

Last Name	Madden
First Name	Toni
Specialty	Medical Secretary
Party	Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/>
Date (format =99/99/9999)	10/10/00
Type of Document	Articles <input checked="" type="checkbox"/> Deposition <input type="checkbox"/> Affidavit <input type="checkbox"/> Other <input type="checkbox"/>
Type of Injury	Renal Hypertension
Type of Case	Medical
eDocument Name	(d/dae011501.pdf)

Submit Case



1 IN THE COURT OF COMMON PLEAS
2 OF SUMMIT COUNTY, OHIO

3
4 VICKIE MIGLORE, et al.,
5 Plaintiffs,

6 vs. Case No. 99CV030973

7 DAVID COLA, M.D., et al.,
8 Defendants.

9
10 ~ ~ ~ ~ ~

11 Deposition of TONI MADDEN, called
12 for examination under the statute, taken before
13 me, Barbara J. Watowicz, a Registered
14 Professional Reporter and Notary Public in and
15 for the State of Ohio, by agreement of counsel,
16 at the offices of Dr. Sziraky, 970 E.
17 Washington, Suite 2-C, Medina, Ohio, on
18 Tuesday, October 10, 2000 at 4:00 p.m.

19 ~ ~ ~ ~ ~
20
21
22
23
24
25

1 APPEARANCES:

2

3 On behalf of the Plaintiffs:

4 Becker & Mishkind, Co., L.P.A., by

5 HOWARD D. MISHKIND, ESQ.

6 Suite 660 Skylight Office Tower

7 1660 West 2nd Street

8 Cleveland, Ohio 44113

9 (216) 241-2600

10 On behalf of the Defendant

11 David Cola, D.O.:

12 Buckingham, Doolittle & Burroughs, by

13 MARK D. FRASURE, ESQ.

14 4518 Fulton Drive, NW

15 P.O. Box 35548

16 Canton, Ohio 44735

17 (800) 686-2825

18

19 ~ ~ ~ ~ ~

20

21

22

23

24

25

1 TONI MADDEN, of lawful age, called for
2 examination, as provided by the Ohio Rules of
3 Civil Procedure, being by me first duly sworn,
4 as hereinafter certified, deposed and said as
5 follows:

6 EXAMINATION OF TONI MADDEN

7 BY MR. MISHKIND:

8 Q. Would you state your name, please.

9 A. Toni Madden.

10 Q. Where do you live?

11 A. 142 Ohio Avenue, Wadsworth 44281.

12 Q. It's my understanding that you are
13 the daughter of Fred?

14 A. Correct.

15 Q. Okay. And Fred's last name is
16 Anderson?

17 A. Correct.

18 Q. You used to work for Dr. Cola?

19 A. Correct.

20 Q. You have just recently been
21 identified as a witness that will be called at
22 the trial which is set for next week, so I'm
23 here to ask questions as it relates to
24 potential topics that you may testify to.
25 That's the whole reason why we're having this

1 get together, okay?

2 A. Okay.

3 Q. Let me ask you first. I noticed
4 that the office that we're at is at a medical
5 building attached to Medina General Hospital,
6 is that correct?

7 A. That's correct.

8 Q. Tell me, the doctor that you work
9 for, what is his name?

10 A. Oh, no. He specifically said not
11 to get him involved in this.

12 MR. FRASURE: He just wants to know
13 who you work for. How long have you worked for
14 him.

15 Q. The only question is the name of
16 the doctor. I could not pronounce his name.

17 A. It's Sziraky. The Z is silent.

18 Q. We're not having any intention of
19 getting him involved in this. Don't worry.

20 Is there also another doctor that
21 shares office space in here?

22 A. No, he doesn't. Dr. Torok has not
23 been here for a year.

24 Q. Is that the same Dr. Torok that had
25 seen Vickie?

1 A. I would assume.

2 Q. Okay. Is that --

3 A. I think there is only just the one.

4 Q. Is that Dr. Torok an orthopedic
5 doctor?

6 A. Is he an orthopedic? I really
7 don't know what he is to be honest with you.

8 Q. Okay. Now, how long have you
9 worked in this position here?

10 A. I've been here over a year.

11 Q. Before that what were you doing?

12 A. I lived in Florida and I worked for
13 six ear, nose and throat specialists.

14 Q. Have you talked to your dad at all
15 about this case?

16 A. I haven't talked to him, no.

17 Q. Did you know that his deposition
18 had been taken?

19 A. No.

20 Q. Have you had a chance to look at
21 the chart before the deposition started today?

22 MR. FRASURE: Just now she glanced
23 at it.

24 A. I just looked at it for one or two
25 seconds.

1 Q. If I ask you questions that require
2 you to look at the chart please feel free to do
3 so, okay?

4 A. Okay.

5 Q. Have you ever had your deposition
6 taken before?

7 A. A long time ago.

8 Q. Were you working for Dr. Cola at
9 that time?

10 A. No. It had nothing to do with it.
11 It was personal.

12 Q. Just let me ask you to do a couple
13 of favors. I don't anticipate the deposition
14 is going to be long, but it will help it move
15 along if you wait until I'm done with my
16 question and I in turn will wait until you're
17 done with the answer. This way we won't
18 overlap, fair enough?

19 A. Fair.

20 Q. Okay. Tell me about your
21 educational background, please.

22 A. I graduated from high school. I
23 took some college courses. Just like speech
24 and anatomy and I don't know, just some off the
25 wall classes. I took accounting classes.

1 Business classes. The normal standard.

2 Q. Do you have any medical training
3 other than having worked in doctors' offices?

4 A. I was an intermediate -- advanced
5 intermediate EMT for ten years.

6 Q. Where was that?

7 A. Wadsworth.

8 Q. Did you provide any -- EMT is
9 emergency medical technician?

10 A. Correct.

11 Q. Did you perform in that capacity in
12 Dr. Cola's office?

13 A. No.

14 Q. What was your job at Dr. Cola's
15 office?

16 A. His front desk secretary.

17 Q. What years did you work for
18 Dr. Cola?

19 A. I don't have a clue. I really
20 don't.

21 Q. Tell me as best as you can remember
22 when you last worked for Dr. Cola.

23 A. Two years ago.

24 Q. Would that be 1998 sometime?

25 A. Let's see. 2000. '99. Yes.

1 Q. You left Dr. Cola's office for what
2 reason?

3 A. I moved to Florida.

4 Q. And you had been with Dr. Cola I
5 think you said six years?

6 A. No, a year.

7 Q. One year?

8 A. One year.

9 Q. Do you remember where you had
10 worked immediately before starting to work for
11 Dr. Cola?

12 A. No. I don't have a clue. I think
13 I was working at Arby's, but I'm not sure.

14 Q. Have you talked with Dr. Cola at
15 all about this case?

16 A. No.

17 Q. Have you had any communication with
18 anyone from his office and when I ask you about
19 communication with the office, I'm not asking
20 about any discussions that you may have had
21 with this young man seated to your left, I'm
22 just asking about any communication either in
23 writing or over the phone or in person with
24 anyone from Dr. Cola's office.

25 A. No.

1 Q. How is it that you happened to find
2 out about this case?

3 A. He called me.

4 Q. He being Mr. Frasure?

5 A. Right. Mr. Frasure.

6 Q. Is this the first time that you
7 have met Mr. Frasure?

8 A. Yes.

9 Q. Have you reviewed anything before
10 today? In other words, was anything sent to
11 you before today?

12 A. No.

13 Q. Let me ask you first. My client is
14 Vickie Migllore. Do you remember Vickie?

15 A. No. I don't remember her, no. Not
16 without, you know, seeing her.

17 Q. Okay. There is a young lady --
18 strike that.

19 I want to talk to you a little bit
20 about Dr. Cola's office. For the limited time
21 that you were there, for one year, you would
22 have worked probably through some of the
23 holidays being there for a year?

24 A. Correct.

25 Q. My understanding from Dr. Cola's

1 testimony is that he would from time to time
2 take off between Christmas and New Years. Do
3 you have any recollection one way or another as
4 to whether he took some personal time off? I
5 guess that would have been the --

6 MR. FRASURE: 1997.

7 Q. -- the December 1997 time period
8 that you were working there?.

9 A. I don't remember. I don't
10 remember. I mean he took vacations, but I
11 couldn't tell you without seeing his schedule
12 what he took.

