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IN THE COURT OF COMMON PLEAS 1 2 WASHINGTON COUNTY, OHIO 3 4 MARILYN F. DODD.) 5 Plaintiff.)) CASE NO. 03-PT-24 6 VS. ABDI SEYED GHODSI, M.D.,) JUDGE SUSAN E. BOYER 7 8 et al..) 9 Defendants.) 10 Deposition of MICHELLE GRIMM, R.N., a 11 witness herein, called by the Plaintiff for 12 Cross-Examination pursuant to the Ohio Rules of 13 Civil Procedure, taken before me, the 14 undersigned, Anika W. Patrick, a Registered 15 Professional Reporter and Notary Public in and 16 for the State of Ohio, at Marietta Memorial 17 Hospital, 401 Matthew Street, Marietta, Ohio, on 18 19 Friday, the 24th day of October, 2003, commencing at 9:03 o'clock a.m. 20 21 22 23 24 25



1	2	1	4 MICHELLE CRIMM R N
1 2	APPEARANCES: On Behalf of the Plaintiff:	1 2	MICHELLE GRIMM, R.N., of lawful age, a witness herein, having been
3	BECKER & MISHKIND CO., L.P.A.	3	first duly sworn, as hereinafter certified,
4	BY: Jacqueline D. Tresl, R.N.	4	deposed and said as follows:
5	Attorney at Law	5	CROSS-EXAMINATION
6	Skylight Office Tower	6	BY MS. TRESL:
7	1660 West Second Street, Suite 660	7	Q. Michelle, we were introduced earlier, and
8	Cleveland, Ohio 44113	8	you said that it's okay for me to call you
9	216/241-2600	9	Michelle
10	On Behalf of the Defendant Marietta Memorial	10	A. Yes.
11	Hospital:	11	Q is that correct? And you may call me
12	REMINGER & REMINGER	12	Jackie, please.
13	BY: Robert V. Kish, Attorney at Law	13	Have you ever had your deposition taken
14	Courthouse Square	14	before?
15	505 South High Street	15	A. No.
16 17	Columbus, Ohio 43215 614/461-1311	16 17	Q. Okay. I'm just going to tell you a few ground rules and then we'll get into the
17 18	On Behalf of the Defendant Abdi Seyed	17	questions. As I said, I don't think we'll be
18	Ghodsi, M.D.:	10	too long. First of all, you understand that
20	COLOMBO & STURH CO., L.P.A.	20	you're under oath to tell the truth, yes?
21	BY: Karen L. Clouse, Attorney at Law	21	A. Yes.
22	933 High Street, Suite 212	22	Q. And I ask that you answer my questions if
23	Worthington, Ohio 43085	23	they're yes or no questions with "yes" or "no"
24	614/785-4229	24	rather than nodding or shaking your head so that
25		25	we have a record. Okay?
[
	3		5
1	3 INDEX	1	A. Yes.
2		2	A. Yes.Q. If you don't understand my question, will
2 3	INDEX	2 3	A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it?
2 3 4		2 3 4	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes.
2 3 4 5	INDEX	2 3 4 5	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume
2 3 4 5 6	INDEX	2 3 4 5 6	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it?
2 3 4 5 6 7	INDEX	2 3 4 5 6 7	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it? A. Yes.
2 3 4 5 6 7 8	INDEX	2 3 4 5 6	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it? A. Yes. Q. If you need a break, let me know, but as I
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2 3 4 5 6 7 8 9	INDEX	2 3 4 5 6 7 8 9	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it? A. Yes. Q. If you need a break, let me know, but as I say, it should be fairly short.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	INDEX	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it? A. Yes. Q. If you need a break, let me know, but as I say, it should be fairly short. A. All right. Q. For the record, would you state your name and address, please? A. Michelle Grimm. 630 Fourth Street, Marietta, Ohio. Q. And your profession? A. I'm a registered nurse.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	INDEX	$ \begin{array}{c} 2\\3\\4\\5\\6\\7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\19\\20\\21\end{array} $	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it? A. Yes. Q. If you need a break, let me know, but as I say, it should be fairly short. A. All right. Q. For the record, would you state your name and address, please? A. Michelle Grimm. 630 Fourth Street, Marietta, Ohio. Q. And your profession? A. I'm a registered nurse. Q. How long have you been a registered nurse? A. Twenty-one years. Q. Tell me a little bit about what sort of school you went to and your employment history especially relative to Marietta Memorial.
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$\begin{array}{c} 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ \end{array}$	INDEX	$\begin{array}{c} 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ \end{array}$	 A. Yes. Q. If you don't understand my question, will you tell me that you don't understand it? A. Yes. Q. If you answer my question, may I assume then that you understand it? A. Yes. Q. If you need a break, let me know, but as I say, it should be fairly short. A. All right. Q. For the record, would you state your name and address, please? A. Michelle Grimm. 630 Fourth Street, Marietta, Ohio. Q. And your profession? A. I'm a registered nurse. Q. How long have you been a registered nurse? A. Twenty-one years. Q. Tell me a little bit about what sort of school you went to and your employment history especially relative to Marietta Memorial. A. I graduated from Parkersburg Community College in 1982, took my boards the following July, and I've been employed by Marietta

Q. And what departments have you worked in?A. Several.Q. Okay.	$\frac{1}{2}$	Q. Okay. Let me ask it this way: Do
A. Several.		
O Okay	4	vertebroplasties tend to go to another area to
	3	be recovered?
A. I worked on the care unit, the chemical	4	A. I don't know.
dependency unit initially, and then I worked on	5	Q. And maybe I'm using the term incorrectly.
a medical surgical floor for probably eight,	6	Does an observation unit is it like a
nine years. And I worked in outpatient surgery	7	recovery room? Is that sort of the
on the third floor briefly, got it up and	8	A. Yes.
	-	Q. So the patients come right from the
an observation on that same unit. I kind of did		procedure room to your unit?
that for a while and then went over to	11	A. Yes.
		Q. And you recover them, and then they either
		go home or they go to the floor if they're not
-		stable?
		A. If they're to be admitted, they will go to
		the floor.
		Q. Right. So one of the reasons I ask you
		and we'll go more into detail in the record.
		But on your outpatient record note, when it
		says, "from PACU in stable condition," to me
		that should have said "to PACU."
		A. Okay.
-		Q. And that's why I'm sort of floundering here
		v. And that's why I'm sort of houndering here with words.
		A. That is the secondary recovery phase.
you answered the question, was it unusual that	23	A. That is the secondary fectively phase.
		·
7		9
you were having a vertebronlasty or do you do	1	Q. Okay. Let's talk about that then so that I
		can understand the terms.
		A. Okay. In our area
		Q. Yes.
		A the patients come in. We will get the
		information, assessment information from them,
		get them prepared to go to surgery. Then they
		go to surgery, have their procedure, come back
		to us. In some cases, if it's warranted, they
	-	will go through a PACU recovery period.
]	Q. Okay.
	t	A. After that recovery period, they enter into
· ·	•	
	•	the secondary recovery phase.
	1	Q. Okay. A. Which is what this is. This would be the
-		
		phase they would stay in until they went home or
		went to a room.
		Q. And is that how you refer to it, secondary
	1	and primary? Would the first one be the primary
		one?
	1	A. The PACU phase is just the PACU phase.
	E	It's the recovery phase.
	1	Q. I see. So looking what have you
MR. KISH: Objection.	24	reviewed for today's deposition?
BY MS. TRESL:	25	A. I looked at my recovery room sheet and I
	 that for a while and then went over to ambulatory surgery. I've been there for three years. Q. And when you say "ambulatory surgery," what is the bulk of your procedures there? A. We do cataract surgery, endoscopies, hernia surgeries, gallbladders, T&As, tonsils and adenoids, lumps and bumps. Just, you know Q. And is it fair to say you also do vertebroplasties? A. Yes. Well, we did that day. We do neurosurgeries over there. They use our ORs and the recovery. Q. So do you and just to understand the way you answered the question, was it unusual that 7 you were having a vertebroplasty, or do you do routinely vertebroplasties? A. That was the first one I had ever taken care of. Q. And how many have you taken care of after that? A. None. Q. So that's the only one. Have your colleagues how many nurses work that floor during the day, typically? A. Typically, we have five to six in the pre-post area. Q. I'm going to have to get to these terms, too, because I was a little confused. But before we get to that, have there been other vertebroplasties that have been recovered in the observation unit? A. Not that I'm aware of. Q. So as far as you know today, Mrs. Dodd was the only vertebroplasty that's been recovered on the observation unit? 	an observation on that same unit. I kind of did that for a while and then went over to ambulatory surgery. I've been there for three years. [13] Q. And when you say "ambulatory surgery," what is the bulk of your procedures there? [15] A. We do cataract surgery, endoscopies, hernia surgeries, gallbladders, T&As, tonsils and adenoids, lumps and bumps. Just, you know Q. And is it fair to say you also do vertebroplasties? [20] A. Yes. Well, we did that day. We do neurosurgeries over there. They use our ORs and the recovery. [23] Q. So do you and just to understand the way you answered the question, was it unusual that [25] you were having a vertebroplasty, or do you do routinely vertebroplasties? [26] A. That was the first one I had ever taken care of. [26] Q. So that's the only one. Have your colleagues how many nurses work that floor during the day, typically? [27] A. Typically, we have five to six in the pre-post area. [28] Q. So sa far as you know today, Mrs. Dodd was the only vertebroplasty that's been recovered on the observation unit? [27] A. That's all I am aware of. [28] MR. KISH: [29] MR. KISH: [29] A. KISH: [29] A. That's all I am aware of. [29] MR. KISH: [20] A. That's all I am aware of. [20] A. That's all I am aware of. [20] A. That's all I am aware of. [20] A. KISH: [20] A. KISH: [20] A. That's all I am aware of. [20] A. That's all I am aware of. [20] A. KISH: [20] A. That's all I am aware of. [20] A. KISH: [20] A. That's all I am aware of. [20] A. KISH: [20] A. That's all I am aware of. [20] A. That's All I am aware of. [20] A. KISH: [20] A. That's all I am aware of. [20] A. That's All I am aw

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10	12
 looked at this. (Indicating.) Q. And that would be what we're referring to here? Because when we read the record, we won't know. But that would be the outpatient nursing progress record? A. Yes. Q. Did you review anything else for today's deposition? A. No. Q. Did you review Dr. Ghodsi's deposition? A. No. Q. Did you talk to anyone other than your attorney about today's deposition? A. I just said I had to go talk to the attorney. Q. Did you talk to Dr. Ghodsi about your 	 recovery of patients on the observation unit apart from that? For example, did you have any training in vertebroplasty recovery or kyphoplasty recovery? A. No. Q. And how did you learn then, or how were you aware of the way to care for the vertebroplasty that you had? A. We routinely do neuro checks and check the dressings, and the physicians come in and go through their neuro checks during the recovery period. We take vital signs and observe patient reaction. You know, awareness. Q. So kind of your routine neurosurgical nursing is what you would apply to vertebroplasty? A. Uh-huh. (Witness nodding head up and
 17 deposition? 18 A. No. 19 Q. Have you talked to Dr. Ghodsi about this 20 case? 21 A. No. 22 Q. Have you reviewed any policies or 23 procedures for today's deposition? 24 A. No. 25 Q. Let's come back to the language and just do 	 17 A. Uh-huh. (Witness nodding head up and down.) 19 Q. My understanding is, from Mrs. Dodd's 20 testimony and from some of the pamphlets that 21 I've seen, that vertebroplasty is kind of a new 22 thing for Marietta Memorial. It hadn't been 23 around for a lot of years. Is that accurate? 24 A. I would say yes. 25 Q. Do you remember how you were sort of
 a little bit more about your background. Are you BLS certified currently? A. Yes. Q. How about ACLS? A. Yes. Q. And are you a member of any affiliations, professional affiliations? A. No. Q. Do you subscribe to any nursing journals? A. No. Q. Do you subscribe to any nursing journals? A. No. Q. Do you have your bachelor's degree? A. No. Q. And have you tell me the kind of training that you have to work on this observation unit. A. I have been through ACLS. I have since become an ACLS instructor. I have completed a critical care course that the hospital offered recently. Q. Recent, like in the last two years? A. Uh-huh. (Witness nodding head up and down.) Q. And so you currently instruct ACLS? A. Uh-huh. 	 1 introduced to the concept that the hospital was 2 going to be doing vertebroplasties, if you were? 3 A. No. No. 4 Q. Did you know about vertebroplasty before 5 the day that you took care of Mrs. Dodd? 6 A. No. 7 Q. And there was no was there any sort of 8 in-service the morning of before you took care 9 of Mrs. Dodd? 10 A. No. 11 Q. And did you understand what vertebroplasty 12 was when you were taking care of her? 13 A. I understand the concept. 14 Q. And how did you understand that concept 15 when you were taking care of her? What was the 16 mechanism by where you 17 A. I understand that they inject cement into 18 the bone. 19 Q. And how did you come by that knowledge 20 before taking care of Mrs. Dodd, or at the same 21 time while taking care of Mrs. Dodd? 22 A. She told me that she was going to have the 23 procedure prior. 24 Q. And she explained what it was? 25 A. Uh-huh.

