

**CLEVELAND ACADEMY OF TRIAL ATTORNEYS** Web

Last Name	HOWATT
First Name	CLAUDIA
Specialty	Medical Assistant
Party	Plaintiff <input checked="" type="checkbox"/> D
Date (format =99/99/9999)	3/11/04
Type of Document	Articles Depo <input checked="" type="checkbox"/>
Type of Injury	lung cancer
Type of Case	Medical
eDocument Name	(d/dae011501.pdf)

Hosted by The Nurenberg, Plevin Law Firm  
Copyright © 1999-2001 CATA



Page 1

1           IN THE COURT OF COMMON PLEAS  
2           OF CUYAHOGA COUNTY, OHIO  
3           -----  
4       WILLIAM J. GILL, III, Executor  
5       of the Estate of  
6       DANIEL P. GILL, deceased,  
7       Plaintiff,  
8       vs                   Case No. 457639  
9                           Judge Russo  
10  
11       ROGER A. MANSNERUS, M.D.,  
12       et al.,  
13       Defendants.  
14       -----  
15       DEPOSITION OF CLAUDIA HOWATT  
16       THURSDAY, MARCH 11, 2004  
17       -----  
18       Deposition of CLAUDIA HOWATT, a Witness  
19       herein, called by counsel on behalf of the  
20       Plaintiff for examination under the statute,  
21       taken before me, Vivian L. Gordon, a Registered  
22       Diplomate Reporter and Notary Public in and for  
23       the State of Ohio, pursuant to agreement of  
24       counsel, at the offices of West Shore Primary  
25       Care, 960 Clague Road, Cleveland, Ohio,  
      commencing at 3:30 o'clock p.m. on the day and  
      date above set forth.  
      -----

Page 2

1   APPEARANCES:  
2   On behalf of the Plaintiff  
3   Becker & Mishkind  
4   HOWARD D. MISHKIND, ESQ.  
5   Skylight Office Tower Suite 660  
6   1220 W. 2nd Street  
7   Cleveland, Ohio 44113  
8   241-2600  
9  
10  On behalf of the Defendant  
11  Reminger & Reminger  
12  ROBERT D. WARNER, ESQ.  
13  1400 Midland Building  
14  Cleveland, Ohio 44115  
15  687-1311  
16  
17  
18       -----  
19  
20  
21  
22  
23  
24  
25

Page 3

1       CLAUDIA HOWATT, a witness herein, called  
2       for examination, as provided by the Ohio Rules  
3       of Civil Procedure, being by me first duly  
4       sworn, as hereinafter certified, was deposed and  
5       said as follows:  
6       EXAMINATION OF CLAUDIA HOWATT  
7       BY MR. MISHKIND:  
8       Q.   State your name for the record.  
9       A.   Claudia Howatt.  
10      Q.   Were you at one time known by the  
11      name of Claudia Conforto C-O-N-F-O-R-T-O?  
12      A.   Yes.  
13      Q.   Explain to me the name change.  
14      A.   I got married October 19th last year.  
15      Q.   May I call you Claudia?  
16      A.   Sure.  
17      Q.   Where do you live?  
18      A.   3709 Germaine Avenue, Cleveland,  
19      Ohio, 44109.  
20      Q.   Tell me about your education.  
21      A.   I'm a medical assistant. I have been  
22      with Dr. Mansnerus for almost nine years. I  
23      went to Tri-C for three years.  
24      Q.   Did you obtain a degree at Tri-C?  
25      A.   No.

Page 4

1      Q.   What were you studying there?  
2      A.   I was going to go into surgical  
3      assistant.  
4      Q.   When were you at Tri-C?  
5      A.   Three years ago.  
6      Q.   So was it for three years, three  
7      years ago?  
8      A.   I have not been to school for three  
9      years. I went for like three or four years.  
10     Q.   In order to become a medical  
11     assistant, what kind of training do you have to  
12     go through?  
13     A.   Dr. Mansnerus has trained me.  
14     Q.   There is a school, is there not, for  
15     medical assistants?  
16     A.   There is, yes.  
17     Q.   You have not attended that school,  
18     have you?  
19     A.   No, I did not.  
20     Q.   There is also a certification, is  
21     there not, as a medical assistant?  
22     A.   Yes, there is.  
23     Q.   Are you certified as a medical  
24     assistant?  
25     A.   No, I'm not.

<p style="text-align: right;">Page 5</p> <p>1 Q. In order to become certified or 2 eligible for certification, what would you need 3 to do? 4 A. Just attend school, and I am almost 5 positive it's for two years. You obtain the 6 classes that they would want you to do there. I 7 think that you have to do some clinical hours, 8 but I'm not exactly sure on that. 9 Q. Have you taken any medical assistant 10 courses? 11 A. Medical terminology. Some chemistry. 12 But other than that, no. 13 Q. And how long ago did you take those 14 courses? Was it three years ago when you are at 15 Tri-C? 16 A. Correct. 17 Q. Let me stop at this point and ask you 18 whether you have had your deposition taken 19 before? 20 A. No, I have not. 21 Q. Thus far you are doing great. 22 A. Thanks. 23 Q. But let me give you a couple 24 precautionary instructions, just so we make sure 25 that you know where I'm going with the</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. And I will do the same to you. When 2 you are answering something, I'm going to remain 3 silent until you are done. 4 A. Okay. 5 Q. Hopefully the deposition won't be 6 long, but if you need to take a break -- my 7 short may be your long -- if you feel you need 8 to take a break, tell me and we will certainly 9 take a break, drink a glass of water, talk to 10 Mr. Warner, whatever you need to do. 11 A. Sounds good. 12 Q. The reason I tell you these things is 13 I'm going to rely on your testimony when this 14 case goes to trial, so it's important in 15 addition to having been given the oath and you 16 said you are going to answer the questions, it's 17 important you understand the question so you 18 don't come into the courtroom and say, well, I 19 didn't mean that. 20 A. Okay. 21 Q. You told me before that you have 22 worked for Dr. Mansnerus for nine years? 23 A. Nine years this September. 24 Q. How many years young are you? 25 A. Twenty-eight.</p>
<p style="text-align: right;">Page 6</p> <p>1 deposition. 2 First, if I ask you anything that you 3 don't understand, don't force an answer out just 4 because you think you want to be cooperative and 5 give me an answer to something that you might 6 not be answering accurately. Make sure that you 7 understand my question. Tell me that you don't 8 understand it, if you don't. On the other hand, 9 if you answer a question, may I assume that you 10 understood the question? 11 A. Okay. 12 Q. Is that fair? 13 A. Yeah, that's fair. 14 Q. Also, we have a tendency in common 15 dialogue to start talking before the other 16 person is done. You probably do it at home, in 17 the office. 18 During a deposition, you want to wait 19 until I'm done with the question so that Vivian 20 doesn't have to worry about getting an overlap 21 and also it also limits or eliminates the 22 likelihood that you are going to be answering 23 something that you didn't fully understand, 24 okay? 25 A. Okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. So you started working right out of 2 high school? 3 A. Out of high school, correct. 4 Q. How did you get the job? 5 A. Our old office manager, she used to 6 do the billing for Dr. Mansnerus and his nurse 7 was going on her honeymoon so I had just kind of 8 stepped in just to help for a week while she was 9 gone. And she came back and ended up getting 10 accepted into LPN school and then Dr. Mansnerus 11 had asked if I could work. They needed someone 12 to kind of fill in. 13 So I was just kind of filling in and 14 he liked my tactics of working and how I worked 15 with the patients and just how I was all around, 16 so he had asked if I could possibly do some 17 on-site training. So then they were just 18 training me in the office and explaining things 19 to me so I could understand them more 20 thoroughly. 21 Q. Tell me what the training consisted 22 of for you to become a medical assistant in this 23 office. 24 A. They had showed me how to do blood 25 pressures, injections. They showed me EKG,</p>

<p style="text-align: right;">Page 9</p> <p>1 barometries, how to do ear wax removals, how to 2 speak to the patients on the phone, do 3 referrals, how you get test results, questions I 4 should ask when the patients do call with 5 complaints. 6 Q. Who provided -- I didn't want to cut 7 you off. Was that it? 8 A. Yes. 9 Q. Who provided you with the training? 10 A. My old office manager and 11 Dr. Mansnerus. 12 Q. Are you able to tell me what aspect 13 of your training was provided by the doctor 14 versus your old office manager? 15 A. Really, the old office manager 16 trained me to know everything that I do know. 17 As far as, you know, if I would have any 18 specific questions, Dr. Mansnerus would assist 19 me with those. You know, asking him what kind 20 of symptoms do you want me to ask for. If a 21 patient is having these symptoms, how do you 22 want me to handle some of the things. Just when 23 I first started because I just didn't know how 24 he wanted things handled and how he wanted his 25 patients to be handled when they did call.</p>	<p style="text-align: right;">Page 11</p> <p>1 the patients do call the office, we are the ones 2 that do answer the phone when the receptionist 3 does transfer the call. If it does need to be 4 transferred to the nurses, we would answer the 5 call, ask -- in our case there is a few doctors 6 up there -- we would ask what doctor. We would 7 take the message, what symptoms the patients are 8 having. If it is for test results, to make sure 9 the test results are in the chart and then the 10 chart and the message goes on the doctor's desk 11 and when the doctor is done answering it, it 12 comes back and we have to call the patient with 13 the results. 14 Q. A moment ago I asked you about an 15 employee manual and you said, yes, there is an 16 employee manual. I presume within that employee 17 manual it indicates what the job description is 18 for a medical assistant? 19 A. Correct. 20 Q. And what you have described for me 21 verbally is essentially what would be contained 22 within that written job description; is that a 23 fair statement? 24 A. Correct. 25 Q. Has your job description as a medical</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Did you receive any type of written 2 instruction as it relates to your job duties 3 from either your office manager or the doctor or 4 anyone else in the group? 5 A. How things should be handled? 6 Q. Right. 7 A. No. 8 Q. Do you have any type of an employee 9 manual that deals with your job duties? 10 A. Yes. 11 Q. Tell me about that. 12 A. As far as job descriptions, is that 13 what you would like? 14 Q. Right. 15 A. We have to bring the patient back, 16 get all their vitals as far as weight, height, 17 temperature, blood pressure, pulse, 18 respirations. We ask their chief complaint; why 19 they are in the office. If they have any test 20 results or anything, we want to make sure they 21 are in the chart or else we do call for them, 22 and if they do need assistance, we do help out 23 with that. 24 As far as we do EKGs, barometries, 25 ear wax removal, et cetera, and then also when</p>	<p style="text-align: right;">Page 12</p> <p>1 assistant changed at all within the last several 2 years? 3 A. No. 4 Q. Has your job description changed at 5 all, to your knowledge, since you became a 6 medical assistant? 7 A. No. 8 Q. When did you become a medical 9 assistant? 10 A. I'm really not a medical assistant on 11 paper, but I think that doing what I do, have 12 done for eight years, I know a lot more than 13 what students do coming out of school. I know a 14 lot more than that. 15 Technically I'm not a medical 16 assistant, but I think that working for eight 17 years in what I have done and what I do know -- 18 I mean, I can't give you a specific date if 19 that's what you are asking. 20 Q. Let me be more specific. I know that 21 as of September of '04 you will have been 22 working for the doctor for nine years. Really 23 what my question was directed towards was of 24 those nine years or 8-1/2 years now, how many of 25 those years have you been in the position where</p>

3 (Pages 9 to 12)

<p style="text-align: right;">Page 13</p> <p>1 your title technically or otherwise has been as 2 a medical assistant? 3 A. Eight years. 4 Q. What did you do when you first hired 5 on for six months or so? 6 A. When I very, very first was hired I 7 was just putting in the patients, answering 8 phone calls, scheduling appointments. 9 Q. Have you attended any seminars or 10 lectures as it relates to office procedures or 11 office protocols that are offered outside of the 12 office? 13 A. No. 14 Q. And you are not -- 15 A. CPR classes. 16 Q. That would be. What else besides CPR 17 classes? 18 A. Sometimes we attend some drug rep 19 seminars that they do offer that just kind of 20 gives some information like on the drug itself, 21 but other than that, no specific other classes. 22 Q. Do you attend any of the meetings 23 that are held by the Cleveland Chapter of 24 Medical Assistants? 25 A. No.</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Was he ever seen at this Westlake 2 office, to your knowledge? 3 A. No. We have been here in this 4 building three years. I know because we used to 5 have another office on Crocker Road. I can't 6 recall if he was seen at that office, but I know 7 numerous instances he was seen at the Lakewood 8 office on Detroit Road. 9 Q. When Dr. Mansnerus was in Lakewood -- 10 is that office still maintained? 11 A. No. 12 Q. When Dan Gill was seen in Lakewood at 13 that office by Dr. Mansnerus, do you know how 14 many other doctors were affiliated with that 15 group at that time? 16 A. Twenty something. I don't know the 17 exact number because they have added a few on. 18 Q. In your role as a medical assistant, 19 are you sort of rotating through the office and 20 helping all of the doctors or are you assigned 21 to work with a particular doctor on a one-to-one 22 basis? 23 A. I do work with Dr. Mansnerus when he 24 is here. If he is on vacation or he is not in 25 in the morning or something along those aspects,</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. And because you are not from an 2 educational standpoint trained as a medical 3 assistant, I take it you wouldn't be eligible 4 for membership in the Cleveland Medical 5 Assistant Association? 6 A. I don't know that answer. 7 Q. Have you worked for anyone else other 8 than Dr. Mansnerus since graduating from high 9 school? 10 A. Yes. 11 Q. Where else? 12 A. As far as doctors? 13 Q. Yes. 14 A. All the doctors in the practice. I 15 think there is like 26 doctors within the 16 practice. I work with numerous of them just 17 going to the other offices. Dr. Mansnerus is on 18 vacation this week so I worked with three other 19 physicians this week. 20 Q. Obviously we are here to talk about 21 Dan Gill. You recognize that, don't you? 22 A. Yes, I do. 23 Q. Was Mr. Gill seen at this office? 24 A. No, he was seen at the Lakewood 25 office.</p>	<p style="text-align: right;">Page 16</p> <p>1 I would go to any physician that would need me. 2 If they need me in another office to work with 3 another physician, then I do that. 4 Q. So is it fair to say that other than 5 at times that Dr. Mansnerus is on vacation or 6 there might be a need for some assistance, that 7 through most of the 8-1/2 years that you have 8 been working here you have been an employee of 9 Dr. Mansnerus? 10 A. Yes. I mean, at times if one of the 11 other doctors is in with Dr. Mansnerus and that 12 other doctor needs patients put in because the 13 other clinical staff is running behind, then I 14 do help them out. And if the doctor comes out 15 and needs something else and it is not 16 Dr. Mansnerus, I do help out. 17 Yes, I primarily work with 18 Dr. Mansnerus, but if any doctor in the office 19 needs help at any time of the day and nobody 20 else is available, then I do help them. 21 Q. Besides yourself, who else works 22 directly with Dr. Mansnerus and has worked 23 directly with Dr. Mansnerus in this office? 24 A. Clinical staff-wise? 25 Q. Yes.</p>