13 Q. Can you tell me whether, the office
14 being a family practice or primary care office,
15 whether you observed Christmas and those
16 holidays such that on Christmas Day and New
17 Years Day, things of that nature, that the
18 office would typically be closed?

19 A. Would we be closed on the major
20 holidays you mean?

21 Q. Yes.

22 A. Yes.

23 Q. Fourth of July I presume the office
24 was closed?

25 A. I think we were closed the Fourth

1 of July.

2 Q. Okay. I'm trying to think what
3 other major holidays there are.

4 MR. FRASURE: Labor Day.

5 Q. Labor Day?

6 A. You know, I don't know what
7 holidays he was closed to be honest with you.
8 They are different, all the offices, so I would
9 assume that he probably was, but.

10 Q. Okay. Do you ever remember working
11 on the Fourth of July or Labor Day or Christmas
12 or Thanksgiving for that matter?

13 A. No, I never worked the major
14 holidays.

15 Q. Okay. There is a young lady
16 identified in the record by the name of Jodi
17 Hug. Do you have any contact with Jodi at all?

18 A. No.

19 Q. Do you know where she lives now?

20 A. I have not a clue.

21 Q. Did you at any time participate in
22 the performance of any of the urine dipsticks
23 on patients in the office?

24 A. I don't think.

25 Q. Do you even know what type of urine

1 dipstick was used or type of meter Dr. Cola
2 used in his office?

3 A. I don't have a clue. He used -- I
4 mean, you know, what type of sticks he used,
5 there are different ones on the market. I
6 don't, I don't, you know, know which one he
7 used.

8 Q. I take it you have no knowledge as
9 to when he would send a urine specimen to the
10 lab as opposed to checking it himself in the
11 office, do you?

12 A. No, I don't. I worked the front
13 desk. I did front desk duties.

14 Q. Okay. The office though has a lab,
15 don't they?

16 A. What kind of lab?

17 Q. To do any types of tests or maybe
18 I'm wrong. Blood tests. Were there any --

19 A. I don't think any office does blood
20 work anymore. It's not profitable.

21 Q. What about standard urine
22 dipsticks?

23 A. I haven't been there in so long, I
24 don't know whether they do that or not. And I
25 mean did we used to? I don't know. I don't

1 know what they did in the back.

2 Q. You have worked in a number of
3 doctors' offices. I think you said ENT as
4 well?

5 A. Yes.

6 Q. Do you have any familiarity with
7 how quickly urine dipsticks, the results are
8 available in a doctor's office?

9 A. No.

10 Q. Okay. There is -- strike that.
11 Take a look at the record if you
12 would, please. You can open up to August of
13 1997.

14 MR. FRASURE: It's the first page,
15 front and back.

16 Q. Can you tell by looking at any of
17 the entries along the left margin, September 4,
18 September -- excuse me. September 4 --
19 September -- I did it again.

20 September 4, October 17th or
21 October 24, 1997 whether any of those entries
22 are in your handwriting?

23 A. Okay. What were they again?

24 Q. September 4, October 17th or
25 October 24, 1997.

1 A. September the 4th is my writing.

2 Q. Okay.

3 A. And September -- I mean October the
4 17th is my handwriting. Part of it.

5 Q. Okay. Now, I take it as you sit
6 here right now, you don't have a recollection
7 of making those entries, true?

8 MR. FRASURE: Fancy word for
9 memory.

10 A. No, I don't remember writing it
11 down. But it is my handwriting, so I assume I
12 did write it down.

13 Q. I have no doubt that you did do
14 that. I just want to see if you remember by
15 looking at and I can say does it cause you to
16 remember? And then you can say, oh, yeah, I
17 remember making the referral on this particular
18 patient. Does it prompt you to remember
19 anything about this patient at all?

20 A. No.

21 Q. Okay. Again, looking at the
22 September 4 entry and I have a transcription of
23 it. I don't have the actual note with me
24 today. Let me ask you first, can you tell me
25 whether this note of September 1, 1997

1 identified by J.H., is that, if you know, Jodi
2 Hug's notation?

3 A. Yes.

4 Q. Let's talk about the September 4
5 note. The dark writing is your handwriting or
6 the entire thing?

7 A. The dark writing.

8 Q. And the dark writing says, because
9 my copy is in all black and white, but the part
10 you wrote says?

11 A. Dr. L. Torok for joint pain. 9-8.
12 Needs referral.

13 Q. Okay. Can you tell me from looking
14 at that note whether Vickie or the patient,
15 let's just refer to her in the third person if
16 you will, whether the patient requested the
17 referral or whether the doctor made the
18 referral? If you can tell from that note.

19 A. I don't have a clue who requested
20 it.

21 Q. Assuming hypothetically the patient
22 had called up and in the course of the
23 conversation asked perhaps exclusively or as
24 part of the conversation I want to be referred
25 to Dr. Torok, he's a doctor that I have seen

1 before, is it likely that you would have marked
2 down Dr. L. Torok for joint pain, needs
3 referral? I mean would that -- would that
4 telephone fact pattern that I have just
5 described, would that likely lead to what you
6 wrote down?

7 A. If the patient called and said that
8 she wanted to be referred, yeah.

9 Q. Okay. Now, the other possibility
10 also is if the doctor had advised you that I'm
11 going to refer the patient to Dr. Torok, would
12 you mark down the same thing or would you mark
13 down something different if Dr. Cola said let's
14 get this patient over to Dr. Torok?

15 A. It would probably be done the same
16 way.

17 Q. Okay. So you can't tell from
18 looking at this note which way it came down,
19 true?

20 A. True.

21 Q. Now, it says September 8th. Does
22 that -- what does the September 8th mean to
23 you?

24 A. That means that she probably had an
25 appointment that day. That's when her

1 appointment was and she needed a referral.

2 Q. So am I correct thus far that
3 September 4th either Vickie called or Dr. Cola
4 indicated that the patient was being referred
5 to Dr. Torok and an appointment was set for
6 September 8th?

7 A. Correct.

8 Q. Now, when it says needs referral,
9 tell me what that note then would prompt you to
10 do. What was your responsibility at that
11 juncture?

12 A. Basically it just means that that
13 patient needs a referral. I did not really do
14 a lot of the referrals. I just filled in, you
15 know, once in a while when there was a need for
16 it. So quite apparently I didn't do that
17 referral.

18 Q. Can you tell me what the procedure
19 would be or was back in September of 1997?
20 Let's assume that the patient called on
21 September 4th and said I'm going to be seeing
22 Dr. Torok, I have an appointment on September
23 8th, I need a referral. Are you -- can you
24 tell me what the policy and procedure and the
25 practice was in Dr. Cola's office as to how

1 that mechanically would be handled?

2 A. We would take the note. It would
3 go back to whomever was doing the referrals.
4 They would fill out a three-page -- at the time
5 they were written. They were all written
6 referrals. They would fill out, I believe from
7 seeing this, it was a three-page Summa form. It
8 was a carbon copy. One copy would go to the
9 doctor that she was going to see. One copy
10 would go to Summa and one copy would be in a
11 file.

12 Q. What involvement if any would
13 Dr. Cola have in approving that referral?

14 A. You don't just refer somebody
15 without his approval. I mean it has to be done
16 by the primary care if you have an HMO. It
17 just can't be done just by anybody.

18 Q. So is it fair to say, again, even
19 though you don't remember this patient, that on
20 September 4th if in fact Vickie called, spoke
21 to you and said she was going to see Dr. Torok,
22 she had an appointment on September 8th, she
23 needed a referral, that information about the
24 request for the referral would have had to have
25 been approved by Dr. Cola before any of these

1 documents left your office?

2 A. I would assume so. But like I
3 said, I don't have anything to do with the
4 referrals, so.

5 Q. But you understood that that was
6 the normal practice in the office?

7 A. I would assume.

8 Q. Okay. And again, I'm just here to
9 find out what can you testify to and you were
10 only there for a limited period of time, but
11 that was your basic recollection and
12 understanding, true?

13 A. For the referrals?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. Now, Dr. Cola then I presume
17 as the primary care doctor could either approve
18 or decide for whatever reason that the referral
19 would not be approved. He ultimately had the
20 final say before those documents went out to
21 the referral doctor, to Summa, et cetera, true?

