

Last Name	NADOLSKI
First Name	GEORGE W.
Specialty	Certified Surgical Assistant
Party	Plaintiff <input checked="" type="checkbox"/> D
Date (format =99/99/9999)	2/28/05
Type of Document	Articles <input checked="" type="checkbox"/> Depo <input checked="" type="checkbox"/>
Type of Injury	Muscle arm
Type of Case	Medical
eDocument Name	(d/dae011501.pdf)

Submit Page



State Of Ohio, )  
County of Cuyahoga. ) SS:

3

## IN THE COURT OF COMMON PLEAS

JOYCE LEE, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. CV-04-528736  
 ) Judge Nancy McDonnell  
UNIVERSITY HOSPITALS )  
HEALTH SYSTEM, et al., )  
 )  
Defendants. )

THE DEPOSITION OF  
CHARLES W. NADOLSKI  
MONDAY, FEBRUARY 28, 2005

The deposition of CHARLES W. NADOLSKI called by the Plaintiff for examination pursuant to the Ohio Rules of Civil Procedure, taken before me, the undersigned, Tracy L. Vargo, a Registered Merit Reporter and Notary Public within and for the State of Ohio, taken at Bedford Medical Center, 55 Blaine Avenue, Bedford, Ohio, commencing at 1:20 p.m. the day and date above set forth.

## CHARLES W. NADOLSKI DEPOSITION INDEX

EXAMINATION BY:	PAGE NO.
MR. PESKIN	4, 29
MR. LENSON	21, 33
MS. MALNAR	27

## APPEARANCES:

## On behalf of the Plaintiff:

Lawrence F. Peskin, Esq.  
Becker & Mishkind Co., LPA  
660 Skylight Office Tower  
1660 West Second Street  
Cleveland, Ohio 44113

## On behalf of Defendant University Hospitals Health System, Bedford Medical Center:

Kevin M. Norchi, Esq.  
Norchi, Barrett & Forbes LLC  
23240 Chagrin Boulevard, Suite 600  
Beachwood, Ohio 44122

## On behalf of Defendant Kanalyalal M. Patel, M.D.:

Murray K. Lenson, Esq.  
Ulmer & Berne, LLP  
900 Penton Media Building  
1300 East Ninth Street  
Cleveland, Ohio 44114

## On behalf of Defendant Badr K. Ghumrawi, M.D.:

PJ Malnar, Esq.  
Reminger & Reminger Co., LPA  
1400 Midland Building  
101 Prospect Avenue West  
Cleveland, Ohio 44115-1093

## On behalf of David Denholm, M.D.:

David W. Skall, Esq.  
Sutter, O'Connell, Mannion & Farchione  
3600 Erieview Tower  
1301 East Ninth Street  
Cleveland, Ohio 44114

1 CHARLES W. NADOLSKI  
2 of lawful age, called by the Plaintiff for  
3 examination pursuant to the Ohio Rules of Civil  
4 Procedure, having been first duly sworn, as  
5 hereinafter certified, was examined and  
6 testified as follows:  
7 EXAMINATION OF CHARLES W. NADOLSKI  
8 BY MR. PESKIN:  
9 Q Could you state your full name and spell your  
10 last name for the record.  
11 A Charles W. Nadolski, N-A-D-O-L-S-K-I.  
12 Q What would you like me to call you,  
13 Mr. Nadolski, Chuck, Charles?  
14 A Chuck is fine.  
15 Q We met before we were sworn in. I represent  
16 Joyce Lee in a lawsuit that's been filed against  
17 a number of defendants. Have you had your  
18 deposition taken before ever?  
19 A Yes.  
20 Q Yes. Okay. Well, you know probably a little  
21 bit about it and I'm sure you got a little  
22 education. No, you probably didn't because  
23 Mr. Norchi gives me the responsibility of  
24 telling you what you have to do here.  
25 I'm asking questions. You're giving