	14		16
1	Q. So you took care of her then in that	1	A. Not very often. I can't even give you an
2	initial assessment, phase two? You were her	2	average. He works in our facility, but he
3	nurse, kind of, the whole time?	3	doesn't come down very often. I mean, he
4	A. No.	4	doesn't come here very often. Maybe once a
5	Q. Okay.	5	month, once every you know, it's just
6	A. I simply recovered her. I did not prepare	6	Q. There's probably not really a whole lot
7	her. I came in later, the later shift that day.	7	A. I can't there's no pattern. I can't
8	Q. So when you learned about vertebroplasty	8	really say how often for sure he comes.
9	and the procedure for the first time, was it	9	Q. Had you worked with him before the
10	before the procedure or after the procedure?	10	vertebroplasty?
11	A. Before.	11 12	A. Yes.
12	Q. So you came in late and went and saw her	12	Q. And you've worked with him since? A. Yes.
13 14	before her procedure but someone else had done the assessment?	13	
15	A. No. I did not see her before her procedure	14	Q. And is it maybe because there's not a lot of outpatient neurosurgery procedures?
16	that day. It was prior to her coming to the	15	A. Yes.
17	hospital.	17	Q. So that logically, you wouldn't run into
18	Q. I see. And how and tell me about that	18	him a lot then?
19	encounter.	19	A. (Witness nodding head up and down.)
20	A. It was at a party at her home.	20	Q. Did you talk to Dr. Ghodsi before the
21	Q. Really?	21	vertebroplasty?
22	A. Uh-huh.	22	A. No.
23	Q. How nice. I've heard she used to give	23	Q. Did you talk to Dr. Ghodsi after the
24	wonderful parties.	24	vertebroplasty?
25	A. Uh-huh.	25	A. He came in the room to assess the patient,
1	15 Q. And can you just tell me a little bit about	1	17 but as far as he and I having conversation, he
1 2		1 2	
	Q. And can you just tell me a little bit about that encounter?A. She was explaining that she had compression	1	but as far as he and I having conversation, he just told me what he wanted to do as far as getting her a room.
2 3 4	Q. And can you just tell me a little bit about that encounter?A. She was explaining that she had compression fractures in her back and was going to have this	2 3 4	but as far as he and I having conversation, he just told me what he wanted to do as far as getting her a room. Q. Okay.
2 3 4 5	Q. And can you just tell me a little bit about that encounter?A. She was explaining that she had compression fractures in her back and was going to have this procedure done at the first of the year.	2 3 4 5	 but as far as he and I having conversation, he just told me what he wanted to do as far as getting her a room. Q. Okay. A. We don't chat.
2 3 4	 Q. And can you just tell me a little bit about that encounter? A. She was explaining that she had compression fractures in her back and was going to have this procedure done at the first of the year. Q. And if I might be nosey, how is it that you 	2 3 4 5 6	 but as far as he and I having conversation, he just told me what he wanted to do as far as getting her a room. Q. Okay. A. We don't chat. Q. Did you discuss with your with the nurse
2 3 4 5 6 7	 Q. And can you just tell me a little bit about that encounter? A. She was explaining that she had compression fractures in her back and was going to have this procedure done at the first of the year. Q. And if I might be nosey, how is it that you happened to be at a party of Mrs. Dodd's? 	2 3 4 5 6 7	 but as far as he and I having conversation, he just told me what he wanted to do as far as getting her a room. Q. Okay. A. We don't chat. Q. Did you discuss with your with the nurse who assessed Mrs. Dodd before she went in for
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CANTON COURT REPORTERS 330-452-2400

CLEVELAND COURT REPORTERS 216-621-6969

	18		20
1	BY MS. TRESL:	1	Q. Apart from the record?
2	Q. It looks to me like she came to and I'm	2	A. Uh-huh. (Witness nodding head up and
3	assuming "PAR" is you, yes, at 9:30, and her	3	down.)
4	anesthesia was over at 9:20; is that correct?	4	Q. So do you remember then if Ann was the one
5	A. Uh-huh.	5	that gave you the report?
6	Q. And it looks from your note and I'm	6	A. No.
7	going to say that she came into the secondary	7	Q. Do you have any recollection of what the
8	PACU then at 10:00?	8	report what report you got, what was told to
9	A. I took her out is that my PACU record?	9	you?
0	No. Under that anesthesia record. Okay. She	10	A. No. I don't remember the actual report.
1	went from there to there to there.	11	Q. Do you remember any portion of the report,
2	(Indicating.)	12	anything that stands out in your memory?
3	Q. I see. So this is the primary, this is the	13	A. No.
14	first?	14	Q. And is there anything in your record here
5	A. Uh-huh.	15	that would cause you to be able to know what the
6	Q. And then this would be the second?	16	report contained?
7	A. Uh-huh.	17	A. Vertebroplasty, T12, L1-L2, just what they
8	MS. CLOUSE: Can we go off the	18	had done.
9	record for a second?	19	Q. So describe it to me. Ann brings Mrs. Dodd
20	MS. TRESL: Sure.	20	out to you and she tells you what they've done,
21	(Thereupon, a discussion was held off	21	and then you tell me what you did, what you
22	the record.)	22	remember or what you typically do.
23	MS. TRESL: Back on the record.	23	A. I typically check their dressing, see how
24	BY MS. TRESL:	24	they're moving, make sure their respirations and
10	Q. So let's just let me get my bearings	25	everything you know, they're alert, oriented,
			21
1	19 here. So at 9:30 then, or 9:20, did she enter	1	21 assess that and airway, dressing, how they're
12	19 here. So at 9:30 then, or 9:20, did she enter PAR? Maybe I can tell here. 9:20. She comes	2	21 assess that and airway, dressing, how they're moving, pain. Just, you know, assess their
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	22		24
1	you talked about in the first phase or the	1	Q. Knowing how
2	second phase?	2	A. She was I recall that she was moving
3	A. The first. When they brought her. You	3	well and moving both of her extremities well,
4	just automatically do a head to toe.	4	and then it wasn't long before he was in. I
5	Q. Okay.	5	don't recall whether it was before or after.
6	A. Make sure they're all right.	6	Q. Did you observe this, though, independently
7	Q. Then did Dr. Ghodsi come to see her and	7	of Dr. Ghodsi coming in to do his exam?
8	talk to you in the first phase?	8	A. I can't remember for certain. I wrote it,
9	A. He came to see her and assess her in the	9	but I can't remember. Sometimes they get in
10	first phase, yes. In the recovery room.	10	there right away before you can go through the
11	Q. And do you how did you become	11	whole thing.
12	aware what did he tell Mrs. Dodd?	12	Q. But even if he had documented this, would
13	A. I don't recall. I recall that he assessed	13	you have followed up and done your own lower
14	her lower extremity strength and said, you know,	14	extremity exam?
15	"Your right leg is weaker." And I don't	15	A. Oh, yes, yes.
16	remember him telling her anything else of	16	Q. Do you remember doing that exam?
17	certainty.	17	A. No, I don't.
18	Q. Did he check her lower leg strength as part	18	Q. Typically, how would you have done that
19 20	of a routine exam, or was there some reason that he checked it?	19 20	exam to determine that the right foot was
20 21	MS. CLOUSE: I'm going to	20 21	slightly weaker than the left? A. I have them push against my hands, I have
21 22	object. I'm not sure the witness would know	21	them pull up against my hand, you know, hold
22 23	that.	22	their hands and have them pull up. You know,
23 24	THE WITNESS: The neurologists	23 24	I'm checking, making sure they can bend and move
25	typically come into the recovery room and check	24	and do all those things. She was bending,
20	typicany come into the recovery room and encer	25	and do an mose unings. She was bending,
	-		
	23		25
1	the neurostatus of their patients.	1	moving and doing all those things, but I'm not
2	the neurostatus of their patients. BY MS. TRESL:	2	moving and doing all those things, but I'm not sure if I got to the rest of it before he came
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1	26		28
1	were giving the Decadron, or was it just an	1 or was she fairly awake?	
2	order that you followed?	2 A. No. She was fairly alert.	
3	A. It relieves swelling and inflammation, and	3 Q. But having some amount of pain?	
4	they use it a lot in neuro cases to prevent	4 A. Uh-huh. (Witness nodding head up and	
5	swelling of the central nervous system.	5 down.)	
6	Q. Did Dr. Ghodsi talk to you about	6 Q. She seemed to understand what was going o	n
7	specifically why he was giving Decadron to	7 around her, though?	
8	Mrs. Dodd in this case?	8 A. Oh, yes.	
9	A. No.	9 Q. And when you asked her to do things, she	
10	Q. Or was it did she come	10 did them without any difficulty?	
11	A. I felt I understood why he wanted the	11 A. Yes.	
12	Decadron given. He said, "Give the Decadron."	12 Q. And all you remember from that	
13	Q. So it was written or he told you,	13 conversation, that initial conversation, is	
14	"Michelle, give the Decadron"?	14 Dr. Ghodsi telling her that the one leg was	
15	A. Well, I can't I'd have to see the	15 weaker than the other?	
16	doctor's order, but it could have been a verbal	16 A. That's all I remember.	
17	order.	17 Q. Did he come in any time after that, after	
18	Q. Do you know if an x-ray was done while she	18 that initial visit?	
19	was in the PACU, or the first or the secondary	19 A. I don't recall. I don't think I had her	
20	PACU?	20 much longer. No. I don't recall.	
21	A. I don't believe an x-ray was done in PACU.	21 Q. If he had come in a second time, is that	
22	Q. And that would be one or two? When we say	22 something that you would have documented?	
23	PACU, the whole	23 A. I would think.	
24	A. One. But, you know, I could be you	24 Q. My understanding from Mrs. Dodd's daugh	ter
25	know, I'm not I don't remember if an x-ray	25 is that she was in the recovery room longer than	
-1 2	was done in PACU, but I would think normally if one was done, I would have charted that one was	1 Mrs. Dodd's daughter thought she would be. 2 this tell me how	. Is
3 4 5 6 7 8 9	 done. Q. And then can we say there was an x-ray done in the secondary PACU, the secondary recovery phase? A. I don't remember one being done. Q. And again, had one been done, was that something you probably would have documented? A. I would think that I would have 	 3 A. This is a typical recovery room time. 4 Q. Is it? 5 A. Sometimes they're there longer. A half an 6 hour is average. 7 Q. And so she was there 8 A. Forty minutes. 9 Q. Once they were in the secondary, you're 	
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32 1 Tell me about your conversations with don't know what more to say. I don't feel he 1 2 Mrs. Dodd while you were recovering her. 2 was pleased with it. 3 A. I don't recall a whole lot of conversation. 3 Q. As far as you know then, he only came in 4 Q. Did she ask you about why her one leg was 4 that one time that you saw him? 5 weaker than the other? 5 A. That is all I can remember. A. She could have, but I couldn't have said 6 Q. And it's likely that he would have written 6 7 7 the order to send her to a bed at that time? for sure. 8 8 O. Do you remember any conversation at all A. Yes. 9 about the difference in the leg? 9 Q. Is that something typically that he would 10 A. Just that it was weaker. I remember asking talk to you or talk to Mrs. Dodd about having 10 her if she had diabetic neuropathy in that leg, 11 11 made that decision? and I think she said no. 12 A. Typically. 12 13 Q. Now, you describe it as slightly weaker? 13 Q. But you don't recall having that 14 A. Uh-huh. (Witness nodding head up and 14 conversation with him? 15 down.) 15 MS. CLOUSE: I'm going to object because I think she said he did talk to 16 O. And that's -- would you say that the 16 weakness stayed about the same from the time you 17 Mrs. Dodd about it. 17 18 first assessed her to when you transferred her? 18 THE WITNESS: He talked to her 19 A. (Witness nodding head up and down.) Yes. 19 and said her right leg was weaker, and I believe 20 Q. And did you explain that to the nurse that 20 he said he was going to put her over in the 21 you were giving the report to when you 21 hospital. 22 transferred her to 361? 22 BY MS. TRESL: 23 23 A. I believe so. I believe that's why he Q. But he didn't talk to you about putting her 24 wanted to keep her. 24 over to the hospital? 25 Q. Why do you think that that's why he wanted 25 A. He issues orders, I follow them. We don't 31 33 to keep her? 1 1 converse 2 A. To observe her. 2 **O.** Give me a minute here. (Pause.) 3 MR. KISH: Objection. 3 Do you know if Dr. Ghodsi went out and 4 BY MS. TRESL: 4 talked to Sherry at all, Mrs. Dodd's daughter, 5 Q. Where did you get that information that he 5 or any of Mrs. Dodd's family? 6 wanted to observe her? 6 A. I don't know for certainty. 7 7 Q. Is that something that you would have A. Well, she was going to a bed in the 8 8 hospital. documented had you known that he did? 9 Q. I just don't want to interrupt you. You 9 A. I don't think so. looked like you were thinking, so I didn't want 10 Q. So you give her the Decadron and you call 10 the report to this nurse, it looks like Breeze 11 to jump in. 11 A. She was being placed in the hospital, so I 12 maybe, and you transfer her to 361? 12 felt he wanted to observe her. 13 A. Uh-huh. (Witness nodding head up and 13 Q. And why did you feel he wanted to observe 14 14 down.) 15 her specifically for the leg weakness? Because 15 Q. Do you recall what was included in your I think that's what you said. 16 report that you called upstairs? 16 MS. CLOUSE: Objection. 17 A. I probably would have talk -- I would have 17 18 BY MS. TRESL: 18 told her, you know, what I had done, how she 19 looked, you know, what was going on. I would 19 Q. You can answer. 20 A. Because I don't think it was an expected 20 have told her about the right-sided weakness and 21 given her her vital signs.

- 21 result.
- 22 Q. And why did you think that it wasn't an
- expected result? 23
- A. Well, he didn't say that, but, I mean, I 24
- 25 just don't think it was the expected result. I

22

23

24

25

that correct?

A. Uh-huh.

Q. And then you transferred her upstairs, and

that was the last you saw her for that day; is

	34	36
	1 Q. Or did you go back and visit her?	1 A. It could have been shortly after the
	2 A. I don't no. (Witness shaking head from	2 procedure. I may have seen her out and about in
	3 side to side.)	3 the hospital, but I am not sure.
	4 Q. Did you have any conversation with	4 Q. And have you talked to Sherry now, you
	5 Dr. Ghodsi as, like, follow-up? "How's	5 said you haven't talked to her in a while. Did
	6 Mrs. Dodd doing?" "Is her leg any better?"	6 you have any other conversations about her mom
	7 A. No.	7 after that conversation?
	8 Q. I think that you indicated that you talked	8 A. Not about the procedure, no. It would
	9 to Sherry since then?	9 be I mean, I would see her at the church
	10 A. I could have it could have been	10 bazaar and converse back and forth, and I may
	11 immediately after. I could have run into her in	11 say, you know, "How's your mother" or whatever,
	12 the hospital, or I could have run into her at	12 but nothing
	13 the church bazaar.	13 Q. And what does she say when you ask her
	14 Q. But when you ran into her, you did discuss	14 that? 15 A. I can't remember a specific conversation.
	15 Mrs. Dodd, correct?16 A. I did not discuss Mrs. Dodd. Family	15 A. I can't remember a specific conversation.16 She would probably just tell me how she's doing.
	16 A. I did not discuss Mrs. Dodd. Family 17 members discussed it. She just said she	17 Q. Do you know how she's doing now?
	18 hadn't you know, they had not been told that	18 A. Now?
	19 that was a possibility that there was a leak.	19 Q. Well, when you were having these
	20 That's all I remember about the conversation	20 conversations.
	21 with Sherry, and I don't even remember when that	21 A. Well, it's a very small town and she's a
	22 took place.	22 family friend, so you know, I heard that she
	23 Q. And when you said that they hadn't been	23 had gone to nursing home for rehabilitation and
	24 told that there was the possibility of a leak,	24 that she's home, and I've seen her since at
27	25 what were they referring to when they said they	25 church.
	· ·	
	35	37
a d	1 weren't told that there was	1 Q. So tell me about that was my next
	2 A. Cement.	2 question then about your encounters with
Э.	3 Q. And was that about the vertebroplasty then	3 Mrs. Dodd. So you have seen her as a friend
	4 she was referring to?	4 since her
	5 A. Uh-huh. Yes.	5 A. As an acquaintance, you know, out and
	6 Q. And what do you remember what you said	6 about.
	7 when she said that to you?	7 Q. And what have you observed when you've seen
	8 A. I doubt I said very much committal. I	8 her out and about?
	 9 don't remember exactly what I said. 10 Q. Do you remember what Sherry said to you 	9 A. I think the last time I saw her she may 10 have been using a cane, but I wouldn't swear to
	11 that led up to the part about "we didn't know	11 it.
	12 that there was a possibility of a leak"?	12 Q. She was walking then or sitting?
	13 A. I may have said, "How's your mom doing?" I	13 A. I think it was at the church bazaar a year
	14 don't know. I don't remember anything that I	14 ago. They do both. I was in the kitchen. It's
	15 don't even know when it took place.	15 just kind of a "hey, howdy."
	16 Q. That was my next question. Do you know if	16 Q. And did you ask her how she was doing when
	17 it was relatively, like, within the next month	17 you
	18 or two, or was it, like, three weeks ago?	18 A. I can't recall. I usually ask everyone how
	19 A. Oh, it wouldn't have been three weeks ago.	19 they're doing. You know, it's just I don't
	20 I haven't seen them for a while. It would have	20 mean to appear so vague, it's just I have a lot
	21 probably been shortly after the procedure.	21 of dealings with a lot of people and I a lot
	22 Q. Days, weeks, but not months and months?	22 of them are very superficial. You know, just,
	23 A. It could well, it could have been.	23 "Hi, how are you" and "how are you doing?"
	24 Q. Do you have an estimate, more likely than	24 Q. Are you a member of the same church then?
	24 Q. Do you have an estimate, more likely than 25 not, when you think it might have been?	24 Q. Are you a member of the same church then?25 A. Yes.