22 A. I would assume so, yes. But see, I
23 didn't really do the referrals, so I don't
24 really know to be honest with you.

25 Q. All right. What was the office

1 policy in terms of how promptly the referrals
2 were to be handled in terms of processing them?

3 A. How promptly they had to be done?
4 They were normally done right away just for the
5 simple fact that's the way it was done. Like I
6 said, I really don't know. I didn't do the
7 referrals. I can't tell you too much about the
8 referrals.

9 Q. Now, the next note after needs
10 referral says Summa referral done 9-8-97 and
11 faxed?

12 A. Yes.

13 Q. Is that your dad's handwriting?

14 A. Yeah, it looks like it.

15 Q. Who would the referral be faxed to?

16 A. I don't know. It doesn't say on
17 there who it was faxed to. I don't know if
18 they faxed it. I would assume it was.
19 Probably. I don't know.

20 Q. Okay. You have no recollection of
21 any conversations with Vickie prior to her
22 scheduled appointment on September 8th, 1997,
23 correct?

24 A. The appointment being with
25 Dr. Torok?

1 Q. In other words, after September 4
2 you have no recollection of having any
3 communication or any conversation with Vickie
4 from the fourth up until the time that
5 something was faxed on the 8th, do you?

6 A. No. I mean I don't remember, so.

7 Q. Okay. Now, the records would
8 suggest that Vickie's appointment did not take
9 place on September 8th. In your experience
10 having worked at the doctors' offices and
11 again, if you don't know tell me, but in your
12 experience if referrals were not forwarded to
13 the doctor that was going to see the patient,
14 were appointments cancelled by the referring
15 doctor?

16 A. It just depended on the doctor.
17 Most of them would call and say, you know, your
18 patient is here, I need a referral.

19 Q. The normal process however was to
20 take care of the referral as soon as possible
21 so that appointments wouldn't be cancelled,
22 true?

23 A. Yes.

24 Q. And so that doctors didn't have to
25 call and say I've got your patient here, the

1 referral has not arrived, fax it, true?

2 A. Yeah.

3 Q. Okay. Now, October 17th, I think
4 you said that you wrote that also?

5 A. Correct.

6 MR. FRASURE: She said part of it.

7 Q. Part of it. I didn't mean to imply
8 that you wrote the whole thing.

9 What part did you write, ma'am?

10 A. I wrote refer doctor -- refer
11 doctor -- oh, I don't know what his name is. S
12 C H A R C K. For follow-up esophagitis. Ten
13 24 of 1997.

14 Q. And then it looks like you may have
15 crossed out the name and written it again.
16 Perhaps you spelled it wrong the first time or
17 thought you did?

18 A. Right. I crossed it out, put an
19 arrow and then it's down here correctly.

20 Q. Was the normal process in terms of
21 recordkeeping to leave a line between? I'm
22 just noticing most of the entries have lines
23 between them. Was that the doctor's practice?

24 A. That was his way of doing it
25 because then it divided it up into different

1 things.

2 Q. Okay.

3 A. He used, you know, an SOAP type
4 thing where he did his stuff.

5 Q. And then he would -- then you would
6 have a line in between each appointment, space
7 in between each appointment?

8 A. I don't really know how he did his
9 to be honest with you. By looking at this, it
10 appears to be that way, yeah.

11 Q. Let's go back to October 17th.
12 Follow-up esophagitis. Based upon this note
13 are you able to tell me based upon the practice
14 in the office what likely took place during
15 that conversation that prompted you to make
16 that note?

17 A. Somebody would have either
18 called -- either she would have called or
19 Dr. Cola would have said that she needed a
20 follow-up.

21 Q. And again, once you make that
22 notation, whether it was the patient calling
23 for a referral to Dr. Schierak or Dr. Cola
24 saying the patient needs to be seen, Dr. Cola
25 would have to approve the referral, true?

1 A. If he -- yeah. I mean if he said,
2 you know, I want to see this patient. I mean
3 there is not anywhere on there yes, I approve
4 of that. If that's what you're asking. I
5 mean --

6 Q. No. I'm not suggesting that it
7 should be marked on there. But the referral
8 form itself which we don't have would have to
9 be approved by Dr. Cola. The form, not, not
10 noted on the record?

11 A. Not the form either. It was just a
12 handwritten where you said this patient was
13 going to see this doctor for this reason, you
14 know, and then they would, you know, there is
15 an authorization number up top and that would
16 be your number. Your referral number.

17 Q. Would it be presented to the
18 doctor, Dr. Cola, before it was sent out to
19 Dr. Schierak or to someone else?

20 A. No. The actual referral form you
21 mean?

22 Q. Yes.

23 A. No.

24 Q. A moment ago we talked about that
25 Dr. Cola had the prerogative to say if a

1 patient wanted to be referred to someone he had
2 the prerogative as that patient's doctor not to
3 approve the referral?

4 A. Correct. I thought you meant
5 did -- could he say, you know, no, I don't want
6 this patient referred. I want him, you know,
7 whatever. I don't want them referred to this
8 doctor. I didn't know you meant the referral
9 form itself.

10 Q. Would the referral form itself be,
11 a copy of it, be placed in the file?

12 A. No. They had separate charts for
13 it I think. Separate files.

14 Q. I read this to say that on October
15 17th you were advised that the patient had
16 scheduled an appointment for October 24th to
17 see Dr. Schierak, true?

18 A. That's what appears.

19 Q. And the referral appears to have
20 been done on that same day?

21 A. Correct. And that's my
22 handwriting.

23 Q. In the red ink?

24 A. Correct.

25 Q. So you immediately -- do you know

1 why you did it on that day as opposed to your
2 dad?

3 A. I probably wasn't there that day.

4 Q. So you would have filled out the
5 Summa referral and you would have sent a copy
6 of the referral to Dr. Schierak's office?

7 A. Correct.

8 Q. And you would have sent a copy to
9 Summa?

10 A. Correct.

11 Q. And the third, I'm sorry, would
12 have been kept?

13 A. In a file.

14 MR. FRASURE: In a file.

15 Q. In a referral file?

16 A. Right.

17 Q. Got you. Now, the next note you had
18 nothing to do with, true?

19 A. True.

20 Q. On October 24th, correct?

21 A. Correct.

22 Q. Below where it says Summa referral
23 done it says Dr. Schierak and a telephone
24 number for the office. Is that your
25 handwriting?

1 A. No. Dr. Schierak is my
2 handwriting. The phone number is not my
3 handwriting.

4 Q. Whose handwriting is that?

5 A. That's Ruth's.

6 Q. Can you explain to me why the
7 doctor's name is there and the phone number
8 written by Ruth?

9 A. I don't have a clue unless she --
10 you know.

11 MR. FRASURE: Don't guess if you
12 don't know.

13 A. I don't know. I don't know.

14 Q. You filled out the form. Is it
15 reasonable to conclude that someone was
16 determining where Dr. Schierak's office was
17 located to send the referral form to him?

18 A. I don't know to be honest with you.
19 I don't know what the number is there for.

20 Q. In any event, you filled out the
21 form and it was ready to go October 17th?

22 A. Correct.

23 Q. Now, is there anything else that
24 you can conclude from looking at the October
25 17th note other than Ruth marked down the

1 telephone number for Dr. Schierak after you had
2 filled out the referral to Summa on the 17th?

3 A. I don't think I understand what
4 your question is.

5 Q. Is there anything else that you can
6 derive from this note other than what we have
7 talked about?

8 A. No.

9 Q. Now, on October 24th it appears
10 that someone was spoke with on phone, whether
11 it was the patient was spoken to or someone
12 from Dr. Schierak's office was spoken to on the
13 phone on the 24th, true?

14 MR. FRASURE: Objection. She
15 doesn't know anything about the 24th. I think
16 it's unfair to ask her that.

17 MR. MISHKIND: That's fine. Your
18 objection is noted.

19 Q. It says SWOP. That's spoke with on
20 phone, correct?

21 A. Yes.

22 Q. By looking at the note you can't
23 tell who it was that was spoken to on the phone
24 on that date, can you?

25 A. No.

1 Q. It does say needs referral faxed,
2 correct?

3 A. Correct.

4 Q. And I will represent to you that
5 that telephone number on the record happens to
6 be Dr. Schierak's fax number. Do you have any
7 explanation if the referral was sent on the
8 17th why it was not received by Dr. Schierak's
9 office before the 24th or on the 24th?

