<br/> 14 problems that she had, this certainly could<br/> 15 be enough to tip her over the edge.<br/> 16 Q. In your opinion, was it enough to<br/> 17 tip her over the edge?<br/> 18 A. Yes, it was.<br/> 19 Q. Doctor, have all the opinions that<br/> 20 you've given us here today been based upon a<br/> 21 reasonable degree of medical probability?<br/> 22 A. Yes, they have.<br/> 23 MR. DZENITIS: Those are all my<br/> 24 questions. Thank you, sir.<br/> 25 THE WITNESS: Thank you.</p> |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

Page 33

1 CROSS-EXAMINATION  
2 BY-MR.BURNETT:  
3 Q. Doctor, I'm John Burnett. We met  
4 before the deposition. How are you, sir?  
5 A. Okay, John.  
6 Q. Sir, is it fair to say that you,  
7 as a practicing physician, have a duty to  
8 each of your patients to render prudent and  
9 safe care? Is that fair?  
10 A. That is correct.  
11 Q. They rely on you to help them with  
12 their medical problems. Is that a fair  
13 characterization of how they come to you?  
14 A. Yes, that's true.  
15 Q. If you don't feel qualified to  
16 handle a problem they present to you with,  
17 you refer them to a doctor who can help  
18 them, don't you?  
19 A. That is correct.  
20 Q. And that's your duty to do that;  
21 isn't it, sir?  
22 A. Yes, it is.  
23 Q. And, in fact, it's incumbent upon  
24 you that in the course of referring these  
25 folks to a doctor who can help them, you've

Page 34

1 got to contact them back. If they've called  
2 your office with a complaint, you contact  
3 them back, you talk to them, you find out  
4 what the problem is, and you refer them on  
5 if appropriate. Is that fair, sir?  
6 A. If a patient comes to me with a  
7 complaint and I see them in the office or  
8 they call the office and perhaps talk to my  
9 nurse and that sort of thing and they have a  
10 particular medical problem, I, if you may,  
11 triage that problem and then decide whether  
12 that's something which is in my realm of  
13 expertise or whether that's something that  
14 should be referred to a more appropriate  
15 physician who has expertise in -- with that  
16 particular problem.  
17 Q. And typically, is it fair for me  
18 to conclude that in your practice that if a  
19 patient calls a receptionist and leaves a  
20 message about a problem that the  
21 receptionist's obligation is to contact you  
22 and advise you of the problem communicated to  
23 him or her by the patient? Is that fair?  
24 A. Really our -- if patients have  
25 particular medical issues or problems, they're

Page 35

1 -- they are maybe -- initially, the  
2 receptionist may answer the phone, but then  
3 when it becomes a medical thing, then they  
4 are referred to our nurse. And our nurse  
5 then triages the situation, if you may, and  
6 then determines whether or not it's something  
7 that requires my attention.  
8 Q. I see. And if it's not something  
9 that requires your attention, then the nurse  
10 may get back to the person and refer the  
11 person to a physician appropriate to care for  
12 that problem; is that fair?  
13 A. It may be a situation where the  
14 nurse may say, well, this certainly doesn't  
15 sound like it's related to your heart or some  
16 cardiac problem. I would suggest that you  
17 call your family practitioner or your  
18 internist and get his opinion on what to do  
19 with this.  
20 Q. Okay. And that's part of your job  
21 as a physician, to make sure your nurses  
22 field a call like that and communicate back  
23 with the patient; is that fair?  
24 A. I would agree with that, yes.  
25 Q. Okay. Now, you mentioned something

Page 36

1 on direct examination about Mrs. Huerster,  
2 Sally Huerster, having a lung infection and  
3 there were antibiotics used to treat the lung  
4 infection, which created a GI infection.  
5 Does that kind of fairly restate what you  
6 told us?  
7 A. Right.  
8 Q. Okay. And this would be between  
9 the July -- or the June 25 discharge from  
10 Parma Hospital and before the July 2  
11 admission to Parma Hospital; is that fair?  
12 A. That's correct.  
13 Q. And that GI infection was C.  
14 difficile disease; is that fair?  
15 A. It was ultimately found to be  
16 that, yes.  
17 Q. Okay. Now, you've been a  
18 cardiologist for how many years, sir?  
19 That's probably the toughest I  
20 asked you today, isn't it?  
21 A. I started practicing cardiology  
22 after I finished my training in 1985.  
23 Q. Okay.  
24 A. So I guess, if we do the math,  
25 that's 19 years.