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··· · <u>A</u>,

1	38 Q. It is Episcopalian, right?	1	40 A. No.
2	A. Yes. But lest you misunderstand, I only	2	Q. And did you talk to anyone, that you
3	show up once a year to work the church bazaar.	3	remember, once you moved her over about the leg
4	I'm not a goer.	4	being weaker?
5	Q. Why do you only show up for the bazaar?	5	A. Well, the nurses that I work with, we
6	A. Because that's the only time I'm willing to	6	discussed why she was you know, that she was
7	go. I just go to spend time and work in the	7	going over to the main building. But we may
8	kitchen because my mother's the chairman of the	8	have discussed it in a discussion way, gossipy
9	committee.	9	way or, you know
10	Q. Did you know if Mrs. Dodd was very active	10	Q. Do you remember anything that you discussed
11	in the church?	11	about why she was going over to the floor rather
12	A. She also was the chairman of that committee	12	than home?
13	at one point, and my mother took it over from	13	A. Yes, but not to whom. I mean, the right
14	her. What can I you know, it's just a small	14	leg weakness, I you know, I'm sure we
15	town.	15	discussed that.
16	Q. And do you know why your mom took it over	16	Q. And was there any discussion as to why the
17	from her?	17	leg was weaker, the one leg was weaker than the
18	A. It was difficult when her back was you	18	other?
19	know, with the compression fracture, she just	19	A. No.
20	couldn't work it like she you know, it's hard	20	Q. Did you have any
21	work. It's backbreaking work. Her back was	21	A. I don't believe so.
22	already not in good shape.	22	Q. Did you have any understanding of why the
23	Q. When did your mom take over that position?	23	right leg was weaker than the other?
24	Do you know the year?	24	A. I don't remember if I did at that time or
25	A. No. I think she's done it the last two.	25	not.
	39		41
1	Q. The last two?	1	Q. Do you now understand why?
2	A. Uh-huh.	2	A. Yes.
3	Q. So maybe 2001 then? Would that	3	Q. And what is your understanding now?
4	A. I think they worked together on it before	4	A. That there was a cement leak.
5	then.	5	Q. Anything else?
6	Q. So she was kind of handing the torch over	6	A. No.
7	slowly?	7	Q. And who did you get that information from,
8	A. She recruited my mom to help her, too.	8	if you remember?
9	Q. Did she?	9	A. I don't remember.
10	A. You have to understand church ladies.	10	Q. Could it have been Dr. Ghodsi?
11	Q. Let me see. Did you report to Dr. Ghodsi?	11	A. I doubt it. I don't see him and don't
12	You probably don't remember, and I think we've	12	discuss with him
13	hit this, but let's just hit it another way.	13	Q. Was this the first vertebroplasty that you
14	Did you talk to Dr. Ghodsi, that you remember,	14	knew of when you were discussing her with your
15	about Mrs. Dodd's leg being weaker than the	15	colleagues that any of them had been involved

- 16 other?
- 17 A. He was in the room.
- 18 Q. Right.
- 19 A. We were in the room together.
- 20 Q. But when she got moved over at 10:00, did
- 21 you talk to him at any time about the right leg
- 22 being weaker than the left?
- 23 A. I don't recall. You mean after I moved her
- 24 over?

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25 Q. Exactly.

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16 in?

18

19

17 A. Yes.

Q. Did anyone have any -- was there any

20 be that? I mean, was it a bit of a curiosity

22 A. I don't think so. I mean, they -- we would

25 Q. What was her level of -- was she able to

23 have understood that that would not be the

21 because it was a new procedure?

24 desired result, but I don't think so.

discussion about could this be this, could that

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	42	4
1	roll?	1 A. No.
2	A. Oh, yes. She was yes, she was moving,	2 Q. And have you ever, for any reason, had any
3	rolling, bending her knees. She was moving in	3 disciplinary action taken relative to nursing?
4	the bed, yes.	4 A. No.
5	Q. And there was no reason that she shouldn't	5 MR. KISH: Objection.
6	have been or couldn't have been? That was	6 BY MS. TRESL:
7	allowed?	7 Q. I figured you'd say that.
8	A. Oh, yeah.	8 Do you think that there's anything that
9	Q. So she had no deficits that you observed	9 Mrs. Dodd did or didn't do that contributed to
10	other than the leg weakness?	10 the fact that she has the deficit that she has
11	A. Right.	11 now?
12	Q. Is there anything that we haven't that I	12 MR. KISH: Objection. I'm not
13	haven't asked you about that you remember that I	13 sure she's qualified to answer that.
14	haven't brought up today?	14 THE WITNESS: I don't understand.
15	A. I'm so anxious, I don't	15 BY MS, TRESL:
16	Q. You're doing a great job. You wouldn't	16 Q. While you were recovering her, was there
17	know it.	17 anything Mrs. Dodd didn't do that contributed to
18	A. I can't think of anything.	18 the fact that her legs were not equally strong?19 A. No.
19 20	Q. Have you talked to, let's say, your head nurse or your department about vertebroplasties	20 Q. Okay. And did Sherry or Mrs. Dodd ever
20	in general since Mrs. Dodd's procedure?	21 talk to you about let's do one at a time. In
22	A. No.	21 the times that you've seen Sherry in the
23	Q. Is there a policy or a procedure on your	23 community, has she ever talked to you about
24	unit relative to the care of the recovery of	24 Dr. Ghodsi?
25	vertebroplasty patients?	25 A. No.
11	43	
$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\19\\20\\21\\22\\23\\24\end{array} $	 A. I'm not aware of one. Q. And is it my understanding that as far as you know, there's been no other vertebroplasties done that you've recovered on your floor? A. As far as I'm aware of, no. Q. Did your head nurse ask you about your deposition today in terms of your care of Mrs. Dodd? MR. KISH: Objection. You can go ahead and answer. THE WITNESS: No. BY MS. TRESL: Q. Let me have about two minutes just to make sure I haven't missed anything and I think we're done. A. Okay. Q. And I thank you for your time. (Thereupon, a discussion was held off the record.) MS. TRESL: BY MS. TRESL: 	4 1 Q. And what about Mrs. Dodd? 2 A. No. 3 Q. Okay. I think we're done and I thank you 4 very much. 5 A. Thank you. 6 MR. KISH: You have the right 7 to read the deposition transcript when it comes 8 back, but just tell her you'll waive. 9 THE WITNESS: I waive. 10 (Thereupon, the M. Grimm deposition 11 was concluded at 9:53 o'clock a.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24
$\begin{array}{c} 2\\ 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ \end{array}$	 A. I'm not aware of one. Q. And is it my understanding that as far as you know, there's been no other vertebroplasties done that you've recovered on your floor? A. As far as I'm aware of, no. Q. Did your head nurse ask you about your deposition today in terms of your care of Mrs. Dodd? MR. KISH: Objection. You can go ahead and answer. THE WITNESS: No. BY MS. TRESL: Q. Let me have about two minutes just to make sure I haven't missed anything and I think we're done. A. Okay. Q. And I thank you for your time. (Thereupon, a discussion was held off the record.) MS. TRESL: Q. I even hate to ask these questions, but I have to for the record. 	1 Q. And what about Mrs. Dodd? 2 A. No. 3 Q. Okay. I think we're done and I thank you 4 very much. 5 A. Thank you. 6 MR. KISH: You have the right 7 to read the deposition transcript when it comes 8 back, but just tell her you'll waive. 9 THE WITNESS: I waive. 10 (Thereupon, the M. Grimm deposition 11 was concluded at 9:53 o'clock a.m.) 12 13 14 15 16 17 18 19 20 21 22 23

and correct transcription of the testimony so 11 given by her as aforesaid. 12 was taken at the time and place in the foregoing caption specified, and was completed without 13 adjournment 14 relative, employee of or attorney for any party or connsel, or otherwise financially interested 15 in this action. 16 the court reporting firm with which I am affiliated, under a contuct as defined in Civil. 17 Rule 28(D) 18 hand and affixed my seal of office at Akron, Objoin on this 28th day of October, 2003. 19 20 21			1
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16 the court specifie firm with which I as Althous, user's contrast ad effection (Critic) 17 NN VTDDS WHEREOC, I have becaute as the yet 18 hood and IAXA Adoe, Court is 28th day of Couber, 2003. 39 4 May commission exprise March 13, 2005. 4 My commission exprise March 14, 2005. 4 My commission exprise March	15 in this action.		
17 Role 28(D) 18 NUTINESS WEREDGE I have bereme at my 19 NUTINESS WEREDGE I have bereme at my 19 NUTINESS WEREDGE I have bereme at my 20 Image: State of the state of	16 the court reporting firm with which I am affiliated, under a contract as defined in Civil.		
Orice on this 28th day of October, 2003.	17 Rule 28(D). IN WITNESS WHEREOF, I have hereunto set my		
Anka W Pranok, RPR Anka W Pranok, RPR My commission expires March 13, 2005 	18 hand and affixed my seal of office at Akron, Obio on this 28th day of October, 2003.		
22 23 24 My commission expires March 13, 2005. 25	19 20		
Avika W. Putrick, RPR My.commission expires March 13, 2005.	21 22		
by commission expines March 13, 2005	Anika W. Patrick, RPR		
	My commission expires March 13, 2005.		
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Α	Anika 1:15 46:4,23	backbreaking 38:21	42:24 43:7	Computer-Aided
Abdi 1:7 2:18	Ann 19:17,18 20:4	background 11:1	cart 19:8	46:9
able 20:15 21:14	20:19	based 19:23	case 1:6 10:20 19:14	concept 13:1,13,14
41:25	another 8:2 39:13	bazaar 34:13 36:10	26:8	concluded 45:11
about 5:19 9:1 10:13	answer 4:22 5:5	37:13 38:3,5	cases 9:9 26:4	condition 8:20
10:16,19 11:1,4	17:13 31:19 43:10	bearings 18:25	cataract 6:16	confused 7:14
13:4 14:8,18 15:1,9	44:13	beautiful 23:12,20	cause 20:15 46:7	contained 20:16
15:16,20,22 17:15	answered 6:25	BECKER 2:3	cement 13:17 35:2	contract 46:16
19:9 21:11,24 22:1	anxious 42:15	become 11:17 22:11	41:4	contributed 44:9,17
25:13 26:6 27:12	anyone 10:12 40:2	bed 21:15 31:7 32:7	central 26:5	conversation 15:15
27:13 29:13 30:1,4	41:18	42:4	certain 24:8	17:1,9 27:17 28:13
30:9,17 32:10,17	anything 10:7 11:25	before 1:14 4:14	certainty 22:17 33:6	28:13 30:3,8 32:14
32:23 33:20 34:20	20:12,14 22:16	7:15 13:4,8,20	certified 4:3 11:2	34:4,20 36:7,15
35:3,11 36:2,6,8	27:12 35:14 40:10	14:10,11,13,15	certify 46:6,11,13,15	conversations 29:21
37:1,2,6,8 39:15,21	41:5 42:12,18	16:9,20 17:7,9	chairman 38:8,12	29:22 30:1 36:6,20
40:3,11 41:19	43:14 44:8,17	19:20 23:24 24:4,5	charted 23:13,21	converse 33:1 36:10
42:13,20 43:6,13	apart 12:2 19:21	24:10 25:2 39:4	27:2	correct 4:11 18:4
44:21,23 45:1	20:1	43:25	chat 17:5	19:3 33:24 34:15
accurate 12:23	appalling 23:11	Behalf 2:2,10,18	check 12:9 20:23	46:10
Accu-Chek 21:13	appear 37:20	being 27:7 31:12	22:18,25	counsel 46:14
ACLS 11:4,16,17,23	APPEARANCES	39:15,22 40:4	checked 21:14 22:20	COUNTY 1:2 46:3
acquaintance 37:5	2:1	believe 26:21 30:23	checking 24:24	couple 25:23
action 44:3 46:15	apply 12:15	30:23 32:19 40:21	checks 12:9,11	course 11:18
active 38:10	area 7:12 8:2 9:3	bend 24:24	chemical 6:4	court 1:1 46:16
actual 20:10	around 12:23 28:7	bending 24:25 42:3	Christmas 15:10,12	Courthouse 2:14
	asked 27:21 28:9	better 34:6	Christmastime 15:11	Cree 19:15,16
actually 23:12	42:13	bit 5:19 11:1 15:1	church 34:13 36:9,25	critical 11:18
address 5:12	asking 30:10	17:15 29:24 41:20	37:13,24 38:3,11.	Cross-Examination
adenoids 6:18 adjournment 46:13	assess 16:25 21:1,2	BLS 11:2	39:10	1:13 3:4 4:5
admitted 8:15	22:9	boards 5:23	Civil 1:14 46:16	curiosity 41:20
affiliated 46:16	assessed 17:7,12,14	bone 13:18	Cleveland 2:8	currently 11:2,23
affiliations 11:6,7	22:13 23:22 25:20	both 24:3 37:14	Clouse 2:21 18:18	
affixed 46:18	30:18	BOYER 1:7	22:21 31:17 32:15	D
aforesaid 46:8,11	assessing 25:14	break 5:8	CO 2:3,20	D 2:4 3:1
after 7:5 9:12 14:10	assessment 9:6 14:2	Breeze 33:11	colleagues 7:9 41:15	Darvocet 23:13
15:20 16:23 24:5	14:14 21:19,25	brief 15:18,18	College 5:23	25:24
25:24 28:17,17	25:15 27:15	briefly 6:8	COLOMBO 2:20	Darvocets 21:16
34:11 35:21 36:1,7	assume 5:5 17:19	bring 19:6,8	Columbus 2:16	daughter 28:24 29:1
39:23	25:19	brings 20:19	come 8:9 9:5,8 10:25	29:17 33:4
afterwards 46:9	assuming 18:3	brought 21:12 22:3	12:10 13:19 16:3,4	day 1:19 6:21 7:10
again 25:6 27:8	attorney 2:5,13,21	42:14	22:7,25 26:10	13:5 14:7,16 15:23
against 24:21,22	10:13,15 46:14	building 40:7	28:17,21	33:23 46:18
age 4:2	automatically 22:4	bulk 6:15	comes 16:8 19:2 45:7	Days 35:22
ago 35:18,19 37:14	average 16:2 29:6,12	bumps 6:18	coming 14:16 24:7	dealings 37:21
ahead 43:10	awake 28:1		29:18	Decadron 23:13
airway 21:1	aware 7:18,22 12:7	C	commencing 1:20	25:24 26:1,7,12,12
Akron 46:18	22:12 43:1,5	C 46:1,1	commission 46:24	26:14 33:10
al 1:8	awareness 12:13	call 4:8,11 33:10	commissioned 46:5	decision 32:11
alert 20:25 28:2	away 24:10	called 1:12 33:16	committal 35:8	Defendant 2:10,18
allowed 42:7	a.m 1:20 45:11	came 14:7,12 16:25	committee 38:9,12	Defendants 1:9
already 23:22 38:22		17:10 18:2,7 21:18	COMMON 1:1	deficit 44:10
ambulatory 6:12,14	<u> </u>	22:9 23:24 25:2	community 5:22	deficits 42:9
amount 28:3	bachelor's 11:11	27:14 29:17 32:3	44:23	defined 46:16
anesthesia 17:16,20	back 9:8 10:25 15:4	cane 37:10	complained 21:15	degree 11:11
18:4,10	18:23 21:12 29:17	caption 46:12	completed 11:17	department 42:20
anesthesiologist	29:19 34:1 36:10	care 6:4 7:4,5 11:18	46:12	departments 6:1
19:11	38:18,21 43:20	12:7 13:5,8,12,15	compression 15:3	dependency 6:5
1.2.21	45:8	13:20,21 14:1	38:19	deposed 4:4
1			L	