<p style="text-align: right;">Page 17</p> <p>1 A. Unless I'm not in the office, it 2 would be one of the other two nurses that are 3 upstairs. 4 Q. The other two nurses, do they work 5 with all the doctors or is there a particular 6 nurse that works in the same capacity that you 7 do in terms of working directly with 8 Dr. Mansnerus? 9 A. There is only three doctors upstairs 10 in this specific office. There are six offices 11 within the practice. And in this office there 12 is three doctors, so three clinical staff. So 13 each clinical staff has their own doctor, but in 14 turn, if I am ill that day, one of the other 15 clinical staff will pick up and run 16 Dr. Mansnerus for that day or vice versa between 17 the three of us. 18 Q. The other clinical staff are nurses? 19 A. Medical assistants. 20 Q. Are there any nurses in the office? 21 A. Not in this office. 22 Q. Were there any nurses in the Lakewood 23 office when Mr. Gill was being seen as a 24 patient? 25 A. No.</p>	<p style="text-align: right;">Page 19</p> <p>1 time. I would like to go to school full time so 2 I could get it over with sooner. 3 Q. Have you talked with Dr. Mansnerus 4 about your career plans? 5 A. Yeah. I mean, he knows that I have 6 had some interest in being a surgical assistant. 7 I have told him that I was looking into 8 ultrasound and he thinks whatever is good for 9 me, you know, that's perfectly fine. 10 Q. I take it since you have worked for 11 him coming out of high school and gotten 12 training from him that you consider him sort of 13 like a mentor. Is that a fair statement? 14 A. Yes. 15 Q. Has he helped you with some of your 16 career planning, as well? 17 A. No. 18 Q. But you have talked to him about your 19 desire to go into either a surgical assistant or 20 ultrasound? 21 A. Yes. 22 Q. Tell me what, if anything, you have 23 reviewed to prepare yourself to answer the 24 questions that you think I might be asking you 25 today.</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. So the assistants that Dr. Mansnerus 2 would have in terms of medical staff or medical 3 assistants would be you or another medical 4 assistant if you were not available? 5 A. Correct. 6 Q. As opposed to an RN or LPN? 7 A. There are some RNs and LPNs in the 8 other office, but not in this office. 9 Q. Does the same apply at the Lakewood 10 office, as well? 11 A. Correct. 12 Q. That there were just medical 13 assistants, not RNs and LPNs? 14 A. Correct. 15 Q. Do you work full time? 16 A. Yes, I do. 17 Q. I take it you have no plans of career 18 change at this point? 19 A. Yes, actually I do plan on going back 20 to school. I would either like to go into 21 ultrasound and/or surgical assistant, but I do 22 plan within the next hopefully two years. 23 Q. Do you plan to continue to work while 24 you are going to school? 25 A. I would like to cut down to part</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I just spoke with Mr. Warner 2 regarding just some of the statements that 3 evidently you are going to be asking me today 4 from that one visit. 5 Q. You had more than one interaction 6 with Mr. Gill, didn't you? 7 A. That's correct. 8 Q. You have had a chance to look at the 9 office records to familiarize yourself with your 10 involvement; correct? 11 A. Correct. 12 Q. When did you look at the records? 13 A. With Mr. Warner today. 14 Q. When before today? 15 A. I would say three months ago. 16 Q. Give me your best estimate -- and it 17 might just be that -- as to how many times you 18 looked at Mr. Gill's chart since Mr. Gill was a 19 patient. 20 A. Since he was a patient? 21 Q. Well, since he passed away. 22 A. Twice. 23 Q. Three months ago and today? 24 A. Correct. 25 Q. What was the circumstance that caused</p>

5 (Pages 17 to 20)

<p>Page 21</p> <p>1 you to look at them three months ago?</p> <p>2 A. Dr. Mansnerus had told me that</p> <p>3 Mr. Warner -- that I might have to be doing this</p> <p>4 deposition today regarding that one office</p> <p>5 visit. He told me the office visit and I called</p> <p>6 Mr. Warner to see what needed to be entailed</p> <p>7 regarding the visit.</p> <p>8 Q. When did you first meet Mr. Gill?</p> <p>9 A. I think it was back in 1999. I can't</p> <p>10 recall if he was seen before 1999, but if he</p> <p>11 was, it was before that. I'm almost positive</p> <p>12 1999, but I can't remember when he first came to</p> <p>13 see Dr. Mansnerus.</p> <p>14 Q. Dr. Mansnerus is on vacation this</p> <p>15 week?</p> <p>16 A. Correct.</p> <p>17 Q. But he knows that you are having your</p> <p>18 deposition taken?</p> <p>19 A. I'm almost positive, yes.</p> <p>20 Q. Have you read Dr. Mansnerus'</p> <p>21 deposition?</p> <p>22 A. No, I have not.</p> <p>23 Q. Have you seen any of the testimony or</p> <p>24 any of the transcripts of any of the testimony</p> <p>25 in this case?</p>	<p>Page 22</p> <p>1 A. I saw two doctors and Mr. Gill's</p> <p>2 brothers.</p> <p>3 Q. Which doctors?</p> <p>4 A. I can't even remember. It had to be</p> <p>5 three months ago because I think it would have</p> <p>6 been setting up this date. It was a while ago</p> <p>7 that I know we set up the date, that we were</p> <p>8 talking about setting it up and none of the</p> <p>9 dates had worked due to the fact that I was</p> <p>10 working the majority of the time, so I was</p> <p>11 trying to do it in the morning or afternoon when</p> <p>12 Dr. Mansnerus wasn't here so we could set this</p> <p>13 up.</p> <p>14 Q. Was the testimony of the other</p> <p>15 doctors, was this an actual deposition or was</p> <p>16 this a report from the other doctors?</p> <p>17 A. It was the depositions. I mean, I</p> <p>18 see the reports from the doctors when they come</p> <p>19 over when I put them, file them in the patient's</p> <p>20 charts and/or if the patient comes in and needs</p> <p>21 any results and they are not in the chart, I</p> <p>22 would call for them and put them on the chart</p> <p>23 when he goes into the room.</p> <p>24 Q. Concerning this case, though, and the</p> <p>25 lawsuit, your testimony is that you read</p>	<p>Page 23</p> <p>1 deposition transcripts of other doctors that</p> <p>2 have been deposed in this case?</p> <p>3 A. Correct.</p> <p>4 Q. But you don't remember who they were?</p> <p>5 A. No.</p> <p>6 Q. Do you know why you read those</p> <p>7 depositions?</p> <p>8 A. They were sent to me.</p> <p>9 Q. By Mr. Warner?</p> <p>10 A. Yes.</p> <p>11 Q. And did you discuss any aspect of the</p> <p>12 testimony with Mr. Warner?</p> <p>13 A. No, I did not.</p> <p>14 Q. Did you make any notes when you read</p> <p>15 the depositions over?</p> <p>16 A. No, I did not.</p> <p>17 Q. Besides the two depositions, I think</p> <p>18 you said you saw something else?</p> <p>19 A. I think it was Mr. Gill's brother,</p> <p>20 one of the brothers.</p> <p>21 Q. And you read that deposition?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Do you remember anything about what</p> <p>24 you read in that deposition?</p> <p>25 A. I just remember that they were just</p>	<p>Page 24</p> <p>1 stating when he came in the office -- which</p> <p>2 actually they had stated the date. I think it</p> <p>3 was May 18th, 2000, the date he got that Kenalog</p> <p>4 injection when he was complaining of chest pain.</p> <p>5 And as far as I know, how I handle things when</p> <p>6 patients come in the office and they have</p> <p>7 symptoms -- do you want me to go into that?</p> <p>8 Q. In a moment. But that's one thing</p> <p>9 that stands out in your mind when you read over</p> <p>10 that deposition; correct? The office visit and</p> <p>11 what they said concerning Mr. Gill's symptoms?</p> <p>12 A. Yes. And you know just what they had</p> <p>13 said about Mr. Gill. I mean, I knew Mr. Gill</p> <p>14 other than just coming in the office. He would</p> <p>15 always tell me what his day was like and what he</p> <p>16 would do. I knew he worked out and knew he</p> <p>17 jogged a lot and knew he was in a lot of races</p> <p>18 downtown. I knew a lot more about him than just</p> <p>19 coming into the office and me putting him in the</p> <p>20 room and just saying good-bye.</p> <p>21 Q. I take it from what you described,</p> <p>22 Mr. Gill was a personable patient?</p> <p>23 A. Yes.</p> <p>24 Q. From what you could observe, did he</p> <p>25 appear to be a compliant patient, if you</p>
--	--	---	---

6 (Pages 21 to 24)

<p style="text-align: right;">Page 25</p> <p>1 understand what that means?</p> <p>2 A. Yes.</p> <p>3 MR. WARNER: Note my objection, but</p> <p>4 go ahead.</p> <p>5 Q. Did you ever have any interactions</p> <p>6 with Mr. Gill that you found concerning to you</p> <p>7 insofar as he either didn't seem to respond to</p> <p>8 questions that you asked or didn't seem to</p> <p>9 provide you with the kind of response that you</p> <p>10 were looking for?</p> <p>11 A. He always would say if there was</p> <p>12 something wrong. He always would go into,</p> <p>13 elaborate and say everything that he could</p> <p>14 possibly say about anything that was wrong with</p> <p>15 him. He was not shy about ever giving us any</p> <p>16 symptoms or whatever was wrong.</p> <p>17 Q. Do you have any training in terms of</p> <p>18 the signs and symptoms to look for in a patient</p> <p>19 that presents with pneumonia?</p> <p>20 MR. WARNER: Objection.</p> <p>21 A. Yes.</p> <p>22 Q. What is your training? I presume</p> <p>23 it's training you received from Dr. Mansnerus?</p> <p>24 A. Not specifically from Dr. Mansnerus,</p> <p>25 no. I mean, just from working in the offices</p>	<p style="text-align: right;">Page 27</p> <p>1 on the office chart in advance of the patient</p> <p>2 being seen; is that true?</p> <p>3 A. That's correct.</p> <p>4 Q. And that is used to put down vital</p> <p>5 sign information?</p> <p>6 A. Correct.</p> <p>7 Q. His weight was noted, his blood</p> <p>8 pressure was noted and his pulse was noted on</p> <p>9 December 9; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Whose entries were those?</p> <p>12 A. Those were mine.</p> <p>13 Q. You didn't note his respiratory rate,</p> <p>14 did you?</p> <p>15 A. No. At that time we were not with</p> <p>16 this practice. Well, actually we were with this</p> <p>17 practice but they did not tell us to do the</p> <p>18 respirations at that time. So we were just</p> <p>19 doing pulses then and we did not have to do</p> <p>20 temperatures on every patient like we have to do</p> <p>21 now.</p> <p>22 Q. Tell me the difference between that</p> <p>23 practice and this practice so I have a better</p> <p>24 understanding of the change.</p> <p>25 A. We were with UPCP before. West Shore</p>
<p style="text-align: right;">Page 26</p> <p>1 that I have. I can't diagnose pneumonia by no</p> <p>2 means. If a patient comes into the office and</p> <p>3 they are coughing, I would simply write on the</p> <p>4 document as I would check them in, write,</p> <p>5 patient coughing. I ask them questions. Any</p> <p>6 color, congestion, headaches, body headaches,</p> <p>7 any shortness of breath, chest pain, and I would</p> <p>8 simply document that on the progress note and</p> <p>9 that would be to the doctor to order any further</p> <p>10 testing and diagnose the patient.</p> <p>11 (Discussion off the record.)</p> <p>12 Q. Specifically, I'm looking at December</p> <p>13 9th. You have in front of you an office note</p> <p>14 for December 9, 1999; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. And in the upper right-hand corner</p> <p>17 there is some handwriting that I think is</p> <p>18 different from Dr. Mansnerus' handwriting. Do</p> <p>19 you recognize that handwriting?</p> <p>20 A. That's my handwriting.</p> <p>21 Q. Do you remember seeing Mr. Gill on</p> <p>22 December 9, 1999?</p> <p>23 A. Not specifically.</p> <p>24 Q. On that date there is also to the</p> <p>25 left of your note a stamp that I presume is put</p>	<p style="text-align: right;">Page 28</p> <p>1 Primary Care practice is who we are with now.</p> <p>2 The differences before, I did not have to do</p> <p>3 respirations, which when we first came here they</p> <p>4 did not make that mandatory for every patient,</p> <p>5 or temperature. If they were coming in with</p> <p>6 congestion, headaches, you know, having</p> <p>7 headache, flu-like symptoms for a few days, you</p> <p>8 would run a temperature on a patient.</p> <p>9 I don't really recall what exactly --</p> <p>10 I mean, I know every time a patient comes back I</p> <p>11 do check their weight, blood pressure and pulse.</p> <p>12 I have always done that since day one since</p> <p>13 working with Dr. Mansnerus. Respirations I</p> <p>14 think just came in the last two years that they</p> <p>15 made it mandatory around practice wide that you</p> <p>16 have to do respiratory and temperature.</p> <p>17 Q. So before it was called West Shore --</p> <p>18 or was it called UPPC?</p> <p>19 A. UPCP, University Primary Care</p> <p>20 Physicians.</p> <p>21 Q. And now it's West Shore --</p> <p>22 -- Primary Care, correct.</p> <p>23 Q. Do you know when that transition took</p> <p>24 place?</p> <p>25 A. Well, he had moved practices. I have</p>



<p style="text-align: right;">Page 29</p> <p>1 been here four years, so we have been with West 2 Shore Primary Care four years. 3 Q. So when Dr. Mansnerus made the 4 change, he asked you, I presume, whether or not 5 you wanted to come with him? 6 A. Correct. And then I had to be 7 interviewed and they did hire me. 8 Q. And you continued to work in the same 9 capacity for him that you had done in your 10 previous work for the same doctor? 11 A. When I started off with this 12 practice, I had to go through an orientation so 13 I really didn't work one-on-one with him because 14 he was at another office. It was half and half, 15 so I would work with him when he was in the one 16 office but I had to work, I think it was two 17 months before I worked with him and then I would 18 float office to office with him. 19 Q. Before I have you read to me the note 20 on December 9, I want to back up for a moment. 21 I asked you in terms of what you had read or 22 looked at and you told me the couple depositions 23 of doctors and one of Mr. Gill's brothers. Is 24 there anything else that you have reviewed by 25 way of documents other than looking at the chart</p>	<p style="text-align: right;">Page 31</p> <p>1 never discussed the lawsuit with him other than 2 that Mr. Warner would be contacting you for a 3 deposition? 4 A. That's correct. 5 Q. Did you ever talk to any of the 6 family members since Mr. Gill passed away? 7 A. No, I have not. 8 Q. Do you remember meeting any of the 9 family? 10 A. One of his sisters was a patient with 11 Dr. Mansnerus. I want to say Linda, but I can't 12 remember if that's her first name for sure. 13 Q. That's okay. I won't hold it against 14 you. 15 A. I can't remember. I do remember that 16 they -- I think it was his sister -- two of his 17 sisters and him actually came into the office. 18 I can't give you an exact date, but I do recall 19 after he was diagnosed they did come back into 20 the office, and I know that one of them had 21 worked in the ER at Lakewood -- that was one of 22 the sisters -- and I don't remember if it was 23 his mom or other sister, but I remember there 24 were two women with him when he came into the 25 office.</p>
<p style="text-align: right;">Page 30</p> <p>1 at any time since Mr. Gill passed away? 2 A. No, I have not. 3 Q. Tell me what you have discussed at 4 any time with Dr. Mansnerus about the lawsuit. 5 A. He had just told me that one 6 instance, that Mr. Warner needed to talk to me 7 about that one visit, but other than that, I 8 don't talk to Dr. Mansnerus about -- I know 9 their case is going on, but as far as any 10 circumstances, we don't discuss the case. 11 Q. Have you ever seen the complaint that 12 was filed? 13 A. No, I have not. 14 Q. Were you working at the office when 15 the complaint was served? 16 A. Yes. Everything comes in 17 personal/confidential, so, I mean, he opens his 18 own mail when that's marked on there. 19 Q. When he received the complaint, do 20 you remember the discussion that you had with 21 him at the time that he first opened the 22 complaint and was served from the courthouse? 23 A. I don't think he discussed it with 24 me. Not as far as I can remember. 25 Q. Is it your testimony that you have</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Were you present when any 2 conversation took place in the office after he 3 was diagnosed? 4 A. No. 5 Q. Do you have any knowledge as to what 6 was discussed after the diagnosis when family 7 members came to the office? 8 A. I'm not in the room when the doctor 9 comes in, so no. 10 Q. Other than that occasion when family 11 came in -- whatever family members and whether 12 you are correct or incorrect on the name of the 13 sister -- after the diagnosis, did you have any 14 other contact with any family after Mr. Gill's 15 diagnosis? 16 A. No. 17 Q. What about after he died? 18 A. No. 19 Q. Now, on December 9, the note in the 20 upper right-hand corner, was that written before 21 or after you marked down the vital signs? 22 A. After. 23 Q. So your standard practice then would 24 be to note the vital signs, to do whatever vital 25 signs are required and then to get a history</p>