**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)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 37</p> <p>1 Q. All right. You've taken care of a<br/>2 whole bunch of patients who have been<br/>3 admitted to the hospital and you've seen them<br/>4 in the hospital and then they've been<br/>5 discharged from the hospital; is that fair?<br/>6 A. That's pretty accurate, yes.<br/>7 Q. Okay. And then you'll follow them<br/>8 after they're outside the hospital, after<br/>9 they've been discharged; is that fair?<br/>10 A. Primarily for their cardiac<br/>11 problems, but yes, I do.<br/>12 Q. Okay. Now, Doctor, if one of your<br/>13 patients has been recently hospitalized, the<br/>14 patient is over 60, the patient's been given<br/>15 antibiotics and calls your office complaining<br/>16 of severe diarrhea, is it fair to say that<br/>17 either you or your nurse would tell that<br/>18 patient to either get to an internal medicine<br/>19 physician or to an emergency room as soon as<br/>20 possible? Is that fair?<br/>21 A. I would say probably, depending on<br/>22 the length of duration of the diarrhea. I<br/>23 mean, if it's -- if it's something that's<br/>24 been going on less than 24 hours, I may say,<br/>25 you know, if this thing's not heading the</p> | <p style="text-align: right;">Page 39</p> <p>1 absorb and endure an insult to the system<br/>2 from an infection such as C. difficile<br/>3 disease; is that fair?<br/>4 A. Well, I think -- in an elderly<br/>5 patient, a patient with a lot of other<br/>6 coexisting medical problems, I think it's more<br/>7 important that you make an accurate diagnosis<br/>8 before you, as we call it in the vernacular,<br/>9 start shotgunning with other medications. But<br/>10 you want to make a prompt diagnosis, if you<br/>11 can, of that patient's problem so you treat<br/>12 it effectively and appropriately.<br/>13 Q. And I'm not suggesting, sir, that<br/>14 you should diagnose it as a -- as a<br/>15 cardiologist, but certainly, you want to get<br/>16 that -- have communication with that patient<br/>17 to tell the patient to get to somewhere where<br/>18 a proper diagnosis can be had as soon as<br/>19 possible; is that fair?<br/>20 A. I think it's very important in<br/>21 patients that there is a phone treatment<br/>22 plan, if you may, what to do if things get<br/>23 worse, what to do if things get better, and<br/>24 -- and a follow-through to make sure that the<br/>25 patient's particular problem is appropriately</p> |
| <p style="text-align: right;">Page 38</p> <p>1 right direction in the next 24 hours, then<br/>2 you should give your -- your family<br/>3 practitioner or your internist a call because<br/>4 it may be more than just a bug or a virus,<br/>5 gastroenteral virus.<br/>6 Q. And, in fact -- and I know you<br/>7 don't practice primarily in internal medicine<br/>8 anymore, but given that someone's over 60,<br/>9 they've been in the hospital, they've been on<br/>10 antibiotics, and they've got severe diarrhea<br/>11 that has been with them for over 24 hours,<br/>12 you've got to at least think about C. difficile<br/>13 disease, don't you?<br/>14 A. It should definitely be up there<br/>15 in your differential diagnosis, yes.