CANTON COURT REPORTERS 330-452-2400

CLEVELAND COURT REPORTERS 216-621-6969

deposition 1:11 4:13	33:3 34:5 39:11,14	family 33:5 34:16	22:7 23:8,24 24:7	18:3,9 19:6,7 21:12
9:24 10:8,10,13,17	41:10 44:24	36:22	25:18,19 26:6	21:14,16,19 22:3,7
10:23 43:7 45:7,10	dressing 20:23 21:1	far 7:19 17:1,2 32:3	27:11,13 28:14	22:9,9,14,16,18
46:11	21:14	43:2,5	33:3 34:5 39:11,14	23:23,23 24:3
describe 20:19 30:13	dressings 12:10	feel 31:14 32:1	41:10 44:24	27:14,19,25 28:7,9
desired 41:24	duly 4:3 46:5,7	felt 26:11 31:13	Ghodsi's 10:10	28:14,19 29:17,18
detail 8:18	during 7:10 12:11	Fentanyl 27:24	give 14:23 16:1	29:21,22 30:2,4,11
determine 24:19	29:19	few 4:16	26:12,14 33:2,10	30:18,18,22,24
determined 21:21	<i>w y</i> • • • <i>y</i>	figured 44:7	given 19:5,12,18	31:1,2,6,13,15 32:7
diabetic 21:13 30:11	E	financially 46:14	26:12 33:21 46:8	32:18,19,20,23
difference 30:9	E 1:7 3:1 46:1,1	fine 17:24	46:11	33:10,12,18,20,21
difficult 38:18	earlier 4:7	finished 17:20	gives 19:11	33:21,22,23 34:1,6
difficulty 28:10	education 15:22	firm 46:16	giving 26:1,7 30:21	34:11,12,14 36:2,5
disciplinary 44:3	eight 6:6	first 4:3,19 7:3 9:19	go 8:2,13,13,15,18	36:6,9,13,24 37:3,4
discuss 17:6 34:14,16	either 8:12	14:9 15:5 18:14	9:7,8,10 10:14	37:8,9,16 38:14,17
41:12	employed 5:24	22:1,3,8,10 26:19	12:10 18:18 19:5	38:18,21 39:8,23
discussed 34:17 40:6	employee 46:14	30:18 41:13 46:6	19:20 21:21 24:10	40:3 41:14,25 42:3
	employee 40:14 employment 5:20	five 7:11	34:1 38:7,7 43:10	40:3 41:14,23 42:3 44:16,18 45:8 46:8
40:8,10,15	employment 5:20 encounter 14:19	floor 6:6,8 7:9 8:13	goer 38:4	46:11
discussing 41:14 discussion 18:21	15:2,19	8:16 17:11 40:11	going 4:16 7:13 13:2	40:11 hereinafter 4:3
	encounters 37:2	8:16 17:11 40:11 43:4	going 4:16 7:13 13:2 13:22 15:4 18:7	hereunto 46:17
40:8,16 41:19			F	
43:18	endoscopies 6:16	floundering 8:23 follow 32:25	22:21 28:6 31:7	hernia 6:16
doctor's 26:16	enter 9:12 19:1		32:15,20 33:19	Hess 19:14,17,18
document 23:5 25:4	Episcopalian 38:1	followed 23:8 24:13	40:7,11	hey 37:15
25:6	equally 44:18	26:2	gone 36:23	Hi 37:23
documented 24:12	especially 5:21	following 5:23	good 38:22	High 2:15,22
27:9 28:22 33:8	estimate 35:24	follows 4:4	gossipy 40:8	him 16:9,12,18 22:16
Dodd 1:4 7:19 13:5,9	et 1:8	follow-up 34:5	graduated 5:22	32:4,14 39:21
13:20,21 17:7,10	even 16:1 17:12,14	foot 21:20 23:6,21,23	great 42:16	41:11,12
20:19 21:8,11	19:16 23:15 24:12	24:19 25:6,20	Grimm 1:11 4:1 5:13	history 5:20
22:12 26:8 27:11	34:21 35:15 43:22	foregoing 46:10,12	45:10 46:6	hit 39:13,13
27:13 30:2 32:10	evening 6:9	forth 36:10	ground 4:17	hold 24:22
32:17 34:6,15,16	events 19:21	Forty 29:8	gurney 19:6	home 8:13 9:16
37:3 38:10 43:8	ever 4:13 7:3 43:24	Fourth 5:13	H .	14:20 36:23,24
44:9,17,20 45:1	44:2,20,23	fracture 38:19		40:12
Dodd's 12:19 15:7	every 16:5	fractures 15:4	half 29:5,13	hospital 1:18 2:11
28:24 29:1,16 33:4	everyone 37:18	Friday 1:19	hand 24:22 46:18	5:25 11:18 13:1
33:5 39:15 42:21	everything 19:22	friend 15:8 36:22	handing 39:6	14:17 21:22 31:8
doing 13:2 21:25	20:25	37:3	hands 24:21,23	31:12 32:21,24
24:16 25:1 34:6	exactly 35:9 39:25	from 5:22 8:9,20 9:6	handwriting 23:11	34:12 36:3
35:13 36:16,17	exam 22:19 24:7,14	12:2,19,20 17:18	happened 15:7	hour 29:6,13
37:16,19,23 42:16	24:16,19	18:6,11 19:21 20:1	hard 38:20	howdy 37:15
done 14:13 15:5	example 12:2	28:12,24 29:11	hate 43:22	How's 34:5 35:13
19:13 20:18,20	expected 31:20,23,25	30:17 34:2 38:13	having 4:2 7:1 17:1	36:11
24:13,18 26:18,21	expires 46:24	38:17 41:7	28:3 32:10,13	
27:1,2,3,4,7,8	explain 27:19 30:20	further 19:20 46:11	36:19	
33:18 38:25 43:4	explained 13:24	46:13,15	head 4:24 11:21	immediately 34:11
43:15 45:3	explaining 15:3,16		12:17 15:14 16:19	included 33:15
doubt 35:8 41:11	extremities 24:3	G	20:2 22:4 28:4	includes 23:3
down 11:22 12:18	extremity 22:14 23:3	gallbladders 6:17	30:14,19 33:13	incorrectly 8:5
15:14 16:3,19 20:3	24:14	gave 19:15 20:5	34:2 42:19 43:6	independently 24:6
28:5 29:25 30:15		21:15,23 25:24	heard 14:23 36:22	indicated 34:8
30:19 33:14	F	general 42:21	held 18:21 43:18	Indicating 10:1
Dr 10:10,16,19 15:25	F 1:4 46:1	getting 17:3	help 39:8	18:12 25:3
16:20,23 21:18	facility 16:2	Ghod 25:19	her 13:12,15 14:1,2,6	individually 21:24
22:7 23:8,24 24:7	fact 44:10,18	Ghodsi 1:7 2:19	14:7,12,13,15,15	inflammation 26:3
25:18,19,19 26:6	fair 6:19	10:16,19 15:25	14:16,20 15:4,23	information 9:6,6
27:11,13 28:14	fairly 5:9 28:1,2	16:20,23 21:18	17:3,8,9,10,12,14	31:5 41:7
		1 · · · · · · · · · · · · · · · · · · ·	3	1 1

CANTON COURT REPORTERS 330-452-2400

CLEVELAND COURT REPORTERS 216-621-6969

initial 14:2 21:25	40:6,9,14 42:17	33:11	35:24	observed 25:16 37
27:15 28:13,18	43:3	lot 12:23 16:6,14,18	morning 13:8	42:9
initially 6:5	Knowing 24:1	21:23 26:4 30:3	mother 36:11 38:13	October 1:19 46:1
inject 13:17	knowledge 13:19	37:20,21,21	mother's 38:8	off 18:18,21 43:18
instruct 11:23	known 33:8	lovely 23:15	move 21:14 24:24	offered 11:18
instructor 11:17	kyphoplasty 12:4	lower 22:14,18 23:3	moved 39:20,23 40:3	office 2:6 46:18
interested 46:14		24:13	moving 20:24 21:2	often 15:25 16:1,3
interrupt 31:9	L	lumps 6:18	24:2,3 25:1 42:2,3	16:8
introduced 4:7 13:1	L 2:21	L.P.A 2:3,20	much 28:20 29:13	Oh 17:21 23:15
involved 41:15 43:24	ladies 39:10	L1-L2 20:17	35:8 45:4	24:15 28:8 35:19
in-service 13:8	language 10:25		M.D 1:7 2:19	42:2,8
issues 32:25	last 11:20 15:15,21	M		Ohio 1:2,13,17,18
135400 52120	33:23 37:9 38:25	M 45:10	N	2:8,16,23 5:14 4
J	39:1	made 25:8 32:11	N 3:1	46:5,18
Jackie 4:12	late 14:12	main 40:7	name 5:11	okay 4:8,16,25 6:3
Jacqueline 2:4	later 14:7,7	make 20:24 22:6	named 46:6	8:1,22 9:1,3,11,
job 42:16	Law 2:5,13,21	43:13	need 5:8	14:5 17:4,13,16.
				1
journals 11:9	lawful 4:2	making 24:24	nervous 26:5	18:10 22:5 25:2
JUDGE 1:7	lawsuit 43:24	many 7:5,9	neuro 12:9,11 21:18	29:24 43:16 44:
July 5:24	leak 34:19,24 35:12	March 46:24	26:4	45:3
jump 31:11	41:4	Marietta 1:17,18	neurologists 22:24	once 16:4,5 29:9 3
June 5:25	learn 12:6	2:10 5:14,21,24	neuropathy 30:11	40:3
just 4:16 6:18,24	learned 14:8	12:22	neuros 21:5	one 7:3,8 8:17 9:1
9:21 10:14,25 15:1	led 35:11	MARILYN 1:4	neurostatus 23:1	9:20 17:23 20:4
15:17,18,18 16:5	left 23:6,7,22,23	mark 29:25	neurosurgeries 6:22	26:22,24 27:2,2
17:2 18:25 20:17	24:20 25:7,21	Matthew 1:18	neurosurgery 16:15	28:14 30:4 32:4
21:2 22:4 25:23	39:22	may 4:11 5:5 25:19	neurosurgical 12:14	38:13 40:17 43:
26:1 27:17 30:10	leg 21:20 22:15,18	35:13 36:2,10 37:9.	new 12:21 41:21	44:21
31:9,25 34:17	27:16 28:14 30:4,9	40:7	next 35:16,17 37:1	one-on-one 21:6
36:16 37:15,19,20	30:11 31:15 32:19	maybe 8:5 16:4,14	nice 14:23	only 7:8,20 17:16
37:22 38:7,14,19	34:6 39:15,21 40:3	19:2 33:12 39:3	nine 6:7	32:3 38:2,5,6
39:13 43:13 45:8	40:14,17,17,23	mean 16:3 31:24	nodding 4:24 11:21	opened 6:9
	42:10	36:9 37:20 39:23	12:17 15:14 16:19	order 26:2,16,17
K	legs 44:18	40:13 41:20,22	20:2 28:4 30:14,19	32:7
Karen 2:21	lest 38:2	means 46:9	33:13	orders 32:25
keep 25:14 30:24	let 5:8 8:1 18:25	mechanism 13:16	None 7:7	oriented 20:25
31:1	19:20 29:25 39:11	medical 6:6	normally 27:1	ORs 6:22
kind 6:10 11:13	43:13	member 11:6 37:24	nosey 15:6	other 7:15 10:12
12:14,21 14:3	let's 9:1 10:25 17:15	members 34:17	Notary 1:16 46:5	28:15 30:5 36:6
17:17 37:15 39:6	18:25 39:13 42:19	Memorial 1:17 2:10	note 8:19 18:6 23:5	1
				39:16 40:18,23
Kish 2:13 7:24 17:22	44:21	5:21,25 12:22	nothing 36:12 46:7	42:10 43:3
31:3 43:9 44:5,12	level 41:25	memory 20:12	nurse 5:16,17 14:3	otherwise 46:14
45:6	like 8:6 11:20 18:2	Michelle 1:11 4:1,7,9	17:6 30:20 33:11	out 18:9 19:7,8 20
kitchen 37:14 38:8	31:10 33:11 34:5	5:13 26:14 46:6	42:20 43:6	20:20 27:14 33:
knees 42:3	35:17,18 38:20	might 15:6 25:11	nurses 7:9 40:5	36:2 37:5,8
knew 21:13 41:14	likely 32:6 35:24	35:25	nursing 10:4 11:9	outpatient 6:7 8:1
know 5:8 6:18 7:19	little 5:19 7:14 11:1	minute 33:2	12:15 36:23 44:3	10:4 16:15
8:4 10:4 12:13	15:1 17:15 29:24	minutes 29:8 43:13		over 6:11,22 18:4
13:4 15:19 16:5	logically 16:17	MISHKIND 2:3	0	21:22 32:20,24
17:12 20:15,25	long 4:19 5:17 15:15	missed 43:14	oath 4:20	38:13,16,23 39:
21:2,19 22:14,22	24:4	missing 17:23	object 22:22 32:15	39:20,24 40:3,7
23:12 24:22,23	longer 28:20,25 29:5	misunderstand 38:2	Objection 7:24 31:3	own 24:13
26:18,24,25 32:1,3	29:14	mix 19:16	31:17 43:9 44:5,12	o'clock 1:20 45:1
33:3,6,18,19 34:18	look 23:16	mom 35:13 36:6	observation 6:10	
35:11,14,15,16	looked 9:25 10:1	38:16,23 39:8	7:17,21 8:6 11:15	P
36:11,17,22 37:5	31:10 33:19	month 16:5 35:17	12:1 25:8	PACU 8:20,21 9:
37:19,22 38:10,14	looking 9:23 17:16	months 35:22,22	observe 12:12 24:6	9:21,21 18:8,9 2
38:16,19,20,24	looks 17:19 18:2,6	more 8:18 11:1 32:1	31:2,6,13,14	26:19,20,21,23
	E HUUNS 1 / 17 10(Z.U	E MOLCO. 10 11.1 02.1	1 Jan 10, 1 J, 14	1 40.17.40.41.4.

