

COURT OF COMMON PLEAS  
CUYAHOGA COUNTY

DOC. 252

EDWARD N. INMAN, et al.,

Plaintiffs,

vs.

GOODYEAR TIRE & RUBBER  
COMPANY, et al.,

Defendants.

Case No. 204561  
Judge Michael Gallagher

Transcript of deposition of RALPH KOVACH, M.D.,  
Expert Witness herein, called by the Plaintiffs as upon  
cross-examination, pursuant to Agreement of Counsel,  
pursuant to the Ohio Rules of Civil Procedure, before  
Loretta Krumheuer, a Registered Professional Reporter  
and Notary Public within and for the State of Ohio on  
Friday, April 8, 1994, at the offices of Ralph Kovach,  
M.D., 9700 Garfield Boulevard, Garfield Heights, Ohio,  
commencing at 9:35 a.m. and concluding at 11:15 a.m.

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APPEARANCES:

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on behalf of the Plaintiffs;

Gallagher, Sharp, Fulton & Norman  
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on behalf of the Defendants;

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I N D E X

EXAMINATION OF RALPH KOVACH, M.D.

PAGE

BY MR. HOUSEL:

4

- - -

EXHIBITS

PAGE

Plaintiffs' Deposition Exhibit 1	15
Plaintiffs' Deposition Exhibit 2	16
Plaintiffs' Deposition Exhibit 3	19
Plaintiffs' Deposition Exhibit 4	23
Plaintiffs' Deposition Exhibit 5	24
Plaintiffs' Deposition Exhibit 6	26
Plaintiffs' Deposition Exhibit 7	28
Plaintiffs' Deposition Exhibit 8	29
Plaintiffs' Deposition Exhibit 9	32
Plaintiffs' Deposition Exhibit 10	43
Plaintiffs' Deposition Exhibit 11	44
Plaintiffs' Deposition Exhibit 12	45
Plaintiffs' Deposition Exhibit 13	46
Plaintiffs' Deposition Exhibit 14	47
Plaintiffs' Deposition Exhibit 15	48
Plaintiffs' Deposition Exhibit 16	50

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(Signature not waived.)

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PROCEEDINGS

RALPH KOVACH, M.D.,

having been first duly sworn, as hereinafter certified,  
was examined and testified as follows:

- - -

CROSS-EXAMINATION OF RALPH KOVACH, M.D.

BY MR. HOUSEL:

Q. Doctor, your Vitae that you just handed me, is  
this up to date, sir?

A. Yes, sir.

MR. HOUSEL: Okay. Can we  
somehow, to simplify things and save time, can we make  
a copy of your file and you can get it to Alan and he  
can get it to me, everything that you have in here? Is  
that okay?

THE WITNESS: Sure.

MR. HOUSEL: Is that okay with  
you?

MR. PETROV: Sure.

MR. HOUSEL: I'm going to mark  
certain things as exhibits, and we'll let you take it  
back and xerox it and send it off to me.

BY MR. HOUSEL:

Q. Are you Board certified in orthopedics, sir?

A. Yes.

1 Q. How many of these independent medical  
2 examinations do you do a year, Doctor?

3 A. I don't know. But I would do, perhaps, four a  
4 week.

5 Q. Four a week. Had you -- I had a previous  
6 deposition of yours, a lawyer who happens to me in my  
7 office took your deposition, a guy named Dave Kolick?

8 A. I don't recall it.

9 Q. He indicated that you told him that you do about  
10 a hundred a year. Would that be right?

11 A. I don't know what he indicated. I wasn't there.  
12 But my system is I do about four a week.

13 Q. Have you ever done as many as a hundred a year?

14 A. Oh, sure.

15 Q. You currently do about four a month?

16 A. Yes. No. About a week.

17 Q. About a week. Okay. Who do you do them for?

18 A. I do them for almost anyone who requests that I  
19 do an independent medical examination. I'm not  
20 retained by anyone.

21 Q. The old defense medical examinations?

22 A. I also do testamentary examinations and for my  
23 patients who have had injuries.

24 Q. Sure.

25 A. When it's required.

1 Q. But you do four a week of independent medical  
2 examinations for defense firms, insurance companies?

3 A. Primarily for that reason, yes.

4 Q. How long have you done that, sir?

5 A. I've probably done this, not to this particular  
6 volume, of course, but I've done examinations since I  
7 started practice in 1958.

8 Q. When you say "Not to this particular volume," do  
9 you now do more defense medical examinations?

10 A. Obviously, because I've been in practice longer  
11 and I'm better known than I was when I first started  
12 practice.

13 Q. And those are all examinations of people referred  
14 to you by insurance companies?

15 A. By attorneys. Some may be referred by attorneys  
16 who are representing their clients and others by  
17 someone representing insurance or otherwise.

18 Q. What do you charge for an independent medical  
19 examination?

20 A. Usually I charge \$450.

21 Q. And what does that include?

22 A. History and physical and a report.

23 Q. Okay. That's for the whole thing; examination of  
24 patients, review of the records and the report?

25 A. If the records are very extensive and take me

1 many hours to review, of course there will be an  
2 additional charge.

3 Q. \$450 is the normal, standard charge?

4 A. That's my charge, yes.

5 Q. Okay. And depositions, how often do you give  
6 depositions such as this one?

7 A. Whenever they're requested. If some parties  
8 don't agree, then, obviously, I have to testify on my  
9 opinion.

10 Q. And how often do you go to court to testify?

11 A. Well, most of the time -- perhaps, one a year, go  
12 to court. Depositions, such as this, are more  
13 frequent.

14 Q. How often do you do videotaped depositions?

15 A. Pardon me?

16 Q. How often do you do videotaped depositions?

17 A. Anywhere from one a month to sometimes one a  
18 week.

19 Q. What percentage of your annual income from the  
20 practice of medicine is comprised of work on these --

21 A. Ten percent.

22 Q. I didn't finish my question.

23 A. I know. I calculated. It's ten percent.

24 Q. Could I finish my question, sir?

25 A. It's ten percent of my income totally comprises

1        what I do in the way of independent medical  
2        examinations, which includes the testimony as needed.

3        Q.        And what is your annual income total, like last  
4        year?

5        A.        I don't think you're entitled to that.

6        Q.        Well, I think I am.

7        A.        Well, have a judge rule on that in court. If  
8        it's necessary, then you can ask me to go ahead and  
9        bring my papers in. And I shall, if he so rules.

10       Q.        How much do you make a week doing independent  
11       medical examinations? You do four a week, how much do  
12       you make a week doing that?

13       A.        I don't think I have to say that either.

14       Q.        Well, you said you do about four a week at about  
15       450 bucks each; is that right?

16       A.        Yes.

17       Q.        So we can compute that out then, I guess.

18       A.        You certainly may.

19       Q.        How many depositions, such as this, do you do a  
20       month?

21       A.        Anywhere from one to four, depending on whether  
22       people will have a settlement or not. Frequently a  
23       deposition is scheduled and it's cancelled.

24       Q.        Okay. And you charge, I understand you charge  
25       950 for those depositions; is that right?



1 A. That's right.

2 Q. And that \$950 charge is whether the deposition  
3 takes five minutes or five hours?

4 A. Yes. It's a flat rate. Has nothing to do with  
5 time.

6 Q. How do you compute that \$950 figure, Doctor?

7 A. Because --

8 MR. PETROV: Objection.

9 A. Because when I am asked to give a deposition,  
10 everything for that either half day or whole day is  
11 blocked. I can't schedule an operation, I can't go to  
12 the office, I can't answer an emergency room call. I  
13 no longer am under care or available to my patients.

14 Q. So --

15 A. That's compensation for me blocking my ability to  
16 earn a living during that particular time.

17 Q. If the deposition this morning only took an hour,  
18 what would you --

19 A. I don't know that it's going to take an hour.

20 Q. Let's assume that it did. What would you be  
21 doing for the rest of the day?

22 A. I would have had an operation starting right now,  
23 fractures that I have to take care of later because I  
24 could not operate now. A gentleman fell off a ladder,  
25 he shattered his heel bone, he shattered his wrist.

1 It's going to be about four to five hours in surgery.  
2 Which has to be delayed until we finish this. As a  
3 result, I could not schedule him until this afternoon.

4 Q. You are going to see him this afternoon?

5 A. I'm going to be doing surgery, but I would have  
6 been doing it earlier, then I would have been available  
7 for other things.

8 Q. What time is your surgery for this afternoon  
9 scheduled?

10 A. Scheduled at the earliest, possibly around 12:00  
11 or 12:30.

12 Q. Okay. If this deposition ends at 11:00, let's  
13 say.

14 A. They will not, no longer -- they no longer will  
15 allow me to start earlier, because other people have  
16 moved into the slot.

17 Q. Can you tell us why you didn't get here until  
18 9:35?

19 A. Yes. My housekeeper, whose husband committed  
20 suicide two weeks ago, said she had a break in and  
21 would not be able to come in on time. That's why I was  
22 late.

23 Q. Thank you.

24 A. Is that satisfactory? You may check with her.

25 Q. I don't have to check with her.

1 A. Do you have some problem with that?

2 Q. I accept your answer.

3 A. No. What's the big problem? How late was I,  
4 sir?

5 Q. Could you just answer my question and not get  
6 into --

7 A. If you would not antagonize, I will give you a  
8 straight answer.

9 Q. I have a right to ask you these questions. I'm  
10 not antagonizing.

11 A. That's because you're a lawyer. I don't have to  
12 answer. I'm the one under oath and you're not.

13 Q. I'm sorry that you're --

14 A. I have a daughter-in-law who is an attorney, and  
15 I have a brother-in-law, who died, who was an attorney.  
16 I understand this business.