<br/>16 Q. And like any other infection, as a<br/>17 general principle, the sooner you begin<br/>18 appropriate treatment for it, the better; is<br/>19 that fair?<br/>20 A. Well, as a general rule, that's<br/>21 probably true.<br/>22 Q. Okay. And I would assume it's<br/>23 even more true with an elderly patient with<br/>24 co-morbid problems or problems with lungs or<br/>25 hearts, that someone who may be less able to</p>                                                     | <p style="text-align: right;">Page 40</p> <p>1 addressed and -- and seen to.<br/>2 Q. Now, hypothetically, sir, if<br/>3 Christine Huerster contacted Dr. Sechler's<br/>4 office on June 26 with complaints of severe<br/>5 diarrhea on the part of Sally Huerster, that<br/>6 Sally was suffering from severe diarrhea,<br/>7 hypothetically, it was certainly Dr. Sechler's<br/>8 office's obligation and Dr. Sechler's<br/>9 obligation to do what you just described for<br/>10 us, get back in touch with the patient and<br/>11 establish a plan, fair?<br/>12 MR. TORGERSON: I'll object.<br/>13 You can answer, Doctor.<br/>14 A. If I put myself in Dr. Sechler's<br/>15 shoes as the cardiologist and this patient<br/>16 had called me, I would say, this sounds like<br/>17 it could be of some serious concern. It<br/>18 doesn't sound to me like it's a particular<br/>19 cardiac problem. I would suggest that you<br/>20 contact your -- I know what my nurse would<br/>21 tell. They would say, you should contact your<br/>22 family physician or your -- your internist<br/>23 about this issue, but it sounds like it could<br/>24 be a problem.<br/>25 Q. Okay. And I asked you that</p>                                                        |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 41</p> <p>1 question on the 26th. If Sally Huerster's<br/>2 testimony is that she also called on the<br/>3 27th, I take it your answer would be the<br/>4 same, sir; is that fair?<br/>5 A. Yeah. And I would probably wonder<br/>6 why she hadn't contacted her internist.<br/>7 Q. And I would ask you the same<br/>8 question for the 30th, sir. If she called<br/>9 you on the 30th with the same information,<br/>10 again, the obligation would be the same,<br/>11 wouldn't it, to contact the patient back with<br/>12 a plan of action, fair?<br/>13 A. Well, if this patient -- and I'm<br/>14 saying -- I'm putting myself -- we're talking<br/>15 hypothetical, as you said. And if this is<br/>16 my patient and now she's called me the 26th,<br/>17 the 27th, and now the 30th, and she's having<br/>18 diarrhea and I've suggested to her to contact<br/>19 her internist or her family practitioner and<br/>20 that's not happened, I'd certainly want to<br/>21 know why that's not happened because that's<br/>22 -- in my opinion, that's who the patient<br/>23 needs to be contacting who would have the<br/>24 more appropriate expertise to manage this<br/>25 problem.</p>                                         | <p style="text-align: right;">Page 43</p> <p>1 practice physician, or an emergency department<br/>2 depending on the severity and duration of the<br/>3 diarrhea --<br/>4 MR. TORGERSON: Object.<br/>5 Q. -- fair?<br/>6 MR. TORGERSON: Objection.<br/>7 Sorry. Go ahead.