5

7

1 answers. My job is to ask a question that you  
 2 can hopefully understand. Your job is to let me  
 3 know when you don't understand it. If it's  
 4 unclear in any way, please stop me and tell me  
 5 to rephrase it or restate it and I'll do my  
 6 best. Okay?  
 7 A Okay.  
 8 Q The other things, the rest of the rules, all  
 9 relate to the court reporter and her efforts to  
 10 get down every word that we're saying. So  
 11 please avoid uh-huhs or uh-uhs or gestures, nods  
 12 of the head. You can nod your head as long as  
 13 you're also saying yes. That's all right.  
 14 A Okay.  
 15 Q If I ask you how big something is, don't say  
 16 this big (indicating). That's basically all you  
 17 need to remember. Okay?  
 18 A Okay.  
 19 Q If you need to take a break -- and I doubt you  
 20 will because we'll probably be short -- just let  
 21 me know.  
 22 A Okay.  
 23 Q Address?  
 24 A 3117 Tate Avenue, Cleveland, Ohio 44109 .  
 25 Q Can you tell me about your educational

1 only ex-military that can get --  
 2 MR. NORCHI: Do you want him  
 3 to go through -- he was in the military --  
 4 MR. PESKIN: I understand  
 5 that.  
 6 MR. NORCHI: -- and then  
 7 went into the program.  
 8 Q Is it only ex-military that can be certified  
 9 surgical assistants?  
 10 A No. There's people that can graduate from a  
 11 two-year program and then be able to go into the  
 12 physician's assistant program. So you have to  
 13 have at least a couple years. And the other  
 14 prerequisite is having X number of years in the  
 15 medical field itself, so many hours.  
 16 Q Have you had any formal education beyond this  
 17 certified surgical assistant training program  
 18 that you went through back and finished in '71 ?  
 19 A Other than my continuing medical education  
 20 courses that I have to take every year.  
 21 Q Right. What are the requirements for continuing  
 22 medical -- or continuing education in your  
 23 field?  
 24 A Fifty every two years.  
 25 Q Fifty hours every two years?

6

8

1 background?  
 2 A I'm a certified surgical assistant.  
 3 Q How do you go about becoming a certified  
 4 surgical assistant?  
 5 A Went through a program at Tri-C, graduated from  
 6 the Tri-C program, and eligible to sit for the  
 7 boards, and sat for the boards.  
 8 Q When did you finish the program ?  
 9 A In 1971.  
 10 Q Okay. And when you finished that -- how long a  
 11 program was that, first of all?  
 12 A A two-year program.  
 13 Q Is that a program you can go through out of high  
 14 school and complete in two years basically, or  
 15 is that something you have to have another  
 16 degree for before you can go into ?  
 17 A This was designed for Navy corpsman and Navy  
 18 medics when they got out of the service. We  
 19 went through an extensive training program in  
 20 there. These were designed from Navy medics and  
 21 Navy corpsman who were being discharged from the  
 22 service.  
 23 Q Does this kind of program still exist?  
 24 A Yes.  
 25 Q If I wanted to go become a surgical tech, is it

1 A Yes.  
 2 Q And you took some sort of certification or  
 3 licensing exam?  
 4 A Yes, I did.  
 5 Q And that was way back in 1971 ?  
 6 A No. They didn't have certification at that  
 7 time. I didn't -- they didn't have the  
 8 certification for SAs until the late '80s. For  
 9 surgical assistants.  
 10 Q Okay. Now, run me through your employment  
 11 history once you completed your training as a  
 12 certified surgical assistant.  
 13 A I was a discharged from the military after three  
 14 years, went to the Cleveland Clinic.  
 15 Q When did you start at the Cleveland Clinic?  
 16 A 1969.  
 17 Q That would be before you got the --  
 18 A I'm sorry. Yeah. 1969. I got discharged in  
 19 October of '69 and I started at the Cleveland  
 20 Clinic in December of '69 .  
 21 Q What was your position at that time at the  
 22 Cleveland Clinic?  
 23 A At that time I was called a clinical corpsman .  
 24 Q How long did you stay at the Cleveland Clinic?  
 25 A I was there -- left in 1979.