17 Q. Do you do independent medical examinations for  
18 Gallagher, Sharp?

19 A. I'm sure I have. I don't know how many.

20 Q. Who are some of the other firms that you do them  
21 for?

22 A. I'm not retained by any firm.

23 Q. I understand. Who are some of the other firms  
24 that you do them for?

25 A. Give me someone. With a recall, I probably can

1 answer.

2 Q. You can't, as you sit here today, can't think of  
3 any other firms that you do them for?

4 A. I'm drawing a blank. Give me some names. If I  
5 can recall exams for them, I will.

6 Q. How about Marilyn Fagan Damelio?

7 A. Yes.

8 Q. How about Rhoa, Follen and Rawlin?

9 A. I believe so, yes.

10 Q. Okay. Any others you can think of?

11 A. There's a firm in Akron that I do a lot of  
12 plaintiffs work or defense work. Is there a Baker and  
13 Hostettler around?

14 Q. There's one in Cleveland.

15 A. I think them, too.

16 Q. Do you keep a separate calendar for your own  
17 independent medical examinations as opposed to your  
18 regular practice?

19 A. No.

20 Q. When someone schedules an independent medical  
21 exam with you, Doctor, where do you list such a thing?

22 A. Where do I list it?

23 Q. Yes.

24 A. The same book that I list the surgeries.

25 Q. Like a patient appointment book?

1 A. Yeah. But those, again, surgery days and that  
2 are blocked ahead of time so that that time will be  
3 available. If an examination is scheduled, that's also  
4 scheduled at that time so there is no interference.  
5 And this prevents me from doing things during that  
6 time, as I mentioned, scheduling the surgery or  
7 something.

8 Q. I think my question was pretty simple. Do have  
9 a --

10 A. Book? Yes. It's scheduled.

11 Q. Let me make something clear.

12 A. It's clear to me.

13 Q. When I finish the question, you'll answer. Don't  
14 interrupt in the beginning of the question. Let me  
15 finish it, then you can answer. If you don't  
16 understand it, tell me.

17 A. I'm sorry I'm irritating you.

18 Q. You're not irritating me. I want to take your  
19 deposition the proper way.

20 A. It sounded like I was.

21 Q. That's okay. You answer the question.

22 MR. PETROV: Then you'll let him  
23 finish the answer.

24 MR. HOUSEL: I don't have a  
25 problem with that at all.

1 MR. PETROV: Okay. Let's go.  
2 You answer the question.

3 THE WITNESS: Okay. I'll respond  
4 the same way, then.

5 BY MR. HOUSEL:

6 Q. Do you have a book where you list the scheduling  
7 of independent medical examinations?

8 A. Well, I'll have to answer that with a question.  
9 Are you saying, do I have a separate book where I list  
10 independent examinations, or do I have a book in which  
11 I list that along with everything else?

12 Q. Either way.

13 A. Okay. I list everything in the same book.

14 Q. Patient appointments with independent medical  
15 exams?

16 A. Yes.

17 Q. Okay.

18 A. Now, no. Independent examinations are not listed  
19 with patient appointments. It's listed -- every day of  
20 the week has a listing and if there are things  
21 involved, such as surgery or an examination or what.  
22 But the independent medical examination, as such, is  
23 not listed with regular patient appointments.

24 Q. All right. How much surgery do you do?

25 A. I do as much as I'm called to do. I do anywhere

1 from two to, perhaps, five a week.

2 Q. Is that like, is that all year long?

3 A. All year long. That, of course, varies with who  
4 comes in and what.

5 Q. Okay.

6 (A document was marked for identification  
7 as Plaintiffs' Deposition Exhibit 1.)

8 BY MR. HOUSEL:

9 Q. Handing you what's been marked as Plaintiffs'  
10 Deposition Exhibit 1; can you identify that?

11 A. This is a letter dated November 21, 1991, signed  
12 by me. And it's a letter that I sent to Mr. Alan  
13 Petrov regarding an examination I did on Edward Inman.

14 Q. Okay. How long did it take you to prepare that?

15 A. To do the whole thing, as far as the examination  
16 and --

17 Q. No. Just to prepare the report.

18 A. To prepare that report?

19 Q. Yes, sir.

20 A. After I did my work --

21 Q. Well, presumably afterwards.

22 A. Well, 15, 20 minutes to dictate it.

23 Q. And how long did your examination of Mr. Inman  
24 take?

25 A. I don't know. But an examination, such as I did

1 on that gentleman, probably lasted, with the history  
2 and physical, between 20 to 30 minutes.

3 Q. Okay.

4 MR. HOUSEL: Mark this, please.

5 (A document was marked for identification  
6 as Plaintiffs' Deposition Exhibit 2.)

7 BY MR. HOUSEL:

8 Q. Handing you what's been marked as Plaintiffs'  
9 Deposition Exhibit 2, Doctor, can you identify that?

10 A. This is --

11 MR. PETROV: What happened to  
12 one? Did you get it back?

13 MR. HOUSEL: It's down here.

14 A. -- to me, dated November 19, 1991, signed by  
15 Janice Michaels, assistant to Mr. Petrov.

16 Q. Well, what is it?

17 A. And the letter states that this is a letter  
18 regarding Mr. Inman whom they have scheduled for an  
19 appointment for an examination. And it states that  
20 they have enclosed various materials for me to have  
21 available. These are various doctors' reports,  
22 hospital emergency room records, things such as that.

23 Q. Okay. Did you -- would it be made at your  
24 leisure?

25 MR. PETROV: I was doing a good



1 job and I just forgot this.

2 MR. HOUSEL: Okay.

3 BY MR. HOUSEL:

4 Q. Is what's contained in this letter, Doctor, on  
5 November 19, 1991, Plaintiffs' Deposition Exhibit 2, is  
6 this all of the material that you received to review  
7 before writing your medical report on Mr. Inman?

8 A. I believe that's all in that file.

9 Q. Well, do you want to look at it again? Is that  
10 all?

11 A. Well, without looking at the others and checking  
12 each one off as I go along.

13 Q. Go ahead and do that.

14 A. I don't know, but that's probably all.

15 Q. Take your time and go ahead and do that.

16 A. If I may be allowed to finish what I started to  
17 say, I don't recall anything that I saw that was  
18 returned and is not here now.

19 Q. Well, why don't you check against the letter,  
20 Plaintiffs' Deposition Exhibit 2, what you have in your  
21 file, and if it's all there, tell me. If there's  
22 something not there, tell me what's not there. Let me  
23 know. Okay?

24 A. I believe there would be a question on whether I  
25 have the records of Southwest Orthopedics under the way

1 it's listed, because these appear to be financial  
2 records and a couple of statements saying that  
3 Mr. Inman would be unable to work for various periods  
4 of time, including one that says indefinitely. So that  
5 would be the only question. But there's a letter from  
6 the treating physician, Dr. Budd.

7 Q. Are you saying then that there's something else  
8 in the file not contained in Plaintiffs' Deposition  
9 Exhibit 2?

10 A. No. What I'm saying is, that the listing says  
11 Southwest Orthopedics, Inc. records. So they appear to  
12 be financial records but not statements. So if you say  
13 Southwest Orthopedics, perhaps that would be the way  
14 that they would list the records as meaning the  
15 financial records regarding this case.

16 Q. All right. Let me have that back then.

17 A. (Witness complies).

18 Q. And the file, too.

19 A. (Witness complies).

20 Q. Yeah. Thanks.

21 Did you call Mr. Petrov or Janice Michaels, his  
22 legal assistant, to discuss with them the fact that you  
23 didn't think you had the appropriate Southwest  
24 Orthopedics, Inc. records?

25 A. I didn't call because I didn't think, I didn't

1 have anything inappropriate. The question that I'm  
2 just asking now, did I have that. So I'm presuming  
3 when that was listed that way, this is probably how  
4 they listed, rather than having office records of the  
5 treating doctor.

6 Q. So you didn't, you didn't call them, is what  
7 you're saying?

8 A. No, I did not.

9 Q. Okay.

10 (A document was marked for identification  
11 as Plaintiffs' Deposition Exhibit 3.)

12 BY MR. HOUSEL:

13 Q. Doctor, I'm going to hand back to you what I've  
14 now marked as Deposition Exhibit Number 3. Tell me  
15 what that is, please?

16 A. This is --

17 Q. Page by page, if you would. That would be the  
18 easiest way. Thanks.

19 A. These are statements of, of the financial  
20 records, or perhaps they can be used as a bill, from  
21 Southwest Orthopedics regarding Mr. Edward Inman. And  
22 states on top, the form is to Consolidated Freightways.  
23 And it's listing date by date, starting February 17th,  
24 1989, regarding service to Mr. Inman and the amounts  
25 that were charged on those various dates.

1 Q. What's the second page?

2 A. Page 2 is a continuation with, starting  
3 September 20, 1989 through March 23, 1989.

4 Q. Okay. And the third page?

5 A. Continuation from April 16, 1990 to December 26,  
6 1990.

7 Q. And the fourth page?

8 A. Continuation from January 15, 1991 to April 24,  
9 1991.

10 Q. And the next page?

11 A. Next page is a letter dated April 26, 1991, to  
12 Mr. Joseph Kochis regarding Edward Inman, unsigned,  
13 stating Southwest Orthopedics -- stating, "Enclosed is  
14 a copy of Mr. Edward Inman's billing statement which  
15 Mr. Inman requested be sent to you."

16 Q. Those first four pages, Doctor, those, those tell  
17 you that Mr. Inman had been treated consistently since  
18 the day after his injury, February 16, 1989, up until,  
19 what is it, January of 1991, by a Dr. Charles Budd;  
20 isn't that right?

21 MR. PETROV: Objection.

22 A. Actually, it has charges through April rather  
23 than January.

24 Q. Okay. I'm sorry.

25 A. Because it's charged through April 24, '91.

1 Q. It's from the day after the accident up until  
2 April 24, '91, right, sir?

3 A. Oh, yeah.

4 Q. And the, that's really his billing statement,  
5 then, from the office, right?

6 A. Yes.

7 MR. PETROV: Objection.

8 Q. Okay. And the letter from Mr. Kochis is -- well,  
9 skip that. Go to the next page after the letter from  
10 Kochis, Doctor; what is that?