<p style="text-align: right;">Page 33</p> <p>1 from the patient?</p> <p>2 A. This is how I do it. I get the</p> <p>3 weight before I bring the patient back, ask them</p> <p>4 what they are there for and then I get the blood</p> <p>5 pressure and pulse after I do ask them what they</p> <p>6 are there for. I ask them their allergies,</p> <p>7 their meds and their chief complaint, but I</p> <p>8 don't check their blood pressure or pulse until</p> <p>9 after I ask what they are in the office for.</p> <p>10 Q. And all of the handwriting from</p> <p>11 patient has chest pain all the way down to</p> <p>12 started six weeks ago is your handwriting?</p> <p>13 A. Correct.</p> <p>14 Q. Did you question him any further at</p> <p>15 that time to determine anything more specific</p> <p>16 than what you marked down there?</p> <p>17 A. No.</p> <p>18 Q. So when you mark down patient has</p> <p>19 chest pain and numbness, that's on the left side</p> <p>20 or is it -- read it.</p> <p>21 A. Patient has chest pain and numbness</p> <p>22 on left side arm and neck. He also has a</p> <p>23 pinching feeling on left side of chest, started</p> <p>24 six weeks ago.</p> <p>25 Q. Did you have him show you where the</p>	<p style="text-align: right;">Page 35</p> <p>1 the exam; correct?</p> <p>2 A. Correct.</p> <p>3 Q. Do you remember anything further</p> <p>4 about December 9th after Mr. Gill had completed</p> <p>5 his exam in terms of anything that was said or</p> <p>6 done on that day?</p> <p>7 A. No.</p> <p>8 Q. Did you have any -- actually, look on</p> <p>9 the reverse side of that page for a moment.</p> <p>10 There isn't a reverse side? Mine is copied on</p> <p>11 body sides.</p> <p>12 Look to the May 19, 1999 note.</p> <p>13 MR. WARNER: May 19?</p> <p>14 MR. MISHKIND: May 19, 1999.</p> <p>15 Q. That note on May 19th, do you have</p> <p>16 the note in front of you now?</p> <p>17 A. Yes.</p> <p>18 Q. Is that note on May 19 in your</p> <p>19 handwriting?</p> <p>20 A. Yes, it is.</p> <p>21 Q. What was the purpose of that visit?</p> <p>22 A. He had received a Kenalog injection.</p> <p>23 Q. And who gave the Kenalog injection?</p> <p>24 A. I did.</p> <p>25 Q. Can you tell me why he received a</p>
<p style="text-align: right;">Page 34</p> <p>1 pinching feeling or the numbness was?</p> <p>2 A. No.</p> <p>3 Q. These are just the words that he</p> <p>4 used?</p> <p>5 A. Correct.</p> <p>6 Q. And you recorded it?</p> <p>7 A. Correct.</p> <p>8 Q. Do you normally ask the patient any</p> <p>9 other questions beyond getting a brief history</p> <p>10 from them?</p> <p>11 A. No.</p> <p>12 Q. You would have marked that down and</p> <p>13 you would have then taken the blood pressure on</p> <p>14 the patient?</p> <p>15 A. Correct.</p> <p>16 Q. And the pulse?</p> <p>17 A. Correct.</p> <p>18 Q. After having completed that, what</p> <p>19 would you have done with this progress note,</p> <p>20 with the sheet?</p> <p>21 A. It is attached in the chart. I</p> <p>22 simply put the chart on the door, put the flag</p> <p>23 out so the doctor knows which room to go in next</p> <p>24 and the doctor goes into the room.</p> <p>25 Q. You were not present during any of</p>	<p style="text-align: right;">Page 36</p> <p>1 Kenalog injection on May 19th?</p> <p>2 A. Allergies.</p> <p>3 Q. Do you remember that visit at all?</p> <p>4 A. No, I don't.</p> <p>5 Q. On that date on May 19th, you didn't</p> <p>6 record anything relative to his weight or blood</p> <p>7 pressure or pulse, did you?</p> <p>8 A. No. When they are just coming in for</p> <p>9 injections, it wasn't required that we took all</p> <p>10 the vital signs for the patients.</p> <p>11 Q. On that note it says Dr. Mansnerus in</p> <p>12 office. Do you see that?</p> <p>13 A. Correct.</p> <p>14 Q. What's the reason for that</p> <p>15 designation?</p> <p>16 A. You could not give an injection</p> <p>17 unless there is a doctor present in the office,</p> <p>18 and you do have to write what doctor is in the</p> <p>19 office at that time so they can initial off on</p> <p>20 the Kenalog injection. You do have to get the</p> <p>21 okay from the doctor prior to giving the</p> <p>22 injection and then they have to sign off on</p> <p>23 that.</p> <p>24 Q. So you would have had to have told</p> <p>25 Dr. Mansnerus, Mr. Gill is here in the office</p>

<p style="text-align: right;">Page 37</p> <p>1 for a Kenalog injection and then he would have 2 to give you the okay? 3 A. Correct. 4 Q. And I presume that this would be a 5 face-to-face interaction that you would have 6 with the doctor; correct? 7 A. Correct. 8 Q. So that theoretically if he wanted to 9 come in and see the patient, even though he was 10 only there for a Kenalog injection, the doctor 11 could easily come in and see the patient; 12 correct? 13 A. Correct. 14 Q. Now, I want to move the other 15 direction now after December 9. Mr. Gill was 16 seen on December 30th, 1999. 17 A. Okay. 18 Q. Do you have that note in front of 19 you? 20 A. Yes, I do. 21 Q. In the upper right-hand corner there 22 is a note. Is that also in your handwriting? 23 A. That's correct. 24 Q. Why don't you read me what that note 25 says.</p>	<p style="text-align: right;">Page 39</p> <p>1 having. 2 Q. Do you remember this office visit? 3 A. I don't remember the office visit in 4 specific. I do remember that Mr. Gill would 5 come into the office, into the Lakewood office a 6 lot. Mr. Gill sometimes didn't even have 7 appointments and would just walk into the office 8 and we would always see Mr. Gill when he did 9 come into the office. 10 Q. Is it fair to say that he was health 11 conscious? 12 A. Yes. 13 Q. And as you said, sometimes he would 14 come in on an unscheduled basis if he had a 15 concern? 16 A. He knew we were there on those two 17 days. He knew if he wanted to be seen I would 18 always squeeze him in no matter if he would have 19 to wait 15, 20 minutes. If there was a patient 20 scheduled when he came in, yes, that patient 21 would be seen before Mr. Gill. I mean, if he 22 had serious symptoms, of course he would have 23 been seen before that patient that had a 24 scheduled appointment, but Mr. Gill was always 25 squeezed in when he would walk in.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Since Monday patient had cough and 2 sore throat, chest congestion. Patient would 3 like his lungs checked out. 4 Q. In order for him, Mr. Gill, to have 5 told you that, I'm sure having done this as long 6 as you have, there is a routine that you follow 7 when you take the patient into the room and ask 8 the questions; is that correct? 9 A. That I follow every day, yes, I do. 10 Q. I'm Mr. Gill on December 30th, 1999. 11 You take me back to the room. You have my 12 chart. What question would you have asked me 13 that would have led to what you noted on 14 December 30, 1999? 15 A. I just simply say, and what are you 16 in for today? 17 Q. It's as simple as that? 18 A. Simple as that. 19 Q. You did record his blood pressure, 20 his pulse, and on this day, you also took his 21 temperature; correct? 22 A. Correct. 23 Q. And the reason you took his 24 temperature? 25 A. Was due to the symptoms that he was</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. From your review of the records, did 2 you ever know Mr. Gill to fail to keep an 3 appointment that was scheduled? 4 A. Not that I can recall. 5 Q. By the way, your husband, what type 6 of work does he do? 7 A. Electrician. 8 Q. Not in the medical field? 9 A. No. 10 Q. I take it after you asked Mr. Gill 11 why are you here and you marked down his reasons 12 and took his vital signs, you then put the chart 13 in the basket, put the flag up and left and went 14 on to do other things? 15 A. Sometimes if Dr. Mansnerus was in the 16 room with another patient -- specifically in 17 this Lakewood office, there were two exam rooms, 18 so he would be in one room and the patient that 19 I was putting him in would be in the next. 20 I would put the chart out and 21 sometimes I would ask Mr. Gill what have you 22 been doing or what have you done. I knew a 23 little bit more about him because we would just 24 sit and talk for a few minutes just about how he 25 has been, and anything new that's been going on,</p>

10 (Pages 37 to 40)

<p>Page 41</p> <p>1 he would always just discuss it. 2 So I can't say if that was the 3 circumstance that I had put the chart on the 4 door and we just kind of talked about how life 5 was or how his family is or how my family was or 6 what he has been doing, I can't recall that, but 7 a lot of the circumstances I would sit there and 8 just ask him normal questions like I would ask a 9 friend. 10 Q. Was Mr. Gill the kind of person that 11 would reciprocate and ask you questions about 12 yourself, as well? 13 A. Yes. 14 Q. So he knew a little bit about you? 15 A. Yes. Sometimes I would see him out. 16 So I was just very conscientious about 17 Dr. Mansnerus' patients. They know about me, I 18 know about them. It makes them feel 19 comfortable, makes me feel comfortable. 20 Q. After the office note on December 30, 21 1999, there is an x-ray -- at the end of the 22 note there was a chest x-ray that Dr. Mansnerus 23 ordered under the plan. Do you see that? 24 A. Correct. 25 Q. Did you have anything to do with</p>	<p>Page 43</p> <p>1 the office? 2 A. We would in turn call him with the 3 results of the chest x-ray. They are notified 4 when they do leave, if we don't call them within 5 three or four days, to make sure that they do 6 call us so we could get the reports. You get 7 the results to the patient. 8 Q. The x-ray that Mr. Gill had, 9 according to the x-ray report that's in the 10 chart was in fact performed on December 30th, 11 the same day that he left the office. Do you 12 have a copy of the x-ray interpretation in the 13 chart there? 14 MR. WARNER: I'm not sure I do. 15 (Discussion off the record.) 16 Q. You now have the radiology report? 17 A. Yes, I do. 18 Q. Can you tell by looking at that 19 report when it was that your office, 20 Dr. Mansnerus' office would have received the 21 results on the x-ray of December 30th? 22 A. No, I cannot. I don't know if there 23 is -- like if he would've called, there is 24 always documentation when the patient calls, if 25 he would've called for the test result. I think</p>
<p>Page 42</p> <p>1 facilitating where Mr. Gill would go to have 2 that x-ray? 3 A. They go to wherever their insurance 4 company lets them go. 5 Q. Would you have seen Mr. Gill 6 routinely or likely on that date after he was 7 seen by Dr. Mansnerus? 8 A. I would have checked him out. 9 Q. And tell me what that would have 10 involved. 11 A. He would have had the prescription. 12 Chest x-rays do not require referrals, so simply 13 say you need to go wherever your insurance 14 company needs you to go. Radiology is a walk-in 15 basis, so you can walk into radiology and get 16 the chest x-ray and not be scheduled. 17 Q. When was Mr. Gill, according to the 18 December 30, 1999 office visit, scheduled to 19 return for follow-up? 20 A. I don't recall that. 21 Q. Can you tell by looking at the note? 22 A. No. 23 Q. How would Mr. Gill have known with a 24 suspicion of viral bronchitis or upper 25 respiratory infection when he should return to</p>	<p>Page 44</p> <p>1 he came back in. I think he came back in to get 2 the test result and I don't recall off the top 3 of my head. A lot of them do come back in. 4 Say this was another patient and the 5 chest x-ray report had gone on the desk -- you 6 came in for a chest x-ray, the chest x-ray came 7 back two days later, chest x-ray report, which 8 in turn I would pull the chart, put the x-ray 9 report on the desk, Dr. Mansnerus would in turn 10 write on the report. If the chest x-ray was 11 okay, I would notify the patient the chest x-ray 12 was okay. If there are specific problems, 13 Dr. Mansnerus then does a -- that patient is 14 told to make a follow-up appointment, and again 15 however he chooses to follow up with the 16 patient. 17 Q. On the x-ray report that you have 18 there in the chart, does it indicate whether the 19 patient was called with the chest x-ray results? 20 A. No, it doesn't. 21 Q. At the very bottom, what does it say 22 on the chart on the radiology report? 23 MR. WARNER: This report is from 24 Lakewood Hospital. 25 Q. Let me show you what may be from your</p>

<p style="text-align: right;">Page 45</p> <p>1 chart. Is that Dr. Mansnerus' initials? 2 A. That's correct. 3 Q. And there is a check mark? 4 A. Yes. 5 Q. Does that mean that he read over the 6 report? 7 A. Yeah, that's just how he checks his 8 things. 9 Q. In the upper left-hand corner there 10 appears to be a WL. 11 A. For Westlake. That means that it was 12 a Westlake chart. When he had two offices -- 13 when he was in Lakewood and Westlake there were 14 only charts over at the Westlake office. I 15 would have to carry the charts to the Lakewood 16 office on the day of the appointments. So 17 that's just coded Westlake so you know where the 18 chart is so the document could be put in the 19 patient's chart. 20 Q. Mr. Gill returned to the office on 21 January 6th and was seen by Dr. Mansnerus. Were 22 you working on that day? 23 A. Yes, I was. 24 Q. And do you recall seeing Mr. Gill on 25 that day?</p>	<p style="text-align: right;">Page 47</p> <p>1 is from the note. And I had called in Zithromax 2 for him on that same date and he was also 3 notified. 4 Q. Do you specifically recall telling 5 him that he had pneumonia? 6 A. Just from what I wrote in this note. 7 Q. But you don't have an independent 8 recollection having a telephone conversation? 9 A. No. 10 MR. WARNER: She does have patient 11 notified. 12 Q. I asked you whether you have specific 13 recollection of notifying him? 14 A. No, I do. 15 Q. I am not suggesting that you didn't 16 and I'm not suggesting that that's not what is 17 written. I am asking whether you remembered 18 independently? 19 A. If it was a year ago, yes, but 20 unfortunately from '99 I am just going off of 21 what I wrote. 22 Q. I'm not faulting you in any respect. 23 Sometimes people remember things with detail for 24 whatever reason. I just want to find out what 25 it is you remember.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. As far as what the office note tells 2 me what I wrote. I don't recall him coming into 3 the office, no. 4 Q. What does your handwriting show? 5 A. Follow up from pneumonia. 6 Q. Do you know how Mr. Gill knew at that 7 time that he had pneumonia? 8 A. No, I don't. 9 Q. I presume you would have said to him, 10 why are you here today? 11 A. Right. 12 Q. And he would've said, I'm here to 13 follow up on my pneumonia? 14 A. I would assume it is from his chest 15 x-ray. 16 Q. And again, when he was seen in the 17 doctor's office on the 30th, it said that he may 18 have a bronchitis, he may have an upper 19 respiratory infection, he may have pneumonia, 20 but there wasn't a definitive diagnosis at that 21 point. Do you know specifically how he found 22 out that he had pneumonia? 23 A. Evidently radiology had called on 24 12-30-99 and they had called with the results of 25 the chest x-ray. That is my documentation that</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Okay. Sounds good. 2 Q. So when he returned on January 6th, 3 is it fair to conclude that his knowledge that 4 he had pneumonia was from what you had told him 5 during the telephone call after having gotten 6 the information from the radiologist? 7 A. That's correct. 8 Q. I presume you had checked with 9 Dr. Mansnerus before making the telephone call 10 to the patient? 11 A. That's correct. The note does in 12 turn go back to Dr. Mansnerus and he states what 13 we prescribed for the patient and what to notify 14 the patient of. He tells me what to tell the 15 patients. 16 Q. When he said I'm here to follow up 17 for pneumonia, you don't have anything noted at 18 all in terms of what his symptoms were on that 19 day, do you? 20 A. No, I don't. 21 Q. Or whether he was feeling better or 22 feeling worse, do you? 23 A. No, I don't. 24 MR. WARNER: Objection. 25 Q. And I take it you don't independently</p>

12 (Pages 45 to 48)

<p>Page 49</p> <p>1 remember whether he indicated to you on January 2 6th that he was feeling better or feeling worse 3 than he had been feeling on December 30th; is 4 that correct? 5 MR. WARNER: Note my objection. You 6 want her to read the doctor's note or her own 7 note? 8 Limited to her note. 9 Q. You weren't present during the 10 examination, were you? 11 A. No, I was not. 12 Q. So let's just talk about you. And my 13 question to you before Mr. Warner made that 14 statement was, do you have any recollection of 15 whether Mr. Gill told you that he was feeling 16 better or feeling worse on that day? 17 A. No, I don't. But I know that if he 18 would have stated that he was feeling worse, I 19 would have documented it, but I can't for sure 20 recall. 21 Q. And if he had said to you that he was 22 feeling better, you would have documented that 23 too; correct? 24 A. Correct. 25 Q. All right. So all you remember him</p>	<p>Page 50</p> <p>1 telling you was that he was there to follow up 2 for pneumonia? 3 A. Correct. 4 Q. Do you remember how he appeared to 5 you on that day? 6 A. No, I don't. 7 Q. So you can't say whether or not he 8 appeared to you to be ill or in a good state of 9 health? 10 A. No, I don't. I'm sorry. 11 Q. That's all right. Not a problem. 12 After the visit on January 6th, was Mr. Gill 13 scheduled to be seen in any follow up, any other 14 day after January 6th? 15 A. Just looking from that one progress 16 note, I don't see a follow-up appointment was 17 made. That's usually documented. No. 18 Q. In fact, under the plan, 19 Dr. Mansnerus says will not repeat chest x-ray 20 unless -- what does that say? 21 A. Unless cough fails to resolve. 22 Q. And was Mr. Gill given any type of 23 instructions that you are aware of, written 24 instructions in terms of what to do in the event 25 that his cough failed to resolve?</p>	<p>Page 51</p> <p>1 A. There was no written instructions 2 given. 3 Q. Did you give any? 4 A. Mr. Gill knows -- I always say, if 5 you don't feel any better, make sure that you 6 call me. 7 Q. Do you remember specifically any 8 conversation you had with him on January 6th 9 when he left the office? 10 A. I do not remember anything specific, 11 but I'm sure that I -- 12 Q. I'm asking if you remember anything 13 specific? 14 A. No, I don't. 15 Q. I know you are telling me that you 16 have certain things you do, but I want to know 17 specifically with this patient on this day 18 whether you remember having any discussion with 19 him about what he should do in the event that 20 his cough fails to resolve? 21 A. I can't say for sure. Because I 22 don't document when the patients check out, but 23 I'm sure -- 24 Q. You have indicated that with passage 25 of time that you don't remember specifically</p>	<p>Page 52</p> <p>1 what occurred during that visit; is that 2 correct? 3 MR. WARNER: Objection. She was 4 about to say I'm sure, and you cut her off, but 5 go ahead. 6 Q. Let's make it real clear. You don't 7 remember that visit, the interaction when he 8 left the office that day; correct? 9 MR. WARNER: Note my objection. Go 10 ahead. 11 A. I do not remember him physically 12 leaving the office, no, but I know that Mr. Gill 13 knew always that he could call at any time and 14 he would call freely whenever he felt and he 15 would come into the office whenever he felt. So 16 I mean, whether I specifically said -- which I 17 can't say that for sure if your symptoms get any 18 worse, I can't tell you if I said it for sure. 19 I most likely did, yes, but I can't give you a 20 for sure answer on that. 21 Q. Because you don't remember that 22 visit; correct? 23 A. No, I don't. 24 Q. Fair enough. That's all I can ask 25 you. I don't want you to speculate or to guess.</p>
--	--	---	--