1 Q What other positions did you hold other than  
2 clinical corpsman? Probably your title changed  
3 at some point?  
4 A My title changed to -- I was in the program at  
5 that time, so it was a student physician  
6 assistant.  
7 Q Okay.  
8 A And then when we graduate, we get our  
9 physician's assistant degree, and then we sit  
10 for the boards.  
11 Q Then you became a physician's assistant?  
12 A Correct.  
13 Q And you were a physician's assistant while you  
14 were employed at CCF?  
15 A That's correct.  
16 Q When you left CCF, where did you go?  
17 A I went to Richmond Heights Hospital.  
18 Q What did you do there?  
19 A I was a surgical assistant.  
20 Q How long did you stay at Richmond Heights?  
21 A I was there for close to ten years.  
22 Q Where did you go when you left there?  
23 A I went into private practice with a vascular  
24 surgeon, Dr. David Rollins.  
25 Q When you say you went into private practice, you

1 there's a Foley that needs to be inserted --  
2 taken care of, we take care of the Foley, and  
3 then we get the patient prepped and draped and  
4 ready to go.  
5 Q Okay. How many surgeons did you work with? And  
6 we're talking about 2003 here, May of 2003. Can  
7 you tell me approximately how many surgeons you  
8 worked with here at the hospital?  
9 A That's hard to say how many. I mean, it could  
10 be a dozen. Half a dozen to a dozen different  
11 surgeons.  
12 Q Okay. I'm just trying to get a feel for how  
13 many surgeons operate here at the hospital that  
14 you might work with or might have worked with at  
15 that time. It's not 30 or 40 different  
16 surgeons?  
17 A No. No.  
18 Q Relatively small group here at this hospital?  
19 A Yes.  
20 MR. NORCHI: Objection.  
21 Whatever "relatively small" means.  
22 Q Whatever that means.  
23 No more than 15. Is that a fair estimate?  
24 A The best that I can recollect, yes.  
25 Q And we're here talking about a procedure that

1 became his --  
2 A Surgical assistant.  
3 Q And wherever he operated, you went?  
4 A And assisted.  
5 Q How long did you do that?  
6 A I was with him for close to five years.  
7 Q Then where did you go?  
8 A To Parma Hospital.  
9 Q What did you do at Parma Hospital?  
10 A Same thing, surgical assistant.  
11 Q How long were you there?  
12 A Five years.  
13 Q Then where?  
14 A To Bedford.  
15 Q Bedford. When did you start at Bedford?  
16 A July 9, 2000.  
17 Q July 2000?  
18 A Yes.  
19 Q You've been here ever since?  
20 A Yes.  
21 Q Can you describe for me what the duties and  
22 responsibilities are of a surgical assistant in  
23 the ORs here at Bedford Hospital?  
24 A We assist in bringing the patient into the room,  
25 positioning. We get the patient prepped. If

1 was performed by Dr. Ghumrawi on a patient named  
2 Joyce Lee on May 30, 2003. I want to ask you  
3 about Dr. Ghumrawi.  
4 How long have you worked with  
5 Dr. Ghumrawi?  
6 A Ever since I came here to the hospital.  
7 Q Since July 9th of 2000?  
8 A Uh-huh.  
9 Q And you worked with him frequently? You get  
10 assigned to his operations a regular basis?  
11 A Yes.  
12 Q Do you know Dr. Patel, a pathologist --  
13 A Yes.  
14 Q -- here at the hospital?  
15 How long have you known Dr. Patel?  
16 A Since I've been here at Bedford.  
17 Q Okay. What role, if any, do you play as a  
18 surgical assistant in the process of obtaining  
19 frozen sections that are obtained in the  
20 operating room and transported down to the  
21 laboratory? Are you involved in that process at  
22 all?  
23 A No.  
24 Q Okay. In any case?  
25 A Any case.

13

15

1 Q That's somebody else's problem?

2 A Yes.

3 Q Or responsibility. Okay.

4 Do you have an independent recollection of  
5 the case that we're here to talk about today?  
6 And that was an open thoracotomy and biopsy that  
7 was done on Joyce Lee on May 30, 2003.

8 A Yes.

9 Q When I ask you if you have an independent  
10 recollection, what I mean is, without referring  
11 to the medical records or anything like that,  
12 did you just remember this case?