11 A. Next is on the prescription blank, signed by  
12 Dr. Budd, dated December 14, 1989, regarding  
13 Mr. Edward Inman staying off work indefinitely.

14 Q. Okay. And you don't have any -- I'm sorry. I  
15 interrupted you. Go ahead.

16 A. For clarification, that would be like a report to  
17 an employer in this case, submitted, not on stationery,  
18 but on the prescription blank, which we all do, that he  
19 could not state when he would be able to return to  
20 work. This is why I'm sure he put the word  
21 "indefinitely."

22 Q. And the next page, Doctor?

23 A. The other one in this order is the same situation  
24 except this is dated one month earlier, it's  
25 November 7th, '89. And at this time he wrote "Off work

1       until November 20, 1989."

2       Q.       Okay. And the last page, sir?

3       A.       The last one is, again, the same type of  
4       statement. But in this instance it's more of a  
5       prescription regarding Mr. Inman, dated, I believe this  
6       is, February 8, 1990. "Metatarsel bar, left shoe  
7       only." It's apparently signed by Dr. Budd.

8       Q.       What did you use Plaintiffs' Deposition Exhibit 3  
9       for? You can hold onto it, Doctor, for a minute. What  
10      did you use that for in preparation of your medical  
11      report that you sent to Mr. Petrov?

12      A.       I glanced through it.

13      Q.       Did it play any part in what you concluded in  
14      your medical report that you sent to Mr. Petrov?

15      A.       No. Because these are just listings of how often  
16      he was seen, and those are statements. That more  
17      important answer would be not how much someone charged,  
18      but what his physician thought and what he was treating  
19      him for.

20      Q.       Would it be important that from February 17,  
21      1989, on a regular basis, that Mr. Inman was treated by  
22      an orthopedic surgeon up until April 24th of 1991 for  
23      these injuries?

24                               MR. PETROV:                               Objection.

25      A.       That wouldn't really use a financial statement --

1 Q. No. I understand that.

2 A. -- for me to do that. I would use the  
3 physician's, either his office records or his, his  
4 written report, which would corroborate what he thought  
5 and what his findings were, rather than how much he  
6 charged or whether he saw him regularly. A report  
7 would mean more.

8 That would only be valuable to an attorney to  
9 prove that yes, he was seeing his doctor and he was not  
10 being seen by -- the doctor's statement is sufficient  
11 for me.

12 Q. So Plaintiffs' Deposition Exhibit 3 really didn't  
13 figure, at all, into your medical opinion on Mr. Inman?

14 A. No. No.

15 Q. Okay.

16 (A document was marked for identification  
17 as Plaintiffs' Deposition Exhibit 4.)

18 BY MR. HOUSEL:

19 Q. Dr. Kovach, I'm going to hand you Plaintiffs'  
20 Exhibit 4. Can you tell me what that is, please, sir?

21 A. This is a report that I dictated after viewing  
22 the x-rays that were taken of the foot of Mr. Inman on  
23 November 21, 1991.

24 Q. Just plain x-rays?

25 A. Yes.

1 Q. Okay. Thank you.

2 A. I did not buy an MRI.

3 Q. Okay.

4 (A document was marked for identification  
5 as Plaintiffs' Deposition Exhibit 5.)

6 BY MR. HOUSEL:

7 Q. Handing you what's been marked as Plaintiffs'  
8 Deposition Exhibit 5, can you identify that for me,  
9 please, Doctor?

10 A. This is the record that's used in my office for  
11 making charges. And this is the charge for the  
12 examination of Mr. Inman, which included the  
13 examination and the report, plus the charges for the  
14 x-rays that were taken.

15 Q. Is that the total bill, report included?

16 A. Yes.

17 Q. Can I have it back, please?

18 A. (Witness complies).

19 Q. It says on here the examination, what's PPD mean?

20 A. Permanent patient disability. It's just a code  
21 that we use to determine the individual's residual  
22 problems.

23 Q. Okay. And the fee for that, according to what  
24 I'm reading here, is 250?

25 A. That's what I charge.



1 Q. That's 250 for the 20 to 30 minute exam you  
2 conducted on Mr. Inman?

3 MR. PETROV: Objection.

4 A. Plus the report; certainly.

5 Q. Okay. And also --

6 A. I don't charge by time, as I mentioned.

7 Q. I'm sorry.

8 A. That was my charge. I don't charge by time.

9 Q. So was this one less than you normally charge for  
10 an independent medical exam and report?

11 A. This was originally a determination of an  
12 individual's ability to work, and that does not entail  
13 as long an examination, for example, if you have a  
14 other type of injury. This is an examination to  
15 determine an individual's ability to work and what the  
16 residuals were.

17 Q. Is that what Mr. Petrov, or his legal assistant,  
18 asked you to do when they asked you to see Mr. Inman?

19 A. Yes.

20 Q. Asked you to --

21 A. That's what that implies, an independent medical  
22 examination and residuals.

23 Q. What do you mean by "residuals"?

24 A. Well, someone had an injury. Did they recover or  
25 not. If they did not recover, what's going on now and

1        what do I think will be the future.

2        Q.        It doesn't say that anywhere in Plaintiffs'  
3        Exhibit 2?

4        A.        I agree with you.

5        Q.        You agree with that?

6        A.        Yeah. I agree with you.

7        Q.        Did you have a separate meeting with Mr. Petrov?

8        A.        No.

9        Q.        You did your examination and prepared the report  
10       based upon the materials sent to you on November 19,  
11       '91?

12       A.        Yes. This is an injury that this gentleman  
13       sustained while at work, and usually those -- you know,  
14       I also do an examination periodically for Bureau of  
15       Workers' Compensation, and this is what I charge them.  
16       And this is what I charged in this instance.

17                    MR. HOUSEL:                    Will you mark this.

18                    (A document was marked for identification  
19       as Plaintiffs' Deposition Exhibit 6.)

20                    BY MR. HOUSEL:

21       Q.        Can you identify that for me, please? I'm going  
22       to come over and I want you to read that into the  
23       record.

24       A.        I'll have to go to the drugstore and have them  
25       interpret it for me. I can't read my own

1       prescriptions.

2       Q.       Doctor, we understand.

3               Just, first of all, tell me what it is?

4       A.       Okay. This is my notation that I took on the  
5       date that I examined Mr. Inman, in my handwriting,  
6       dated November 21, 1991.

7       Q.       Would this then be, sir, what Mr. Inman told you?

8       A.       These are notes I jotted down as he went along  
9       and when I examined him. Notations that I made at that  
10      time.

11             And then I did some x-rays and reviewing the  
12      chart and looking at this. Then I dictate a report  
13      right after I seen him.

14      Q.       This document you have in your hand, Plaintiffs'  
15      Deposition Exhibit 6, Doctor, that's all in your  
16      handwriting, sir?

17      A.       Yes. These are notes.

18      Q.       Would you read them exactly as they are into the  
19      record, please.

20      A.       Okay. "Hurts and injured the whole foot. Cold  
21      and clammy. Fleeting pain. Like stepping on needle.  
22      Sometimes limps up to the hip. Takes pain pills, which  
23      is Vicodin. Had cortisone epidural injections, two  
24      times. No help. Saw a vascular surgeon. Was tested.  
25      Negative results." He doesn't recall, he wasn't to the

1 pain clinic. Says, "Not in pain clinic."

2 Examination part, I'm going on, is, "Left foot is  
3 dusky. Cold to touch. Pulse is okay. Subjective,  
4 general tenderness. Motion okay. Two x-rays of left  
5 foot."

6 Q. Thank you.

7 (A document was marked for identification  
8 as Plaintiffs' Deposition Exhibit 7.)

9 BY MR. HOUSEL:

10 Q. Handing you what's been marked as Plaintiffs'  
11 Deposition Exhibit 7, can you identify that for me,  
12 Doctor?

13 A. This is Southwest General Hospital emergency  
14 medical department records, dated -- I'm trying to find  
15 the date. It's not very clear, but it looks like  
16 February 18, 1989.

17 Q. Okay.

18 A. And that's regarding, let's see if his name is on  
19 here, Edward Inman. It's clear on the other sheet.

20 Q. Okay. So that's what that whole document is?

21 A. This document consists of the records of that  
22 particular day at Southwest Hospital, including report  
23 of an x-ray.

24 Q. Okay. Thank you.

25 MR. PETROV: Can I just look at

1 it? Were you going to ask him about it?

2 MR. HOUSEL: Yes.

3 MR. PETROV: If you were done  
4 with it I was going to keep it.

5 MR. HOUSEL: No.

6 BY MR. HOUSEL:

7 Q. Did you use this, this document, Plaintiffs'  
8 Deposition 7, in any way in formulating your opinion  
9 that you sent in a letter on November 21st to  
10 Mr. Petrov?

11 A. Oh, I used that to, as part of everything that I  
12 had there, yes. Yes. It shows that he had a fracture  
13 and he had an injury and he had an open wound over the  
14 foot.

15 (A document was marked for identification  
16 as Plaintiffs' Deposition Exhibit 8.)

17 BY MR. HOUSEL:

18 Q. Handing you what's been marked for identification  
19 as Plaintiffs' Deposition Exhibit 8, can you identify  
20 that, please, sir?

21 A. This is a billing to Mr. Inman from Southwest  
22 Professional Cardiology Services. And the date listed  
23 as the date of the charge is January 19, 1990.

24 Q. Okay. Well, what this is, is a bill for some  
25 studies done --

1 A. Yes.

2 Q. -- in 1990?

3 What are resting PV studies, Doctor?

4 A. I don't know. Other than the fact that probably  
5 studies were done for circulation when the individual  
6 was resting rather than after exercise.