13 (Pages 49 to 52)

<p style="text-align: right;">Page 53</p> <p>1 I want to ask you what you remember and what you 2 don't remember. 3 A. Okay. 4 Q. When Mr. Gill left on January 6th, he 5 wasn't then given an appointment or an 6 appointment card for any specific follow-up 7 visit; true? 8 A. Not that I can recall. 9 Q. Did you ever ask Dr. Mansnerus why he 10 didn't repeat the chest x-ray on Mr. Gill? 11 A. No, I did not. 12 Q. Did you ever ask him why he didn't 13 repeat the chest x-ray given the radiologist's 14 report that suggested follow-up radiograph to 15 document clearing? 16 A. No, I didn't. 17 Q. After January 6th, was there any 18 further interaction by Mr. Gill with the office 19 before he came in in May for his injection? 20 MR. WARNER: You want her to look at 21 the chart? 22 MR. MISHKIND: Of course. 23 MR. WARNER: There is a date here. 24 A. If there was, there would be a note 25 that was documented.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Is she a medical assistant also? 2 A. I think she is an LPN. 3 Q. Spell her last name. 4 A. S-C-H-U-M-I-T-C-H. I'm almost 5 positive. 6 Q. And January 12th, there is another 7 note. Can you tell me what that says? 8 A. Left message to call back. I think 9 that's Gerri Knox K-N-O-X. She is also -- I 10 think she is an RN. 11 Q. And then there is another note on 12 January 12th. Would you tell me what that says? 13 A. Patient left on voicemail. Received 14 lab results from lab. No need to call. Mary 15 Ann Schumitch had left that message. 16 Q. And was this relative to testing that 17 had been done on him? Do you know what this all 18 relates to? 19 A. Lab tests. 20 Q. What lab results? 21 A. Cholesterol. And HIV. 22 Q. HIV negative? 23 A. Correct. 24 Q. Other than the January 7th and 25 January 12th telephone messages, was there any</p>
<p style="text-align: right;">Page 54</p> <p>1 This is from January 7th. 2 Q. What does it say? 3 A. Message to call back and then that's 4 another clinical staff with her initials. Looks 5 like 2 of 2000, left message to call back and 6 that's another clinical staff's initials. Looks 7 like 2 of 2000. 8 MR. WARNER: It's actually cut off. 9 Go ahead. Is that January 7th? I thought it was 10 January 7th. 11 THE WITNESS: I don't know, it's cut 12 off. 13 MR. WARNER: We can't tell from this 14 copy whether that's January 7th. Go ahead. 15 MR. MISHKIND: Rob. 16 MR. WARNER: Sorry. 17 MR. WARNER: If you don't know, you 18 don't know. I don't know. Listen to him. 19 Do you have a better copy? 20 MR. MISHKIND: Yes. 21 Q. Do you see that? Does that say 22 January 7, 2000, message to call back? 23 A. Correct. 24 Q. And whose initials are those? 25 A. Mary Ann's. Schumitch.</p>	<p style="text-align: right;">Page 56</p> <p>1 interaction with the patient, either by him 2 coming into the office or any telephone calls 3 between that date and when he came into the 4 office for the Kenalog injection in May? 5 A. Nothing else was documented then, no. 6 Q. Take a look at the chart. I want to 7 find out from your review of the chart whether 8 you see anything that would suggest that he had 9 interaction with the office. 10 A. Not that I see, no. 11 Q. Next time he came into the office, 12 what was the date? 13 A. 5-18-2000. 14 Q. And you saw him on that day? 15 A. That's correct. 16 Q. And gave him the Kenalog injection? 17 A. Correct. 18 Q. Do you remember seeing him on that 19 day? 20 A. No. 21 Q. Are you able to -- I take it you 22 can't describe for me how he appeared on that 23 day? 24 A. No, I cannot. 25 Q. On that day you gave him the Kenalog</p>

<p style="text-align: right;">Page 57</p> <p>1 injection. Was there any difference in terms of 2 how you gave the Kenalog injection that day 3 versus when you go back in time to May of '99? 4 A. Not at all. 5 Q. Now, you have a note that 6 Dr. Mansnerus was in the office; correct? 7 A. Correct. 8 Q. So you would have had to have stopped 9 him in his travels and said Dan Gill is here and 10 can I give him the Kenalog injection; correct? 11 A. That's correct. 12 Q. And again, Dr. Mansnerus could have 13 come in to see the patient at that time if he 14 wanted to; correct? 15 A. If the patient wanted him to, yes. 16 Q. Or if Dr. Mansnerus felt the need to 17 come in to see him? 18 A. Or he felt the need, yes. 19 Q. In any event, does the record reflect 20 that there was any interaction between 21 Dr. Mansnerus and Mr. Gill on that date? 22 A. No. 23 Q. After May 18, 2000, when did you see 24 Mr. Gill next? 25 MR. WARNER: Note my objection. Just</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. And on May 18th, 2000, you didn't 2 check his blood pressure or his pulse or his 3 respiration or take his temperature; correct? 4 A. That's correct. 5 Q. And I take it it's your custom and 6 practice to ask the patient that's there for a 7 Kenalog injection only any other questions about 8 how they are feeling? 9 A. Whether they are in for any type of 10 injection, you ask if they have any chief 11 complaints. We simply bring the patient back 12 for a Kenalog shot or whatever kind of 13 injection. Any complaints, are you having any 14 problems? If Mr. Gill was having problems, 15 Dr. Mansnerus would have been addressed when he 16 came out of the room and/or whether he would 17 have been out of the room already. I can't say 18 that, but he would have been seen that day. 19 Q. How many patients do you typically 20 see during the course of a day? 21 A. Eighteen, 19. 22 Q. And of those 18, 19 patients, some of 23 them are scheduled for examinations, others are 24 scheduled for, like Mr. Gill, just to come in 25 for an injection; correct?</p>
<p style="text-align: right;">Page 58</p> <p>1 so you are not misled, it is my intent, custom 2 and practice what in her opinion would have 3 occurred on May 18th. Just so you are not 4 misled, counsel. 5 MR. MISHKIND: To ask her opinion? 6 MR. WARNER: Custom and practice of 7 her own putting patients in the room. 8 MR. MISHKIND: You are going to ask 9 her opinion? 10 MR. WARNER: I'm going to ask custom 11 and practice as to what she would do with a 12 patient. And what interaction she would have, 13 in her custom and practice. 14 Q. You don't remember the specific 15 visit, do you? 16 A. No, I don't. 17 Q. And when you have a patient come in 18 for a Kenalog injection, they are there 19 specifically for the Kenalog injection. You 20 don't take blood pressure; correct? 21 A. Correct. 22 Q. You don't take the pulse? 23 A. Correct. 24 Q. You don't check the temperature? 25 A. Correct.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Correct. 2 Q. And do you remember on May 18th 3 whether or not you saw about the same number of 4 patients or whether it was busier or quieter in 5 the office? 6 A. I don't recall that. 7 Q. If you are following your normal 8 custom and practice and you ask the patient how 9 they are feeling and the patient indicates that 10 they are having symptoms, it's your duty and 11 responsibility to note that in the chart; 12 correct? 13 A. Correct. 14 Q. And if you don't note it in the 15 chart, you wouldn't be doing your job correctly; 16 correct? 17 A. Correct. 18 Q. And obviously, if the patient tells 19 you that they are having symptoms, in addition 20 to noting the chart, would you, as a medical 21 assistant, bring it to the doctor's attention? 22 A. Before they leave the office, 23 correct. 24 Q. And if you don't bring it to the 25 doctor's attention, then you are not doing your</p>

15 (Pages 57 to 60)



<p style="text-align: right;">Page 61</p> <p>1 job; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And obviously the doctor can't come</p> <p>4 in and react to something that you don't tell</p> <p>5 him about; correct?</p> <p>6 A. Correct.</p> <p>7 Q. So your note on May 18th indicates</p> <p>8 that Dr. Mansnerus was in the office, so you at</p> <p>9 least went out to get the okay on the Kenalog</p> <p>10 shot. Your note would suggest that Mr. Gill</p> <p>11 wasn't providing you with any complaints on that</p> <p>12 day; correct?</p> <p>13 A. Correct.</p> <p>14 Q. But you don't remember that visit, so</p> <p>15 you can't say for a fact that he wasn't;</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. After May 18th, did you see Mr. Gill</p> <p>19 again?</p> <p>20 A. 6-22-2000. I specifically did not</p> <p>21 bring back the patient at this time.</p> <p>22 Q. Who brought him back on that day?</p> <p>23 A. I think her name is Rhonda. I can't</p> <p>24 recall her last name. I think that's her</p> <p>25 signature.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. Tell me what it says.</p> <p>2 A. Patient has swelling left side of</p> <p>3 neck that he has had for three weeks and has</p> <p>4 been tender for three to four weeks. He still</p> <p>5 has shortness of breath.</p> <p>6 Q. Do you remember talking at all with</p> <p>7 Mr. Gill on that visit or perhaps in May about</p> <p>8 his competing in the Revco marathon?</p> <p>9 A. Yeah, I do remember him telling me</p> <p>10 about that.</p> <p>11 Q. Which visit, May or July?</p> <p>12 A. I can't recall what day it was. I</p> <p>13 mean, I just remember him telling me about the</p> <p>14 marathon because I know he used to run in</p> <p>15 several of them.</p> <p>16 Q. What do you remember him telling you</p> <p>17 in 2000 about the marathon?</p> <p>18 MR. WARNER: Objection. Go ahead.</p> <p>19 A. I can't remember specifics. I just</p> <p>20 remember him telling me. I don't even know if</p> <p>21 the marathon was before or after that. I can't</p> <p>22 tell you specifics. I know he told me he did</p> <p>23 have a hard time running the marathon. That's</p> <p>24 all I can tell you. I don't remember. I don't</p> <p>25 recall if he had told me any symptoms he was</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. And what were --</p> <p>2 A. Oh, you know what. No. I was</p> <p>3 thinking my son was born in 2000. But this was</p> <p>4 not the month. So that had to be Rhonda. There</p> <p>5 was somebody else that had covered for me when I</p> <p>6 was gone, but, no, I think that's Rhonda.</p> <p>7 Q. What were his symptoms?</p> <p>8 A. She just wrote follow up for</p> <p>9 pneumonia.</p> <p>10 Q. And Rhonda or whomever it was wrote</p> <p>11 down --</p> <p>12 A. Follow up for pneumonia.</p> <p>13 Q. But it wasn't you who saw him on that</p> <p>14 day?</p> <p>15 A. Correct.</p> <p>16 Q. Did you have any further interaction</p> <p>17 with Mr. Gill after May 18th?</p> <p>18 A. I think the next -- I think it was</p> <p>19 July 19th of 2000.</p> <p>20 Q. Do you remember seeing him on July</p> <p>21 19th?</p> <p>22 A. No, I don't.</p> <p>23 Q. Do you have a note there in your</p> <p>24 handwriting, though?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 64</p> <p>1 having in the marathon, but I do remember he</p> <p>2 told me he had a hard time running the marathon.</p> <p>3 Q. You didn't note that anywhere in the</p> <p>4 chart; correct?</p> <p>5 A. No.</p> <p>6 Q. So, for example, if he had told you</p> <p>7 that he had run the marathon and had a hard time</p> <p>8 running it, when he saw you or when you saw him,</p> <p>9 when you saw each other in May for the Kenalog</p> <p>10 shot, that would be something that you did not</p> <p>11 mark down in the chart; correct?</p> <p>12 A. I would have asked him specifics, was</p> <p>13 he having any chest pain, shortness of breath,</p> <p>14 numbness or tingling in his arms or legs. I</p> <p>15 would have asked him those questions and, yes,</p> <p>16 that would have been documented.</p> <p>17 Q. What else do you remember him telling</p> <p>18 you as to the reason that he had difficulty</p> <p>19 running in the marathon, assuming that it was in</p> <p>20 the May 2000 visit?</p> <p>21 A. I don't recall that.</p> <p>22 Q. Is there anything else that you</p> <p>23 remember by way of conversations with Mr. Gill</p> <p>24 in May or in July that aren't recorded in the</p> <p>25 record that we haven't talked about? In other</p>

<p style="text-align: right;">Page 65</p> <p>1 words, you now told me that, yeah, he did tell 2 me about having some difficulty running in the 3 marathon, but is there anything else that you 4 remember that's not recorded anywhere in the 5 records? 6 A. No. 7 Q. Did you see Mr. Gill again after 8 July? 9 A. There is a phone conversation with 10 him July 20th. I did not -- 11 MR. WARNER: He asked if you saw him. 12 A. No. I'm sorry. 13 Q. Was there a phone conversation with 14 the office? 15 A. With the office staff, yes. 16 Q. And who was the office staff person? 17 A. Michelle. Michelle C. 18 Q. And what does the note say? 19 A. St. John West Shore, Tuesday, 7-25 20 for CAT scan, but the hospital wants him to have 21 chest x-ray also. Will you order one. 22 (Discussion off the record.) 23 Q. Did you ever see Mr. Gill again after 24 the July visit? 25 A. Next office visit that's documented</p>	<p style="text-align: right;">Page 67</p> <p>1 A. That it was just cancer. 2 Q. When did you learn that he had 3 cancer? 4 A. I don't know an exact date on that. 5 Q. Was it sometime in August of 2000? 6 A. No. I honestly don't know that 7 answer. 8 Q. Given the fact that you told me that 9 you develop a closeness with patients, they get 10 to know you, you talk with them, I presume that 11 you had knowledge about what Mr. Gill was going 12 through once the diagnosis of cancer was made in 13 the summer of 2000; is that true? 14 A. I knew that he was diagnosed with 15 cancer, yes. 16 Q. And did you know what regimen of 17 treatment he was receiving because of that 18 diagnosis? 19 A. No. Was he in the hospital? Because 20 if he was in the hospital, I mean as far as 21 patients in the hospitals, Dr. Mansnerus, me and 22 him don't discuss patients that are in the 23 hospital and what goes on in the hospital. So 24 if Mr. Gill was in the hospital and he doesn't 25 call the office, I don't know.</p>
<p style="text-align: right;">Page 66</p> <p>1 was July 26th of 2000. 2 Q. What does your note say? 3 A. That is not my handwriting. The note 4 says recheck test results. 5 MR. WARNER: He asked if you saw him. 6 THE WITNESS: No, I did not. 7 Q. So the mid-July office visit that we 8 talked about, that was or was not a visit that 9 you saw him? 10 A. July 26th you are asking me about? 11 Q. No, the one before that. 12 A. Just simply office notes when he had 13 called the office. 14 MR. WARNER: He is asking when you 15 last saw the patient. Not talk to him. When 16 you last saw the patient. 17 A. July 19th of 2000 was the last time I 18 saw the patient. 19 Q. When did you learn about his death? 20 A. I don't recall a date on that. 21 Dr. Mansnerus came in the office -- I don't 22 recall a day -- and told me that Mr. Gill passed 23 away. 24 Q. Did he tell you any specifics about 25 his death?</p>	<p style="text-align: right;">Page 68</p> <p>1 I knew that he was diagnosed with 2 cancer and Dr. Mansnerus does tell me when 3 patients do expire just so that I know, because 4 I do like to know about the patients too. 5 Q. After the diagnosis of cancer was 6 made, do you have a recollection of making any 7 effort to follow up with Mr. Gill or family 8 members to find out how he was doing before he 9 passed away? 10 A. No. 11 Q. Did you ever discuss with 12 Dr. Mansnerus anything relative to why his 13 cancer was not diagnosed until it was advanced? 14 A. No. 15 Q. Has Dr. Mansnerus ever shared with 16 you his opinion as to when he believes Mr. Gill 17 had evidence of cancer? 18 A. No. 19 Q. Has he ever indicated to you whether 20 or not he felt that he had cancer in December of 21 '99 or January of 2000? 22 A. No. 23 Q. Have you received any training in the 24 office about the issue of early detection of 25 lung cancer?</p>