CANTON COURT REPORTERS 330-452-2400 CLEVELAND COURT REPORTERS 216-621-6969

3

parties 14:24 party 14:20 157.9 party 14:20 157.9 parties 12:01 parties 12:0		······		·······	
pamphlets 12:20 PAR 18:319:2 produced 46:9 reduced 46:8 RPR 46:23 reduced 46:8 RPR 46:23 rules 1:13 4:17 slowly 39:7 Parkersburg 5:22 parts 14:2 11:7.46:5 referring 10:2 34:25 rules 1:13 4:17 some 9:9 12:20 19:5 parts 14:2 progress 10:5 35:4 referring 10:2 34:25 rules 1:13 4:17 some 9:9 12:20 19:5 parts 14:2 progress 10:5 5:17 4:64:6 some 9:9 12:20 19:5 19:25 21:16 22:19 parts 14:2 pursmant 1:13 related 11:25 safe 25:18 some 9:9 12:22 3:29 partern 16:7 qualified 4:13 4:66 relatively 35:17 safe 25:18 sorry 17:22 23:6 parts 9:15:1 qualified 4:13 4:66 relevely 35:17 safe 25:18 sorry 17:22 23:6 parts 9:15:1 qualified 4:13 4:66 relevely 35:17 safe 32:19 sorry 17:22 23:6 parts 9:15:1 qualified 4:13 4:66 relevely 35:17 safe 32:18 sorry 17:22 23:6 people 37:21 questions 5:25 6:25 gent 10:11,12:21:18 safe 25:18 sorry 17:22 23:6 perida 9:10:12 qualified 4:13:46 gent 33:25 cent 32:19	27:1,5	procedures 6:15	28:25 29:3,11	routine 12:14 22:19	slightly 21:21 23:7
PAR. 18:3 19:2 profession 3:15 reduced 46:8 Rule 46:17 sional 36:21 38:14 partices 14:24 progress 10:5 35:4 refer 9:18 run 16:17 34:11,12 sional 36:21 38:14 part 12:14 10:27 Public 1:16 46:5 registred 1:15 5:16 RXN 1:11 22:44:21 27:24 28:3 something 55:9,16 27:24 28:3 something 55:9,16 27:24 28:3 something 55:9,16 27:24 28:3 something 55:9,16 37:7 something 55:9,16 37:7 relative 51:14 22:4 something 55:9,16 37:7 something 55:9,16 37:7 relative 51:14 22:4 something 55:9,16 37:7 29:3 something 55:9,16 37:7 29:9,23:22:22:23:23:22 29:4:10:11,22:11:8 something 55:9,16:3:7 something 55:9,16:3:7 something 55:9,16:3:7 something 55:9,16:3:7 29:11:12:24:17:22:25:8 something 55:9,16:3:12 29:11:12:24:17:22:25:8:3:22:22 29:11:12:24:17:27:25:5:20:9 something 55:9,16:3:12 29:11:12:24:12:12:22:13:17:22:25:8:3:22:22:13:22:22:13:22:22:13:22:22:13:22:22:23:12:22:23:13:22:23:13:11:12:24:11:12:1	pain 21:2,15 28:3	10:23 16:15	42:24	routinely 7:2 12:9	23:23 24:20 25:7
PAR Ik3: 19:2 profession 1:15 refer 9:18 Rule 46:17 small 36:21 38:14 particesting 5:22 profession 1:16 11:7 46:5 refer 9:18 run 16:17 34:11,12 small 36:21 38:14 part 12:14 2:15 progress 10:5 35:4 refer 9:18 run 16:17 34:11,12 small 36:21 38:14 party 14:20 15:7.9 Public 1:16 46:5 refater 11:15 5:16 R.N 1:11 2:4 4:11 small 36:21 38:14 pattern 12:12 16:25 pustaut 1:13 relative 31:04:12 safe 25:18 small 36:21 38:14 pattern 16:7 puttig 32:20 relative 31:74 2:42:24 sup 41:12 32:43 sort 17:22 3:60 pattern 16:7 Q relative 31:71 say 81:20:20 sort 51:98 5:72 pattern 16:7 Q relative 31:71 say 81:41:23:41:33 sup 51:72 pattern 16:7 Q relative 31:71 say 81:41:23:41:33 sup 51:72 sup 51:72 pattern 16:7 Q relative 31:71 sup 51:13 sup 51:72 sup 51:13 sup 51:13 </td <td></td> <td>produced 46:9</td> <td>recruited 39:8</td> <td></td> <td>30:13</td>		produced 46:9	recruited 39:8		30:13
Parkschurg 5:22 part 12:18 35:11 professional 1:16 refer 9:18 rules 1:13 4:17 rules 1:13 4:17 rules 1:13 4:17 some 9:0 1:20:19:20 part 12:18 35:11 11:7 4:65 rejerting 10:2 34:25 running 6:9 some 9:0 1:20:19:20 some 9:0 1:20:19:20 some 9:0 1:20:19:20 running 6:9 some 9:0 1:20:19:20 running 6:9 some 9:0 1:20:19:20 running 6:9 some 9:0 1:20:19:20:19:20 running 6:9 some 9:0 1:20:19:20:20:19:20:10:19:20:20:19:20:10:19:20:20:19:20:10:19:20:20:19:20:10:19:20:20:19:20:19:20:20:19:20:10:19:20:20:19:20:20:19:20:20:10:19:20:20:19:20:20:		profession 5:15	reduced 46:8	Rule 46:17	slowly 39:7
$ \begin{array}{c c c c c c c c c c c c c c c c c c c $		professional 1:16	refer 9:18	rules 1:13 4:17	small 36:21 38:14
parties 14:24 party 14:20 15:79 parties 12:10 46:14 parties 12:15 5:16 19:12 progress 10:5 parties 12:16 22:13 pursuant 11:3 pursuant 11:3 parties 8:9:9:5 12:1 parties 8:9:9:5 12:1 parties 8:9:9:5 12:1 parties 8:9:9:5 12:1 parties 16:7.2 parties 12:22 progress 10:5 pursuant 11:3 parties 16:7.2 parties 12:25 parties 8:9:9:5 12:1 parties 16:7.2 parties 16:7.2 parties 11:25 running 6:9 results 12:5 safe 25:18 safe 25:18 sare 61:0 13:20 save 3:0:17:37:24 same 61:0 13:20 save 3:0:17:37:24 save 3:0:17:37:24 save 3:0:17:37:24 save 3:0:17:37:24 save 3:0:17:37:24 save 3:0:10:37:2 perhaps 19:15 period 9:10;12 12:12 questions 4:18;22,23 9:11:10;12 12:12 questions 4:18;22,23 9:11:11:11 progress 12:10 progress 12:12 purstical 12:12 parties 4:12 5:12 purstical 12:12 purstical 12:14 purstical 12:14 purstical 12:14 purstical 12:14 purstical 12:14		*	referring 10:2 34:25	run 16:17 34:11,12	some 9:9 12:20 19:21
			-		
			registered 1:15 5:16		
patient 12:12 16:25 pursuant 1:13 push 24:21 rehabilitation 36:23 5 something 25:9,16 19:12 put 32:20 related 11:25 safe 25:18 27:9 28:22 32:9 23:14 42:25 putting 32:23 44:3 46:14 30:17 37:24 something 25:9,16 Patrick 1:15 46:4,23 putting 32:23 related vizy 35:17 saw 14:12 22:4 33:22 something 25:9,16 Patrick 1:15 46:4,23 putting 32:23 relative 5:21 42:24 saw 14:12 22:4 33:22 sorry 17:22 23:6 people 37:21 question 5:2,5 6:25 17:14 19:21,25 saying 29:10 sorry 17:22 23:6 periad 9:10,12 12:12 question 5:18,22,23 21:10,12,17 22:16 scal 46:18 specifical 36:15 9:21,21,21,42 27:7,31,16,17 22:20 a8,10 32:6 scondary 8:25 9:13 genetical 46:12 29:19 rather 4:24 40:11 35:14 46:13 29:12 rather 4:24 40:11 35:14 46:13 29:12 see 9:23 14:15,18 Sqacr 2:14 91ace 32:23 34:22 realized 19:19:23 44:3 44:3 18:13 20:22 2:17 3:5;0 stab 8:14,20 91ace 31:12 23:16 29:11 44:33 18:13 20:22 2:17 3:5;0 <t< td=""><td></td><td></td><td></td><td></td><td></td></t<>					
19:12 push 24:21 related 11:25 safe 6:10 13:20 27:9 28:22 32:9 patients 8:9 9:5 12:1 put 32:20 relative 5:21 42:24 same 6:10 13:20 33:7 Patrick 1:15 46:4,23 - relative 3:5:17 same 6:10 13:20 sometimes 23:11 Patren 16:7 - - relatives 26:3 37:9 sorrt 5:19 8:7;23 people 37:21 questions 5:2,5 6:55 17:14 19:21,25 says 8:20 23:8 12:25 13:7 27:25 perido 9:10,12 12:12 questions 4:18;2,2,23 21:10,12,17 22:16 second 27:18:16,19 specific 3:6:15 9:11,21,22,14:22 1:22:23:8,10 20:5 second 27:18:16,19 specific 3:6:15 specific 3:6:15 9:12,12,12,21 4:2 - 27:7,13,16,17 22:2,22 ac 2:10 21:10,17 2:6:7 9:14 4:13 1:16 29:12,30:12 1:11 1:36:14 3:6:6:9,10 26:19 27:5;5 29:9 specific 3:6:15 9:14 4:12 23:19 4:6:12 reaction 1:2:13 39:14 4:0:3,10;2 secondary 8:2:13 specific 3:6:15 9:14 4:12 23:14 4:13 specific 3:6:15 specific 3:6:15 specific 3:6:15	1			S	
patients 8:9 9:5 12:1 23:1 42:25 putting 32:20 putting 32:23 relative 5:21 42:24 44:3 46:14 sam 14:1 23:24 33:23 30:17 37:24 saw 14:1 23:24 33:23 comments 23:5 sorry 17:22 23:6 sorry 17:25 sorry 17:22 23:6 sorry 17:25 sorry				safe 25:18	
23:142:25 Patrick 1:15 46:423 pattern 16:7 putting 32:23 Qualified 44:13 46:6 44:3 46:14 relatively 35:17 relatively 35:17 30:17 37:24 swi 14:12 32:4 33:23 swi 14:12 32:4 33:23 50:00000000000000000000000000000000000				1	
Partick 1:15 46:4,23 pattern 16:7 -				1	
pattern 16:7 Q relieves 26:3 37:9 sorry 17:22 23:6 Pause 33:2 quadified 44:13 46:6 remember 12:25 saying 29:10 sort 51:9 87:23 people 37:21 question 5:1,5 6:25 17:14 19:21;25 say 8:20 23:8 sort 51:0 87:27 periad 9:10,12 12:12 questions 418,22,23 20:4,10,11,22 21:8 seah 64:18 specific 36:15 9:12,12,12,21 4:2 22:1,2,8,10,27:6 R 22:1,2,8,10,27:6 second 2:7 18:16,19 22:1,2,8,10,27:6 R 28:12,16 29:16,20 second 2:7 18:16,19 specific ally 11:25 physicians 12:10 reaction 12:13 39:14 40:3,10,24 see 9:23 14:15,18 square 2:14 placed 31:12 real 10:3 19:23 41:8,9 42:13 18:13 20:23 22:79 specifie 30:21 placed 31:12 realy 14:21 16:6,8 report 19:11,15,18 scend 2:6 stable 8:14,20 placed 31:12 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stable 8:14,20 placed 31:12 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stads 20:17 pleased 32:2 reason 7:23 22:19	1	r8			
Pause 33:2 people 37:21 geople 37:22 geople 37:23 geople 37:33 geople 37:		Q			
peopla 37:21 question 5:2,5 6:25 17:14 19:21;25 says 8:20 23:8 12:25 13:7 27:25 period 9:10,12 12:12 question 5:18,22,23 20:4,10,11,22 21:6 school 5:20 South 2:15 9:21,21,28,10 27:6 25:23 43:22 21:10,12,7 72:16 second 2:71 816,19 specific 36:15 29:19 R 46:1 29:22 30:8,10 32:5 9:18 18:7 25:5,5 spend 3:77 physically 19:5 rather 4:24 40:11 35:14 36:15 39:12 29:11 Ssta 46:3 35:15 46:12 read 10:3 19:23 41:8,9 42:13 18:13 20:22 22:17.8 stability 21:3 state 11:1 really 14:21 16:6,8 report 19:11,15,18 see 04:23 14:15,18 state 1:17:5:11 46:2 pleased 3:22 reason 7:32 22:19 0:21 33:11,16 see 12:21 33:20 state 1:17:5:11 46:2 point 38:13 42:5 44:2 0:21 33:11,16 see 12:21 33:20 stay 9:16 point 38:13 24:5,5 7:12 reason 7:32 32:19 0:21 33:11,16 see 12:21 33:20 state 1:17:11 15:11 point 38:13 reason 7:32 32:19 result 31:21,23,25 sequed 14:12 stay 9:16 point 38:13 <td>-</td> <td>qualified 44:13 46:6</td> <td></td> <td></td> <td></td>	-	qualified 44:13 46:6			
pering 19:15 55:16 37:2 20:4.10,11,22 21:8 school 5:20 South 2:15 parse 8:25 9:13,16 25:23 43:22 21:10,12,17 22:16 send 6:18 specific 36:15 9:21,21,22 14:2 22:12,3,10 27:6 R 24:8,9,16 26:25 second 2:7 18:16,19 22:12,3,16,17 29:18 Site 55 specific 36:15 specific 36:12 specific 36:15 specific 36:12 s					
period 9:10,12 12:12 questions 4:18,22,23 21:10,12,17 Seal 46:18 specific 36:15 phase 8:25 9:13,16 25:23 43:22 27:7,13,16,17 22:2 8:21 second 2:7 18:16,19 specific 36:15 29:12,12,21 4:2 21:10,12 12:21 28:12,16 29:16,20 secondary 8:25 9:13 specific 36:15 29:19 R 46:1 29:23 08:10 32:5 specific 36:15 specific 46:12 physically 19:5 ran 34:14 34:20,21 35:69,10 29:18 18:7 25:5,5 specifie 46:12 place 29:23 34:22 reaction 12:13 39:14 403;10,24 see 9:23 14:15,18 SS 46:3 35:15 46:12 realized 21:19 realized 21:19 21:12 20:15 29:17 36:9 stable 8:14,20 Plaintiff 15;12 2:2 reason 7:32 22:19 30:21 33:11.16 36:2,24 37:3,7 stable 8:17 5:11 46:2 politi 38:13 42:5 44:2 39:11 44:22 state 1:17 5:11 46:2 position 15:17 20:11 24:2,5 27:20,21,23 reason 8:17 respirations 20:24 strengt 32:7, 55; primed 9:7 46:9 recoll 22:13,13 23:25 recoll 22:13,13 23:25 streng			-		
phase 8:25 9:13,16 9:21,21,22 14:2 22:12,18,10 27:6 25:23 43:22 R 24:8,9,16 26:25 27:7,13,16,17 second 27: 18:16,19 22:2 28:21 specifically 11:25 29:12 physically 19:5 physically 19:5 physically 19:5 physically 19:5 physically 12:12 R 46:1 ran 34:14 34:20,21 35:69,10 35:14 36:15 39:12 9:18 18:7 25:5,5 9:19 27:55 29:9 9:18 18:7 25:5,5 29:9 specified 46:12 specifically 11:25 29:11	1 * *				
$\begin{array}{c c c c c c c c c c c c c c c c c c c $					
$\begin{array}{c c c c c c c c c c c c c c c c c c c $		······································			
29:19 R 46:1 29:22 30:8,10 32:5 9:18 18:7 25:5,5 specified 46:12 physically 19:5 ran 34:14 34:20,21 35:6,9,10 26:19 27:5,5 29:9 spend 38:7 physically 19:5 rather 4:24 40:11 35:14 36:15 39:12 29:11 Square 2:14 place 31:12 reaction 12:13 39:14 40:3,10,24 see 9:23 14:15,18 SS 46:3 place 31:12 23:19 45:7 REMINGER 2:12 26:15 29:17 36:9 stable 8:14,20 placed 31:12 realized 21:19 21:12 39:11 41:11 stands 20:12 state 1:17 5:11 46:2 please 4:12 5:12 23:15 20:5.8,8:10,11,16 36:2,24 37:3,7 stage 30:17 policis 10:22 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stay 9:16 policis 10:22 reason 8:17 reporting 46:16 sent 12:21,57:55 strength 22:14,18 position 38:23 position 38:23 28:19,20 29:18 rest 55:2 Several 6:2 5:13 strengt 12:10 recent 11:20 retrieve 19:6 shape 38:22 strength 22:14,18 prepare 14:6 record 4:25 5:11		R		•	
physically 19:5 ran 34:14 34:20,21 35:69,10 26:19 27:5,5 29:9 spend 38:7 physicians 12:10 rather 4:24 40:11 35:14 36:15 39:12 29:11 Square 2:14 solid 29:23 34:22 reaction 12:13 39:14 40:3,10,24 see 9:23 14:15,18 Statist 20:22 22:7,9 stability 21:3 solid 29:23 34:22 read 10:3 19:23 41:8,9 42:13 18:13 20:22 22:7,9 stability 21:3 placed 31:12 23:19 45:7 REMINGER 2:12 26:15 29:17 36:9 stable 8:14,20 plased 32:2 really 14:21 16:6,8 report 19:11,15,18 seemed 28:6 statel 17:5:11 46:2 plased 32:2 reasons 8:17 reasons 8:17 Reporter 1:16 46:5 send 32:7 staoy 9:16 policies 10:22 reasons 8:17 respirations 20:24 set 46:17 Street 1:18 2:7,15,2 portion 15:17 20:11 24:2:5 27:20,21,23 result 31:21,23.25 Several 6:2 5:13 prepare 14:6 Recent 11:20 rerizev 19:6 shaking 4:24 34:2 23:3 prepare 14:6 record 4:25 5:11 retrizev 19:6 shaking 4:24 34:2 23:3 pre		R 46:1			1