7 Q. That's just your guesstimate, because you said  
8 you don't know?

9 A. Resting PV. And I'm assuming that they're  
10 talking about peripheral vascular, but I don't know  
11 what PV stands for because --

12 Q. Okay.

13 A. -- that's their shorthand.

14 Q. Do you recall, did you ever call anybody to find  
15 out what that meant?

16 A. No.

17 Q. Do you know what code 433.9 means?

18 A. Yeah. I looked that up. And it says studies,  
19 and I think it's coded wrong. I gave that in my report  
20 on that code. That it appeared to be checking the  
21 circulation to the brain rather than the foot. So I  
22 think it was the wrong code.

23 Q. Where did you look that up, Doctor?

24 A. I looked that up under the thing called Current  
25 Procedural Terminology.

1 Q. You have that here in your office?

2 A. No, I don't have it here. The girls have it. I  
3 don't have it here.

4 Q. It's somewhere, though, in this facility?

5 A. Yeah.

6 Q. So what you concluded was this was somehow a  
7 wrong code?

8 A. I presumed it was a wrong coding, because I'm  
9 certainly not trying to say that anyone was charging  
10 for a study to the brain when it was his foot was  
11 injured.

12 Q. Did that in any way have anything to do with your  
13 opinion?

14 A. No. It had nothing to do with it. It was just a  
15 code and, not knowing what the code, nothing was  
16 explained, other than someone put that down there.

17 Q. Okay. So it really doesn't have anything to do  
18 with this case at all, as far as you're concerned?

19 A. Oh, I'm sure he was probably referred there to  
20 see whether or not there was any interference in  
21 circulation of his lower extremity to be determined by  
22 these particular studies.

23 Q. But it really doesn't have anything to do with  
24 Mr. Inman's injury?

25 MR. PETROV: What doesn't?

1 BY MR. HOUSEL:

2 Q. Is that right?

3 A. Did I conclude that? No. I presumed that they  
4 did just put the wrong code in. I think they probably  
5 did examine his foot.

6 Q. But you don't know because you never called to  
7 find out?

8 A. No. I didn't find out.

9 Q. All right.

10 A. On that thing.

11 Q. So Plaintiffs' Deposition Exhibit 8 in no way  
12 entered into --

13 A. It's a bill.

14 Q. It's a bill.

15 A. Okay.

16 Q. It had nothing to do --

17 A. It's not a report.

18 Q. It had nothing to do with your opinion in this  
19 case?

20 A. No.

21 Q. Okay. That's what I thought you said.

22 (A document was marked for identification  
23 as Plaintiffs' Deposition Exhibit 9.)

24 BY MR. HOUSEL:

25 Q. Handing you what's been marked as Plaintiffs'



1 Deposition Exhibit 9, Doctor, can you identify that,  
2 sir?

3 A. This is a letter from Mr. -- I'm sorry. Let me  
4 see the signature first. A letter from Dr. Kenneth  
5 Krutky, K R U T K Y, to Mr. Cochran in Columbus. In  
6 re, regarding, Edward Inman.

7 Q. It's a medical report, isn't it?

8 A. Yes.

9 Q. Okay. I think you put in your report that you  
10 agree with what Dr. Krutky says in that medical report?

11 MR. PETROV: Objection.

12 BY MR. HOUSEL:

13 Q. Your report says, "I have read the letter of  
14 Dr. Krutky and I agree with his opinion, although I do  
15 not find evidence of tarsal tunnel syndrome."

16 A. Yes.

17 Q. But other than that, you agree with it?

18 A. Yes.

19 Q. All right. May I see it, please?

20 A. (Witness complies).

21 Q. Thanks.

22 Did Mr. Inman have one fracture or two on his  
23 foot?

24 A. I believe he had one fracture.

25 Q. Okay. I'm going to -- let me make it easier so

1 we don't misunderstand each other. I'll get my copy,  
2 give you back number 9, and then ask you some questions  
3 from it. Okay?

4 A. Fine.

5 MR. PETROV: I'm going to share  
6 with you, Doctor. I'll stand behind you.

7 BY MR. HOUSEL:

8 Q. Under history and nature of work injury it says  
9 x-rays. I'm about, not quite halfway down there,  
10 Doctor. "X-rays taken..." See where I am, sir?

11 A. Yes.

12 Q. "X-rays taken at the time of injury showed a  
13 fracture of the left second metatarsal bone.  
14 Subsequent x-rays taken in April of '89 showed anatomic  
15 alignment of the fracture of the mid shaft of the  
16 second metatarsal." What does that mean, Doctor?

17 A. It means that there was absolutely no  
18 displacement of the bone in the middle of the second  
19 metatarsal bone.

20 Q. Okay. And then it goes on to say, "X-rays taken  
21 later on in July of 1989 showed the fracture of the  
22 proximal third of the second metatarsal shaft had  
23 exuberant callous formation present about the fracture  
24 site." Did I read it accurately?

25 A. No.

1 Q. You read it then.

2 A. If you'll follow with me.

3 Q. Just read it.

4 A. You left out the portion where he said now "The  
5 proximal third of the second left..."

6 Q. You read it then. If I read it incorrectly, you  
7 read it.

8 MR. PETROV: What do you want  
9 him to do, read that sentence?

10 A. "X-rays taken later on in July of 1989 showed the  
11 fracture on the proximal third of the second metatarsal  
12 shaft had exuberant callous formation present about the  
13 fracture site."

14 Q. Okay. The sentence, does that indicate to you  
15 that there was more than one fracture?

16 A. No, sir.

17 Q. Okay. What does it mean, "...had exuberant  
18 callous formation present about the fracture site."

19 A. It means he's healing properly.

20 Q. What is exuberant callous formation?

21 A. Means he's got good bone healing taking place.

22 Q. Is that what it means?

23 A. That's what it means. Nothing wrong with that.  
24 That's how it should heal.

25 Q. Is there anything in the first paragraph of this

1 report that you disagree with?

2 MR. PETROV: Well, I'm going to  
3 object. You mean medically or factually, because he's  
4 not --

5 MR. HOUSEL: Medically.

6 MR. PETROV: Okay. I'm not  
7 trying to fight with you. We're doing fine.

8 MR. HOUSEL: Yeah.

9 BY MR. HOUSEL:

10 Q. Go ahead.

11 A. I wouldn't disagree. There's some semantics that  
12 I might have written differently, but it doesn't change  
13 anything or where it would make any difference.

14 Q. Okay. So you would say that, other than that,  
15 you'd agree with it?

16 A. Yeah. Sure.

17 Q. All right. How about the second page, Doctor,  
18 the conclusion. Do you agree with that paragraph  
19 medically?

20 A. In the physical examination?

21 Q. No. The examination part, sir.

22 A. Okay. I would agree with the last sentence of  
23 the conclusion; not the whole paragraph.

24 Q. What parts don't you agree with?

25 A. Let me base it this way: This was written on

1 December 13th of 1990; therefore, if this was his  
2 statement, that was his statement. If he thought he  
3 was temporarily totally disabled at that time, that was  
4 fine, because he was examining him on December 13,  
5 1990. I examined him at a later date.

6 Q. Is there anything --

7 A. I also agree that he said he's supporting the  
8 diagnosis of reflex sympathetic dystrophy. He does not  
9 make a diagnosis of a tarsal tunnel syndrome.

10 And, of course, I agree that he did state that he  
11 did have a vascular consultation. I also would agree  
12 that an EMG testing of the foot would be appropriate,  
13 and, you know, again, the type of care and pain  
14 management are in there, and I may or may not disagree  
15 with that. Here again, that was in 1990.

16 Q. Tell me if you do or you don't then.

17 A. I don't.

18 Q. You don't?

19 A. I don't.

20 Q. Okay. He said in there that there was an  
21 objective suspicion of tarsal tunnel?

22 A. There was a suspicion.

23 Q. That's what I said.

24 A. That's the same as I could be suspicious that you  
25 might try to trip me. So a suspicion is not a

1 diagnosis. Suspicion is just exactly what it says,  
2 he's suspicious.

3 Q. Yes. And I said --

4 A. Why are you turning red?

5 Q. Did I just say that? You think I'm trying to  
6 trick you?

7 A. Sure.

8 Q. Okay.

9 A. Because a suspicion is not a diagnosis, and I  
10 never will agree with someone, I'm not going to agree  
11 with suspicion. He had no finding.

12 Q. I'm just asking you if he said that, not if you  
13 agree with that.

14 A. That's why I'm expounding on the answer. That's  
15 why I didn't say yes.

16 Q. Just tell me this: Did he say in there --

17 A. He says he has a suspicion. Period.

18 Q. What does it mean, an objective suspicion? Do  
19 you have any idea what it means?

20 A. Absolutely no idea, because -- why don't you ask  
21 him?

22 Q. That's all right. I think I'm taking your  
23 deposition this morning.

24 A. Well, I don't know what he means. He's not here  
25 to tell me what he means by objective suspicion.

1 Q. Okay. When you conduct an independent medical  
2 examination --

3 A. Yes.

4 Q. -- isn't it your function to determine, as fairly  
5 and accurately as you can from the material presented  
6 to you, whether or not this particular patient has the  
7 particular problems that he's complained of?

8 A. Well, certainly.

9 Q. And if someone else indicated in a medical report  
10 something different than that, or he'd seen another  
11 doctor a lot more times than just you, would it be  
12 important for you to contact that other physician to  
13 discuss the situation with him?

14 MR. PETROV: Objection.

15 A. Absolutely not.

16 Q. Why is that?

17 A. Because I'm giving an important -- an independent  
18 opinion. I'm not his treating physician. His treating  
19 physician is nowhere near bound to release any  
20 information to me. That certainly would be way out of  
21 line doing such a thing as those.