10 A. I don't have a clue.

11 Q. Normally if a patient gives you the
12 kind of notice that she did and you have a
13 week's notice, normally the referral forms are
14 sent so that they are there before the
15 patient's appointment, true?

16 A. True.

17 Q. And in this particular situation
18 because you don't have any recollection of it,
19 you can't tell me why apparently the referral
20 form had not been received by the 24th, true?

21 A. True.

22 Q. Okay. I will tell you that Vickie
23 will testify that she had difficulty with a
24 number of people in the office in terms of
25 getting referrals done and getting information.

1 But with regard to referrals she has identified
2 you as one of the people that she had
3 difficulty with. You don't have any
4 recollection of having any conversations with
5 her at all, do you?

6 A. I don't even remember who she is to
7 be honest with you.

8 Q. Okay. So there is -- did you from
9 time to time have people that perhaps were more
10 difficult to, to please than others? Patients
11 I should say that are more difficult to please
12 than others?

13 A. It was a doctor's office. Yes.

14 Q. As to whether or not Vickie was
15 unhappy with the manner in which the referrals
16 were handle, you don't remember one way or
17 another?

18 A. I don't remember.

19 Q. Okay. You can't say that she was
20 not and complained about it, you just don't
21 remember one way or another, true?

22 MR. FRASURE: I object to that
23 question.

24 Go ahead.

25 Q. Is that true?

1 A. I don't -- no, I don't remember
2 talking to her. I don't remember any -- well,
3 you know, her complaining or anything, no.

4 Q. But you can't say that she didn't
5 complain, can you?

6 MR. FRASURE: Objection.

7 Q. You just don't remember one way or
8 another?

9 A. I don't really remember one way or
10 another.

11 Q. Okay. There has been some
12 suggestion that the office was, Dr. Cola's
13 office, was contacted and there was some
14 reeducation provided by Summa on the importance
15 of the referral procedure. Assuming that to be
16 the case for purposes of this question, did you
17 have any such knowledge of Summa contacting
18 Dr. Cola's office to reeducate on the
19 importance of the referral procedures?

20 A. No.

21 Q. Would you agree even though you
22 were not intimately involved you at least on
23 this particular day, the 17th, helped out your
24 dad when he wasn't there, that the referral
25 procedure was an important process in the

1 doctor's office?

2 A. Was it an important process?

3 Q. Yes.

4 A. Yes.

5 Q. Did you have anything to do with
6 communicating information to patients about
7 test results in Dr. Cola's office?

8 A. No.

9 Q. Whose responsibility was it to
10 provide answers to results of any blood work
11 tests or ultrasound tests that may have been
12 ordered at a hospital that the patient was
13 calling about?

14 A. I don't really know who did that.

15 Q. You don't know whether that would
16 be something that could be communicated by
17 someone other than Dr. Cola to the patient?

18 A. I'll be honest with you, I don't
19 know. I just know that that was not part of my
20 job.

21 Q. Okay. Did you have anything to do
22 with forwarding medical records from one doctor
23 to another?

24 A. Sometimes we did.

25 Q. Tell me what the process would be

1 in terms of forwarding the records from one doc
2 to another?

3 MR. FRASURE: To a new doctor or to
4 a specialist, a referral?

5 Q. Under any circumstances was there a
6 procedure that was to be followed?

7 A. They had to sign a medical release
8 form.

9 Q. Okay. And the medical release form
10 is supposed to be retained in the file, is it
11 not? Or maybe I'm wrong.

12 A. I assume it is, yes.

13 Q. Okay. Do you know why the referral
14 forms weren't kept in the files?

15 A. I have no idea.

16 Q. Do you know how long the
17 authorizations were kept in the file if the
18 patient asked for a part of the records or all
19 of the records to be sent to a particular
20 doctor?

21 A. I don't have a clue.

22 Q. Okay. Let's go off the record for
23 just one second.

24 (Discussion off the record.)

25 MR. MISHKIND: Let's go back on the

1 record.

2 Q. Did you work full-time?

3 A. Yes.

4 Q. How many receptionists were there?

5 I'm hearing about a Ruth. I'm hearing about
6 Toni. I'm hearing about a Jodi. Who else was
7 there?

8 MR. FRASURE: I don't know that
9 Jodi was a receptionist.

10 A. No. She wasn't. Ruth and I were
11 the only receptionists.

12 Q. What was Jodi's position?

13 A. She was the MA. Medical assistant.

14 Q. Okay. Assuming a telephone call
15 was made by Jodi on September 1, 1997 to --
16 well, it just says no answer. But assuming a
17 telephone call was made by Jodi to someone and
18 there was no answer, do you know who it was
19 that advised Jodi to make such a telephone
20 call?

21 A. No, because I don't even know what
22 the telephone call was about.

23 Q. Fair enough. I will tell you that
24 Vickie's testimony is that she called on three
25 or four occasions wanting to speak to Dr. Cola

1 about information that had been provided to her
2 over the phone about abnormal liver results and
3 that she wanted to talk to the doctor about her
4 condition on August 27th as described in the
5 records. And that she called on the 27th and
6 she called back three or four times thereafter
7 and never got a return telephone call from the
8 doctor. You are not in a position to testify
9 that that couldn't have happened, are you?

10 MR. FRASURE: Objection.

11 A. I'm --

12 Q. Are you in a position to say under
13 oath that it's not possible for a patient to
14 have called three or four times, that that just
15 never happened?

16 MR. FRASURE: Objection.

17 A. No. I mean from what I remember I
18 never had a patient call, you know, and say
19 that they were upset with the doctor because he
20 didn't call him or her back or whatever. But I
21 know I couldn't sit here and, you know, swear
22 to that.

23 Q. Okay. So it's conceivable that she
24 may have called on three or four occasions and
25 spoke to one or more people and for whatever

1 reason never got a return telephone call from
2 Dr. Cola, true?

3 MR. FRASURE: Objection. Go ahead.

4 A. If a patient called in, the
5 procedure would be for them -- for a note to be
6 sent back in the back. So I couldn't say.

7 Q. A note to be sent back, sent in the
8 back. What --

9 A. If a patient called in and wanted
10 something, a prescription refill, whatever it
11 may be, we would just write a note and set it
12 back there and it was addressed by Dr. Cola at
13 the end of the day it.

14 Q. Would it be like a little telephone
15 note or something?

16 A. It just depended on what you were
17 writing it on.

18 Q. It wouldn't necessarily be attached
19 to a file, would it?

20 A. We normally did not take a note
21 back without the chart. It was not procedure.

22 Q. If the chart was already in the
23 doctor's offices though waiting for a response
24 it wouldn't be uncommon to leave the note for
25 the doctor though, would it?

1 A. Actually, we went looking for
2 charts.

3 Q. If could you find it?

4 A. Yeah. Actually, they weren't that
5 fair away. There were only two places they
6 could be, so nine times out of ten a note did
7 not go back without the actual chart.

8 Q. What was the procedure, if you
9 know, in terms of follow-up of patients where
10 important information needed to be conveyed or
11 appointment -- important appointments needed to
12 be setup? Was there a procedure as to the
13 follow-up that was to take place?

14 A. I don't think I understood that.

15 Q. Were you aware of what your duties
16 and responsibilities were as employees of
17 Dr. Cola in terms of following up a patient to
18 either schedule a test that the doctor wanted
19 to have done or get the patient to a particular
20 doctor that the doctor wanted the patient to be
21 seen or something that was important with
22 regard to their medical well-being, their
23 health? What was your responsibility in terms
24 of follow-up with the patient?

25 A. We actually didn't do that. If he

1 said he wanted a follow-up appointment, then
2 somebody would call and tell them that they
3 wanted a follow-up appointment.

4 Q. Who would that be?

5 A. Either the office manager or Jodi.

6 Q. And what happens if hypothetically
7 a message was left as a suggested in this case
8 and the patient did not call back? Was there
9 other -- were there additional efforts made to
10 your knowledge to get ahold of that patient or
11 were the efforts stopped at that point?