<p style="text-align: right;">Page 69</p> <p>1 A. No.</p> <p>2 Q. I want to ask you now -- and this is</p> <p>3 sort of a global question just to see whether we</p> <p>4 are getting to the very end, which hopefully we</p> <p>5 are.</p> <p>6 Have you told me now everything that</p> <p>7 you can remember about visits and interactions</p> <p>8 with Mr. Gill going back to, I think we started</p> <p>9 with May of '99 up through July 19 of 2000?</p> <p>10 A. Yes.</p> <p>11 Q. Is there anything else that you can</p> <p>12 recall that you haven't told me about in terms</p> <p>13 of observations?</p> <p>14 A. No.</p> <p>15 Q. In terms of conversations, is there</p> <p>16 anything else?</p> <p>17 A. No.</p> <p>18 Q. And you told me about your custom and</p> <p>19 practice in terms of what you normally do with</p> <p>20 patients. But with regard to each of these</p> <p>21 particular visits, you can't tell me necessarily</p> <p>22 whether or not that's what you did on those</p> <p>23 given days; true?</p> <p>24 A. I know what I document and the</p> <p>25 patients simply state to me what kind of</p>	<p style="text-align: right;">Page 71</p> <p>1 difficulty; true?</p> <p>2 MR. WARNER: Objection. Asked and</p> <p>3 answered. Go ahead and answer.</p> <p>4 A. That's correct.</p> <p>5 MR. MISHKIND: I have nothing</p> <p>6 further.</p> <p>7 MR. WARNER: She will read.</p> <p>8 -----</p> <p>9 (Deposition concluded at 4:45 p.m.)</p> <p>10 (Signature not waived.)</p> <p>11 -----</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																										
<p style="text-align: right;">Page 70</p> <p>1 complications or symptoms they are having that</p> <p>2 day and that's what is documented in the chart.</p> <p>3 Q. But in terms of, for example,</p> <p>4 Mr. Gill's complaint or Mr. Gill's statement to</p> <p>5 you about having difficulty running the</p> <p>6 marathon, that's something that you remembered</p> <p>7 but you didn't chart it; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you don't have any recollection</p> <p>10 of any further discussion with him as to what it</p> <p>11 was that was causing him difficulty in terms of</p> <p>12 running the marathon; is that correct?</p> <p>13 MR. WARNER: Note my objection.</p> <p>14 Asked and answered. She had given a previous</p> <p>15 answer to that question.</p> <p>16 MR. MISHKIND: I note your objection.</p> <p>17 A. No, I don't recall. I totally forget</p> <p>18 your question, to be perfectly honest.</p> <p>19 Q. It's not surprising with the</p> <p>20 dialogue.</p> <p>21 Other than what you remembered</p> <p>22 concerning Mr. Gill indicating to you that he</p> <p>23 had difficulty running the marathon, you don't</p> <p>24 remember specifically anything else that he said</p> <p>25 to you in terms of the reason for his</p>	<p style="text-align: right;">Page 72</p> <p>1 AFFIDAVIT</p> <p>2 I have read the foregoing transcript from</p> <p>3 page 1 through 71 and note the following</p> <p>4 corrections:</p> <table border="1"><thead><tr><th>5 PAGE LINE</th><th>REQUESTED CHANGE</th></tr></thead><tbody><tr><td>6</td><td></td></tr><tr><td>7</td><td></td></tr><tr><td>8</td><td></td></tr><tr><td>9</td><td></td></tr><tr><td>10</td><td></td></tr><tr><td>11</td><td></td></tr><tr><td>12</td><td></td></tr><tr><td>13</td><td></td></tr><tr><td>14</td><td></td></tr><tr><td>15</td><td></td></tr><tr><td>16</td><td></td></tr><tr><td>17</td><td></td></tr><tr><td>18</td><td></td></tr><tr><td>19</td><td></td></tr><tr><td>20</td><td></td></tr><tr><td>21</td><td></td></tr><tr><td>22</td><td></td></tr><tr><td>23</td><td></td></tr><tr><td>24</td><td></td></tr><tr><td>25</td><td></td></tr></tbody></table> <p>CLAUDIA HOWATT</p> <p>Subscribed and sworn to before me this</p> <p>day of , 2004.</p> <p>Notary Public</p> <p>My commission expires .</p>	5 PAGE LINE	REQUESTED CHANGE	6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21		22		23		24		25	
5 PAGE LINE	REQUESTED CHANGE																																										
6																																											
7																																											
8																																											
9																																											
10																																											
11																																											
12																																											
13																																											
14																																											
15																																											
16																																											
17																																											
18																																											
19																																											
20																																											
21																																											
22																																											
23																																											
24																																											
25																																											

18 (Pages 69 to 72)

CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

State of Ohio,


SS:

County of Cuyahoga.

I, Vivian L. Gordon, a Notary Public within  
and for the State of Ohio, duly commissioned and  
qualified, do hereby certify that the within  
named CLAUDIA HOWATT was by me first duly sworn  
to testify to the truth, the whole truth and  
nothing but the truth in the cause aforesaid;  
that the testimony as above set forth was by me  
reduced to stenotypy, afterwards transcribed,  
and that the foregoing is a true and correct  
transcription of the testimony.

I do further certify that this deposition  
was taken at the time and place specified and  
was completed without adjournment; that I am not  
a relative or attorney for either party or  
otherwise interested in the event of this  
action. I am not, nor is the court reporting  
firm with which I am affiliated, under a  
contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my seal of office at Cleveland,  
Ohio, on this 17th day of March, 2004.



Vivian L. Gordon, Notary Public  
Within and for the State of Ohio

My commission expires June 8, 2004.

A				C
<p>able 9:12 56:21 about 3:20 6:20 10:11 11:14 14:20 19:4,18 22:8 23:23 24:13,18 25:14,15 30:4,7,8 32:17 35:4 40:23 40:24 41:4,11,14 41:16,17,18 49:12 51:19 52:4 59:7 60:3 61:5 63:7,10 63:13,17 64:25 65:2 66:8,10,19 66:24 67:11 68:4 68:24 69:7,12,18 70:5 above 1:24 73:11 accepted 8:10 according 42:17 43:9 accurately 6:6 action 73:16 actual 22:15 actually 18:19 24:2 27:16 31:17 35:8 54:8 added 15:17 addition 7:15 60:19 addressed 59:15 adjournment 73:14 advance 27:1 advanced 68:13 AFFIDAVIT 72:1 affiliated 15:14 73:16 affixed 73:18 aforesaid 73:10 after 31:19 32:2,6 32:13,14,17,21,22 33:5,9 34:18 35:4 37:15 40:10 41:20 42:6 48:5 50:12 50:14 53:17 57:23 61:18 62:17 63:21 65:7,23 68:5 afternoon 22:11 afterwards 73:11 again 44:14 46:16 57:12 61:19 65:7 65:23 against 31:13 ago 4:5,7 5:13,14 11:14 20:15,23</p>	<p>21:1 22:5,6 33:12 33:24 47:19 agreement 1:20 ahead 25:4 52:5,10 54:9,14 63:18 71:3 al 1:9 allergies 33:6 36:2 almost 3:22 5:4 21:11,19 55:4 along 15:25 already 59:17 always 24:15 25:11 25:12 28:12 39:8 39:18,24 41:1 43:24 51:4 52:13 and/or 18:21 22:20 59:16 Ann 55:15 Ann's 54:25 another 15:5 16:2,3 18:3 29:14 40:16 44:4 54:4,6 55:6 55:11 answer 6:3,5,9 7:16 11:2,4 14:6 19:23 52:20 67:7 70:15 71:3 answered 70:14 71:3 answering 6:6,22 7:2 11:11 13:7 anyone 10:4 14:7 anything 6:2 10:20 19:22 23:23 25:14 29:24 33:15 35:3 35:5 36:6 40:25 41:25 48:17 51:10 51:12 56:8 64:22 65:3 68:12 69:11 69:16 70:24 anywhere 64:3 65:4 appear 24:25 APPEARANCES 2:1 appeared 50:4,8 56:22 appears 45:10 apply 18:9 appointment 39:24 40:3 44:14 50:16 53:5,6 appointments 13:8 39:7 45:16</p>	<p>arm 33:22 arms 64:14 around 8:15 28:15 asked 8:11,16 11:14 25:8 29:4,21 38:12 40:10 47:12 64:12,15 65:11 66:5 70:14 71:2 asking 9:19 12:19 19:24 20:3 47:17 51:12 66:10,14 aspect 9:12 23:11 aspects 15:25 assigned 15:20 assist 9:18 assistance 10:22 16:6 assistant 3:21 4:3 4:11,21,24 5:9 8:22 11:18 12:1,6 12:9,10,16 13:2 14:3,5 15:18 18:4 18:21 19:6,19 55:1 60:21 assistants 4:15 13:24 17:19 18:1 18:3,13 Association 14:5 assume 6:9 46:14 assuming 64:19 attached 34:21 attend 5:4 13:18,22 attended 4:17 13:9 attention 60:21,25 attorney 73:15 August 67:5 available 16:20 18:4 Avenue 3:18 aware 50:23 away 20:21 30:1 31:6 66:23 68:9</p>	<p>basis 15:22 39:14 42:15 basket 40:13 became 12:5 Becker 2:3 become 4:10 5:1 8:22 12:8 before 1:18 5:19 6:15 7:21 20:14 21:10,11 27:25 28:2,17 29:17,19 32:20 33:3 39:21 39:23 48:9 49:13 53:19 60:22 63:21 66:11 68:8 72:18 behalf 1:16 2:2,10 behind 16:13 being 3:3 17:23 19:6 27:2 believes 68:16 besides 13:16 16:21 23:17 best 20:16 better 27:23 48:21 49:2,16,22 51:5 54:19 between 17:16 27:22 56:3 57:20 beyond 34:9 billing 8:6 bit 40:23 41:14 blood 8:24 10:17 27:7 28:11 33:4,8 34:13 36:6 38:19 58:20 59:2 body 26:6 35:11 born 62:3 bottom 44:21 break 7:6,8,9 breath 26:7 63:5 64:13 brief 34:9 bring 10:15 33:3 59:11 60:21,24 61:21 bronchitis 42:24 46:18 brother 23:19 brothers 22:2 23:20 29:23 brought 61:22 building 2:13 15:4 busier 60:4</p>	<p>C 65:17 call 3:15 9:4,25 10:21 11:1,3,5,12 22:22 43:2,4,6 48:5,9 51:6 52:13 52:14 54:3,5,22 55:8,14 67:25 called 1:16 3:1 21:5 28:17,18 43:23,25 44:19 46:23,24 47:1 66:13 calls 13:8 43:24 56:2 came 8:9 21:12 24:1 28:3,14 31:17,24 32:7,11 39:20 44:1,1,6,6 53:19 56:3,11 59:16 66:21 cancer 67:1,3,12,15 68:2,5,13,17,20 68:25 capacity 17:6 29:9 card 53:6 Care 1:22 28:1,19 28:22 29:2 career 18:17 19:4 19:16 carry 45:15 case 1:7 7:14 11:5 21:25 22:24 23:2 30:9,10 CAT 65:20 cause 73:10 caused 20:25 causing 70:11 certain 51:16 certainly 7:8 CERTIFICATE 73:1 certification 4:20 5:2 certified 3:4 4:23 5:1 certify 73:9,13 cetera 10:25 chance 20:8 change 3:13 18:18 27:24 29:4 72:5 changed 12:1,4 Chapter 13:23 chart 10:21 11:9,10 20:18 22:21,22</p>

27:1 29:25 34:21 34:22 38:12 40:12 40:20 41:3 43:10 43:13 44:8,18,22 45:1,12,18,19 53:21 56:6,7 60:11,15,20 64:4 64:11 70:2,7 <b>charts</b> 22:20 45:14 45:15 <b>check</b> 26:4 28:11 33:8 45:3 51:22 58:24 59:2 <b>checked</b> 38:3 42:8 48:8 <b>checks</b> 45:7 <b>chemistry</b> 5:11 <b>chest</b> 24:4 26:7 33:11,19,21,23 38:2 41:22 42:12 42:16 43:3 44:5,6 44:6,7,10,11,19 46:14,25 50:19 53:10,13 64:13 65:21 <b>chief</b> 10:18 33:7 59:10 <b>Cholesterol</b> 55:21 <b>chooses</b> 44:15 <b>circumstance</b> 20:25 41:3 <b>circumstances</b> 30:10 41:7 <b>Civil</b> 3:3 73:17 <b>Clague</b> 1:22 <b>classes</b> 5:6 13:15,17 13:21 <b>Claudia</b> 1:12,15 3:1 3:6,9,11,15 72:17 73:9 <b>clear</b> 52:6 <b>clearing</b> 53:15 <b>Cleveland</b> 1:22 2:7 2:14 3:18 13:23 14:4 73:18 <b>clinical</b> 5:7 16:13 16:24 17:12,13,15 17:18 54:4,6 <b>closeness</b> 67:9 <b>coded</b> 45:17 <b>color</b> 26:6 <b>come</b> 7:18 22:18 24:6 29:5 31:19 37:9,11 39:5,9,14	44:3 52:15 57:13 57:17 58:17 59:24 61:3 <b>comes</b> 11:12 16:14 22:20 26:2 28:10 30:16 32:9 <b>comfortable</b> 41:19 41:19 <b>coming</b> 12:13 19:11 24:14,19 28:5 36:8 46:2 56:2 <b>commencing</b> 1:23 <b>commission</b> 72:23 73:24 <b>commissioned</b> 73:8 <b>common</b> 1:1 6:14 <b>company</b> 42:4,14 <b>competing</b> 63:8 <b>complaining</b> 24:4 <b>complaint</b> 10:18 30:11,15,19,22 33:7 70:4 <b>complaints</b> 9:5 59:11,13 61:11 <b>completed</b> 34:18 35:4 73:14 <b>compliant</b> 24:25 <b>complications</b> 70:1 <b>concern</b> 39:15 <b>concerning</b> 22:24 24:11 25:6 70:22 <b>conclude</b> 48:3 <b>concluded</b> 71:9 <b>Conforto</b> 3:11 <b>congestion</b> 26:6 28:6 38:2 <b>conscientious</b> 41:16 <b>conscious</b> 39:11 <b>consider</b> 19:12 <b>consisted</b> 8:21 <b>contact</b> 32:14 <b>contacting</b> 31:2 <b>contained</b> 11:21 <b>continue</b> 18:23 <b>continued</b> 29:8 <b>contract</b> 73:17 <b>conversation</b> 32:2 47:8 51:8 65:9,13 <b>conversations</b> 64:23 69:15 <b>cooperative</b> 6:4 <b>copied</b> 35:10 <b>copy</b> 43:12 54:14 54:19	<b>corner</b> 26:16 32:20 37:21 45:9 <b>correct</b> 5:16 8:3 11:19,24 18:5,11 18:14 20:7,10,11 20:24 21:16 23:3 24:10 26:14,15 27:3,6,9,10 28:22 29:6 31:4 32:12 33:13 34:5,7,15 34:17 35:1,2 36:13 37:3,6,7,12 37:13,23 38:8,21 38:22 41:24 45:2 48:7,11 49:4,23 49:24 50:3 52:2,8 52:22 54:23 55:23 56:15,17 57:6,7 57:10,11,14 58:20 58:21,23,25 59:3 59:4,25 60:1,12 60:13,16,17,23 61:1,2,5,6,12,13 61:16,17 62:15,25 64:4,11 70:7,8,12 71:4 73:12 <b>corrections</b> 72:4 <b>correctly</b> 60:15 <b>cough</b> 38:1 50:21 50:25 51:20 <b>coughing</b> 26:3,5 <b>counsel</b> 1:16,21 58:4 <b>County</b> 1:2 73:5 <b>couple</b> 5:23 29:22 <b>course</b> 39:22 53:22 59:20 <b>courses</b> 5:10,14 <b>court</b> 1:1 73:16 <b>courthouse</b> 30:22 <b>courtroom</b> 7:18 <b>covered</b> 62:5 <b>CPR</b> 13:15,16 <b>Crocker</b> 15:5 <b>custom</b> 58:1,6,10 58:13 59:5 60:8 69:18 <b>cut</b> 9:6 18:25 52:4 54:8,11 <b>Cuyahoga</b> 1:2 73:5 <b>C-O-N-F-O-R-T-O</b> 3:11	<b>D</b> 2:4,12 <b>Dan</b> 14:21 15:12 57:9 <b>DANIEL</b> 1:5 <b>date</b> 1:24 12:18 22:6,7 24:2,3 26:24 31:18 36:5 42:6 47:2 53:23 56:3,12 57:21 66:20 67:4 <b>dates</b> 22:9 <b>day</b> 1:23 16:19 17:14,16 24:15 28:12 35:6 38:9 38:20 43:11 45:16 45:22,25 48:19 49:16 50:5,14 51:17 52:8 56:14 56:19,23,25 57:2 59:18,20 61:12,22 62:14 63:12 66:22 70:2 72:19 73:19 <b>days</b> 28:7 39:17 43:5 44:7 69:23 <b>deals</b> 10:9 <b>death</b> 66:19,25 <b>deceased</b> 1:5 <b>December</b> 26:12,14 26:22 27:9 29:20 32:19 35:4 37:15 37:16 38:10,14 41:20 42:18 43:10 43:21 49:3 68:20 <b>Defendant</b> 2:10 <b>Defendants</b> 1:10 <b>defined</b> 73:17 <b>definitive</b> 46:20 <b>degree</b> 3:24 <b>deposed</b> 3:4 23:2 <b>deposition</b> 1:12,15 5:18 6:1,18 7:5 21:4,18,21 22:15 23:1,21,24 24:10 31:3 71:9 73:13 <b>depositions</b> 22:17 23:7,15,17 29:22 <b>describe</b> 56:22 <b>described</b> 11:20 24:21 <b>description</b> 11:17 11:22,25 12:4 <b>descriptions</b> 10:12 <b>designation</b> 36:15 <b>desire</b> 19:19	<b>desk</b> 11:10 44:5,9 <b>detail</b> 47:23 <b>detection</b> 68:24 <b>determine</b> 33:15 <b>Detroit</b> 15:8 <b>develop</b> 67:9 <b>diagnose</b> 26:1,10 <b>diagnosed</b> 31:19 32:3 67:14 68:1 68:13 <b>diagnosis</b> 32:6,13 32:15 46:20 67:12 67:18 68:5 <b>dialogue</b> 6:15 70:20 <b>died</b> 32:17 <b>difference</b> 27:22 57:1 <b>differences</b> 28:2 <b>different</b> 26:18 <b>difficulty</b> 64:18 65:2 70:5,11,23 71:1 <b>Diplomate</b> 1:19 <b>directed</b> 12:23 <b>direction</b> 37:15 <b>directly</b> 16:22,23 17:7 <b>discuss</b> 23:11 30:10 41:1 67:22 68:11 <b>discussed</b> 30:3,23 31:1 32:6 <b>discussion</b> 26:11 30:20 43:15 51:18 65:22 70:10 <b>doctor</b> 9:13 10:3 11:6,11 12:22 15:21 16:12,14,18 17:13 26:9 29:10 32:8 34:23,24 36:17,18,21 37:6 37:10 61:3 <b>doctors</b> 11:5 14:12 14:14,15 15:14,20 16:11 17:5,9,12 22:1,3,15,16,18 23:1 29:23 <b>doctor's</b> 11:10 46:17 49:6 60:21 60:25 <b>document</b> 26:4,8 45:18 51:22 53:15 69:24 <b>documentation</b> 43:24 46:25
--	--	---	--	---