physicians 12:10 rather 4:24 40:11 35:14 36:15 39:12 29:11 Square 2:14 place 29:23 34:22 read 10:3 19:23 39:14 40:3,10,24 see 9:23 14:15,18 SS 46:3 placed 31:12 read 10:3 19:23 41:8,9 42:13 18:13 20:23 22:7,9 stability 21:3 placed 31:12 realized 21:19 2:12 39:11 41:11 stable 8:14,20 placed 32:2 realized 21:19 2:12 39:11 41:11 stable 8:14,20 placed 32:2 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stay ed 30:17 point 38:13 42:5 44:2 39:11 44:22 stand 20:12 stary ed 30:17 policy 42:23 recall 22:13,13 23:25 reporting 46:16 sent 17:10 still 27:25 streed 1:18 2:7,15/2 possibility 34:19,24 30:3 32:13 33:15 result 31:21,23,25 several 6:2 strength 22:14,18 prepare 14:6 record 4:25 5:11 review 10:7,10 sheet 9:25 strong 44:18 prepare 14:6 record 4:25 5:11 review 10:7,10 sheet 9:25 short 9:3 prepare 14:6 record 4:25 5:11 <td></td> <td>ran 34:14</td> <td></td> <td></td> <td></td>		ran 34:14			
place 29:23 34:22 reaction 12:13 39:14 40:3,10,24 see 9:23 14:15,18 SS 46:3 35:15 46:12 real 10:3 19:23 41:8,9 42:13 18:13 20:23 22:7.9 stability 21:3 placed 31:12 realize 21:19 23:19 45:7 REMINGER 2:12 26:15 29:17 36:9 stable 8:14,20 PLEAS 1:1 really 14:21 16:6.8 report 19:11,15,18 see end 28:6 state 1:17 5:11 46:2 please 4:12 5:12 23:15 20:5,8,8,10,1,116 36:2,24 37:3,7 stay 9:16 point 38:13 42:5 44:2 39:11 44:22 stay 9:16 policics 10:22 recanons 8:17 Reporter 1:16 46:5 sent 32:7 stay 0:16 policy 42:23 recall 23:13 33:15 result 31:21,22,3; set 6:17 Streed 1:18 2:7,15,2 posibility 34:19,24 30:3 32:13 33:15 result 31:21,22,3; Several 6:2 Street 1:18 2:7,15,2 prepare 14:6 Recent 11:20 retrieve 19:6 shaking 4:24 34:2 sturget 4:18 prepare 14:6 Recent 11:20 retrieve 19:6 shape 38:22 sturget 4:18 prepared 9:7 46:9 recoulet 1:0,0:7,10					
35:15 46:12 read 10:3 19:23 41:8,9 42:13 18:13 20:23 22:7,9 stability 21:3 placed 31:12 23:19 45:7 REMINGER 2:12 20:15 29:17 36:9 stable 8:14,20 Plaintiff 1:5,12 2:2 realized 21:19 2:12 39:11 41:11 stable 8:14,20 please 4:12 5:12 23:15 20:5,8,8,10,11,16 seemed 28:6 state 1:17 5:11 46:2 pleased 32:2 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stay 9:16 point 38:13 42:5 44:2 39:11 44:22 stay 9:16 stay 9:16 policy 42:23 recall 22:13,13 23:25 reporten 1:16 46:5 send 32:7 Stenotypy 46:8 postion 38:23 28:19,20 29:18 rest 25:2 Several 6:2 5:13 propare 14:6 recently 11:19 review 10:7,10 shacing 4:24 34:2 23:3 prepare 19:7 46:9 record 4:25 5:11 retive 19:6 shape 38:22 strong 44:18 prepare 19:7 12 81:8,19 10:3,5 21:20,20,20 22:6 shape 38:22 strong 44:18 propart 19:19 17:15,16 18:9,10 21:15 23:6,21,23 short					
placed 31:12 23:19 45:7 REMINGER 2:12 26:15 29:17 36:9 stable 8:14,20 Plaintiff 1:5,12 2:2 realized 21:19 2:12 30:11 41:11 stands 20:12 PLEAS 1:1 realized 21:19 2:12 30:11 41:11 stands 20:12 please 4:12 5:12 23:15 20:5,8,8,10,11,16 seemed 28:6 stath 1:17 5:11 46:2 pleased 32:2 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stay 9:16 policies 10:22 recaul 22:13,13 23:25 reporting 46:16 sent 17:10 stath 2:7,15,2 postitin 38:23 28:19,20 29:18 respirations 20:24 set 46:17 Street 1:18 2:7,15,2 proparel 4:6 Recent 11:20 retrieve 19:6 shaking 4:24 34:2 3:13 proparel 9:7 46:9 recoult 11:19 review 10:7,10 sheet 9:25 strung 44:18 preparel 4:6 Recent 11:20 retrieve 19:6 shape 38:22 strong 44:18 proparel 9:7 46:9 recoult 4:25 5:11 retrieve 19:6 shape 38:22 strung 42:14 primar 9:19,19 17:15,16 18:9,10 22:15 23:6,21,23 short 5:9<	-				1
Plaintiff 1:5,12 2:2 realized 21:19 2:12 39:11 41:11 stands 20:12 PLEAS 1:1 really 14:21 16:6,8 report 19:11,15,18 seemed 28:6 state 1:17 5:11 46:2 pleased 32:2 reason 7:23 22:19 30:21 33:11,16 36:2,24 37:3,7 stay 9:16 point 38:13 42:5 44:2 39:11 44:22 stands 20:17 policy 42:23 recasons 8:17 Reporter 1:16 46:5 send 32:7 Stanotyp 46:8 polity 42:23 recall 22:13,13 23:25 reporting 46:16 sent 17:10 still 27:25 postion 38:23 28:19,20 29:18 rest 25:2 Several 6:2 5:13 possibility 34:19,24 30:3 32:13 33:15 result 31:21,23.25 Several 6:2 5:13 prepare 14:6 Recent 11:20 review 10:7,10 shaking 4:24 34:2 23:3 prepare 9:7 46:9 recollection 20:7 review 40:24 10:22 Share 33:10 Stuft 21:23 prepare 19:7.12 81:8,19 10:3,5 21:20,20,20 22:6 44:20,22 Stuft 21:23 preport 7:12 81:8,19 10:3,5 21:20,20,20 22:6 44:20,22 Stuft		23:19 45:7			
PLEAS 1:1 really 14:21 16:6.8 report 19:11,15,18 seemed 28:6 state 1:17 5:11 46:2 please 4:12 5:12 23:15 20:5,8,8,10,11,16 seen 12:21 35:20 46:5 please 32:2 reason 7:23 22:19 30:21 33:11,16 36:2.24 37:3,7 stay 9:16 politig 42:23 recall 22:13,13 23:25 reportin 16:16 6 sent 17:10 stay 9:16 politig 42:23 recall 22:13,13 23:25 reporting 46:16 sent 17:10 still 27:25 portion 15:17 20:11 24:2,5 27:20,21,23 respirations 20:24 set 46:17 Street 1:18 2:7,15,2 posibility 34:19,24 30:3 32:13 33:15 result 31:21,23,25 Seyeral 6:2 5:13 propare 14:6 Recent 11:20 retrieve 19:6 shaking 4:24 34:2 23:3 prepared 9:7 46:9 recently 11:19 review 10:7,10 shaking 4:24 34:2 23:3 prepared 9:7 46:9 record 4:25 5:11 right 5:10 8:9,17 34:9,21 35:10 36:4 subscribe 11:9 prepared 1:6 record 4:25 2:11 right 5:10 8:9,17 34:9,21 35:10 36:4 subscribe 11:9 propart 2:14 19:24 20:1,14		realized 21:19		1	
please 4:12 5:1223:1520:5,8,8,10,11,16seen 12:21 35:2046:5pleased 32:2reason 7:23 22:1930:21 33:11,1636:2,24 37:3,7stay 9:16politi 38:1342:5 44:239:1144:22stay 9:16politi 20:22recall 22:13,13 23:25recall 22:13,13 23:25seporter 1:16 46:5send 32:7Stenotypy 46:8politi 38:2328:19,20 29:18reporting 46:16sent 17:10still 27:25posibility 34:19,2430:3 32:13 33:15result 31:21,23,25Several 6:25:13prepare 14:6Recent 11:20retrieve 19:6shaking 4:24 34:223:3prepare 14:6Recent 11:20reviewed 9:24 10:22shaking 4:24 34:223:3prepare 20:7 46:9recold 4:25 5:11right 5:10 8:9,1734:9,21 35:10 36:4stuff 21:23prepost 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUMMIT 46:318:1319:24 20:1,1427:16 29:12 32:19short 33:21 36:1superficial 37:22print 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6print 3:23 14:16recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:2		really 14:21 16:6,8	report 19:11,15,18	E Contraction of the second se	
pleased 32:2reason 7:23 22:1930:21 33:11,1636:2,24 37:3,7stay 9:16point 38:1342:5 44:239:1144:22stayed 30:17police 10:22reasons 8:17Reporter 1:16 46:5send 32:7stenotypy 46:8policy 42:23recall 22:13,13 23:25reporting 46:16sent 17:10still 27:25position 38:2328:19,20 29:18rest 25:2Several 6:25:13possibility 34:19,2430:3 32:13 33:15result 31:21,23,25Seyed 1.7 2:18strength 22:14,1835:1237:18 39:2341:24shaking 4:24 34:223:3prepare 14:6Recent 11:20review 10:7,10sheet 9:25stuff 21:23prepared 0:7 46:9record 4:25 5:11right 5:10 8:9,1734:9,21 35:10 36:4stubscribe 11:9prepost 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUIMMIT 46:3s18:1318:19,22,23 19:2224:10,19 25:6,20short 5:9superficial 37:22prinet 23:1819:24 20:1,1427:16 29:12 32:19short 3:3,322:22 24:24 25:223:18 27:9 29:19recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recover 16:6,2045:6sigms 12:12 33:21 36:16surgeries 6:17sine 11:245:13sine 5:25 11:16surgeries 6:17prine 13:23 14:1643:19,20,23right-sided 33:20simply 14:643:14 44:13sign 12:12 33:21 4:168:	please 4:12 5:12	-		seen 12:21 35:20	
policies 10:22 policy 42:23 policy 42:23reasons 8:17 recall 22:13,13 23:25Reporter 1:16 46:5 reporting 46:16 respirations 20:24send 32:7 set 46:17Strootypy 46:8 still 27:25position 38:23 possibility 34:19,24 30:3 32:13 33:15 35:1224:2,5 27:20,21,23 24:2,5 27:20,21,23Reporter 1:16 46:5 respirations 20:24set 46:17 set 46:17Street 1:18 2:7,15,2 5:13possibility 34:19,24 30:3 32:13 33:15 35:1230:3 32:13 33:15 37:18 39:23result 31:21,23,25 41:24Seyeal 6:2 shaking 4:24 34:2 shaking 4:24 34:2 23:3strength 22:14,18 strength 22:14,18 shaking 4:24 34:2 23:3prepare 14:6 prepared 9:7 46:9 presence 46:8 prepost 7:12 primary 9:19,19Recent 11:20 record 4:25 5:11 sit8,19 10:3,5 18:19,22,23 19:22retrieve 19:6 review 0:24 10:22shaking 4:24 34:2 shoe 9:24 10:22strength 22:14,18 subscribe 11:9pre-post 7:12 primary 9:19,198:18,19 10:3,5 17:15,16 18:9,10 18:1321:20,20,20 22:6 12:12 33:62,1,23short 5:9 short 5:9 short 35:21 36:1 short 35:21 36:1subscribe 11:9 subscribe 11:9print 13:23 14:16 probably 6:6 16:6 probably 6:6 16:6 procedure 1:14 8:10 9:10,27:14 35:21 9:11,21:3,34:14:1630:12 43:4 43:4 Robert 2:13since 5:25 11:16 since 5:25 11:16 since 5:25 11:16surgeries 6:17 surgeries 6:17 surgeries 6:17procedure 1:14 8:10 9:10,27:14 35:21 9:10,27:14 35:219:10,12,13,22,25 9:10,27:14 35:2130:7 36:3 40:14 44:1614:10,13,15 15:5 9:10,27:14 35:219:10,12,13,22,25 9:10,27:14 35:2130:7 36:3 40:14 9:10,21,14,22:1032:25 25:		reason 7:23 22:19		36:2,24 37:3,7	stay 9:16
policy 42:23 portion 15:17 20:11 position 38:23recall 22:13,13 23:25 24:2,5 27:20,21,23reporting 46:16 respirations 20:24sent 17:10 set 46:17still 27:25 Street 1:18 2:7,15,2position 38:23 35:1228:19,20 29:18 30:3 32:13 33:15rest 25:2 result 31:21,23,25Several 6:2 set 46:17Street 1:18 2:7,15,2 Street 1:18 2:7,15,2grepare 14:6 prepared 9:7 46:9 presence 46:8 prepared 9:7 46:9Recent 11:20 record 4:25 5:11 sit8,19 10:3,5retrieve 19:6 review 10:7,10shape 38:22 strong 44:18strong 44:18 strong 44:18pre-post 7:12 primary 9:19,198:18,19 10:3,5 17:15,16 18:9,1021:20,20,20 22:6 24:10,19 25:6,2044:20,22 short 5:9 short 5:9 short 5:9 short 5:9 short 5:9 short 5:9 short 5:9 short 5:9 short 5:21 36:11 short 3:22 13:12 3:14:16 33:17 35:21 36:16 33:17 35:21 36:16 37:4 42:21simply 14:6 37:4 42	point 38:13	42:5 44:2	39:11	44:22	stayed 30:17
portion 15:17 20:1124:2,5 27:20,21,23respirations 20:24set 46:17Street 1:18 2:7,15,2possibility 34:19,2430:3 32:13 33:15rest 25:2Several 6:25:1335:1237:18 39:2341:24Shaking 4:24 34:223:3prepare 14:6Recent 11:20retrieve 19:6shape 38:22strength 22:14,18prepare 9:7 46:9record 4:25 5:11review 10:7,10shee 9:25stuff 21:23prevent 26:4record 4:25 5:11right 5:10 8:9,1734:9,21 35:10 36:4Stuff 21:23pre-post 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUMMIT 46:318:1318:19,22,23 19:2224:10,19 25:6,20short 3:5:9superficial 37:22prinet 23:1819:24 20:1,1427:16 29:12 32:19short 3:5:5superficial 37:22prinet 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:623:18 27:9 29:19recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:239:1243:4Robert 2:13since 5:25 11:16surgeries 6:179:13:23 14:9,1044:16rolling 42:377:4 42:219:7,814:10,13,15 15:5recovering 21:8 30:2rolling 42:377:4 37:4 42:219:7,814:10,13,15 15:59:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:73	policies 10:22	reasons 8:17	Reporter 1:16 46:5	send 32:7	Stenotypy 46:8
position 38:23 possibility 34:19,2428:19,20 29:18 30:3 32:13 33:15 37:18 39:23rest 25:2 result 31:21,23,25 41:24Several 6:2 Seyed 1:7 2:18 shaking 4:24 34:25:13 strength 22:14,18 23:3jrepare 14:6 prepared 9:7 46:9 presence 46:8 preoper 26:4Recent 11:20 recollection 20:7 recollection 20:7 recollection 20:7 reviewed 9:24 10:22retrieve 19:6 shape 38:22 shape 38:22 shape 38:22strong 44:18 stuff 21:23jrepare 14:6 prepared 9:7 46:9 presence 46:8 preoper 7:12Recent 11:19 recollection 20:7 recollection 20:7 recollection 20:7 reviewed 9:24 10:22Shape 38:22 shape 38:22 shape 38:22strong 44:18 stuff 21:23jrepare 14:6 prepare 46:8 prepare 12:4Recent 11:19 reviewed 9:24 10:22Subscribe 11:9 subscribe 11:9Stuff 21:23 subscribe 11:9jrepare 12:4 prepare 12:48:18,19 10:3,5 11:19,1921:20,20,20 22:6 22:15 23:6,21,2344:20,22 short 5:9Suife 2:7,22 Suife 2:7,22jrinted 23:18 prior 13:23 14:16 probably 6:6 16:6 probably 6:6 16:6 proceure 1:14 8:10 39:1243:4 43:427:16 29:12 32:19 43:4shorthy 35:21 36:1 sine 5:25 11:16 sine 5:25 11:16surgerise 6:17 surgerise 6:17 surgerise 6:17jest 13:23 14:9,10 9:8 13:23 14:9,10 14:10,13,15 15:5 19:10 27:14 35:21 9:10,12,13,22,25red 42:3 43:4roll 42:1 73:22:1037:4 42:21 37:4 42:219:7,8 34:9,223jest 13:24 12:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6surgeria 6:6	policy 42:23	recall 22:13,13 23:25	reporting 46:16	sent 17:10	still 27:25