12 A. I don't really know what their
13 policy was for that.

14 MR. MISHKIND: Okay. Mark, we
15 discussed off the record, and just back on the
16 record, because of this witness being
17 identified as late as she was, I want to make
18 sure that I have covered the areas that you
19 anticipated --

20 (Telephone interruption.)

21 MR. FRASURE: I plan to ask her at
22 trial while she was there did she have any
23 memory of anybody, regardless of whether she
24 remembers their name, calling and complaining,
25 saying he or she can't talk to a doctor. I

1 think she has already answered that basically
2 in response to your questions.

3 MR. MISHKIND: All right. Very
4 good. I don't believe I have any other further
5 questions for you.

6 MR. FRASURE: We'll waive
7 signature.

8 (Signature waived.)

9 (Deposition concluded at 4:41 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE

2 The State of Ohio,)

3 SS:

4 County of Cuyahoga.)

5

6 I, Barbara J. Watowicz, a Notary
7 Public within and for the State of Ohio, duly
8 commissioned and qualified, do hereby certify
9 that the within named witness, TONI MADDEN, was
10 by me first duly sworn to testify the truth,
11 the whole truth and nothing but the truth in
12 the cause aforesaid; that the testimony then
13 given by the above-referenced witness was by me
14 reduced to stenotypy in the presence of said
15 witness; afterwards transcribed, and that the
16 foregoing is a true and correct transcription
17 of the testimony so given by the
18 above-referenced witness.

19 I do further certify that this
20 deposition was taken at the time and place in
21 the foregoing caption specified and was
22 completed without adjournment.

23

24

25

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 11th day of
8 *October*, 2000.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Barbara J. Watowicz
Barbara J. Watowicz, Notary Public
within and for the State of Ohio

My commission expires March 20, 2002.

<p>A</p> <p>able 23:13 abnormal 35:2 about 5:15 6:20 8:15,18,20,22 9:2 9:20 12:21 14:19 15:4 18:23 20:7 24:24 28:7,15 30:20 32:6,13 34:5,5,6,22 35:1,2 35:3 above-referenced 40:13,18 accounting 6:25 action 41:4 actual 14:23 24:20 37:7 actually 37:1,4,25 additional 38:9 addressed 36:12 adjournment 40:22 advanced 7:4 advised 16:10 25:15 34:19 affixed 41:6 aforesaid 40:12 after 20:9 21:1 28:1 afterwards 40:15 again 13:19,23 14:21 18:18 19:8 21:11 22:15 23:21 age 3:1 ago 6:7 7:23 24:24 agree 31:21 agreement 1:15 ahead 30:24 36:3 ahold 38:10 al 1:4,7 along 6:15 13:17 already 36:22 39:1 anatomy 6:24 Anderson 3:16 another 4:20 10:3 30:17,21 31:8,10 32:23 33:2 answer 6:17 34:16 34:18 answered 39:1 answers 32:10 anticipate 6:13 anticipated 38:19 anybody 18:17 38:23 anymore 12:20 anyone 8:18,24 anything 9:9,10 14:19 19:3 27:23 28:5,15 31:3 32:5 32:21 anywhere 24:3</p>	<p>apparently 17:16 29:19 APPEARANCES 2:1 appears 23:10 25:18,19 28:9 appointment 16:25 17:1,5,22 18:22 20:22,24 21:8 23:6,7 25:16 29:15 37:11 38:1 38:3 appointments 21:14,21 37:11 approval 18:15 approve 19:17 23:25 24:3 25:3 approved 18:25 19:19 24:9 approving 18:13 Arby's 8:13 areas 38:18 arrived 22:1 arrow 22:19 asked 15:23 33:18 asking 8:19,22 24:4 assistant 34:13 assume 5:1 11:9 14:11 17:20 19:2 19:7,22 20:18 33:12 assuming 15:21 31:15 34:14,16 attached 4:5 36:18 attorney 41:2 August 13:12 35:4 authorization 24:15 authorizations 33:17 available 13:8 Avenue 3:11 aware 37:15 away 20:4 37:5</p> <p>B</p> <p>back 13:1,15 17:19 18:3 23:11 33:25 35:6,20 36:6,6,7,8 36:12,21 37:7 38:8,15 background 6:21 Barbara 1:13 40:6 41:14 based 23:12,13 basic 19:11 basically 17:12 39:1 Becker 2:4 before 1:12 5:11,21 6:6 8:10 9:9,11</p>	<p>16:1 18:25 19:20 24:18 29:9,14 behalf 2:3,10 being 3:3 9:4,23 10:14 17:4 20:24 38:16 believe 18:6 39:4 Below 26:22 best 7:21 between 10:2 22:21 22:23 23:6,7 bit 9:19 black 15:9 blood 12:18,19 32:10 Box 2:15 Buckingham 2:12 building 4:5 Burroughs 2:12 Business 7:1</p> <p>C</p> <p>C 22:12,12 call 21:17,25 34:14 34:17,20,22 35:7 35:18,20 36:1 38:2,8 called 1:11 3:1,21 9:3 15:22 16:7 17:3,20 18:20 23:18,18 34:24 35:5,6,14,24 36:4 36:9 calling 23:22 32:13 38:24 came 16:18 cancelled 21:14,21 canon 2:16 capacity 7:11 caption 40:21 carbon 18:8 care 10:14 18:16 19:17 21:20 case 1:6 5:15 8:15 9:2 31:16 38:7 cause 14:15 40:12 CERTIFICATE 40:1 certified 3:4 certify 40:8,19 41:1 cetera 19:21 chance 5:20 chart 5:21 6:2 36:21,22 37:7 charts 25:12 37:2 checking 12:10 Christmas 10:2,15 10:16 11:11 circumstances 33:5 Civil 3:3 classes 6:25,25 7:1</p>	<p>Cleveland 2:8 41:7 client 9:13 closed 10:18,19,24 10:25 11:7 clue 7:19 8:12 11:20 12:3 15:19 27:9 29:10 33:21 Co 2:4 cola 1:7 2:11 3:18 6:8 7:18,22 8:4 8:11,14 12:1 16:13 17:3 18:13 18:25 19:16 23:19,23,24 24:9 24:18,25 32:17 34:25 36:2,12 37:17 Cola's 7:12,14 8:1 8:24 9:20,25 17:25 31:12,18 32:7 college 6:23 commission 41:17 commissioned 40:8 COMMON 1:1 communicated 32:16 communicating 32:6 communication 8:17,19,22 21:3 complain 31:5 complained 30:20 complaining 31:3 38:24 completed 40:22 conceivable 35:23 conclude 27:15,24 concluded 39:9 condition 35:4 contact 11:17 contacted 31:13 contacting 31:17 conversation 15:23 15:24 21:3 23:15 conversations 20:21 30:4 conveyed 37:10 copy 15:9 18:8,8,9 18:10 25:11 26:5 26:8 correct 3:14,17,19 4:6,7 7:10 9:24 17:2,7 20:23 22:5 25:4,21,24 26:7 26:10,20,21 27:22 28:20 29:2,3 40:16 correctly 22:19 counsel 1:15 41:2 county 1:2 40:4</p>	<p>couple 6:12 course 15:22 courses 6:23 COURT 1:1 covered 38:18 crossed 22:15,18 Cuyahoga 40:4</p> <p>D</p> <p>D 2:5,13 dad 5:14 26:2 31:24 dad's 20:13 dark 15:5,7,8 date 28:24 daughter 3:13 david 1:7 2:11 day 10:16,17 11:4,5 11:11 16:25 25:20 26:1,3 31:23 36:13 41:7 December 10:7 decide 19:18 Defendant 2:10 Defendants 1:8 depended 21:16 36:16 deposed 3:4 deposition 1:11 5:17,21 6:5,13 39:9 40:20 derive 28:6 described 16:5 35:4 desk 7:16 12:13,13 determining 27:16 different 11:8 12:5 16:13 22:25 difficult 30:10,11 difficulty 29:23 30:3 dipstick 12:1 dipsticks 11:22 12:22 13:7 discussed 38:15 Discussions 33:24 discussions 8:20 divided 22:25 doc 33:1 doctor 4:8,16,20 5:5 15:17,25 16:10 18:9 19:17 19:21 21:13,15,16 22:10,11 24:13,18 25:2,8 32:22 33:3 33:20 35:3,8,19 36:25 37:18,20,20 38:25 doctors 7:3 13:3 21:10,24 doctor's 13:8 22:23 27:7 30:13 32:1 36:23</p>
--	---	---	--	--