<p><b>documented</b> 49:19  49:22 50:17 53:25  56:5 64:16 65:25  70:2</p> <p><b>documents</b> 29:25</p> <p><b>doing</b> 5:21 12:11  21:3 27:19 40:22  41:6 60:15,25  68:8</p> <p><b>done</b> 6:16,19 7:3  11:11 12:12,17  28:12 29:9 34:19  35:6 38:5 40:22  55:17</p> <p><b>door</b> 34:22 41:4</p> <p><b>down</b> 18:25 27:4  32:21 33:11,16,18  34:12 40:11 62:11  64:11</p> <p><b>downtown</b> 24:18</p> <p><b>Dr</b> 3:22 4:13 7:22  8:6,10 9:11,18  14:8,17 15:9,13  15:23 16:5,9,11  16:16,18,22,23  17:8,16 18:1 19:3  21:2,13,14,20  22:12 25:23,24  26:18 28:13 29:3  30:4,8 31:11  36:11,25 40:15  41:17,22 42:7  43:20 44:9,13  45:1,21 48:9,12  50:19 53:9 57:6  57:12,16,21 59:15  61:8 66:21 67:21  68:2,12,15</p> <p><b>drink</b> 7:9</p> <p><b>drug</b> 13:18,20</p> <p><b>due</b> 22:9 38:25</p> <p><b>duly</b> 3:3 73:8,9</p> <p><b>during</b> 6:18 34:25  48:5 49:9 52:1  59:20</p> <p><b>duties</b> 10:2,9</p> <p><b>duty</b> 60:10</p> <hr/> <p><b>E</b></p> <p><b>each</b> 17:13 64:9  69:20</p> <p><b>ear</b> 9:1 10:25</p> <p><b>early</b> 68:24</p> <p><b>easily</b> 37:11</p>	<p><b>education</b> 3:20</p> <p><b>educational</b> 14:2</p> <p><b>effort</b> 68:7</p> <p><b>eight</b> 12:12,16 13:3</p> <p><b>Eighteen</b> 59:21</p> <p><b>either</b> 10:3 18:20  19:19 25:7 56:1  73:15</p> <p><b>EKG</b> 8:25</p> <p><b>EKGs</b> 10:24</p> <p><b>elaborate</b> 25:13</p> <p><b>Electrician</b> 40:7</p> <p><b>eligible</b> 5:2 14:3</p> <p><b>eliminates</b> 6:21</p> <p><b>employee</b> 10:8  11:15,16,16 16:8</p> <p><b>end</b> 41:21 69:4</p> <p><b>ended</b> 8:9</p> <p><b>enough</b> 52:24</p> <p><b>entailed</b> 21:6</p> <p><b>entries</b> 27:11</p> <p><b>ER</b> 31:21</p> <p><b>ESQ</b> 2:4,12</p> <p><b>essentially</b> 11:21</p> <p><b>Estate</b> 1:4</p> <p><b>estimate</b> 20:16</p> <p><b>et</b> 1:9 10:25</p> <p><b>even</b> 22:4 37:9 39:6  63:20</p> <p><b>event</b> 50:24 51:19  57:19 73:15</p> <p><b>ever</b> 15:1 25:5,15  30:11 31:5 40:2  53:9,12 65:23  68:11,15,19</p> <p><b>every</b> 27:20 28:4,10  38:9</p> <p><b>everything</b> 9:16  25:13 30:16 69:6</p> <p><b>evidence</b> 68:17</p> <p><b>evidently</b> 20:3  46:23</p> <p><b>exact</b> 15:17 31:18  67:4</p> <p><b>exactly</b> 5:8 28:9</p> <p><b>exam</b> 35:1,5 40:17</p> <p><b>examination</b> 1:17  3:2,6 49:10</p> <p><b>examinations</b> 59:23</p> <p><b>example</b> 64:6 70:3</p> <p><b>Executor</b> 1:4</p> <p><b>expire</b> 68:3</p> <p><b>expires</b> 72:23 73:24</p> <p><b>Explain</b> 3:13</p>	<p><b>explaining</b> 8:18</p> <hr/> <p><b>F</b></p> <p><b>face-to-face</b> 37:5</p> <p><b>facilitating</b> 42:1</p> <p><b>fact</b> 22:9 43:10  50:18 61:15 67:8</p> <p><b>fail</b> 40:2</p> <p><b>failed</b> 50:25</p> <p><b>fails</b> 50:21 51:20</p> <p><b>fair</b> 6:12,13 11:23  16:4 19:13 39:10  48:3 52:24</p> <p><b>familiarize</b> 20:9</p> <p><b>family</b> 31:6,9 32:6  32:10,11,14 41:5  41:5 68:7</p> <p><b>far</b> 5:21 9:17 10:12  10:16,24 14:12  24:5 30:9,24 46:1  67:20</p> <p><b>faulting</b> 47:22</p> <p><b>feel</b> 7:7 41:18,19  51:5</p> <p><b>feeling</b> 33:23 34:1  48:21,22 49:2,2,3  49:15,16,18,22  59:8 60:9</p> <p><b>felt</b> 52:14,15 57:16  57:18 68:20</p> <p><b>few</b> 11:5 15:17 28:7  40:24</p> <p><b>field</b> 40:8</p> <p><b>file</b> 22:19</p> <p><b>filed</b> 30:12</p> <p><b>fill</b> 8:12</p> <p><b>filling</b> 8:13</p> <p><b>find</b> 47:24 56:7  68:8</p> <p><b>fine</b> 19:9</p> <p><b>firm</b> 73:16</p> <p><b>first</b> 3:3 6:2 9:23  13:4,6 21:8,12  28:3 30:21 31:12  73:9</p> <p><b>flag</b> 34:22 40:13</p> <p><b>float</b> 29:18</p> <p><b>flu-like</b> 28:7</p> <p><b>follow</b> 38:6,9 44:15  46:5,13 48:16  50:1,13 62:8,12  68:7</p> <p><b>following</b> 60:7 72:3</p> <p><b>follows</b> 3:5</p>	<p><b>follow-up</b> 42:19  44:14 50:16 53:6  53:14</p> <p><b>force</b> 6:3</p> <p><b>foregoing</b> 72:2  73:12</p> <p><b>forget</b> 70:17</p> <p><b>forth</b> 1:24 73:11</p> <p><b>found</b> 25:6 46:21</p> <p><b>four</b> 4:9 29:1,2 43:5  63:4</p> <p><b>freely</b> 52:14</p> <p><b>friend</b> 41:9</p> <p><b>from</b> 10:3 14:1,8  19:12 20:4 22:16  22:18 24:21,24  25:23,24,25 26:18  30:22 33:1,10  34:10 36:21 40:1  44:23,25 46:5,14  47:1,6,20 48:4,6  50:15 54:1,13  55:14 56:7 72:2</p> <p><b>front</b> 26:13 35:16  37:18</p> <p><b>full</b> 18:15 19:1</p> <p><b>fully</b> 6:23</p> <p><b>further</b> 26:9 33:14  35:3 53:18 62:16  70:10 71:6 73:13</p> <hr/> <p><b>G</b></p> <p><b>gave</b> 35:23 56:16,25  57:2</p> <p><b>Germaine</b> 3:18</p> <p><b>Gerri</b> 55:9</p> <p><b>getting</b> 6:20 8:9  34:9 69:4</p> <p><b>Gill</b> 1:4,5 14:21,23  15:12 17:23 20:6  20:18 21:8 24:13  24:13,22 25:6  26:21 30:1 31:6  35:4 36:25 37:15  38:4,10 39:4,6,8  39:21,24 40:2,10  40:21 41:10 42:1  42:5,17,23 43:8  45:20,24 46:6  49:15 50:12,22  51:4 52:12 53:4  53:10,18 57:9,21  57:24 59:14,24  61:10,18 62:17</p>	<p>63:7 64:23 65:7  65:23 66:22 67:11  67:24 68:7,16  69:8 70:22</p> <p><b>Gill's</b> 20:18 22:1  23:19 24:11 29:23  32:14 70:4,4</p> <p><b>give</b> 5:23 6:5 12:18  20:16 31:18 36:16  37:2 51:3 52:19  57:10</p> <p><b>given</b> 7:15 50:22  51:2 53:5,13 67:8  69:23 70:14</p> <p><b>gives</b> 13:20</p> <p><b>giving</b> 25:15 36:21</p> <p><b>glass</b> 7:9</p> <p><b>global</b> 69:3</p> <p><b>go</b> 4:2,12 16:1  18:20 19:1,19  24:7 25:4,12  29:12 34:23 42:1  42:3,4,13,14  48:12 52:5,9 54:9  54:14 57:3 63:18  71:3</p> <p><b>goes</b> 7:14 11:10  22:23 34:24 67:23</p> <p><b>going</b> 4:2 5:25 6:22  7:2,13,16 8:7  14:17 18:19,24  20:3 30:9 40:25  47:20 58:8,10  67:11 69:8</p> <p><b>gone</b> 8:9 44:5 62:6</p> <p><b>good</b> 7:11 19:8 48:1  50:8</p> <p><b>good-bye</b> 24:20</p> <p><b>Gordon</b> 1:18 73:8  73:22</p> <p><b>gotten</b> 19:11 48:5</p> <p><b>graduating</b> 14:8</p> <p><b>great</b> 5:21</p> <p><b>group</b> 10:4 15:15</p> <p><b>guess</b> 52:25</p> <hr/> <p><b>H</b></p> <p><b>half</b> 29:14,14</p> <p><b>hand</b> 6:8 73:18</p> <p><b>handle</b> 9:22 24:5</p> <p><b>handled</b> 9:24,25  10:5</p> <p><b>handwriting</b> 26:17  26:18,19,20 33:10</p>
--	--	--	---	--