22 Q. You have some information from the treating  
23 physician?

24 A. You know that's true. That's never done.

25 Q. Do you have some information in the file?

1 A. It's not incumbent upon me to contact the  
2 individual's treating physician.

3 Q. Do you have the material in the file from the  
4 treating physician; yes or no?

5 A. Yes. And the material --

6 Q. Okay.

7 A. -- is the same letter that you have had all the  
8 way along in which Dr. Budd gave his opinion and  
9 report. And I certainly used that to help me formulate  
10 my opinion.

11 Q. Do you have a follow-up letter from Dr. Budd; was  
12 that ever provided to you?

13 A. All I have is what is there.

14 Q. Do you have a, an opinion --

15 A. I don't have anything.

16 Q. Let me ask the question. Just answer it. Okay?

17 A. You're not letting me finish.

18 Q. Do you have --

19 A. You're not. Will you please allow me to finish  
20 the answer.

21 Q. It's not real hard. Do you have another letter;  
22 yes or no?

23 A. I will ask the judge to overrule and --

24 Q. Finish the answer, whatever it is. You don't  
25 answer questions anyhow. Say what you like.



1 A. I want to say --

2 Q. Say what you want.

3 A. You, again, interrupted me.

4 Q. Go ahead.

5 A. I said that what I had was what Dr. Budd wrote on  
6 that date. And I have not had anything subsequent to  
7 that. That's all I wanted to say.

8 Q. Did you ever ask Mr. Petrov, or anyone else in  
9 this matter, including Mr. Inman, whether there were  
10 any other medical reports in this case?

11 MR. PETROV: Objection.

12 A. No. I presumed that everything was submitted to  
13 me at that time.

14 Q. So it wouldn't be important to you to find out,  
15 before you write your medical report on Mr. Inman,  
16 whether or not some other doctors had written reports  
17 on him; is that right?

18 MR. PETROV: Objection.

19 A. It may or may not. That can't be answered with a  
20 yes or no, so, therefore --

21 Q. You mean you can't --

22 A. You presume whatever you want to say, as far as  
23 is it important. But I don't think it's incumbent upon  
24 me to pursue everything and beating it to death as far  
25 as that. I'm assuming that everything that was

1 available was submitted to me. I'm also assuming that  
2 nothing was withheld from me.

3 Q. The fact that at least three other doctors wrote  
4 medical reports concerning these injuries to Mr. Inman  
5 is of no concern to you; is that right?

6 MR. PETROV: Objection.

7 A. Are these reports that I read?

8 Q. No. These weren't reports that were read  
9 because --

10 MR. PETROV: Were they provided  
11 to me?

12 MR. HOUSEL: Please don't  
13 interrupt.

14 MR. PETROV: But you shouldn't  
15 imply that they were.

16 BY MR. HOUSEL:

17 Q. Answer my question.

18 MR. PETROV: Objection.

19 A. I'll answer your question with a question and  
20 then -- are these reports that I was supposed to have  
21 been, that I was supposed to have received?

22 Q. I don't know. They're reports --

23 A. If you don't know.

24 Q. They're reports concerning Mr. Inman and his  
25 injuries.

1 MR. PETROV: I'll object to all  
2 of these questions.

3 A. I don't know.

4 MR. PETROV: I'll object unless  
5 the report's identified.

6 BY MR. HOUSEL:

7 Q. Did you ever get a medical report from  
8 Dr. Bertin, a vascular surgeon, concerning --

9 MR. PETROV: Objection.

10 A. If it's not in there --

11 Q. Did you ever receive a second report from Charles  
12 Budd concerning Mr. Inman?

13 MR. PETROV: Objection.

14 A. I just said, that's all I have.

15 Q. Did you ever receive any other x-ray reports  
16 concerning Mr. Inman before any operation, at all?

17 MR. PETROV: Objection.

18 A. I just said, that's all I have.

19 MR. HOUSEL: Mark this, please.

20 (A document was marked for identification  
21 as Plaintiffs' Deposition Exhibit 10.)

22 BY MR. HOUSEL:

23 Q. Handing you what's been marked as Plaintiffs'  
24 Exhibit 10, can you identify that, please?

25 A. This is a letter from Dr. Budd to Mr. Joseph

1 Kochis dated April 24, 1991, regarding Mr. Edward  
2 Inman.

3 Q. Never made any attempt to call Dr. Budd about  
4 Mr. Inman; is that right?

5 MR. PETROV: Objection.

6 A. I testified to that.

7 Q. You didn't, right?

8 MR. PETROV: Objection.

9 Q. Yes or no?

10 MR. PETROV: Objection.

11 A. That's a repeat question. I already testified  
12 that I did not.

13 Q. Thank you.

14 Is there anything about this letter of April 24,  
15 1991, written by Dr. Budd that you disagree with?

16 A. No. I don't disagree with it.

17 Q. Okay.

18 (A document was marked for identification  
19 as Plaintiffs' Deposition Exhibit 11.)

20 BY MR. HOUSEL:

21 Q. Handing you what's been marked for identification  
22 purposes as Plaintiffs' Deposition Exhibit 11, can you  
23 identify that?

24 A. This is a listing of homegoing instructions  
25 furnished by Deaconess Hospital for people who have had

1 procedures called a caudal block, and Mr. Inman's name  
2 is stamped on each one of these. The dates I don't  
3 know because it's not clear enough, but there are six  
4 of these.

5 Q. You done with your answer?

6 A. Yes.

7 Q. Okay. What we have here, apparently, are six  
8 pages from Deaconess Hospital, all entitled Ambulatory  
9 Surgery Unit, homegoing instructions; is that right,  
10 sir?

11 A. Yes. All for the same procedure.

12 Q. Okay. Did you use these in any fashion in your  
13 medical opinion you --

14 A. No. All that means is that what he told me is  
15 that he had some caudal blocks, and this means that he  
16 was there and that he was given the caudal block or an  
17 epidural injection.

18 Q. Okay.

19 (A document was marked for identification  
20 as Plaintiffs' Deposition Exhibit 12.)

21 BY MR. HOUSEL:

22 Q. Handing you what's been marked as Plaintiffs'  
23 Deposition Exhibit 12, can you identify that, please,  
24 Doctor?

25 A. These are billings from J and S Anesthesia

1 Associates to Mr. Inman.

2 Q. Did you use that document in any fashion?

3 A. No. That just shows you how much the doctors  
4 were charging him.

5 Q. That wasn't, doesn't matter to you how much the  
6 other doctors charge, does it?

7 A. No.

8 Q. So you didn't use Plaintiffs' Exhibit 12, sent to  
9 you by Mr. Petrov, for any reason in formulating your  
10 opinion on Mr. Inman, right, Doctor?

11 A. No. No.

12 Q. And do you want to take it out of your file so --

13 MR. HOUSEL: We'll mark it like  
14 that.

15 (A document was marked for identification  
16 as Plaintiffs' Deposition Exhibit 13.)

17 BY MR. HOUSEL:

18 Q. I've just had marked as Plaintiffs' Exhibit 13  
19 one paper entitled new patient information. Can you  
20 identify that for me, please, sir?

21 A. Yes. This is a record on Mr. Inman from my  
22 office on charges that I made for examining and  
23 reviewing of the files.

24 Q. Okay.

25 MR. HOUSEL: Would you mark this

1 one.

2 (A document was marked for identification  
3 as Plaintiffs' Deposition Exhibit 14.)

4 BY MR. HOUSEL:

5 Q. Handing you what's been marked for identification  
6 as Plaintiffs' Deposition Exhibit 14, can you identify  
7 this, please, Doctor?

8 A. This is the same thing as number 13.

9 Q. 13. Okay.

10 A. Except that this is one that's kept in the, a  
11 different file rather than the patient's chart. And  
12 this is my billing to Mr. Petrov for the examinations  
13 and reports that were carried out.

14 MR. HOUSEL: Can you hear him  
15 okay?

16 THE NOTARY: (Nodding head).

17 BY MR. HOUSEL:

18 Q. Mr. Inman is certainly not your patient, is he,  
19 Doctor?

20 A. Absolutely not my patient.

21 Q. On this one, Plaintiffs' Exhibit 14, and also on  
22 13, it shows that on May 6th of 1993 that you billed  
23 Mr. Petrov and he paid you \$200 to review files,  
24 et cetera; is that right?

25 A. Yes.

1 Q. What was that?

2 A. That was for me to review everything that we just  
3 went through, from Exhibit 1 through Exhibit 14 that  
4 you just asked me about. And then I wrote him a letter  
5 after re-review of that material.

6 Q. Where is that letter?

7 A. I don't know. It should have been there, if it  
8 isn't there.

9 Q. Is that --

10 A. You probably didn't pick that up yet it's  
11 probably going to be 16. I wrote that on March 22,  
12 1994.

13 Q. Is that the letter you're talking about?

14 A. Yes, sir.

15 MR. HOUSEL: Would you mark  
16 this, please.

17 (A document was marked for identification  
18 as Plaintiffs' Deposition Exhibit 15.)

19 BY MR. HOUSEL:

20 Q. Doctor, I'm going to hand you what's just been  
21 marked as 15.

22 A. That is the letter I wrote to Mr. Petrov dated  
23 March 22, 1994 regarding Mr. Inman.

24 Q. If I understood your earlier answer, this letter,  
25 Number 15, came about, sir, as a result of what you did



1 on May 6th of '93, reviewing the same file that we've  
2 identified here today from 1 through 14?