<br/>8 A. Again, I think the key thing you<br/>9 said at the end was depending on the severity<br/>10 and the duration of diarrhea. Unfortunately,<br/>11 we all get diarrhea at one time or another.<br/>12 But your -- your antenna should be up, if<br/>13 you may, in a lady like this patient who's<br/>14 had preexisting cardiac problems, preexisting<br/>15 lung problems, has been treated with<br/>16 antibiotics, and now having quite a bit of<br/>17 diarrhea.<br/>18 Q. And, certainly, sir, if the phone<br/>19 call had been made on the 26th to Dr.<br/>20 Sechler's office by Christine Huerster and Dr.<br/>21 Sechler never got back to the family about<br/>22 this particular problem, the diarrhea,<br/>23 certainly, you couldn't defend him on the<br/>24 standard of care in this regard, can you, or<br/>25 you can't defend his group on the standard of</p> |
| <p style="text-align: right;">Page 42</p> <p>1 Q. If -- if Sally Huerster's<br/>2 daughter-in-law, Christine Huerster, called the<br/>3 office on the 26th, then it was Dr. Sechler's<br/>4 obligation, sir, and the duty and obligation<br/>5 of his group, the Cardiovascular Clinic, to<br/>6 get back in touch with her and convey that<br/>7 information to her or her daughter-in-law just<br/>8 as you've said; is that fair?<br/>9 A. I think that if, as -- since Dr.<br/>10 Sechler was the patient's cardiologist, I<br/>11 think that if this patient sought out help<br/>12 and assistance that it was important that Dr.<br/>13 Sechler and/or his nurse communicate with the<br/>14 patient and/or the family to say, look,<br/>15 here's what you have to do, here's who you<br/>16 need to talk to to get this taken care of.<br/>17 Q. You've worked with home healthcare<br/>18 nurses in the past, I take it, sir?<br/>19 A. Yes, I have.<br/>20 Q. And certainly, they have the same<br/>21 obligation. If severe diarrhea is reported<br/>22 to a home healthcare nurse following discharge<br/>23 from the hospital in an elderly patient who's<br/>24 been on antibiotics, they should advise the<br/>25 patient to contact an internist, a family</p> | <p style="text-align: right;">Page 44</p> <p>1 care, can you, if that, in fact, happened,<br/>2 sir?<br/>3 MR. DZENITIS: Objection.<br/>4 You can answer.<br/>5 A. Well, again, I -- what I feel is<br/>6 the standard of care is precisely what I<br/>7 described to you. I don't know the facts<br/>8 well enough to say exactly what the<br/>9 correspondence was between the doctor, the<br/>10 nurse, the nurse, the patient, the nurse, the<br/>11 -- the -- I guess it was the niece. I<br/>12 don't know that for sure. But what I will<br/>13 say is this, is that when my patients get<br/>14 sick, regardless of whether it's cardiac or<br/>15 noncardiac, if it's noncardiac issues, I make<br/>16 it a point that my nurses see -- see the<br/>17 situation through and make sure the<br/>18 appropriate care is rendered.<br/>19 Q. Thank you, sir.<br/>20 Sir, I want to talk to you a<br/>21 little bit about your opinion as to the cause<br/>22 of death in this case. We had a chance to<br/>23 talk some months back during your discovery<br/>24 deposition; is that fair?<br/>25 A. That is correct.</p>                                    |