13 A Only when my attorney brought it to my  
14 recollection about trying to remember this  
15 particular case.

16 Q Okay. Well, I can't ask you about -- unless  
17 Mr. Norchi's going to give me permission, which  
18 I doubt he will, I can't ask you about  
19 conversations you've had with Mr. Norchi. I'm  
20 not going to do that. What I want to understand  
21 is how it is you began to recall this particular  
22 case. I mean, now it's over two years since  
23 this procedure. Did you hear about this lawsuit  
24 from somebody other than Mr. Norchi?

25 A No.

14

16

1 Q And when did you first hear about it from  
2 Mr. Norchi?

3 A When I was summoned to come and talk to -- here  
4 at the hospital.

5 Q When would that have been, though? How long ago  
6 did you learn that there was a request for your  
7 deposition?

8 A I don't remember the number of weeks ago.  
9 Maybe --

10 Q Several weeks ago?

11 A Maybe two weeks, three weeks ago. Something  
12 like that.

13 Q And you met with Mr. Norchi at that time?

14 A Yes.

15 Q Before that, do you recall having a conversation  
16 or conversations with Dr. Ghumrawi about this  
17 case?

18 A No.

19 Q And I'm not talking about in the last several  
20 weeks. I mean at any time.

21 A No.

22 Q Okay. What about Dr. Patel?

23 A No.

24 Q Let's just make this real easy. There's some  
25 dispute in this case about what was communicated

1 by Dr. Patel to Dr. Ghumrawi in the operating  
2 room with regard to the results of the frozen  
3 section for this procedure. And I want to ask  
4 you, first of all, do you recall hearing over a  
5 speakerphone Dr. Patel reporting on his opinion  
6 regarding a frozen section on May 30, 2003?

7 MR. NORCHI: Do you mean  
8 frozen section or the true-cut? There are two  
9 different --

10 Q There's two specimens at issue here. One is a  
11 specimen of a lymph node that was sent, and the  
12 second is -- I guess they're true-cuts of lung  
13 tissue that were taken from Joyce Lee. Do you  
14 recall hearing over a speakerphone the results  
15 of either of those specimens called into the  
16 operating room?

17 A Yes.

18 Q Which one, or is it both?

19 A The true-cut.

20 Q Okay. I want you to tell me exactly what you  
21 recall about -- first of all, tell me how that  
22 occurred. Do you recall hearing a voice on a  
23 speakerphone while you were in the operating  
24 room with Dr. Ghumrawi during this procedure on  
25 May 30, 2003?

1 A Yes.

2 Q Did you recognize the voice?

3 A Yes.

4 Q Whose voice was it?

5 A Dr. Patel's.

6 Q And what, to the best of your recollection, can  
7 you recall about what Dr. Patel said?

8 A All I can recollect is that I heard the word  
9 "carcinoma."

10 Q Okay. You can recall hearing the word  
11 "carcinoma." Do you remember the context under  
12 which you heard that word?

13 A No. Other than it was just a report coming from  
14 Dr. Patel speaking actually to Dr. Ghumrawi.

15 Q Okay. And you do definitely have a -- you have  
16 a clear recollection that there was a  
17 speakerphone on so that you or anybody else in  
18 the operating room would be able to hear  
19 something at least?

20 A Yes.

21 Q It wasn't just Dr. Ghumrawi on the phone?

22 A Yes.

23 Q Other than the word "carcinoma," do you recall  
24 anything about that communication?

25 A No.

17

19

1 Q Do you recall anything about the word "probable"  
 2 or "possible" associated with "carcinoma"?  
 3 A No.  
 4 Q That doesn't mean it didn't happen, though, does  
 5 it? Or does it mean that didn't happen?  
 6 A No, it doesn't mean that.  
 7 Q Okay. Do you recall anything communicated  
 8 during that conversation with regard to  
 9 Dr. Patel asking for additional tissue?  
 10 A When we did the true-cut, that was his, I  
 11 guess -- I don't know how that came about, but  
 12 they wanted more tissue. So that's the reason  
 13 why we did the true-cuts, one or two or three,  
 14 because the lymph node, obviously, was not  
 15 enough for diagnosis. Again, I don't remember  
 16 this, but, I mean, I just -- that would be the  
 17 reason why we do the true-cut.  
 18 Q All right. Are you saying that under normal  
 19 circumstances all you would take would be a  
 20 lymph node?  
 21 MR. NORCHI: Objection. Can  
 22 you try the question again?  
 23 Q Let me try the question again. What's your  
 24 understanding of what the initial sample was  
 25 that was taken and sent down to the lab?