33:12 35:19 37:22 46:4 62:24 66:3 <b>hard</b> 63:23 64:2,7 <b>having</b> 7:15 9:21 11:8 21:17 28:6 34:18 38:5 39:1 47:8 48:5 51:18 59:13,14 60:10,19 64:1,13 65:2 70:1 70:5 <b>head</b> 44:3 <b>headache</b> 28:7 <b>headaches</b> 26:6,6 28:6 <b>health</b> 39:10 50:9 <b>height</b> 10:16 <b>held</b> 13:23 <b>help</b> 8:8 10:22 16:14,16,19,20 <b>helped</b> 19:15 <b>helping</b> 15:20 <b>her</b> 8:7 31:12 49:6 49:6,8 52:4 53:20 54:4 55:3 58:2,5 58:7,9,13 61:23 61:24,24 <b>hereinafter</b> 3:4 <b>hereunto</b> 73:18 <b>high</b> 8:2,3 14:8 19:11 <b>him</b> 9:19 19:7,11,12 19:12,18 24:18,19 25:15 29:5,9,13 29:15,17,18 30:21 31:1,17,24 33:14 33:25 38:4 39:18 40:19,23 41:8,15 42:8 43:2 46:2,9 47:2,5,13 48:4 49:25 51:8,19 52:11 53:12 54:18 55:17 56:1,14,16 56:18,25 57:9,10 57:15,17 61:5,22 62:13,20 63:9,13 63:16,20 64:8,12 64:15,17 65:10,11 65:20 66:5,9,15 67:22 70:10,11 <b>hire</b> 29:7 <b>hired</b> 13:4,6 <b>history</b> 32:25 34:9 <b>HIV</b> 55:21,22 <b>hold</b> 31:13	<b>home</b> 6:16 <b>honest</b> 70:18 <b>honestly</b> 67:6 <b>honeymoon</b> 8:7 <b>hopefully</b> 7:5 18:22 69:4 <b>hospital</b> 44:24 65:20 67:19,20,23 67:23,24 <b>hospitals</b> 67:21 <b>hours</b> 5:7 <b>HOWARD</b> 2:4 <b>Howatt</b> 1:12,15 3:1 3:6,9 72:17 73:9 <b>husband</b> 40:5  <b>I</b> <b>III</b> 1:4 <b>ill</b> 17:14 50:8 <b>important</b> 7:14,17 <b>incorrect</b> 32:12 <b>independent</b> 47:7 <b>independently</b> 47:18 48:25 <b>indicate</b> 44:18 <b>indicated</b> 49:1 51:24 68:19 <b>indicates</b> 11:17 60:9 61:7 <b>indicating</b> 70:22 <b>infection</b> 42:25 46:19 <b>information</b> 13:20 27:5 48:6 <b>initial</b> 36:19 <b>initials</b> 45:1 54:4,6 54:24 <b>injection</b> 24:4 35:22,23 36:1,16 36:20,22 37:1,10 53:19 56:4,16 57:1,2,10 58:18 58:19 59:7,10,13 59:25 <b>injections</b> 8:25 36:9 <b>insofar</b> 25:7 <b>instance</b> 30:6 <b>instances</b> 15:7 <b>instruction</b> 10:2 <b>instructions</b> 5:24 50:23,24 51:1 <b>insurance</b> 42:3,13 <b>intent</b> 58:1 <b>interaction</b> 20:5	37:5 52:7 53:18 56:1,9 57:20 58:12 62:16 <b>interactions</b> 25:5 69:7 <b>interest</b> 19:6 <b>interested</b> 73:15 <b>interpretation</b> 43:12 <b>interviewed</b> 29:7 <b>involved</b> 42:10 <b>involvement</b> 20:10 <b>issue</b> 68:24  <b>J</b> <b>J</b> 1:4 <b>January</b> 45:21 48:2 49:1 50:12,14 51:8 53:4,17 54:1 54:9,10,14,22 55:6,12,24,25 68:21 <b>job</b> 8:4 10:2,9,12 11:17,22,25 12:4 60:15 61:1 <b>jogged</b> 24:17 <b>John</b> 65:19 <b>Judge</b> 1:7 <b>July</b> 62:19,20 63:11 64:24 65:8,10,24 66:1,10,17 69:9 <b>June</b> 73:24 <b>just</b> 5:4,24 6:3 8:7,8 8:13,15,17 9:22 9:23 13:7,19 14:16 18:12 20:1 20:2,17 23:25,25 24:12,14,18,20 25:25 27:18 28:14 30:5 34:3 36:8 38:15 39:7 40:23 40:24 41:1,4,8,16 45:7,17 47:6,20 47:24 49:12 50:15 57:25 58:3 59:24 62:8 63:13,19 66:12 67:1 68:3 69:3  <b>K</b> <b>keep</b> 40:2 <b>Kenalog</b> 24:3 35:22 35:23 36:1,20 37:1,10 56:4,16	56:25 57:2,10 58:18,19 59:7,12 61:9 64:9 <b>kind</b> 4:11 8:7,12,13 9:19 13:19 25:9 41:4,10 59:12 69:25 <b>knew</b> 24:13,16,16 24:17,18 39:16,17 40:22 41:14 46:6 52:13 67:14 68:1 <b>know</b> 5:25 9:16,16 9:17,19,23 12:12 12:13,17,20 14:6 15:4,6,13,16 19:9 22:7 23:6 24:5,12 28:6,10,23 30:8 31:20 40:2 41:17 41:18 43:22 45:17 46:6,21 49:17 51:15,16 52:12 54:11,17,18,18 55:17 62:2 63:14 63:20,22 67:4,6 67:10,16,25 68:3 68:4 69:24 <b>knowledge</b> 12:5 15:2 32:5 48:3 67:11 <b>known</b> 3:10 42:23 <b>knows</b> 19:5 21:17 34:23 51:4 <b>Knox</b> 55:9 <b>K-N-O-X</b> 55:9  <b>L</b> <b>L</b> 1:18 73:8,22 <b>lab</b> 55:14,14,19,20 <b>Lakewood</b> 14:24 15:7,9,12 17:22 18:9 31:21 39:5 40:17 44:24 45:13 45:15 <b>last</b> 3:14 12:1 28:14 55:3 61:24 66:15 66:16,17 <b>later</b> 44:7 <b>lawsuit</b> 22:25 30:4 31:1 <b>learn</b> 66:19 67:2 <b>least</b> 61:9 <b>leave</b> 43:4 60:22 <b>leaving</b> 52:12 <b>lectures</b> 13:10	<b>led</b> 38:13 <b>left</b> 26:25 33:19,22 33:23 40:13 43:11 51:9 52:8 53:4 54:5 55:8,13,15 63:2 <b>left-hand</b> 45:9 <b>legs</b> 64:14 <b>let</b> 5:17,23 12:20 44:25 <b>lets</b> 42:4 <b>let's</b> 49:12 52:6 <b>life</b> 41:4 <b>like</b> 4:9 10:13 13:20 14:15 18:20,25 19:1,13 24:15 27:20 38:3 41:8 43:23 54:5,7 59:24 68:4 <b>liked</b> 8:14 <b>likelihood</b> 6:22 <b>likely</b> 42:6 52:19 <b>Limited</b> 49:8 <b>limits</b> 6:21 <b>Linda</b> 31:11 <b>LINE</b> 72:5 <b>Listen</b> 54:18 <b>little</b> 40:23 41:14 <b>live</b> 3:17 <b>long</b> 5:13 7:6,7 38:5 <b>look</b> 20:8,12 21:1 25:18 35:8,12 53:20 56:6 <b>looked</b> 20:18 29:22 <b>looking</b> 19:7 25:10 26:12 29:25 42:21 43:18 50:15 <b>Looks</b> 54:4,6 <b>lot</b> 12:12,14 24:17 24:17,18 39:6 41:7 44:3 <b>LPN</b> 8:10 18:6 55:2 <b>LPNs</b> 18:7,13 <b>lung</b> 68:25 <b>lungs</b> 38:3  <b>M</b> <b>made</b> 28:15 29:3 49:13 50:17 67:12 68:6 <b>mail</b> 30:18 <b>maintained</b> 15:10 <b>majority</b> 22:10 <b>make</b> 5:24 6:6
---	--	---	--	---



10:20 11:8 23:14 28:4 43:5 44:14 51:5 52:6 makes 41:18,19 making 48:9 68:6 manager 8:5 9:10 9:14,15 10:3 mandatory 28:4,15 Mansnerus 1:8 3:22 4:13 7:22 8:6,10 9:11,18 14:8,17 15:9,13 15:23 16:5,9,11 16:16,18,22,23 17:8,16 18:1 19:3 21:2,13,14,20 22:12 25:23,24 26:18 28:13 29:3 30:4,8 31:11 36:11,25 40:15 41:17,22 42:7 43:20 44:9,13 45:1,21 48:9,12 50:19 53:9 57:6 57:12,16,21 59:15 61:8 66:21 67:21 68:2,12,15 manual 10:9 11:15 11:16,17 many 7:24 12:24 15:14 20:17 59:19 marathon 63:8,14 63:17,21,23 64:1 64:2,7,19 65:3 70:6,12,23 March 1:13 73:19 mark 33:18 45:3 64:11 marked 30:18 32:21 33:16 34:12 40:11 married 3:14 Mary 54:25 55:14 matter 39:18 may 3:15 6:9 7:7 24:3 35:12,13,14 35:15,18 36:1,5 44:25 46:17,18,19 53:19 56:4 57:3 57:23 58:3 59:1 60:2 61:7,18 62:17 63:7,11 64:9,20,24 69:9 mean 7:19 12:18	16:10 19:5 22:17 24:13 25:25 28:10 30:17 39:21 45:5 52:16 63:13 67:20 means 25:1 26:2 45:11 medical 3:21 4:10 4:15,21,23 5:9,11 8:22 11:18,25 12:6,8,10,15 13:2 13:24 14:2,4 15:18 17:19 18:2 18:2,3,12 40:8 55:1 60:20 meds 33:7 meet 21:8 meeting 31:8 meetings 13:22 members 31:6 32:7 32:11 68:8 membership 14:4 mentor 19:13 message 11:7,10 54:3,5,22 55:8,15 messages 55:25 Michelle 65:17,17 Midland 2:13 mid-July 66:7 might 6:5 16:6 19:24 20:17 21:3 mind 24:9 mine 27:12 35:10 minutes 39:19 40:24 Mishkind 2:3,4 3:7 35:14 53:22 54:15 54:20 58:5,8 70:16 71:5 misled 58:1,4 mom 31:23 moment 11:14 24:8 29:20 35:9 Monday 38:1 month 62:4 months 13:5 20:15 20:23 21:1 22:5 29:17 more 8:19 12:12,14 12:20 20:5 24:18 33:15 40:23 morning 15:25 22:11 most 16:7 52:19 move 37:14	moved 28:25 M.D 1:8  N name 3:8,11,13 31:12 32:12 55:3 61:23,24 named 73:9 necessarily 69:21 neck 33:22 63:3 need 5:2 7:6,7,10 10:22 11:3 16:1,2 16:6 42:13 55:14 57:16,18 needed 8:11 21:6 30:6 needs 16:12,15,19 22:20 42:14 negative 55:22 never 31:1 new 40:25 next 18:22 34:23 40:19 56:11 57:24 62:18 65:25 nine 3:22 7:22,23 12:22,24 nobody 16:19 none 22:8 normal 41:8 60:7 normally 34:8 69:19 Notary 1:19 72:21 73:8,22 note 25:3 26:8,13 26:25 27:13 29:19 32:19,24 34:19 35:12,15,16,18 36:11 37:18,22,24 41:20,22 42:21 46:1 47:1,6 48:11 49:5,6,7,8 50:16 52:9 53:24 55:7 55:11 57:5,25 60:11,14 61:7,10 62:23 64:3 65:18 66:2,3 70:13,16 72:3 noted 27:7,8,8 38:13 48:17 notes 23:14 66:12 nothing 56:5 71:5 73:10 notified 43:3 47:3 47:11	notify 44:11 48:13 notifying 47:13 noting 60:20 number 15:17 60:3 numbness 33:19,21 34:1 64:14 numerous 14:16 15:7 nurse 8:6 17:6 nurses 11:4 17:2,4 17:18,20,22  O oath 7:15 objection 25:3,20 48:24 49:5 52:3,9 57:25 63:18 70:13 70:16 71:2 observations 69:13 observe 24:24 obtain 3:24 5:5 obviously 14:20 60:18 61:3 occasion 32:10 occurred 52:1 58:3 October 3:14 off 9:7 26:11 29:11 36:19,22 43:15 44:2 47:20 52:4 54:8,12 65:22 offer 13:19 offered 13:11 office 2:5 6:17 8:5 8:18,23 9:10,14 9:15 10:3,19 11:1 13:10,11,12 14:23 14:25 15:2,5,6,8 15:10,13,19 16:2 16:18,23 17:1,10 17:11,20,21,23 18:8,8,10 20:9 21:4,5 24:1,6,10 24:14,19 26:2,13 27:1 29:14,16,18 29:18 30:14 31:17 31:20,25 32:2,7 33:9 36:12,17,19 36:25 39:2,3,5,5,7 39:9 40:17 41:20 42:18 43:1,11,19 43:20 45:14,16,20 46:1,3,17 51:9 52:8,12,15 53:18 56:2,4,9,11 57:6	60:5,22 61:8 65:14,15,16,25 66:7,12,13,21 67:25 68:24 73:18 offices 1:21 14:17 17:10 25:25 45:12 Oh 62:2 Ohio 1:2,20,22 2:7 2:14 3:2,19 73:3 73:8,19,23 okay 6:11,24,25 7:4 7:20 31:13 36:21 37:2,17 44:11,12 48:1 53:3 61:9 old 8:5 9:10,14,15 once 67:12 one 3:10 16:10 17:2 17:14 20:4,5 21:4 23:20 24:8 28:12 29:15,23 30:5,7 31:10,20,21 40:18 50:15 65:21 66:11 ones 11:1 one-on-one 29:13 one-to-one 15:21 only 17:9 37:10 45:14 59:7 on-site 8:17 opened 30:21 opens 30:17 opinion 58:2,5,9 68:16 opposed 18:6 order 4:10 5:1 26:9 38:4 65:21 ordered 41:23 orientation 29:12 other 5:12 6:8,15 13:21,21 14:7,17 14:18 15:14 16:4 16:11,12,13 17:2 17:4,14,18 18:8 22:14,16 23:1 24:14 29:25 30:7 31:1,23 32:10,14 34:9 37:14 40:14 50:13 55:24 59:7 64:9,25 70:21 others 59:23 otherwise 13:1 73:15 out 6:3 8:1,3 10:22 12:13 16:14,14,16 19:11 24:9,16
---	---	--	--	---

<p>34:23 38:3 40:20  41:15 42:8 46:22  47:24 51:22 56:7  59:16,17 61:9  68:8  <b>outside</b> 13:11  <b>over</b> 19:2 22:19  23:15 24:9 45:5  45:14  <b>overlap</b> 6:20  <b>own</b> 17:13 30:18  49:6 58:7  <b>o'clock</b> 1:23</p> <hr/> <p><b>P</b></p> <p><b>P</b> 1:5  <b>page</b> 35:9 72:3,5  <b>pain</b> 24:4 26:7  33:11,19,21 64:13  <b>paper</b> 12:11  <b>part</b> 18:25  <b>particular</b> 15:21  17:5 69:21  <b>party</b> 73:15  <b>passage</b> 51:24  <b>passed</b> 20:21 30:1  31:6 66:22 68:9  <b>patient</b> 9:21 10:15  11:12 17:24 20:19  20:20 22:20 24:22  24:25 25:18 26:2  26:5,10 27:1,20  28:4,8,10 31:10  33:1,3,11,18,21  34:8,14 37:9,11  38:1,2,7 39:19,20  39:23 40:16,18  43:7,24 44:4,11  44:13,16,19 47:10  48:10,13,14 51:17  55:13 56:1 57:13  57:15 58:12,17  59:6,11 60:8,9,18  61:21 63:2 66:15  66:16,18  <b>patients</b> 8:15 9:2,4  9:25 11:1,7 13:7  16:12 24:6 36:10  41:17 48:15 51:22  58:7 59:19,22  60:4 67:9,21,22  68:3,4 69:20,25  <b>patient's</b> 22:19  45:19</p>	<p><b>people</b> 47:23  <b>perfectly</b> 19:9  70:18  <b>performed</b> 43:10  <b>perhaps</b> 63:7  <b>person</b> 6:16 41:10  65:16  <b>personable</b> 24:22  <b>personal/confide...</b>  30:17  <b>phone</b> 9:2 11:2 13:8  65:9,13  <b>physically</b> 52:11  <b>physician</b> 16:1,3  <b>physicians</b> 14:19  28:20  <b>pick</b> 17:15  <b>pinching</b> 33:23  34:1  <b>place</b> 28:24 32:2  73:14  <b>Plaintiff</b> 1:6,17 2:2  <b>plan</b> 18:19,22,23  41:23 50:18  <b>planning</b> 19:16  <b>plans</b> 18:17 19:4  <b>PLEAS</b> 1:1  <b>pneumonia</b> 25:19  26:1 46:5,7,13,19  46:22 47:5 48:4  48:17 50:2 62:9  62:12  <b>point</b> 5:17 18:18  46:21  <b>position</b> 12:25  <b>positive</b> 5:5 21:11  21:19 55:5  <b>possibly</b> 8:16 25:14  <b>practice</b> 14:14,16  17:11 27:16,17,23  27:23 28:1,15  29:12 32:23 58:2  58:6,11,13 59:6  60:8 69:19  <b>practices</b> 28:25  <b>precautionary</b> 5:24  <b>prepare</b> 19:23  <b>prescribed</b> 48:13  <b>prescription</b> 42:11  <b>present</b> 32:1 34:25  36:17 49:9  <b>presents</b> 25:19  <b>pressure</b> 10:17 27:8  28:11 33:5,8</p>	<p>34:13 36:7 38:19  58:20 59:2  <b>pressures</b> 8:25  <b>presume</b> 11:16  25:22 26:25 29:4  37:4 46:9 48:8  67:10  <b>previous</b> 29:10  70:14  <b>primarily</b> 16:17  <b>Primary</b> 1:21 28:1  28:19,22 29:2  <b>prior</b> 36:21  <b>probably</b> 6:16  <b>problem</b> 50:11  <b>problems</b> 44:12  59:14,14  <b>Procedure</b> 3:3  <b>procedures</b> 13:10  <b>progress</b> 26:8 34:19  50:15  <b>protocols</b> 13:11  <b>provide</b> 25:9  <b>provided</b> 3:2 9:6,9  9:13  <b>providing</b> 61:11  <b>Public</b> 1:19 72:21  73:8,22  <b>pull</b> 44:8  <b>pulse</b> 10:17 27:8  28:11 33:5,8  34:16 36:7 38:20  58:22 59:2  <b>pulses</b> 27:19  <b>purpose</b> 35:21  <b>pursue</b> 1:20  <b>put</b> 16:12 22:19,22  26:25 27:4 34:22  34:22 40:12,13,20  41:3 44:8 45:18  <b>putting</b> 13:7 24:19  40:19 58:7  <b>p.m</b> 1:23 71:9</p> <hr/> <p><b>Q</b></p> <p><b>qualified</b> 73:9  <b>question</b> 6:7,9,10  6:19 7:17 12:23  33:14 38:12 49:13  69:3 70:15,18  <b>questions</b> 7:16 9:3  9:18 19:24 25:8  26:5 34:9 38:8  41:8,11 59:7</p>	<p>64:15  <b>quieter</b> 60:4</p> <hr/> <p><b>R</b></p> <p><b>races</b> 24:17  <b>radiograph</b> 53:14  <b>radiologist</b> 48:6  <b>radiologist's</b> 53:13  <b>radiology</b> 42:14,15  43:16 44:22 46:23  <b>rate</b> 27:13  <b>react</b> 61:4  <b>read</b> 21:20 22:25  23:6,14,21,24  24:9 29:19,21  33:20 37:24 45:5  49:6 71:7 72:2  <b>real</b> 52:6  <b>really</b> 9:15 12:10,22  28:9 29:13  <b>reason</b> 7:12 36:14  38:23 47:24 64:18  70:25  <b>reasons</b> 40:11  <b>recall</b> 15:6 21:10  28:9 31:18 40:4  41:6 42:20 44:2  45:24 46:2 47:4  49:20 53:8 60:6  61:24 63:12,25  64:21 66:20,22  69:12 70:17  <b>receive</b> 10:1  <b>received</b> 25:23  30:19 35:22,25  43:20 55:13 68:23  <b>receiving</b> 67:17  <b>receptionist</b> 11:2  <b>recheck</b> 66:4  <b>reciprocate</b> 41:11  <b>recognize</b> 14:21  26:19  <b>recollection</b> 47:8,13  49:14 68:6 70:9  <b>record</b> 3:8 26:11  36:6 38:19 43:15  57:19 64:25 65:22  <b>recorded</b> 34:6  64:24 65:4  <b>records</b> 20:9,12  40:1 65:5  <b>reduced</b> 73:11  <b>referrals</b> 9:3 42:12  <b>reflect</b> 57:19</p>	<p><b>regard</b> 69:20  <b>regarding</b> 20:2  21:4,7  <b>regimen</b> 67:16  <b>Registered</b> 1:18  <b>relates</b> 10:2 13:10  55:18  <b>relative</b> 36:6 55:16  68:12 73:15  <b>rely</b> 7:13  <b>remain</b> 7:2  <b>remember</b> 21:12  22:4 23:4,23,25  26:21 30:20,24  31:8,12,15,15,22  31:23 35:3 36:3  39:2,3,4 47:23,25  49:1,25 50:4 51:7  51:10,12,18,25  52:7,11,21 53:1,2  56:18 58:14 60:2  61:14 62:20 63:6  63:9,13,16,19,20  63:24 64:1,17,23  65:4 69:7 70:24  <b>remembered</b> 47:17  70:6,21  <b>Reminger</b> 2:11,11  <b>removal</b> 10:25  <b>removals</b> 9:1  <b>rep</b> 13:18  <b>repeat</b> 50:19 53:10  53:13  <b>report</b> 22:16 43:9  43:16,19 44:5,7,9  44:10,17,22,23  45:6 53:14  <b>Reporter</b> 1:19  <b>reporting</b> 73:16  <b>reports</b> 22:18 43:6  <b>REQUESTED</b> 72:5  <b>require</b> 42:12  <b>required</b> 32:25  36:9  <b>resolve</b> 50:21,25  51:20  <b>respect</b> 47:22  <b>respiration</b> 59:3  <b>respirations</b> 10:18  27:18 28:3,13  <b>respiratory</b> 27:13  28:16 42:25 46:19  <b>respond</b> 25:7  <b>response</b> 25:9</p>
--	--	--	--	---