**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)

Page 45

1 Q. Okay. Is it fair to say, sir, to  
2 summarize your opinion, as you at least told  
3 me in your deposition, that Sally Huerster's  
4 cause of death was a combination of things?  
5 It was a combination of the mucus plug  
6 superimposed on sepsis; is that fair?

7 A. Well, to say that she had sepsis,  
8 I think, is stretching it a little bit. And  
9 the reason I say that is is we -- we have  
10 certain markers or, what we call, parameters  
11 that define what sepsis is, and one of the  
12 hallmarks of sepsis is a low blood pressure.  
13 And throughout her course, she never had a  
14 low blood pressure that would be consistent  
15 with sepsis. She indeed had an infection.  
16 There was no question about that. But what  
17 sepsis is is when the infection gets in the  
18 bloodstream and the bacteria release certain  
19 types of poisons or toxins, which then have a  
20 dramatic effect on the entire cardiovascular  
21 system where there is a lack of adequate  
22 tissue oxygenation and a collapse of the  
23 cardiovascular system. That's sepsis. And  
24 really I don't think at the time of her  
25 demise was she truly septic.

Page 46

1 Q. Doctor, I'd like to direct your  
2 attention to your deposition transcript,  
3 please. Do you have that in front of you?

4 A. Yes, I do.

5 Q. Yes, sir.

6 Sir, we had a chance to talk in  
7 that case on September 1, 2004; is that fair?

8 A. Yes.

9 Q. Okay. Sir, did I ask you the  
10 following question on page 5 of your  
11 deposition, starting at line 15? One of my  
12 goals here is to walk away from this  
13 deposition with a full understanding of your  
14 opinions in this case as well as each and  
15 every basis for the opinions. So as we go  
16 through this, if for some reason I have cut  
17 you off and not let you answer fully, will  
18 you tell me that so you can go ahead and  
19 give me your full answer.

20 And what was your answer, sir?

21 A. Yes, I will.

22 Q. Okay. Sir, I'd like to direct  
23 your attention to page 33, please. Did I  
24 ask you the following question at line 14,  
25 sir?

Page 47

1 I think that what I was pressing  
2 you on was how is it that your opinion as to  
3 the cause of death differs from Dr. Crane's  
4 if, in fact, I've articulated it correctly?

5 What was your answer, sir?

6 A. I do not believe that the -- I  
7 believe, to put this question into context,  
8 we must --

9 Q. Sir, excuse me. Would you please  
10 just read your answer.

11 MR. TORGERSON: Let me interpose  
12 an objection to reading his answer without  
13 foundation.

14 Thanks.

15 A. Okay. Now, let's get this  
16 straight again. Sorry. I'm not sure. Do  
17 you want me just to read verbatim what I  
18 said starting with what line and on what  
19 page?

20 Q. Yes, if you would, please, sir.

21 A. Okay. Tell me what line and what  
22 page you want me to read.

23 Q. I'm sorry, sir. This would be  
24 page 33.

25 A. Okay.

Page 48

1 Q. And my question to you is on line  
2 14, and your answer begins on line 19,  
3 please.

4 A. Okay. But I think that what was  
5 pressing you on how --

6 Q. That's my question. Your answer  
7 begins on line 19 right down there.

8 A. So you want me to read starting at  
9 line 19?

10 Q. Yes, sir, your answer.

11 A. Okay.

12 Q. I'll read the questions I asked  
13 you and if you would read me the answers,  
14 please, sir.

15 A. All right. Very good.

16 I do not believe that the high  
17 potassium levels, the low bicarbonate level,  
18 in and of themselves caused the cardiac  
19 arrest and the demise. What caused her  
20 demise, I think, probably was a combination  
21 of the mucus plug, which was documented on  
22 the autopsy, which most likely created lack  
23 of air exchange, if you may, in this patient,  
24 which subsequently led to low oxygen levels  
25 that -- in the face of probably sepsis 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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