documents 19:1,20 doing 5:11 18:3 22:24 done 6:15,17 16:15 18:15,17 20:3,4,5 20:10 25:20 26:23 29:25 37:19 Doolittle 2:12 doubt 14:13 down 14:11,12 16:2 16:6,12,13,18 22:19 27:25 Dr 1:16 3:18 4:22 4:24 5:4 6:8 7:12 7:14,18,22 8:1,4 8:11,14,24 9:20 9:25 12:1 15:11 15:25 16:2,11,13 16:14 17:3,5,22 17:25 18:13,21,25 19:16 20:25 23:19,23,23,24 24:9,18,19,25 25:17 26:6,23 27:1,16 28:1,12 29:6,8 31:12,18 32:7,17 34:25 36:2,12 37:17 Drive 2:14 duly 3:3 40:7,10 during 23:14 duties 12:13 37:15 D.O 2:11	event 27:20 41:3 ever 6:5 11:10 examination 1:12 3:2,6 exclusively 15:23 excuse 13:18 experience 21:9,12 expires 41:17 explain 27:6 explanation 29:7	28:14 30:22 31:6 33:3 34:8 35:10 35:16 36:3 38:21 39:6 Fred 3:13 Fred's 3:15 free 6:2 from 6:22 8:18,24 9:25 10:1 15:13 15:18 16:17 18:6 21:4 27:24 28:6 28:12 30:8 32:22 33:1 35:7,17 36:1 front 7:16 12:12,13 13:15 full-time 34:2 Fulton 2:14 further 39:4 40:19 41:1	hereinafter 3:4 hereunto 41:5 high 6:22 him 4:11,14,19 5:16 25:6 27:17 35:20 himself 12:10 HMO 18:16 holidays 9:23 10:16 10:20 11:3,7,14 honest 5:7 11:7 19:24 23:9 27:18 30:7 32:18 hospital 4:5 32:12 HOWARD 2:5 Hug 11:17 Hug's 15:2 hypothetically 15:21 38:6	22:22 24:11 30:20 31:7 32:19 33:23 34:16 35:14 36:11,16 38:15 J.H 15:1
	F		I	K
	fact 16:4 18:20 20:5 fair 6:18,19 18:18 34:23 37:5 familiarity 13:6 family 10:14 Fancy 14:8 far 17:2 favors 6:13 fax 22:1 29:6 faxed 20:11,15,17 20:18 21:5 29:1 feel 6:2 file 18:11 25:11 26:13,14,15 33:10 33:17 36:19 files 25:13 33:14 fill 18:4,6 filled 17:14 26:4 27:14,20 28:2 final 19:20 find 9:1 19:9 37:3 fine 28:17 first 3:3 4:3 9:6,13 13:14 14:24 22:16 40:10 Florida 5:12 8:3 followed 33:6 following 37:17 follows 3:5 follow-up 22:12 23:12,20 37:9,13 37:24 38:1,3 foregoing 40:16,21 form 18:7 24:8,9,11 24:20 25:9,10 27:14,17,21 29:20 33:8,9 forms 29:13 33:14 forwarded 21:12 forwarding 32:22 33:1 four 34:25 35:6,14 35:24 fourth 10:23,25 11:11 21:4 frasure 2:13 4:12 5:22 9:4,5,7 10:6 11:4 13:14 14:8 22:6 26:14 27:11	General 4:5 getting 4:19 29:25 29:25 given 40:13,17 gives 29:11 glanced 5:22 go 18:3,8,10 23:11 27:21 30:24 33:22,25 36:3 37:7 going 6:14 16:11 17:21 18:9,21 21:13 24:13 good 39:4 graduated 6:22 guess 10:5 27:11	idea 33:15 identified 3:21 11:16 15:1 30:1 38:17 immediately 8:10 25:25 imply 22:7 importance 31:14 31:19 important 31:25 32:2 37:10,11,21 indicated 17:4 information 18:23 29:25 32:6 35:1 37:10 ink 25:23 intention 4:18 interested 41:3 intermediate 7:4,5 interruption 38:20 intimately 31:22 involved 4:11,19 31:22 involvement 18:12	22:22 24:11 30:20 31:7 32:19 33:23 34:16 35:14 36:11,16 38:15 J.H 15:1 K K 22:12 kept 26:12 33:14,17 kind 12:16 29:12 know 4:12 5:7,17 6:24 9:16 11:6,6 11:19,25 12:4,6,6 12:24,25 13:1 15:1 17:15 19:24 20:6,16,17,19 21:11,17 22:11 23:3,8 24:2,14,14 25:5,6,8,25 27:10 27:12,13,13,18,19 28:15 31:3 32:14 32:15,19,19 33:13 33:16 34:8,18,21 35:18,21,21 37:9 38:12 knowledge 12:8 31:17 38:10
E		H	J	L
E 1:16 each 23:6,7 ear 5:13 educational 6:21 efforts 38:9,11 either 8:22 17:3 19:17 23:17,18 24:11 37:18 38:5 41:2 emergency 7:9 employees 37:16 EMT 7:5,8 end 36:13 enough 6:18 34:23 ENT 13:3 entire 15:6 entries 13:17,21 14:7 22:22 entry 14:22 esophagitis 22:12 23:12 ESQ 2:5,13 et 1:4,7 19:21 even 11:25 18:18 30:6 31:21 34:21	Florida 5:12 8:3 followed 33:6 following 37:17 follows 3:5 follow-up 22:12 23:12,20 37:9,13 37:24 38:1,3 foregoing 40:16,21 form 18:7 24:8,9,11 24:20 25:9,10 27:14,17,21 29:20 33:8,9 forms 29:13 33:14 forwarded 21:12 forwarding 32:22 33:1 four 34:25 35:6,14 35:24 fourth 10:23,25 11:11 21:4 frasure 2:13 4:12 5:22 9:4,5,7 10:6 11:4 13:14 14:8 22:6 26:14 27:11	H 22:12 hand 41:6 handle 30:16 handled 18:1 20:2 handwriting 13:22 14:4,11 15:5 20:13 25:22 26:25 27:2,3,4 handwritten 24:12 happened 9:1 35:9 35:15 happens 29:5 38:6 having 3:25 4:18 7:3 21:2,10 30:4 health 37:23 hearing 34:5,5,6 help 6:14 helped 31:23 her 9:15,16 15:15 16:25 20:21 28:16 30:5 31:2,3 35:1,3,20 38:21	J 1:13 40:6 41:14 job 7:14 32:20 Jodi 11:16,17 15:1 34:6,9,15,17,19 38:5 Jodi's 34:12 joint 15:11 16:2 July 10:23 11:1,11 junction 17:11 just 3:20 4:12 5:3 5:22,24 6:12,23 6:24 8:22 14:14 15:15 16:4 17:12 17:14 18:14,17,17 19:8 20:4 21:16	L 15:11 16:2 lab 12:10,14,16 Labor 11:4,5,11 lady 9:17 11:15 last 3:15 7:22 late 38:17 lawful 3:1 lead 16:5 least 31:22 leave 22:21 36:24 left 8:1,21 13:17 19:1 38:7 let 4:3 6:12 9:13 14:24 let's 7:25 15:4,15 16:13 17:20 23:11 33:22,25 like 6:23 19:2 20:5 20:14 22:14 36:14 likely 16:1,5 23:14 limited 9:20 19:10 line 22:21 23:6 lines 22:22 little 9:19 36:14 live 3:10 lived 5:12 liver 35:2 lives 11:19 located 27:17 long 4:13 5:8 6:7,14