3 A. No.

4 Q. Did you understand my question?

5 A. I understand your question because I see the  
6 dates now.

7 Q. You can't look to him for the answer.

8 A. I can't? No, I can't look for the answer. I  
9 don't know.

10 Q. You don't know?

11 A. I don't know. Honest to God, I don't know. I'm  
12 under oath, sir.

13 Q. I understand.

14 A. I don't know.

15 Q. You don't know what the May 6th, '93 review  
16 files, et cetera, for 200 bucks is?

17 A. No.

18 MR. PETROV: I do, but you  
19 doesn't want me to say. If you do, I will. I'm not  
20 going to volunteer it.

21 MR. HOUSEL: I'm not taking  
22 yours, I'm taking his.

23 A. I don't know.

24 Q. Thank you, sir.

25 A. It had to be something I did, otherwise, I

1 wouldn't be billing something like that.

2 Q. It's in Mr. Inman's file, though, right, this,  
3 Plaintiffs' Exhibit 14?

4 A. Oh, yeah. This is, this is in there. Yes. Oh,  
5 sure.

6 Q. Okay. He later called you, I presume, sometime  
7 in March of this year, and had you write Plaintiffs'  
8 Exhibit 15; am I right, sir?

9 A. Either a call or a letter. I don't recall which.

10 Q. Well, it seems to indicate here on this --

11 MR. HOUSEL: We'll mark this,  
12 too. We can mark that 16.

13 (A document was marked for identification  
14 as Plaintiffs' Deposition Exhibit 16.)

15 BY MR. HOUSEL:

16 Q. Did you review this file this morning before your  
17 deposition?

18 A. No.

19 Q. Did you review it at all before today?

20 A. Yeah. I reviewed it last night. You asked me  
21 did I do it this morning.

22 Q. Did you review it last night?

23 A. Yes.

24 Q. Thank you, Doctor.

25 What's Plaintiffs' Exhibit 16, sir?

1 A. 16 is a note that requests that I send a short  
2 letter to Mr. Petrov regarding other work that this  
3 individual may be able to do other than truck driving.

4 Q. What it says, though, is "Edward Inman. Dictate  
5 short letter to Attorney Alan Petrov regarding," it  
6 says R E G, colon, "Regarding other work to be done."

7 A. Yes.

8 Q. Other than that it says "done"?

9 A. That's the date that I dictated so they'll know  
10 that that was done, rather than just lying there on the  
11 pile.

12 Q. I understand. This is in your secretary's  
13 writing?

14 A. Yes.

15 Q. That's what you wrote there, 3-20?

16 A. Yes.

17 Q. And then, that 16 refers to is Deposition  
18 Exhibit 15?

19 A. Yes.

20 Q. All right, sir. Again, you've got no clue what  
21 the 5-6-93 review files, et cetera, is?

22 A. It had to be doing, something that I reviewed.

23 Q. Something relative to Inman?

24 A. I can't, -- oh, yeah. It has to be him. It  
25 wouldn't be anyone else.

1 Q. I think you said earlier you reviewed everything  
2 in the file that we did this morning?

3 A. Yeah. But I was thinking that this was in  
4 relation to this particular letter, which I did.

5 Q. You don't have some other files on Mr. Inman, do  
6 you?

7 A. No. Honest to God.

8 Q. It's the only one you have?

9 A. That's the only one I have. I don't have  
10 anything else.

11 Q. The only file you could have is the one we talked  
12 about this morning, that you could have reviewed on  
13 5-6-93, is the one we talked about this morning?

14 A. I presume that's it and nothing else, but I can't  
15 recall.

16 Q. Okay. All right.

17 A. I don't have a note, so I can't tell you. I know  
18 something was done.

19 Q. Okay. Let me hand you, if I could, please,  
20 Deposition 1, and 15. These are your two reports,  
21 right, sir?

22 A. Yes.

23 Q. I'm going to ask you a few questions about them.

24 The second report that we have there, that's,  
25 I think, what is that, 16, Doctor?

1 A. Yes.

2 MR. PETROV: No. 15.

3 A. No. 15.

4 Q. I'm sorry. How did that come about? Did you  
5 personally talk to Mr. Petrov, did he tell you what he  
6 wanted you to do in that second report?

7 A. Did he tell me what he wanted me to do? He asked  
8 me to review and give my opinion whether there was  
9 something other than truck driving that this gentleman  
10 would be able to do.

11 Q. And he didn't do that by --

12 A. Did he tell me what he wanted me to write? No,  
13 he did not.

14 Q. Okay. But he didn't do that by means of a  
15 letter, did he? He did that on the phone?

16 A. I believe that was on the phone, yes.

17 Q. Okay. When did he do that?

18 A. Probably --

19 Q. Don't guess now. If you know.

20 A. Probably within a couple of days of the letter  
21 that, that was written there. The reply which is not  
22 dated, but the date that I dictated the letter is  
23 marked on there.

24 Q. March 22, 1994?

25 A. I believe that's the line that I drew through

1       there with a date that I dictated that.

2       Q.       Mr. Petrov didn't write you a letter and ask you  
3       what he wanted you to do?

4       A.       No. He didn't tell me what he wanted me to do.

5       Q.       Did you bill Mr. Petrov for writing this second  
6       opinion letter March 22, 1994?

7       A.       Did I, what?

8       Q.       Send him a bill for that, for your time to write  
9       that?

10      A.       No, I did not.

11      Q.       Are you planning to do so?

12      A.       Yeah. Maybe I should.

13                       MR. PETROV:                       Thanks a lot.

14                       BY MR. HOUSEL:

15      Q.       Okay.

16      A.       Maybe I should.

17      Q.       Okay. If I understand --

18      A.       No. I'm not going to send him a bill for it.  
19       It's going to be a continuation of -- it's further  
20       elucidation on what my opinion is.

21      Q.       That's fine.

22                       You saw Mr. Inman once, that's for sure?

23      A.       Yes, sir.

24      Q.       You wrote your medical report on Mr. Inman,  
25       Plaintiffs' Deposition Exhibit 1, as a result of your

1 examination of Mr. Inman and your review of all the  
2 documents sent to you that we've gone over here this  
3 morning, which is 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
4 and 13, and 14, right, sir?

5 A. But my report was primarily based on my  
6 examination of this gentleman.

7 Q. Okay. But you considered the examination and all  
8 the stuff we've gone over in your file on Mr. Inman?

9 A. Surely.

10 Q. That's what led you to write your November 21,  
11 1991 report; am I right, sir.

12 A. Yes.

13 Q. And between the time you wrote your first report,  
14 November 21, 1991, and the time you wrote your second  
15 report, March 22, 1994, you did not review any other  
16 material relative to Mr. Inman; isn't that right, sir?

17 A. I can't recall. Other than that there had to be  
18 a billing on something that I did in May of '93, as you  
19 just --

20 Q. Well, if you did review some other files, Doctor,  
21 they would be --

22 A. I don't know what they were.

23 Q. Were there any --

24 A. I can't recall.

25 Q. If you did, though, they'd be in your file,

1 wouldn't they?

2 A. If I had them. Or maybe it may have been sent  
3 out, but I don't know.

4 Q. If you did review any other things relative to  
5 Mr. Inman you would have put them in the file?

6 MR. PETROV: Objection

7 A. If I had them in my possession and, it probably  
8 would have been there. Or would it be something that I  
9 had to return? I don't recall.

10 Q. Would you have reviewed some material given to  
11 you by Mr. Petrov and returned it to him?

12 A. I don't know.

13 Q. Would you do that? You wouldn't keep a copy in  
14 the file on a person?

15 A. If I had something to keep, usually I would.

16 Q. Let me ask you this question: Did you review  
17 additional material provided to you by Mr. Petrov on  
18 Mr. Inman that we don't have here this morning?

19 A. I don't think I reviewed anything different and,  
20 now, let's go to recall.

21 Q. Take your time.

22 A. If we're talking about a recall, I think this was  
23 a meeting I had with Mr. Petrov.

24 Q. When was that?

25 A. For those charges that were, I think May of '93.



1 Q. Oh, you met with him personally?

2 A. I think so.

3 Q. Where did that take place?

4 A. My office.

5 Q. What did you talk about relative to Mr. Inman?

6 A. Well, what I thought about the case and what I  
7 thought was wrong with the gentleman. And I recall  
8 telling him that my diagnosis was the same, that it, I  
9 thought he had reflex sympathetic dystrophy. I still  
10 think that's what he has.

11 Q. I see. It wasn't anything different?

12 A. The diagnosis wasn't anything different.

13 Q. So what you mean -- let me finish the question.

14 A. Here again, it's recall. That's what I'm trying  
15 to say.

16 Q. I understand.

17 A. This is what I think it was.

18 Q. I understand, Doctor.

19 Is it your testimony, sir, that when you met with  
20 him on May 6, 1993, you had some discussions with Alan,  
21 your opinion didn't change from what it was in the  
22 November 21, 1991 letter?

23 A. The opinion was that he's had the same diagnosis,  
24 reflex sympathetic dystrophy. And my opinion was that  
25 he couldn't drive a truck.

1 Q. Well, I think your opinion in the November 21,  
2 1991, letter was that he couldn't work at this time.  
3 That's what it says.

4 A. At that time I would say that he could not drive  
5 a truck, and I'm presuming that's the only thing he  
6 could do.

7 Q. Well, wait a second. Take your report and look  
8 at the second page, the next to the last paragraph,  
9 would you?

10 A. This?

11 Q. Yes. Read along with me. Does it say that, "It  
12 is also my opinion that he cannot work at this time."  
13 Isn't that what you said there?

14 A. Yes, that's what I said.

15 Q. You didn't say anything about working at  
16 something other than truck driving, did you?

17 A. That's what I said. And I was wrong. I should  
18 have elucidated and said, and been more specific. That  
19 he could not return at that time to his previous  
20 occupation. He couldn't do anything where he'd have to  
21 do any long periods of standing or walking. He  
22 couldn't, for example, climb stairs, but he could sit  
23 in a chair and do other things and not have to use his  
24 feet. Yeah, those things he could do.