| Page 49                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 51                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 was not fully under control. The antibiotic</p> <p>2 hadn't controlled the problem coupled with</p> <p>3 abnormal potassium and bicarbonate levels.</p> <p>4 They all added up to her demise.</p> <p>5 Q. Doctor --</p> <p>6 A. But I can tell you that in</p> <p>7 patients who die strictly of hyperkalemia, it</p> <p>8 is that they have very dramatic changes on</p> <p>9 their EKG rhythm strips, which this patient</p> <p>10 did not have.</p> <p>11 Do you want me to continue to read</p> <p>12 this answer?</p> <p>13 Q. No, sir. That's okay.</p> <p>14 I'd like to direct your attention</p> <p>15 to page 35. At the top, I asked you the</p> <p>16 following question, sir, and I would like you</p> <p>17 then to read me your answer.</p> <p>18 Did the sepsis cause the kidney</p> <p>19 failure?</p> <p>20 What was your answer, please, sir?</p> <p>21 MR. TORGERSON: Objection.</p> <p>22 Foundation.</p> <p>23 A. I think the sepsis probably caused</p> <p>24 pretty much organ, total body shutdown towards</p> <p>25 the end, in the last 24 to 36 hours of this</p>                                                                                          | <p>1 direct your attention to page 39, if I could,</p> <p>2 please. On -- page 39, line 4, sir, did I</p> <p>3 ask you the following question?</p> <p>4 So really then the cause of death</p> <p>5 is actually a combination of the mucus plug</p> <p>6 and the sepsis, which was not fully under</p> <p>7 control; is that fair?</p> <p>8 And what was your response, sir?</p> <p>9 MR. TORGERSON: Objection.</p> <p>10 Foundation.</p> <p>11 A. Am I -- should I just read</p> <p>12 verbatim or -- I'm not allowed to say</p> <p>13 anything else? I just read what you want me</p> <p>14 to?</p> <p>15 Q. At this point, would you please</p> <p>16 just read verbatim --</p> <p>17 A. Okay.</p> <p>18 Q. -- what your answer was.</p> <p>19 A. I would say that would be, in my</p> <p>20 opinion, the best guess.</p> <p>21 Q. And my next question to you, sir,</p> <p>22 was: Would you hold that opinion to a</p> <p>23 reasonable degree of medical probability?</p> <p>24 And what was your answer, sir?</p> <p>25 MR. TORGERSON: Objection.</p>                                                                                                                     |
| Page 50                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 52                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 patient's illness. The sepsis basically</p> <p>2 hampered the kidney function such that she</p> <p>3 was less capable to rid her body of the</p> <p>4 poisons we all need to get rid of every day,</p> <p>5 as well as because of her chronic</p> <p>6 cardiovascular problems and her chronic</p> <p>7 pulmonary problems, her immune resistance was</p> <p>8 down, and despite using the appropriate</p> <p>9 antibiotics, they weren't working.</p> <p>10 Q. Then did I ask you the following</p> <p>11 question, sir?</p> <p>12 Was the sepsis more than likely --</p> <p>13 more than likely than not caused by the C.</p> <p>14 difficile disease?</p> <p>15 And what was your answer please,</p> <p>16 sir, on line 18?</p> <p>17 A. Again, it's a little difficult for</p> <p>18 me to render an opinion on that, but I think</p> <p>19 if it wasn't the C. difficile infection, I</p> <p>20 don't know what else it could be. But I</p> <p>21 certainly -- or but I would certainly defer</p> <p>22 to an internist or an infectious disease</p> <p>23 person about that.</p> <p>24 Q. Sir, then, please, is it fair to</p> <p>25 say then that -- well, actually, let me</p> | <p>1 Foundation.</p> <p>2 A. Yes, I would.</p> <p>3 Q. Furthermore, sir, we've talked</p> <p>4 about sepsis in your deposition. And do you</p> <p>5 agree now, sir, that, in fact, she was septic</p> <p>6 after reviewing your deposition transcript in</p> <p>7 this case?</p> <p>8 A. No. I basically stand by what I</p> <p>9 said before we started the question-and-answer</p> <p>10 session, and that is that, yes, she could</p> <p>11 have been septic but we did not have the</p> <p>12 absolute proof.</p> <p>13 If you lined up ten doctors, ten</p> <p>14 infectious disease doctors, I would submit to</p> <p>15 you that more than likely you would have an</p> <p>16 argument about whether or not she was truly</p> <p>17 septic.</p> <p>18 I think she had an infection. To</p> <p>19 say sepsis and what your definition of sepsis</p> <p>20 is, what my definition of sepsis is, what an</p> <p>21 infectious disease doctor's definition of</p> <p>22 sepsis is, the fact of the matter remains</p> <p>23 that it was an additive situation of an</p> <p>24 infection. It was not an overwhelming blood</p> <p>25 infection that caused cardiovascular</p> |