12:23 33:16 look 5:20 6:2 13:11 looked 5:24 looking 13:16 14:15 14:21 15:13 16:18 23:9 27:24 28:22 37:1 looks 20:14 22:14 lot 17:14 L.P.A 2:4	most 21:17 22:22 move 6:14 moved 8:3 much 20:7 M.D 1:7	35:24 October 1:18 13:20 13:21,24,25 14:3 22:3 23:11 25:14 25:16 26:20 27:21,24 28:9 off 6:24 10:2,4 33:22,24 38:15 office 2:6 4:4,21 7:12,15 8:1,18,19 8:24 9:20 10:13 10:14,18,23 11:23 12:2,11,14,19 13:8 17:25 19:1,6 19:25 23:14 26:6 26:24 27:16 28:12 29:9,24 30:13 31:12,13,18 32:1,7 38:5 41:6 offices 1:16 7:3 11:8 13:3 21:10 36:23 oh 4:10 14:16 22:11 ohio 1:2,15,17 2:8 2:16 3:2,11 40:2 40:7 41:7,15 okay 3:15 4:1,2 5:2 5:8 6:3,4,20 9:17 11:2,10,15 12:14 13:10,23 14:2,5 14:21 15:13 16:9 16:17 19:8,16 20:20 21:7 22:3 23:2 29:22 30:8 30:19 31:11 32:21 33:9,13,22 34:14 35:23 38:14 once 17:15 23:21 one 5:3,24 8:7,8 9:21 10:3 12:6 18:8,9,10 30:2,16 30:21 31:7,9 32:22 33:1,23 35:25 ones 12:5 only 4:15 5:3 19:10 34:11 37:5 open 13:12 opposed 12:10 26:1 ordered 32:12 orthopedic 5:4,6 other 7:3 9:10 11:3 16:9 21:1 27:25 28:6 32:17 38:9 39:4 others 30:10,12 otherwise 41:3 out 9:2 18:4,6 19:9 19:20 22:15,18 24:18 26:4 27:14	27:20 28:2 31:23 37:6 over 5:10 8:23 16:14 35:2 overlap 6:18	potential 3:24 practice 10:14 17:25 19:6 22:23 23:13 prerogative 24:25 25:2 prescription 36:10 presence 40:14 presented 24:17 presume 10:23 19:16 primary 10:14 18:16 19:17 prior 20:21 probably 9:22 11:9 16:15,24 20:19 26:3 procedure 3:3 17:18,24 31:15,25 33:6 36:5,21 37:8 37:12 procedures 31:19 process 21:19 22:20 31:25 32:2,25 processing 20:2 Professional 1:14 profitable 12:20 prompt 14:18 17:9 prompted 23:15 promptly 20:1,3 pronounce 4:16 provide 7:8 32:10 provided 3:2 31:14 35:1 Public 1:14 40:7 41:14 purposes 31:16 put 22:18 p.m 1:18 39:9 P.O 2:15
M MA 34:13 madden 1:11 3:1,6 3:9 40:9 made 15:17 34:15 34:17 38:9 major 10:19 11:3 11:13 make 23:15,21 34:19 38:17 making 14:7,17 man 8:21 manager 38:5 manner 30:15 many 34:4 March 41:17 margin 13:17 mark 2:13 16:12,12 38:14 marked 16:1 24:7 27:25 market 12:5 matter 11:12 may 3:24 8:20 22:14 32:11 35:24 36:11 maybe 22:17 33:11 ma'am 22:9 mean 10:10,20 12:4 12:25 14:3 16:3 16:22 18:15 21:6 22:7 24:1,2,5,21 35:17 means 16:24 17:12 meant 25:4,8 mechanically 18:1 medical 4:4 7:2,9 32:22 33:7,9 34:13 37:22 Medina 1:17 4:5 memory 14:9 38:23 message 38:7 met 9:7 meter 12:1 miglore 1:4 9:14 mishkind 2:4,5 3:7 28:17 33:25 38:14 39:3 moment 24:24 more 30:9,11 35:25	N name 3:8,15 4:9,15 4:16 11:16 22:11 22:15 27:7 38:24 named 40:9 nature 10:17 necessarily 36:18 need 17:15,23 21:18 needed 17:1 18:23 23:19 37:10,11 needs 15:12 16:2 17:8,13 20:9 23:24 29:1 never 11:13 35:7,15 35:18 36:1 new 10:2,16 33:3 next 3:22 20:9 26:17 nine 37:6 normal 7:1 19:6 21:19 22:20 normally 20:4 29:11,13 36:20 nose 5:13 Notary 1:14 40:6 41:14 notation 15:2 23:22 note 14:23,25 15:5 15:14,18 16:18 17:9 18:2 20:9 23:12,16 26:17 27:25 28:6,22 36:5,7,11,15,20 36:24 37:6 noted 24:10 28:18 nothing 6:10 26:18 40:11 notice 29:12,13 noticed 4:3 noticing 22:22 number 13:2 24:15 24:16,16 26:24 27:2,7,19 28:1 29:5,6,24 NW 2:14	O oath 35:13 object 30:22 objection 28:14,18 31:6 35:10,16 36:3 observed 10:15 occasions 34:25	P page 13:14 pain 15:11 16:2 part 14:4 15:9,24 22:6,7,9 32:19 33:18 participate 11:21 particular 14:17 29:17 31:23 33:19 37:19 party 41:3 patient 14:18,19 15:14,16,21 16:7 16:11,14 17:4,13 17:20 18:19 21:13,18,25 23:22 23:24 24:2,12 25:1,6,15 28:11 29:11 32:12,17 33:18 35:13,18 36:4,9 37:17,19 37:20,24 38:8,10 patients 11:23 30:10 32:6 37:9 patient's 25:2 29:15 pattern 16:4 people 29:24 30:2,9 35:25 perform 7:11 performance 11:22 perhaps 15:23 22:16 30:9 period 10:7 19:10 person 8:23 15:15 personal 6:11 10:4 phone 8:23 27:2,7 28:10,13,20,23 35:2 place 21:9 23:14 37:13 40:20 placed 25:11 places 37:5 Plaintiffs 1:5 2:3 plan 38:21 PLEAS 1:1 please 3:8 6:2,21 13:12 30:10,11 point 38:11 policy 17:24 20:1 38:13 position 5:9 34:12 35:8,12 possibility 16:9 possible 21:20 35:13	Q qualified 40:8 question 4:15 6:16 28:4 30:23 31:16 questions 3:23 6:1 39:2,5 quickly 13:7 quite 17:16
R R 22:12 read 25:14 ready 27:21 really 5:6 7:19 17:13 19:23,24 20:6 23:8 31:9 32:14 38:12 reason 3:25 8:2 19:18 24:13 36:1 reasonable 27:15				