possibility 34:19,2430:3 32:13 33:15 37:18 39:23result 31:21,23,25 41:24Seyed 1:7 2:18 shaking 4:24 34:2strength 22:14,18 23:3jrepare 14:6 prepared 9:7 46:9Recent 11:20 recorld 4:25 5:11retrieve 19:6 review 10:7,10shape 38:22 shape 38:22strong 44:18 stuff 21:23jresence 46:8 prevent 26:4 pre-post 7:12record 4:25 5:11 8:18,19 10:3,5retrieve 19:6 record 4:25 5:11shape 38:22 review 0:7,10shape 38:22 shape 38:22strong 44:18 stuff 21:23jree-post 7:12 primary 9:19,198:18,19 10:3,5 17:15,16 18:9,1021:20,20,20 22:6 22:15 23:6,21,2344:20,22 short 5:9SUMMIT 46:3 superficial 37:22jrined 23:18 prior 13:23 14:16 33:17 35:21 36:16 33:17 35:21 36:1618:19,20,23 8:3 14:6 15:23 43:438:1 39:18,21 right-sided 33:20 right-sided 33:20short 39:32:1 30:7 36:3 40:14 sine 5:25 11:16 sine 5:25 11:16jrocedure 1:14 8:10 9:8 13:23 14:9,10 9:8 13:23 14:9,10recovering 21:8 30:2 44:16rolling 42:3 room 8:7,10 9:17,25sitting 37:12 sitting 37:12 sitting 37:12jrio 27:14 35:21 36:2,8 41:21 42:219:10,12,13,22,25 12:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10	portion 15:17 20:11	24:2,5 27:20,21,23	respirations 20:24	set 46:17	Street 1:18 2:7,15,22
35:1237:18 39:2341:24shaking 4:24 34:223:3prepare 14:6Recent 11:20retrieve 19:6shap 38:22strong 44:18prepared 9:7 46:9recollection 20:7review 10:7,10sheet 9:25Stuff 21:23prevent 26:4record 4:25 5:11right 5:10 8:9,1734:9,21 35:10 36:4stuff 21:23pre-post 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUMMIT 46:318:1318:19,22,23 19:2224:10,19 25:6,20short 35:9superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19short 33:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11shee 33:20sing 12:12 33:2123:18 27:9 29:19recovered 7:16,2045:6simpl 14:643:14 44:1339:1243:4Robert 2:13since 5:25 11:16surgeries 6:179:8 13:23 14:9,1044:16rolling 42:3roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:3sitting 37:12surgeried 6:69:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10sitting 37:12surgeried 6:69:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10skit 32:16surgeried 6:69:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10skit 33:71SUSAN 1:736:2,8 41:21 42:219:10,12,13,22,2522:25 25:5 28:25Skylight 2:6swear 37:10<	position 38:23	28:19,20 29:18	rest 25:2	Several 6:2	5:13
prepare 14:6Recent 11:20retrieve 19:6shape 38:22strong 44:18prepared 9:7 46:9recently 11:19review 10:7,10sheet 9:25stuff 21:23presence 46:8recollection 20:7reviewed 9:24 10:22Sherry 29:16-33:4STURH 2:20prevent 26:4record 4:25 5:11right 5:10 8:9,1734:9,21 35:10 36:4subscribe 11:9pre-post 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23short 5:9superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19shortly 35:21 36:1superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19shortly 35:21 36:1superficial 37:22print 3:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recoverd 7:16,2045:6signs 12:12 33:2130:7 36:3 40:1433:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:6surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5recovery 6:23 8:7,25room 8:7,10 9:17,25sitting 37:12surgical 6:619:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3	possibility 34:19,24	30:3 32:13 33:15	result 31:21,23,25	Seyed 1:7 2:18	strength 22:14,18
prepared 9:7 46:9 presence 46:8recently 11:19 recollection 20:7 record 4:25 5:11review 10:7,10 reviewed 9:24 10:22sheet 9:25 Sherry 29:16 33:4 34:9,21 35:10 36:4stuff 21:23 STURH 2:20 subscribe 11:9prevent 26:4 prepost 7:12record 4:25 5:11 8:18,19 10:3,5reviewed 9:24 10:22 right 5:10 8:9,17Sherry 29:16 33:4 34:9,21 35:10 36:4STURH 2:20 subscribe 11:9prepost 7:12 18:138:18,19 10:3,5 18:19,22,23 19:2221:20,20,20 22:6 22:15 23:6,21,2344:20,22 shift 6:9 14:7SUMMIT 46:3 superficial 37:22 superficial 37:22printed 23:18 prior 13:23 14:16 13:19 24 20:1,1419:24 20:1,14 27:16 29:12 32:1927:16 29:12 32:19 shortly 35:21 36:1superficial 37:22 superficial 37:22print 13:23 14:16 33:17 35:21 36:16 39:12recovered 7:16,20 43:445:6 recover 8:12 43:4signs 12:12 33:21 signt-sided 33:20simply 14:6 signs 12:12 33:21 30:7 36:3 40:149:8 13:23 14:9,10 14:10,13,15 15:5 19:10 27:14 35:21 36:2,8 41:21 42:219:10,12,13,22,25 10:12,13,4,11 22:10roll 42:1 22:25 25:5 28:25siting 37:12 siting 37:129:10,12,13,22,25 36:2,8 41:21 42:219:10,12,13,22,25 12:13,4,11 22:10six 7:11 22:25 25:5 28:25Skylight 2:6	35:12	37:18 39:23	41:24	shaking 4:24 34:2	23:3
presence 46:8 prevent 26:4recollection 20:7 record 4:25 5:11reviewed 9:24 10:22 right 5:10 8:9,17Sherry 29:16 33:4 34:9,21 35:10 36:4STURH 2:20 subscribe 11:9pre-post 7:12 primary 9:19,198:18,19 10:3,5 17:15,16 18:9,1021:20,20,20 22:6 22:15 23:6,21,2344:20,22 shift 6:9 14:7SUMMIT 46:3 superficial 37:22primary 9:19,19 18:1318:19,22,23 19:22 19:24 20:1,1422:15 23:6,21,23 24:10,19 25:6,20short 5:9 shortly 35:21 36:1superficial 37:22 superficial 37:22printed 23:18 prior 13:23 14:16 13:23 14:1643:19,20,23 43:19,20,2338:1 39:18,21 40:13,23 42:11show 38:3,5 side 21:20 34:3,3 30:7 36:3 40:1419:16 20:24 22:6 22:22 24:24 25:223:18 27:9 29:19 33:17 35:21 36:16 9:12recoverd 7:16,20 43:445:6 right-sided 33:20 room 8:7,10 9:17,25simply 14:6 sitting 37:1243:14 44:13 surgeries 6:17 surgeries 6:17 surgeries 6:17procedure 1:14 8:10 9:8 13:23 14:9,10 14:10,13,15 15:5 19:10 27:14 35:21 36:2,8 41:21 42:219:10,12,13,22,25 16:25 17:3 22:1037:4 42:21 six 7:119:7,8 surgical 6:6 sign 37:10	prepare 14:6	Recent 11:20	retrieve 19:6	shape 38:22	strong 44:18
prevent 26:4record 4:25 5:11right 5:10 8:9,1734:9,21 35:10 36:4subscribe 11:9pre-post 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUMMIT 46:318:1318:19,22,23 19:2224:10,19 25:6,20short 5:9superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19shortly 35:21 36:1superficial 37:22prior 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recovered 7:16,2045:6signs 12:12 33:2130:7 36:3 40:1433:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:643:14 44:1339:1243:4Robert 2:13since 5:25 11:16surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:59:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10			1		
pre-post 7:128:18,19 10:3,521:20,20,20 22:644:20,22Suite 2:7,22primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUMMIT 46:318:1318:19,22,23 19:2224:10,19 25:6,20short 5:9superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19shortly 35:21 36:1superficial 37:22prior 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recovered 7:16,2045:6signs 12:12 33:2130:7 36:3 40:1433:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:643:14 44:1339:1243:4Robert 2:13since 5:25 11:16surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5recovery 6:23 8:7,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10					
primary 9:19,1917:15,16 18:9,1022:15 23:6,21,23shift 6:9 14:7SUMMIT 46:318:1318:19,22,23 19:2224:10,19 25:6,20short 5:9superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19short 13:23 14:1643:19,20,2338:1 39:18,21prior 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:623:18 27:9 29:19recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:233:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:630:7 36:3 40:1439:1243:4Robert 2:13since 5:25 11:16surgeries 6:179:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5recovery 6:23 8:7,2516:25 17:3 22:10sitting 37:12surgical 6:619:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10	11 *				F Contraction of the second se
18:1318:19,22,23 19:2224:10,19 25:6,20short 5:9superficial 37:22printed 23:1819:24 20:1,1427:16 29:12 32:19shortly 35:21 36:1sure 16:8 18:20prior 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11show 38:3,522:22 24:24 25:223:18 27:9 29:19recovered 7:16,2045:6signs 12:12 33:2130:7 36:3 40:1433:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:643:14 44:1339:1243:4Robert 2:13since 5:25 11:16surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:249:7,89:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5p:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10				1	
printed 23:1819:24 20:1,1427:16 29:12 32:19shortly 35:21 36:1sure 16:8 18:20prior 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recovered 7:16,2045:6signs 12:12 33:2130:7 36:3 40:1433:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:643:14 44:1339:1243:4Robert 2:13since 5:25 11:16surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:249:7,89:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:59:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10				1	1
prior 13:23 14:1643:19,20,2338:1 39:18,21show 38:3,519:16 20:24 22:6probably 6:6 16:6recover 8:1240:13,23 42:11side 21:20 34:3,322:22 24:24 25:223:18 27:9 29:19recovered 7:16,2045:6signs 12:12 33:2130:7 36:3 40:1433:17 35:21 36:168:3 14:6 15:23right-sided 33:20simply 14:630:7 36:3 40:1439:1243:4Robert 2:13since 5:25 11:16surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5recovery 6:23 8:7,25room 8:7,10 9:17,25sitting 37:12surgical 6:619:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10	LE			1	1 -
probably 6:6 16:6 23:18 27:9 29:19recover 8:12 recovered 7:16,2040:13,23 42:11 45:6side 21:20 34:3,3 signs 12:12 33:2122:22 24:24 25:2 30:7 36:3 40:1433:17 35:21 36:16 39:128:3 14:6 15:23 43:4right-sided 33:20 roll 42:1simply 14:6 16:12 34:9 36:2430:7 36:3 40:14 43:14 44:13procedure 1:14 8:10 9:8 13:23 14:9,10recovering 21:8 30:2 44:16roll 42:1 roll 42:116:12 34:9 36:24 37:4 42:21surgery 6:7,12,14,1 9:7,814:10,13,15 15:5 19:10 27:14 35:21 36:2,8 41:21 42:219:10,12,13,22,25 12:1,3,4,11 22:1016:25 17:3 22:10 22:25 25:5 28:25six 7:11 Skylight 2:6SUSAN 1:7 swear 37:10		2	8	1 · ·	
23:18 27:9 29:19 33:17 35:21 36:16recovered 7:16,20 8:3 14:6 15:23 43:445:6 right-sided 33:20 Robert 2:13signs 12:12 33:21 simply 14:6 since 5:25 11:1630:7 36:3 40:14 43:14 44:139:1243:4 9:8 13:23 14:9,10 14:10,13,15 15:5recovering 21:8 30:2 44:16roll 42:1 rolling 42:3since 5:25 11:16 16:12 34:9 36:24 37:4 42:21 sitting 37:12surgery 6:7,12,14,1 9:7,814:10,13,15 15:5 19:10 27:14 35:21 36:2,8 41:21 42:219:10,12,13,22,25 12:1,3,4,11 22:1016:25 17:3 22:10 22:25 25:5 28:25sitting 37:12 sitting 37:12surgical 6:6 SUSAN 1:7 swear 37:10	n -		1		19:16 20:24 22:6
33:17 35:21 36:16 39:128:3 14:6 15:23 43:4right-sided 33:20 Robert 2:13simply 14:6 since 5:25 11:1643:14 44:13 surgeries 6:179:8 13:23 14:9,10 9:8 13:23 14:9,1044:16 44:16roll 42:1 rolling 42:316:12 34:9 36:24 37:4 42:21surgery 6:7,12,14,1 9:7,814:10,13,15 15:5 19:10 27:14 35:21 36:2,8 41:21 42:219:10,12,13,22,25 12:1,3,4,11 22:1016:25 17:3 22:10 22:25 25:5 28:25sitting 37:12 sitting 37:12surgical 6:6 SUSAN 1:7 swear 37:10					
39:1243:4Robert 2:13since 5:25 11:16surgeries 6:17procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5recovery 6:23 8:7,25room 8:7,10 9:17,25sitting 37:12surgical 6:619:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10	23:18 27:9 29:19	1	1		
procedure 1:14 8:10recovering 21:8 30:2roll 42:116:12 34:9 36:24surgery 6:7,12,14,19:8 13:23 14:9,1044:16rolling 42:337:4 42:219:7,814:10,13,15 15:5recovery 6:23 8:7,25room 8:7,10 9:17,25sitting 37:12surgical 6:619:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10	1	1			i de la companya de la compa
9:8 13:23 14:9,10 44:16 rolling 42:3 37:4 42:21 9:7,8 14:10,13,15 15:5 recovery 6:23 8:7,25 room 8:7,10 9:17,25 sitting 37:12 surgical 6:6 19:10 27:14 35:21 9:10,12,13,22,25 16:25 17:3 22:10 six 7:11 SUSAN 1:7 36:2,8 41:21 42:21 12:1,3,4,11 22:10 22:25 25:5 28:25 Skylight 2:6 swear 37:10		1	1	1	
14:10,13,15 recovery 6:23 8:7,25 room sitting 37:12 surgical surgical 6:6 19:10 27:14 35:21 9:10,12,13,22,25 16:25 17:3 22:10 six 7:11 SUSAN 1:7 36:2,8 41:21 42:21 12:1,3,4,11 22:10 22:25 28:25 Skylight 2:6 swear 37:10		_		•	surgery 6:7,12,14,16
19:10 27:14 35:219:10,12,13,22,2516:25 17:3 22:10six 7:11SUSAN 1:736:2,8 41:21 42:2112:1,3,4,11 22:1022:25 25:5 28:25Skylight 2:6swear 37:10				1	1 '
36:2,8 41:21 42:21 12:1,3,4,11 22:10 22:25 25:5 28:25 Skylight 2:6 swear 37:10		· · · ·		1 ····	
	11			1	E Contraction of the second se
	15				1
42:23 22:25 25:5 27:5 29:3 39:17,19 sleepy 27:25 swelling 26:3,5	42:23	22:25 25:5 27:5	29:3 39:17,19	sleepy 27:25	swelling 26:3,5