**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

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 53</p> <p>1 compromise. Were there blood cultures that</p> <p>2 were positive to confirm that there was C.</p> <p>3 difficile in her bloodstream? No, there</p> <p>4 wasn't. So I think it's -- you used the</p> <p>5 word first sepsis, and I guess I fell into</p> <p>6 going right along with it along with the</p> <p>7 mucus plug. But, you know, I can't sit here</p> <p>8 today and say for sure that this woman had</p> <p>9 true sepsis.</p> <p>10 Q. Did you have an opportunity to</p> <p>11 review your deposition after it was taken,</p> <p>12 sir?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Okay. Did you ever attempt to</p> <p>15 contact me to convey the change in your</p> <p>16 opinion with regard to the sepsis issue, sir?</p> <p>17 A. I don't believe that I'm really</p> <p>18 changing my opinion.</p> <p>19 MR. BURNETT: Okay. That's all I</p> <p>20 have. Thank you.</p> <p>21 MR. TORGERSON: I'm satisfied with</p> <p>22 the testimony. I have no questions at this</p> <p>23 time.</p> <p>24 MR. DZENITIS: No other questions.</p> <p>25 Thank you, Doctor.</p> | <p style="text-align: right;">Page 55</p> <p>1 DESCRIPTION OF EXHIBITS</p> <p>2 EXHIBIT DESCRIPTION</p> <p>3 1 (Curriculum Vitae)</p> <p>4 .</p> <p>5 .</p> <p>6 .</p> <p>7 .</p> <p>8 .</p> <p>9 .</p> <p>10 .</p> <p>11 .</p> <p>12 .</p> <p>13 .</p> <p>14 .</p> <p>15 .</p> <p>16 .</p> <p>17 .</p> <p>18 .</p> <p>19 .</p> <p>20 .</p> <p>21 .</p> <p>22 .</p> <p>23 .</p> <p>24 .</p> <p>25 .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p style="text-align: right;">Page 54</p> <p>1 MR. BURNETT: Thank you.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 THE VIDEOGRAPHER: End of</p> <p>4 deposition.</p> <p>5 (Signature not waived.)</p> <p>6 And, thereupon, the deposition was</p> <p>7 concluded at approximately 6:44 p.m.</p> <p>8 .</p> <p>9 .</p> <p>10 .</p> <p>11 .</p> <p>12 .</p> <p>13 .</p> <p>14 .</p> <p>15 .</p> <p>16 .</p> <p>17 .</p> <p>18 .</p> <p>19 .</p> <p>20 .</p> <p>21 .</p> <p>22 .</p> <p>23 .</p> <p>24 .</p> <p>25 .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p style="text-align: right;">Page 56</p> <p>1 CERTIFICATE</p> <p>2 State of Ohio :</p> <p>3 SS :</p> <p>4 County of Franklin :</p> <p>5 I, Sharon T. Pontius, Notary Public in and</p> <p>6 for the State of Ohio, duly commissioned and</p> <p>7 qualified, certify that the within named BARRY S.</p> <p>8 GEORGE, M.D. was by me duly sworn to testify to the</p> <p>9 whole truth in the cause aforesaid; that the testimony</p> <p>10 was taken down by me in stenotypy in the presence of</p> <p>11 said witness, afterwards transcribed upon a computer;</p> <p>12 that the foregoing is a true and correct transcript of</p> <p>13 the testimony given by said witness taken at the time</p> <p>14 and place in the foregoing caption specified.</p> <p>15 I certify that I am not a relative,</p> <p>16 employee, or attorney of any of the parties hereto, or</p> <p>17 of any attorney or counsel employed by the parties, or</p> <p>18 financially interested in the action.</p> <p>19 IN WITNESS WHEREOF, I have set my hand</p> <p>20 and affixed my seal of office at Columbus, Ohio, on</p> <p>21 this 3rd day of November, 2004.</p> <p>22 SHARON T. PONTIUS, Notary Public in and for the State</p> <p>23 of Ohio and Registered Merit Reporter.</p> <p>24 My Commission expires March 13, 2006.</p> <p>25 .</p> |