received 29:8,20 recently 3:20 receptionist 34:9 receptionists 34:4 34:11 recollection 10:3 14:6 19:11 20:20 21:2 29:18 30:4 record 11:16 13:11 24:10 29:5 33:22 33:24 34:1 38:15 38:16 recordkeeping 22:21 records 21:7 32:22 33:1,18,19 35:5 red 25:23 reduced 40:14 reeducate 31:18 reeducation 31:14 refer 15:15 16:11 18:14 22:10,10 referral 14:17 15:12,17,18 16:3 17:1,8,13,17,23 18:13,23,24 19:18 19:21 20:10,10,15 21:18,20 22:1 23:23,25 24:7,16 24:20 25:3,8,10 25:19 26:5,6,15 26:22 27:17 28:2 29:1,7,13,19 31:15,19,24 33:4 33:13 referrals 17:14 18:3,6 19:4,13,23 20:1,7,8 21:12 29:25 30:1,15 referred 15:24 16:8 17:4 25:1,6,7 referring 21:14 refill 36:10 regard 30:1 37:22 regardless 38:23 Registered 1:13 relates 3:23 relative 41:2 release 33:7,9 remember 7:21 8:9 9:14,15 10:9,10 11:10 14:10,14,16 14:17,18 18:19 21:6 30:6,16,18 30:21 31:1,2,7,9 35:17 remembers 38:24 Reporter 1:14 represent 29:4 request 18:24 requested 15:16,19	require 6:1 response 36:23 39:2 responsibilities 37:16 responsibility 17:10 32:9 37:23 results 13:7 32:7,10 35:2 retained 33:10 return 35:7 36:1 reviewed 9:9 right 9:5 14:6 19:25 20:4 22:18 26:16 39:3 Rules 3:2 Ruth 27:8,25 34:5 34:10 Ruth's 27:5 S S 22:11 same 4:24 16:12,15 25:20 saying 23:24 38:25 says 15:8,10 16:21 17:8 20:10 26:22 26:23 28:19 34:16 schedule 10:11 37:18 scheduled 20:22 25:16 Schierak 23:23 24:19 25:17 26:23 27:1 28:1 Schierak's 26:6 27:16 28:12 29:6 29:8 school 6:22 seal 41:6 seated 8:21 second 33:23 seconds 5:25 secretary 7:16 see 7:25 14:14 18:9 18:21 19:22 21:13 24:2,13 25:17 seeing 9:16 10:11 17:21 18:7 seen 4:25 15:25 23:24 37:21 send 12:9 27:17 sent 9:10 24:18 26:5,8 29:7,14 33:19 36:6,7,7 separate 25:12,13 September 13:17 13:18,18,19,20,24 14:1,3,22,25 15:4 16:21,22 17:3,6	17:19,21,22 18:20 18:22 20:22 21:1 21:9 34:15 set 3:22 17:5 36:11 41:6 setup 37:12 shares 4:21 sign 33:7 signature 39:7,8 silent 4:17 simple 20:5 sit 14:5 35:21 situation 29:17 six 5:13 8:5 Skylight 2:6 SOAP 23:3 some 6:23,24 9:22 10:4 31:11,13 somebody 18:14 23:17 38:2 someone 24:19 25:1 27:15 28:10,11 32:17 34:17 something 16:13 21:5 32:16 36:10 36:15 37:21 sometime 7:24 Sometimes 32:24 soon 21:20 sorry 26:11 space 4:21 23:6 speak 34:25 specialist 33:4 specialists 5:13 specifically 4:10 specified 40:21 specimen 12:9 speech 6:23 spelled 22:16 spoke 18:20 28:10 28:19 35:25 spoken 28:11,12,23 SS 40:3 standard 7:1 12:21 started 5:21 starting 8:10 state 1:15 3:8 40:2 40:7 41:15 statute 1:12 stenotypy 40:14 sticks 12:4 stopped 38:11 Street 2:7 strike 9:18 13:10 stuff 23:4 suggest 21:8 suggested 38:7 suggesting 24:6 suggestion 31:12 Suite 1:17 2:6 Summa 18:7,10	19:21 20:10 26:5 26:9,22 28:2 31:14,17 SUMMIT 1:2 supposed 33:10 sure 8:13 38:18 swear 35:21 SWOP 28:19 sworn 3:3 40:10 Sziraky 1:16 4:17 T take 10:2 12:8 13:11 14:5 18:2 21:8,20 36:20 37:13 taken 1:12 5:18 6:6 40:20 talk 9:19 15:4 35:3 38:25 talked 5:14,16 8:14 24:24 28:7 talking 31:2 technician 7:9 telephone 16:4 26:23 28:1 29:5 34:14,17,19,22 35:7 36:1,14 38:20 tell 4:8 6:20 7:21 10:11,13 13:16 14:24 15:13,18 16:17 17:9,18,24 20:7 21:11 23:13 28:23 29:19,22 32:25 34:23 38:2 ten 7:5 22:12 37:6 terms 20:1,2 22:20 29:24 33:1 37:9 37:17,23 test 32:7 37:18 testify 3:24 19:9 29:23 35:8 40:10 testimony 10:1 34:24 40:12,17 tests 12:17,18 32:11 32:11 Thanksgiving 11:12 their 37:22,22 38:12,24 thing 15:6 16:12 22:8 23:4 things 10:17 23:1 think 5:3 8:5,12 10:25 11:2,24 12:19 13:3 22:3 25:13 28:3,15 37:14 39:1 third 15:15 26:11 though 12:14 18:19	31:21 36:23,25 thought 22:17 25:4 three 34:24 35:6,14 35:24 three-page 18:4,7 throat 5:13 through 9:22 time 6:7,9 9:6,20 10:1,1,4,7 11:21 18:4 19:10 21:4 22:16 30:9,9 40:20 times 35:6,14 37:6 today 5:21 9:10,11 14:24 together 4:1 toni 1:11 3:1,6,9 34:6 40:9 top 24:15 topics 3:24 Torok 4:22,24 5:4 15:11,25 16:2,11 16:14 17:5,22 18:21 20:25 Tower 2:6 training 7:2 transcribed 40:15 transcription 14:22 40:16 trial 3:22 38:22 true 14:7 16:19,20 19:12,21 21:22 22:1 23:25 25:17 26:18,19 28:13 29:15,16,20,21 30:21,25 36:2 40:16 truth 40:10,11,11 trying 11:2 Tuesday 1:18 turn 6:16 two 5:24 7:23 37:5 type 11:25 12:1,4 23:3 types 12:17 typically 10:18 U ultimately 19:19 ultrasound 32:11 uncommon 36:24 under 1:12 33:5 35:12 understand 28:3 understanding 3:12 9:25 19:12 understood 19:5 37:14 unfair 28:16 unhappy 30:15 unless 27:9
--	---	--	--	---

until 6:15,16 21:4 upset 35:19 urine 11:22,25 12:9 12:21 13:7 used 3:18 12:1,2,3,4 12:7,25 23:3	WHEREOF 41:5 while 17:15 38:22 white 15:9 whole 3:25 22:8 40:11 witness 3:21 38:16 40:9,13,15,18 41:5 word 14:8 words 9:10 21:1 work 3:18 4:8,13 7:17 8:10 12:20 32:10 34:2 worked 4:13 5:9,12 7:3,22 8:10 9:22 11:13 12:12 13:2 21:10 working 6:8 8:13 10:8 11:10 worry 4:19 wouldn't 21:21 36:18,24 write 14:12 22:9 36:11 writing 8:23 14:1 14:10 15:5,7,8 36:17 written 18:5,5 22:15 27:8 wrong 12:18 22:16 33:11 wrote 15:10 16:6 22:4,8,10	1998 7:24 2 2nd 2:7 2-C 1:17 20 41:17 2000 1:18 7:25 41:8 2002 41:17 216 2:9 24 13:21,25 22:13 24th 25:16 26:20 28:9,13,15 29:9,9 29:20 241-2600 2:9 27th 35:4,5 3 35548 2:15 4 4 13:17,18,20,24 14:22 15:4 21:1 4th 14:1 17:3,21 18:20 4:00 1:18 4:41 39:9 44113 2:8 44281 3:11 44735 2:16 4518 2:14 6 660 2:6 8 8th 16:21,22 17:6 17:23 18:22 20:22 21:5,9 800)686-2825 2:17 9 9-8 15:11 9-8-97 20:10 970 1:16 99 7:25 99CV030973 1:6		
V vacations 10:10 Very 39:3 vickie 1:4 4:25 9:14 9:14 15:14 17:3 18:20 20:21 21:3 29:22 30:14 Vickie's 21:8 34:24 vs 1:6	W Wadsworth 3:11 7:7 wait 6:15,16 waiting 36:23 waive 39:6 waived 39:8 wall 6:25 want 9:19 14:14 15:24 24:2 25:5,6 25:7 38:17 wanted 16:8 25:1 35:3 36:9 37:18 37:20 38:1,3 wanting 34:25 wants 4:12 Washington 1:17 wasn't 26:3 31:24 34:10 Watowicz 1:13 40:6 41:14 way 6:17 10:3 16:16,18 20:5 22:24 23:10 30:16,21 31:7,9 week 3:22 week's 29:13 well 13:4 31:2 34:16 well-being 37:22 went 19:20 37:1 were 5:11 6:8 9:21 10:8,25 12:18 13:23 18:5,5 19:9 20:2,4 21:12,14 25:15 30:9,16 31:22 33:17 34:4 34:10 35:19 36:16 37:5,15,16 38:9,11 weren't 33:14 37:4 West 2:7 We'll 39:6 we're 3:25 4:4,18	Y yeah 14:16 16:8 20:14 22:2 23:10 24:1 37:4 year 4:23 5:10 8:6,7 8:8 9:21,23 years 7:5,17,23 8:5 10:2,17 young 8:21 9:17 11:15 Z Z 4:17 I 1 14:25 34:15 10 1:18 142 3:11 1660 2:7 17th 13:20,24 14:4 22:3 23:11 25:15 27:21,25 28:2 29:8 31:23 1997 10:6,7 13:13 13:21,25 14:25 17:19 20:22 22:13 34:15		