25 Q. Why didn't you put that in your report of

1 November 21st?

2 A. I made a mistake. I was stupid. I should have  
3 elucidated more.

4 Q. And as a result --

5 A. I'm going to say that under oath.

6 Q. I understand.

7 A. I should have said it that way. And I didn't  
8 mean that he could never again do anything that he  
9 couldn't be paid for.

10 Q. And as a result of your meeting on May 6th, 1993,  
11 with Mr. Petrov at, in your office, you changed your  
12 opinion to something different, didn't you?

13 MR. PETROV: Objection.

14 A. No. He asked me for a subsequent report as to  
15 whether there was anything that he could do --

16 Q. And you wrote that --

17 A. -- other than nothing.

18 Q. And you wrote that subsequent report March 22nd  
19 of '94, right?

20 A. That's right.

21 Q. How come -- why from May 6th of '93 did it take  
22 you to March 22nd of '94 to write that subsequent  
23 report?

24 A. Because no one asked me to elucidate. Is there  
25 anything he could possibly do? I said yeah, this guy

1 could sit in a chair and there's a lot of things. You  
2 could sit and make phone calls, for example, ringing up  
3 a cash register.

4 Q. You don't know that when you examined him?

5 A. I was dumb then.

6 MR. PETROV: Objection.

7 A. I didn't put that down. I'll say that in the  
8 courtroom. I should have said it that way but I  
9 didn't.

10 MR. PETROV: Objection.

11 Q. Just so we clear up this subject.

12 A. Sure.

13 Q. As a result of a meeting personally in your  
14 office with Mr. Petrov on May 6th of '93, you then  
15 wrote another medical opinion report dated March 22,  
16 '94, that says that there are some kinds of work  
17 Mr. Inman can do; is that right?

18 A. No, sir.

19 Q. Why isn't that right?

20 A. Because you asked it wrong.

21 Q. Tell me how I should have asked it.

22 A. Because you said as a result of the May 6, 1993  
23 meeting. No, that was not as a result of the May 1993.  
24 That was not even discussed at that particular time.

25 And, here again, I'm going on recall now. And it

1       wasn't because of that May 1993 meeting that I wrote  
2       this subsequent. It was because I was asked, is there  
3       anything he can do now, and that was asked in March of  
4       1994, and that's the time that I wrote it.

5       Q.       What did you talk to Alan about regarding  
6       Mr. Inman in May of 1993 here in the office?

7       A.       Did I think that he had this, that he had the  
8       right treatment and all the things. Yeah, he had the  
9       right treatment, except I might have been more  
10      aggressive than was done earlier. But he had the right  
11      treatment.

12             Now, I don't know whether he had these other  
13      things, such as the EMG and all that, to rule out the  
14      tarsal tunnel syndrome which, again, most likely has  
15      nothing to do with the sympathetic dystrophy. He got  
16      the sympathetic dystrophy because he was injured and  
17      the tarsal tunnel syndrome, although it can come about  
18      from the injury, that part of the foot was not injured,  
19      so I don't think he's got a tarsal tunnel syndrome,  
20      regardless of how suspicious other doctors might be.

21      Q.       Doctor, in your report of March 22, 1994, you  
22      indicate he could not perform any driving?

23      A.       No. Not for employment. Are you expecting  
24      someone to use the foot and drive the truck?

25      Q.       Take a look at it with me, sir, your March 22,

1 '94. It says, "Mr. Inman..." Second paragraph, sir.  
2 "Mr. Inman has a diagnosis of sympathetic dystrophy."

3 MR. PETROV: Which one are you  
4 on?

5 MR. HOUSEL: March 22, 1994.

6 BY MR. HOUSEL:

7 Q. Follow along with me. "Mr. Inman as a diagnosis  
8 of sympathetic dystrophy." Did I read that accurately?  
9 Actually, you agree that that's his problem, right?

10 A. Oh, I agree. Sure.

11 Q. "Presuming that no change in his condition has  
12 occurred since my examination of November 22" -- I'm  
13 sorry -- "21, 1991, he, of course, could not perform  
14 any driving." Did I read that correctly?

15 A. Yes.

16 Q. Are you aware of any change in his condition  
17 occurring between the date of your examination and  
18 March 21st of 1991?

19 A. No, I'm not.

20 Q. Well then, since that's the case, it must  
21 logically follow that he could not perform any driving,  
22 right, sir?

23 MR. PETROV: Objection.

24 A. That was my opinion, that if he remains the same  
25 as the time that I saw him, he would not be able to

1 drive for a living.

2 Q. Well, it doesn't say that. It says any driving,  
3 doesn't it? It doesn't say drive a truck, it doesn't  
4 say drive a car. It doesn't say ride a bicycle. It  
5 says any driving, doesn't it, Doctor?

6 A. Yes.

7 Q. And your opinion in May --

8 A. He's not driving a car around --

9 Q. Your opinion --

10 A. -- is he?

11 Q. I think I'm taking your deposition.

12 Your opinion on November 21 --

13 A. You mean he's driving now?

14 Q. Your opinion on November 21st of 1991 says, "It  
15 is also my opinion that he cannot work at this time."  
16 It doesn't say working at what, though, does it?

17 A. No. And my answer was I was stupid. I should  
18 say he can't go back to his regular job at that time.

19 Q. Were you stupid in March of 1994 when you said he  
20 couldn't perform any normal driving or truck driving?

21 MR. PETROV: Objection.

22 A. No. Because I really, my report, there's a lot  
23 of things you can do sitting down, not driving, not  
24 using your feet.

25 Q. Let's get into that. In your second sentence,

1 "However, he could perform any sedentary work which  
2 would be carried out in a seated position wherein he  
3 would not have to use the extremity for rapid foot  
4 movement or use it for pressing on any controls." Did  
5 I read that accurately?

6 A. Yes, sir.

7 Q. All right, sir. What is your definition of  
8 sedentary work?

9 A. Means something where you're sitting down, not  
10 having to carry anything, not really truly physical  
11 job.

12 Q. What kind of a job would be -- I'm sorry. I  
13 interrupted you. Did you want to finish that?

14 A. Yes. You did interrupt me. For example, this  
15 lady who is doing the stenography is doing sedentary  
16 work. She's seated down, not using her feet, using her  
17 hands.

18 People sitting at a computer could do that.  
19 People sitting behind a table using a cash register.  
20 People sitting down doing bench work, where all of this  
21 is the way of assembly or inspection, seated position.  
22 He can do this. All these things that you're able to  
23 do with your hands. Or answer a telephone.

24 Q. Are you done, sir?

25 A. Make cold calls, sell stocks and bonds, whatever.



1 Q. Don't you have to be trained for those jobs,  
2 Doctor?

3 A. No. Not for all of them, no.

4 Q. You don't have to be trained for any of the ones  
5 you have listed?

6 MR. PETROV: Objection.

7 A. You don't have to be trained to be a cashier,  
8 other than somebody says this is what you charge.

9 Q. Who do you think would hire Mr. Inman with his  
10 medical problem and the medication he takes, who do you  
11 think would hire him?

12 MR. PETROV: Objection.

13 A. I don't know.

14 Q. You're not a vocational expert, are you, sir?

15 A. Absolutely not.

16 Q. You don't know anything about what training is  
17 necessary to get what kind of jobs, do you, sir?

18 A. Some I do, yes.

19 Q. Like what?

20 A. Well, for example, stocks and bonds.

21 Q. You have to have, pretty much, a college degree  
22 to do that, don't you?

23 A. Sure.

24 Q. Does Mr. Inman have a college degree?

25 A. No, he doesn't.

1 Q. Tell me what others you know about training?

2 A. How to be a cashier in a restaurant.

3 Q. What kind of training do you need for that?

4 A. 8th grade.

5 Q. You're not on your feet at all doing that?

6 A. I said seated.

7 Q. Okay.

8 A. Things on his feet I didn't say.

9 Q. All right.

10 A. See, anywhere he has to walk back and forth. He  
11 couldn't be a busboy, walking, because his foot  
12 wouldn't stand up. Anything he could do seated.

13 Q. Do you think a potential employer, somebody that  
14 Ed Inman would try to go get a job, might not hire him,  
15 and, in fact, he takes four medications every day?

16 MR. PETROV: Objection.

17 A. There are many, many people with disabilities who  
18 are given preference in the job market, provided they  
19 can do the same situation as someone who doesn't have a  
20 disability, by employers all over this Cleveland area.  
21 Our Chamber of Commerce prides itself on promoting that  
22 idea.

23 Q. Okay.

24 A. You know, I'm assuming he does have to have  
25 certain training.

1 Q. Okay.

2 A. Absolutely.

3 Q. All right. Doctor, what kind of medications does  
4 Ed take?

5 A. I don't know what he's taking now.

6 Q. He told you. It's in his report.

7 MR. PETROV: Are you asking him  
8 now? He said he doesn't know now.

9 BY MR. HOUSEL:

10 Q. How about then?

11 A. I don't remember what he said, what he's got in  
12 here.

13 Q. It's in your report, isn't it?

14 A. Let's see what he took. I think he said Vicodin.

15 Q. Okay.

16 A. I think that's the only thing I had in the  
17 report.

18 Q. What's Vicodin?

19 A. It's a very addicting narcotic.

20 Q. Didn't you ask him -- because his wife wrote up,  
21 after the examination, and she told me she wrote up  
22 what you said and what he said. Didn't you suggest  
23 that he was addicted to Vicodin?

24 A. I said be very careful because it's addicting,  
25 and, unfortunately, I've seen people who have become

1 very dependent upon this drug. And if you, at all  
2 possible, you should get off of it. It couldn't cure  
3 anything. It doesn't make you better.

4 This is one of the reasons why there were  
5 suggestions, quite strong, that he get into a pain  
6 clinic to try to avoid this type of medication.

7 Q. You're third paragraph of your November 21st,  
8 report, Doctor, states, after it says "His complaints  
9 consist of..." The second sentence says, "He stated  
10 that he takes various medications, including Vicodin,  
11 which is a mild narcotic."