**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)

## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

| Page 57 |                                               | Page 59 |                                               |
|---------|-----------------------------------------------|---------|-----------------------------------------------|
| 1       | CAPTION                                       | 1       | DEPOSITION ERRATA SHEET                       |
| 2       | The Deposition of Barry S. George,            | 2       | .                                             |
| 3       | M.D., taken in the matter, on the date, and   | 3       | RE: SetDepo, Inc.                             |
| 4       | at the time and place set out on the title    | 4       | File No. 5205                                 |
| 5       | page hereof.                                  | 5       | Case Caption: Michelle R. Freeman vs.         |
| 6       | It was requested that the deposition          | 6       | Cardiovascular Clinic, et al.                 |
| 7       | be taken by the reporter and that same be     | 7       |                                               |
| 8       | reduced to typewritten form.                  | 8       | Deponent: Barry S. George, M.D.               |
| 9       | It was agreed by and between counsel          | 9       | Deposition Date: November 1, 2004             |
| 10      | and the parties that the Deponent will read   | 10      | .                                             |
| 11      | and sign the transcript of said deposition.   | 11      | To the Reporter:                              |
| 12      | .                                             | 12      | I have read the entire transcript of my       |
| 13      | .                                             | 13      | Deposition taken in the captioned matter or   |
| 14      | .                                             | 14      | the same has been read to me. I request       |
| 15      | .                                             | 15      | that the following changes be entered upon    |
| 16      | .                                             | 16      | the record for the reasons indicated. I       |
| 17      | .                                             | 17      | have signed my name to the Errata Sheet and   |
| 18      | .                                             | 18      | the appropriate Certificate and authorize you |
| 19      | .                                             | 19      | to attach both to the original transcript.    |
| 20      | .                                             | 20      | .                                             |
| 21      | .                                             | 21      | Page No. Line No. Change to:                  |
| 22      | .                                             | 22      |                                               |
| 23      | .                                             | 23      | Reason for change:                            |
| 24      | .                                             | 24      | Page No. Line No. Change to:                  |
| 25      | .                                             | 25      |                                               |
| Page 58 |                                               | Page 60 |                                               |
| 1       | CERTIFICATE                                   | 1       | Reason for change:                            |
| 2       | STATE OF :                                    | 2       | Page No. Line No. Change to:                  |
| 3       | COUNTY/CITY OF :                              | 3       |                                               |
| 4       | Before me, this day, personally               | 4       | Reason for change:                            |
| 5       | appeared, Barry S. George, M.D., who, being   | 5       | Page No. Line No. Change to:                  |
| 6       | duly sworn, states that the foregoing         | 6       |                                               |
| 7       | transcript of his/her Deposition, taken in    | 7       | Reason for change:                            |
| 8       | the matter, on the date, and at the time and  | 8       | Page No. Line No. Change to:                  |
| 9       | place set out on the title page hereof,       | 9       |                                               |
| 10      | constitutes a true and accurate transcript of | 10      | Reason for change:                            |
| 11      | said deposition.                              | 11      | Deposition of Barry S. George, M.D.           |
| 12      |                                               | 12      | .                                             |
| 13      | Barry S. George, M.D.                         | 13      | Page No. Line No. Change to:                  |
| 14      | .                                             | 14      |                                               |
| 15      | SUBSCRIBED and SWORN to before me this        | 15      | Reason for change:                            |
| 16      | day of , 2004 in the                          | 16      | Page No. Line No. Change to:                  |
| 17      | jurisdiction aforesaid.                       | 17      |                                               |
| 18      |                                               | 18      | Reason for change:                            |
| 19      | My Commission Expires Notary Public           | 19      | Page No. Line No. Change to:                  |
| 20      | .                                             | 20      |                                               |
| 21      | .                                             | 21      | Reason for change:                            |
| 22      | .                                             | 22      | Page No. Line No. Change to:                  |
| 23      | .                                             | 23      |                                               |
| 24      | .                                             | 24      | Reason for change:                            |
| 25      | .                                             | 25      | Page No. Line No. Change 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)



## Videotaped Deposition of Barry S. George, M.D. - November 1, 2004

Page 61

1

2

Reason for change:

3

Page No. Line No. Change to:

4

5

Reason for change:

6

7

8

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

9

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