responsibility 60:11 result 43:25 44:2 results 9:3 10:20 11:8,9,13 22:21 43:3,7,21 44:19 46:24 55:14,20 66:4 return 42:19,25 returned 45:20 48:2 Revco 63:8 reverse 35:9,10 review 40:1 56:7 reviewed 19:23 29:24 Rhonda 61:23 62:4 62:6,10 right 8:1 10:6,14 46:11 49:25 50:11 right-hand 26:16 32:20 37:21 RN 18:6 55:10 RNs 18:7,13 Road 1:22 15:5,8 Rob 54:15 ROBERT 2:12 ROGER 1:8 role 15:18 room 22:23 24:20 32:8 34:23,24 38:7,11 40:16,18 58:7 59:16,17 rooms 40:17 rotating 15:19 routine 38:6 routinely 42:6 Rule 73:17 Rules 3:2 run 17:15 28:8 63:14 64:7 running 16:13 63:23 64:2,8,19 65:2 70:5,12,23 Russo 1:7	saying 24:20 says 36:11 37:25 50:19 55:7,12 63:1 66:4 scan 65:20 scheduled 39:20,24 40:3 42:16,18 50:13 59:23,24 scheduling 13:8 school 4:8,14,17 5:4 8:2,3,10 12:13 14:9 18:20,24 19:1,11 Schumitch 54:25 55:15 seal 73:18 see 21:6,13 22:18 36:12 37:9,11 39:8 41:15,23 50:16 54:21 56:8 56:10 57:13,17,23 59:20 61:18 65:7 65:23 69:3 seeing 26:21 45:24 56:18 62:20 seem 25:7,8 seen 14:23,24 15:1 15:6,7,12 17:23 21:10,23 27:2 30:11 37:16 39:17 39:21,23 42:5,7 45:21 46:16 50:13 59:18 seminars 13:9,19 sent 23:8 September 7:23 12:21 serious 39:22 served 30:15,22 set 1:24 22:7,12 73:11,18 setting 22:6,8 several 12:1 63:15 shared 68:15 sheet 34:20 Shore 1:21 27:25 28:17,21 29:2 65:19 short 7:7 shortness 26:7 63:5 64:13 shot 59:12 61:10 64:10 show 33:25 44:25	46:4 showed 8:24,25 shy 25:15 side 33:19,22,23 35:9,10 63:2 sides 35:11 sign 27:5 36:22 signature 61:25 71:10 signs 25:18 32:21 32:24,25 36:10 40:12 silent 7:3 simple 38:17,18 simply 26:3,8 34:22 38:15 42:12 59:11 66:12 69:25 since 12:5 14:8 19:10 20:18,20,21 28:12,12 30:1 31:6 38:1 sister 31:16,23 32:13 sisters 31:10,17,22 sit 40:24 41:7 six 13:5 17:10 33:12 33:24 Skylight 2:5 some 5:7,11 8:16 9:22 13:18,20 16:6 18:7 19:6,15 20:2 26:17 59:22 65:2 somebody 62:5 someone 8:11 something 6:5,23 7:2 15:16,25 16:15 23:18 25:12 61:4 64:10 70:6 sometime 67:5 sometimes 13:18 39:6,13 40:15,21 41:15 47:23 son 62:3 sooner 19:2 sore 38:2 sorry 50:10 54:16 65:12 sort 15:19 19:12 69:3 Sounds 7:11 48:1 speak 9:2 specific 9:18 12:18 12:20 13:21 17:10	33:15 39:4 44:12 47:12 51:10,13 53:6 58:14 specifically 25:24 26:12,23 40:16 46:21 47:4 51:7 51:17,25 52:16 58:19 61:20 70:24 specifics 63:19,22 64:12 66:24 specified 73:14 speculate 52:25 Spell 55:3 spoke 20:1 squeeze 39:18 squeezed 39:25 SS 73:4 St 65:19 staff 16:13 17:12,13 17:15,18 18:2 54:4 65:15,16 staff's 54:6 staff-wise 16:24 stamp 26:25 standard 32:23 standpoint 14:2 stands 24:9 start 6:15 started 8:1 9:23 29:11 33:12,23 69:8 state 1:20 3:8 50:8 69:25 73:3,8,23 stated 24:2 49:18 statement 11:23 19:13 49:14 70:4 statements 20:2 states 48:12 stating 24:1 statute 1:17 stenotypy 73:11 stepped 8:8 still 15:10 63:4 stop 5:17 stopped 57:8 Street 2:6 students 12:13 studying 4:1 Subscribed 72:18 suggest 56:8 61:10 suggested 53:14 suggesting 47:15,16 Suite 2:5 summer 67:13	sure 3:16 5:8,24 6:6 10:20 11:8 31:12 38:5 43:5,14 49:19 51:5,11,21 51:23 52:4,17,18 52:20 surgical 4:2 18:21 19:6,19 surprising 70:19 suspicion 42:24 swelling 63:2 sworn 3:4 72:18 73:9 symptoms 9:20,21 11:7 24:7,11 25:16,18 28:7 38:25 39:22 48:18 52:17 60:10,19 62:7 63:25 70:1 S-C-H-U-M-I-T-... 55:4
T				
tactics 8:14				
take 5:13 7:6,8,9				
11:7 14:3 18:17				
19:10 24:21 38:7				
38:11 40:10 48:25				
56:6,21 58:20,22				
59:3,5				
taken 1:18 5:9,18				
21:18 34:13 73:14				
talk 7:9 14:20 30:6				
30:8 31:5 40:24				
49:12 66:15 67:10				
talked 19:3,18 41:4				
64:25 66:8				
talking 6:15 22:8				
63:6				
technically 12:15				
13:1				
telephone 47:8 48:5				
48:9 55:25 56:2				
tell 3:20 6:7 7:8,12				
8:21 9:12 10:11				
19:22 24:15 27:17				
27:22 30:3 35:25				
42:9,21 43:18				
48:14 52:18 54:13				
55:7,12 61:4 63:1				
63:22,24 65:1				
66:24 68:2 69:21				
telling 47:4 50:1				
51:15 63:9,13,16				

63:20 64:17 tells 46:1 48:14 60:18 temperature 10:17 28:5,8,16 38:21 38:24 58:24 59:3 temperatures 27:20 tendency 6:14 tender 63:4 terminology 5:11 terms 17:7 18:2 25:17 29:21 35:5 48:18 50:24 57:1 69:12,15,19 70:3 70:11,25 test 9:3 10:19 11:8 11:9 43:25 44:2 66:4 testify 73:10 testimony 7:13 21:23,24 22:14,25 23:12 30:25 73:11 73:12 testing 26:10 55:16 tests 55:19 Thanks 5:22 their 10:16,18 17:13 28:11 30:9 33:6,7,7,8 42:3 theoretically 37:8 thing 24:8 things 7:12 8:18 9:22,24 10:5 24:5 40:14 45:8 47:23 51:16 think 5:7 6:4 12:11 12:16 14:15 19:24 21:9 22:5 23:17 23:19 24:2 26:17 28:14 29:16 30:23 31:16 43:25 44:1 55:2,8,10 61:23 61:24 62:6,18,18 69:8 thinking 62:3 thinks 19:8 thoroughly 8:20 though 22:24 37:9 62:24 thought 54:9 three 3:23 4:5,6,6,8 4:9 5:14 14:18 15:4 17:9,12,12 17:17 20:15,23	21:1 22:5 43:5 63:3,4 throat 38:2 through 4:12 15:19 16:7 29:12 67:12 69:9 72:3 THURSDAY 1:13 time 3:10 15:15 16:19 18:15 19:1 19:1 22:10 27:15 27:18 28:10 30:1 30:4,21 33:15 36:19 46:7 51:25 52:13 56:11 57:3 57:13 61:21 63:23 64:2,7 66:17 73:14 times 16:5,10 20:17 tingling 64:14 title 13:1 today 19:25 20:3,13 20:14,23 21:4 38:16 46:10 told 7:21 19:7 21:2 21:5 29:22 30:5 36:24 38:5 44:14 48:4 49:15 63:22 63:25 64:2,6 65:1 66:22 67:8 69:6 69:12,18 top 44:2 totally 70:17 towards 12:23 Tower 2:5 trained 4:13 9:16 14:2 training 4:11 8:17 8:18,21 9:9,13 19:12 25:17,22,23 68:23 transcribed 73:11 transcript 72:2 transcription 73:12 transcripts 21:24 23:1 transfer 11:3 transferred 11:4 transition 28:23 travels 57:9 treatment 67:17 trial 7:14 Tri-C 3:23,24 4:4 5:15 true 27:2 53:7	67:13 69:23 71:1 73:12 truth 73:10,10,10 trying 22:11 Tuesday 65:19 turn 17:14 43:2 44:8,9 48:12 Twenty 15:16 Twenty-eight 7:25 Twice 20:22 two 5:5 17:2,4 18:22 22:1 23:17 28:14 29:16 31:16 31:24 39:16 40:17 44:7 45:12 type 10:1,8 40:5 50:22 59:9 typically 59:19  U ultrasound 18:21 19:8,20 under 1:17 41:23 50:18 73:16 understand 6:3,7,8 6:23 7:17 8:19 25:1 understanding 27:24 understood 6:10 unfortunately 47:20 University 28:19 unless 17:1 36:17 50:20,21 unscheduled 39:14 until 6:19 7:3 33:8 68:13 UPCP 27:25 28:19 UPPC 28:18 upper 26:16 32:20 37:21 42:24 45:9 46:18 upstairs 17:3,9 used 8:5 15:4 27:4 34:4 63:14 usually 50:17  V vacation 14:18 15:24 16:5 21:14 verbally 11:21 versa 17:16 versus 9:14 57:3	very 13:6,6 41:16 44:21 69:4 vice 17:16 viral 42:24 visit 20:4 21:5,5,7 24:10 30:7 35:21 36:3 39:2,3 42:18 50:12 52:1,7,22 53:7 58:15 61:14 63:7,11 64:20 65:24,25 66:7,8 visits 69:7,21 vital 27:4 32:21,24 32:24 36:10 40:12 vitals 10:16 Vivian 1:18 6:19 73:8,22 voicemail 55:13 vs 1:7  W W 2:6 wait 6:18 39:19 waived 71:10 walk 39:7,25 42:15 walk-in 42:14 want 5:6 6:4,18 9:6 9:20,22 10:20 24:7 29:20 31:11 37:14 47:24 49:6 51:16 52:25 53:1 53:20 56:6 69:2 wanted 9:24,24 29:5 37:8 39:17 57:14,15 wants 65:20 Warner 2:12 7:10 20:1,13 21:3,6 23:9,12 25:3,20 30:6 31:2 35:13 43:14 44:23 47:10 48:24 49:5,13 52:3,9 53:20,23 54:8,13,16,17 57:25 58:6,10 63:18 65:11 66:5 66:14 70:13 71:2 71:7 wasn't 22:12 36:9 46:20 53:5 61:11 61:15 62:13 water 7:9 wax 9:1 10:25 way 29:25 33:11	40:5 64:23 week 8:8 14:18,19 21:15 weeks 33:12,24 63:3,4 weight 10:16 27:7 28:11 33:3 36:6 well 7:18 18:10 19:16 20:21 27:16 28:25 41:12 went 3:23 4:9 40:13 61:9 were 3:10 4:1,4 8:17 15:14 17:22 18:4,12 22:7 23:4 23:8,25 25:10 27:11,12,15,16,18 27:25 28:5 30:14 31:24 32:1 34:25 39:16 40:17 45:13 45:21 48:18 49:10 62:1,7 weren't 49:9 West 1:21 27:25 28:17,21 29:1 65:19 Westlake 15:1 45:11,12,13,14,17 WHEREOF 73:18 while 8:8 18:23 22:6 whole 73:10 wide 28:15 WILLIAM 1:4 witness 1:15 3:1 54:11 66:6 73:18 WL 45:10 women 31:24 words 34:3 65:1 work 8:11 14:16 15:21,23 16:2,17 17:4 18:15,23 29:8,10,13,15,16 40:6 worked 7:22 8:14 14:7,18 16:22 19:10 22:9 24:16 29:17 31:21 working 8:1,14 12:16,22 16:8 17:7 22:10 25:25 28:13 30:14 45:22 works 16:21 17:6 worry 6:20
--	--	---	--	---

worse 48:22 49:2 49:16,18 52:18 wouldn't 14:3 60:15 would've 43:23,25 46:12 write 26:3,4 36:18 44:10 written 10:1 11:22 32:20 47:17 50:23 51:1 wrong 25:12,14,16 wrote 46:2 47:6,21 62:8,10	60:2 61:7,18 62:17 19 35:12,13,14,18 59:21,22 69:9 19th 3:14 35:15 36:1,5 62:19,21 66:17 1999 21:9,10,12 26:14,22 35:12,14 37:16 38:10,14 41:21 42:18	687-1311 2:15  7 7 54:22 7th 54:1,9,10,14 55:24 7-25 65:19 71 72:3		
X	2 2 54:5,7 2nd 2:6 20 39:19 20th 65:10 2000 24:3 54:5,7,22 57:23 59:1 62:3 62:19 63:17 64:20 66:1,17 67:5,13 68:21 69:9 2004 1:13 72:19 73:19,24 241-2600 2:8 26 14:15 26th 66:1,10 28(D) 73:17	8 8 73:24 8-1/2 12:24 16:7		
Y	3 3:30 1:23 30 38:14 41:20 42:18 30th 37:16 38:10 43:10,21 46:17 49:3 3709 3:18	9 9 26:14,22 27:9 29:20 32:19 37:15 9th 26:13 35:4 960 1:22 99 47:20 57:3 68:21 69:9		
Z	4 4:45 71:9 44109 3:19 44113 2:7 44115 2:14 457639 1:7			
Zithromax 47:1	5 5-18-2000 56:13			
0	6 6th 45:21 48:2 49:2 50:12,14 51:8 53:4,17 6-22-2000 61:20 660 2:5			
04 12:21				
1				
1 72:3 11 1:13 12th 55:6,12,25 12-30-99 46:24 1220 2:6 1400 2:13 15 39:19 17th 73:19 18 57:23 59:22 18th 24:3 58:3 59:1				