12 A. Yes.

13 Q. "He also takes other drugs in an effort to  
14 control his symptomatology."

15 A. Yeah.

16 Q. Doctor, did you ask him about the other drugs he  
17 takes?

18 A. I may have. But --

19 Q. Did you write it down anywhere?

20 A. I don't think so.

21 Q. Didn't tell you he took Quinine sulfate?

22 A. Quinine I don't think will help, but that's all  
23 right.

24 Q. Did he tell you that he took it?

25 A. I don't think. It's often used for cramping.

1 Q. You didn't write down, for purposes of your  
2 evaluation of Mr. Inman, any other, besides Vicadin, of  
3 the medications he claimed he was taking; is that  
4 correct?

5 A. Yeah, I didn't write that down.

6 Q. Doctor, your opinion, sir, that you give, what  
7 is -- to what degree is your opinion? In other words,  
8 when you express an opinion as a physician, as a Board  
9 certified orthopedic surgeon, what is the standard that  
10 you express it to?

11 MR. PETROV: Objection.

12 A. My opinion is that that's my honest belief. That  
13 I take this very seriously.

14 Q. I'm sure.

15 A. And...

16 Q. Do you know the degree?

17 A. The legal terminology that you use; you're  
18 talking about probability and possibility?

19 Q. Something like that.

20 MR. PETROV: Objection.

21 A. Sure. This is more probable than possible,  
22 because possible does not leave anything out. And it's  
23 totally inadmissible and it should be. But probable  
24 is, that means it's more likely going to be this way  
25 than some other way.

1 Q. Does he have a permanent injury, do you conclude?

2 A. Yes. He has a definite permanent injury. I  
3 don't think that's going to get better.

4 Q. Okay.

5 A. It may lessen. I don't think it will get any  
6 worse than what he has, but it's permanent. I don't  
7 think it will change.

8 Q. You put on the second page of your November 21st  
9 report, and this is the third paragraph up from the  
10 bottom, Doctor, it says, "It is also somewhat  
11 disappointing in that this man has had epidural blocks  
12 which have been of no help to him." What do you mean  
13 by saying it's disappointing?

14 A. Because you would hope that this would help the  
15 individual, and he didn't get any lasting help out of  
16 it. I'm speaking as a physician about a patient,  
17 although he is not my patient. I would be disappointed  
18 that it didn't relieve his symptoms. And not just  
19 symptoms, but actually his findings, because we are  
20 actually talking about definite changes he's had.

21 Q. You've heard the definition, I'm sure, Doctor, to  
22 a reasonable degree of medical certainty?

23 A. Yes.

24 Q. What does that mean?

25 MR. PETROV: Objection.

1 A. That's going into probable and all that. It  
2 means that you're more likely going to stay a certain  
3 way than not. This is medical certainty. It's that  
4 it's reasonable to presume that, given these particular  
5 things, this is what he has and what's going to happen.

6 Q. The way I read your November 21, 1991, medical  
7 report, you give two opinions in there. Next to last  
8 paragraph on page 2, "It is also my opinion that he  
9 cannot work at this time."

10 And then the other one that you gave was an  
11 opinion is the last paragraph on page 3, "It is my  
12 opinion that at the present time he is unable to return  
13 to work." Those are both your opinions, within  
14 reasonable medical certainty, am I right, Doctor?

15 MR. PETROV: Objection.

16 A. Those are my opinions that I wrote at the time,  
17 which needed the elucidation that he could not go back  
18 to his job at that time. And I still feel, if nothing  
19 else has changed, he still cannot go back to this job  
20 that he had.

21 Q. So those, on November 21, 1991, those two  
22 opinions that you wrote in this medical report were  
23 your opinions with reasonable medical certainty; is  
24 that right, sir?

25 A. Yes.

1 Q. Thank you.

2 Mineralization of the foot, what's that mean?

3 A. That means, the term that we use for calcium  
4 content of bone. In other words, we call that the  
5 mineralization, or the calcification, or the  
6 ossification. If you have sympathetic dystrophy,  
7 frequently you will lose a lot of the calcium content  
8 and the bones will look kind of washed out and they  
9 wouldn't be quite as dense when you look at an x-ray.

10 Q. You don't know whether or not Mr. Inman had an  
11 electromyographic exam, do you, Doctor?

12 A. At the time he did not have it. I don't know if  
13 he's had it since.

14 Q. Well, your report says, there is no report to  
15 indicate that he had an electromyographic examination,  
16 so then --

17 A. And as far as I remember, he told me he didn't  
18 have it done either.

19 Q. Is that in your notes anywhere? I didn't see  
20 that when you wrote your notes.

21 A. Those are notes. Those are things that you jot  
22 down as you go along.

23 Q. You jot down what the patient tells you?

24 A. I don't write that verbatim. If I did that, I'd  
25 have to have a stenotype there for each and every



1 thing. Those are notes to help me recall.

2 Just like when I was in school, I don't write  
3 every word that a professor said. We take notes about  
4 things that we're trying to remember, highlights.

5 Q. So, based upon your report on page 2, it seems  
6 pretty clear that you don't know whether there was a  
7 report to indicate that he had a electromyographic  
8 examination?

9 MR. PETROV: Objection.

10 A. I did not have a report in the files, and he did  
11 not recall having had that.

12 Q. So you don't know?

13 A. Well, I don't know if he had any since, but up  
14 until the time I examined him he hadn't had any.

15 Q. As a guy like Mr. Inman gets worse -- I'm sorry,  
16 as he gets older, sir, and he has this permanent  
17 condition, and he continues to have, to take some form  
18 of medication to deal with it, as he gets older, will  
19 the condition get worse because you get older?

20 MR. PETROV: Objection.

21 A. Ordinarily I think it won't. It will remain the  
22 same.

23 Q. But the effects of getting older will affect it?

24 MR. PETROV: Objection.

25 A. Not because he's getting old. He has a condition

1       that's troubling him when he's not older and it  
2       shouldn't be any different as he ages.

3       Q.       Would depression be a reasonable side effect to  
4       be expected from this problem?

5                       MR. PETROV:                       Objection.

6       A.       You mean is he depressed?

7       Q.       Would you expect that he might be?

8       A.       Psychologically?

9       Q.       Yes.

10      A.       Okay. I'm not a psychiatrist. I can't testify  
11      to that.

12      Q.       All right.

13      A.       But having seen cases in the past, I think it  
14      would be reasonable to presume that he could become  
15      quite depressed.

16      Q.       Do you know, Doctor, with each medication that  
17      one takes, like Vicodin, Quinine sulfate, there's side  
18      effects to those?

19      A.       If you have a -- if you use a lot of Quinine  
20      in the beginning, the amount of Quinine that you're  
21      taking, he'll know, because, if you take a lot of it,  
22      your ears will ring.

23      Q.       There are side effects?

24      A.       That's the only side effect that you'll get, "My  
25      ears are ringing all the time." And I don't take

1 Quinine, but that's the only thing I know from that.  
2 And certainly, if he takes it in dosages as it be  
3 prescribed, he probably won't get malaria.

4 I don't know if it's really helping the cramping  
5 that he probably has it for.

6 Q. You don't know if it isn't or is, right?

7 A. No. Because that's, number one, that's -- if you  
8 use it for cramping, we don't know why it works, if  
9 it's going to work, and it doesn't help everybody.

10 Q. Okay.

11 A. But it's not a cure.

12 MR. HOUSEL: I think I gave you  
13 my copy of your second report. No, that's the copy  
14 that was in your file. I'm sorry. I have it.

15 I'm done. You know about waiver, Doctor, of  
16 signature?

17 THE WITNESS: Yeah. But I  
18 won't waive. I'd like to have a copy, and I don't want  
19 to go down to your office to read it.

20 MR. PETROV: If we order it  
21 up --

22 THE WITNESS: I think that's  
23 reasonable.

24 MR. PETROV: -- we'll make  
25 arrangements for you to read it without going down.

1 MR. HOUSEL: I want to make sure  
2 that I get a copy of your entire file, including  
3 everything marked in it as an exhibit.

4 You want to have her take it to make copies or --

5 MR. PETROV: I'd rather have the  
6 court reporter take it.

7 THE WITNESS: Do I have to  
8 surrender my files for that?

9 MR. PETROV: I don't have any  
10 problem, Doctor, if we just give them. The court  
11 reporter is an officer of the court. She's a  
12 disinterested reporter. She's not affiliated with  
13 Mr. Housel or with me.

14 Let's go off the record.

15

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- - -

17 (Thereupon, the deposition was concluded  
18 at 11:15 a.m. and signature was not waived.)

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State of Ohio            )  SS.  
County of Cuyahoga)

CERTIFICATE

I, Loretta Krumheuer, a Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the above-named witness RALPH KOVACH, M.D., was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to stenotypy in the presence of said witness, afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid, and that this deposition was taken at the time and place in the foregoing caption specified.

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

IN WITNESS WHEREOF, I have hereunto set my hand  
this 22nd day of April, 1994.

---

Loretta Krumheuer  
Notary Public

My commission expires May 9, 1995.

SIGNATURE PAGE

\_\_\_\_\_  
RALPH KOVACH, M.D.

I certify that this deposition was signed in my  
presence by RALPH KOVACH, M.D. on this \_\_\_\_\_ day of  
\_\_\_\_\_, 1994.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed my seal of office in this City  
of \_\_\_\_\_, County of \_\_\_\_\_,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Notary Public

My commission expires:

EDWARD N. INMAN, et al.,  
VS.  
GOODYEAR TIRE & RUBBER CO., et al.  
Case Number 204561 Judge Michael Gallagher  
Deposition Date Friday, April 8, 1994

I, RALPH KOVACH, M.D., wish to make the following  
changes:

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