CANTON COURT REPORTERS 330-452-2400

CLEVELAND COURT REPORTERS 216-621-6969

- 1		· · · · · · · · · · · · · · · · · · ·		
sworn 4:3 46:7	15:21 17:9,10,20	17:17,18 28:6	30:10,13 32:19	x-ray 26:18,21,25
system 26:5	28:17,21 29:3	39:10 41:1 44:14	39:15,22 40:4,17	27:4
·	30:17 32:4,7 37:9	understanding 12:19	40:17,23	
Т	38:6,7 39:21 40:24	25:25 28:24 40:22	weakness 30:17	Y
T 46:1,1	43:17 44:21 46:12	41:3 43:2	31:15 33:20 40:14	yeah 42:8
	times 44:22	understood 26:11	42:10	year 15:5 37:13 38:3
	today 7:19 19:23	41:23	weeks 35:18,19,22	38:24
44:3 46:12	42:14 43:7	unit 6:4,5,10 7:17,21	well 6:21 23:17 24:3	years 5:18 6:7,13
1	today's 9:24 10:7,13	8:6,10 11:15 12:1	24:3 26:15 31:7,24	11:20 12:23
13:21	10:23	42:24	35:23 36:19,21	11.20 12.20
	toe 22:4	until 9:16 15:22	40:5	0
	together 39:4,19	unusual 6:25	went 5:20 6:11 9:16	03-PT-24 1:6
	told 13:22 15:20 17:2	upstairs 33:16,22	9:17 14:12 17:7	
26:6 27:11 32:10	17:18 20:8 26:13	use 6:22 26:4	18:11 29:11 33:3	1
32:10,16,23 33:17	27:13 33:18,20	used 14:23	were 4:7 7:1 12:6,25	1 5:25
39:14,21 40:2	34:18,24 35:1	using 8:5 37:10	13:2,12,15 14:2	10:00 18:8 25:4,9
	tonsils 6:17	usually 37:18	21:20,25 26:1 29:9	39:20
1	torch 39:6	usually 57.10	30:2,21 31:10	13 46:24
	Tower 2:6	V	34:25 36:19 39:19	1660 2:7
1	town 36:21 38:15	V 2:13	41:14 44:16,18	1982 5:23,25
	training 11:14 12:3	vague 37:20	weren't 35:1	1702 5.25,25
	transcript 45:7	vague 57.20 verbal 26:16	West 2:7	2
	transcription 46:10	vertebroplasties	we'll 4:17,18 8:18	2000 15:12,13
22:12 29:2 30:1	46:10	6:20 7:2,16 8:2	29:24	2000 19:12,15
1 1	transfer 33:12	13:2 42:20 43:3	we're 10:2 17:23	2001 39.9 2003 1:19 46:18
	transferred 30:18,22	vertebroplasty 7:1	43:14 45:3	2005 46:24
28:14	33:22	7:20 12:3,7,16,21	we've 39:12	212 2:22
	Tresl 2:4 3:4 4:6	13:4,11 14:8 15:17	WHEREOF 46:17	216/241-2600 2:9
tend 8:2	7:25 17:24 18:1,20	15:21,22 16:10,21	while 6:11 13:21	24th 1:19
term 8:5		16:24 17:8 20:17	26:18 30:2 35:20	28th 46:18
terms 7:13 9:2 43:7	18:23,24 23:2 31:4 31:18 32:22 43:12	35:3 41:13 42:25	36:5 44:16	28(D) 46:17
testify 46:7		very 16:1,3,4 35:8	whole 14:3 16:6	40(1) +0.17
	43:20,21 44:6,15 true 46:10	36:21 37:22 38:10	24:11 26:23 30:3	3
		45:4	46:7	361 30:22 33:12
	truth 4:20 46:7,7,7	43:4 visit 28:18 34:1	1	501 50.22 55.12
thank 43:17 45:3,5	Twenty-one 5:18 two 11:20 14:2 26:22	Visited 23:10	willing 38:6	
their 9:8 12:11 20:23 20:24 21:2 23:1	35:18 38:25 39:1	visited 23.10 vital 12:12 33:21	witness 1:12 4:2 11:21 12:17 15:14	4 3:4
11 1		vital 12:12 55:21 vs 1:6 23:9		401 1:18
24:23	43:13	VS 1:0 25:9	16:19 20:2 22:22	43085 2:23
	typical 29:3	W	22:24 28:4 30:14	43003 2:25
things 24:25 25:1 28:9	typically 7:10,11	W 1:15 46:4,23	30:19 32:18 33:13	44113 2:8
	20:22,23 22:25	-	34:2 43:11 44:14	74115 2.0
think 4:18 17:18,22	24:18 32:9,12	waive 45:8,9 walking 37:12	45:9 46:6,9,17 wonderful 14:24	5
23:8 27:1,10,24	T&As 6:17	want 17:17,19 21:23		505 2:15
28:19,23 30:12,25	T12 20:17	31:9,10	words 8:24 work 7:9 11:14	000 2.10
31:16,20,22,25	U	wanted 17:2 26:11		6
32:16 33:9 34:8			15:25 38:3,7,20,21	614/461-1311 2:17
35:25 37:9,13	Uh-huh 11:21,24	30:24,25 31:6,13 31:14	38:21 40:5	614/785-4229 2:24
38:25 39:4,12	12:17 13:25 14:22	warranted 9:9	worked 6:1,4,5,7 16:9,12 39:4	630 5:13
41:22,24 42:18	14:25 18:5,15,17	WASHINGTON 1:2	-	660 2:7
43:14 44:8 45:3	19:19 20:2 28:4		works 16:2 Worthington 2:22	000 2.7
thinking 31:10	30:14 33:13,25	wasn't 24:4 29:13	Worthington 2:23	9
third 6:8	35:5 39:2	31:22	wouldn't 16:17	9:03 1:20
though 24:6 28:7	under 4:20 18:10	way 6:24 8:1 12:7	35:19 37:10 42:16	9:03 1:20 9:20 17:20 18:4 19:1
thought 29:1	46:16	39:13 40:8,9	written 26:13 32:6	19:2,3
three 6:12 35:18,19	undersigned 1:15	weaker 21:21 22:15	wrote 24:8	9:30 18:3 19:1
through 9:10 11:16	understand 4:19 5:2	23:7,22,23 24:20	V	9:53 45:11
12:11 24:10	5:3,6 6:24 9:2	25:7,20 27:17,19	X 3:1	933 2:22
time 13:21 14:3,9	13.11,13,14,17	27:22 28:15 30:5		

85.

CANTON COURT REPORTERS 330-452-2400 CLEVELAND COURT REPORTERS 216-621-6969

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