18

1 A I have no -- nothing on the first one.  
 2 MR. NORCHI: You don't know?  
 3 A I don't know.  
 4 Q Have you looked at the records in terms of the  
 5 requisitions or anything like that?  
 6 A No.  
 7 Q Do you have a specific recollection of there  
 8 being two separate samples of lung tissue, I'm  
 9 not talking about a lymph node, but actual lung  
 10 tissue being sent down to Dr. Patel?  
 11 A Yes.  
 12 Q How do you know that that occurred?  
 13 A Because true-cut needles were done. In other  
 14 words, I knew we sent the lymph node, and then I  
 15 know, for whatever reason that that was done, we  
 16 needed -- Dr. Ghumrawi wanted to get true-cut  
 17 biopsies for -- that was his decision, as far as  
 18 what --  
 19 Q What I'm asking about is, do you recall  
 20 Dr. Patel communicating to Dr. Ghumrawi that he  
 21 wanted additional tissue?  
 22 A No. I can't recollect that, no.  
 23 Q What you recall is that there was a lymph node  
 24 removed first, correct?  
 25 A Yes.

1 Q And then there were true-cuts as you say, three  
 2 or four sent down?  
 3 A That's correct.  
 4 Q You don't recall that there was more than one  
 5 set of true-cut tissue samples sent down to the  
 6 lab, do you?  
 7 A I know there was more than one.  
 8 Q Well, I meant at more than one time?  
 9 A No.  
 10 Q Do you know whether they were all sent down at  
 11 once or they were sent down separately, do you?  
 12 A No. I don't recollect, no.  
 13 Q What you do know is there was more than one  
 14 slice of tissue taken with the true-cut?  
 15 A Yes.  
 16 Q It was either three or four, correct?  
 17 A Yes.  
 18 Q And am I correct that you have not reviewed the  
 19 records in this case?  
 20 A That's correct.  
 21 Q You haven't looked at the requisition slips or  
 22 anything else?  
 23 A No.  
 24 Q So what you're telling me about is based  
 25 entirely on your own recollection of those

20

1 events, correct?  
 2 A Yes.  
 3 Q Do you recall a conversation you had with Laura  
 4 Hoogenboom outside of Mr. Norchi's presence  
 5 where you told her that you couldn't remember  
 6 anything about this case?  
 7 A No.  
 8 Q Okay. Have you ever been in a procedure -- have  
 9 you operated with Dr. Ghumrawi under  
 10 circumstances where he's gotten a request from a  
 11 pathologist when he's doing a frozen section to  
 12 give more tissue because the pathologist is  
 13 unable to make a definitive diagnosis?  
 14 A Yes.  
 15 Q Has that happened more than once?  
 16 A That's hard to say.  
 17 Q Do you recall it happening more than once?  
 18 A Yes.  
 19 Q Have you ever been in a situation where you've  
 20 been in the operating room assisting  
 21 Dr. Ghumrawi where a pathologist has asked him  
 22 for additional tissue and Dr. Ghumrawi didn't  
 23 comply with the request?  
 24 A No.

25 MR. PESKIN: I have no other

21

23

1 questions.

2 -----

3 EXAMINATION OF CHARLES W. NADOLSKI

4 BY MR. LENSON:

5 Q I'm Murray Lenson. I represent Dr. Patel. I  
6 just have a couple questions for you.

7 Do you recall any conversation with  
8 Dr. Ghumrawi a day or two or maybe three  
9 following this procedure when Dr. Ghumrawi  
10 indicated to you that he had received or at  
11 least learned that the final diagnosis or  
12 evaluation of the entire lung by Dr. Patel  
13 revealed that there was no malignancy. Do you  
14 remember that conversation?

15 A No.

16 Q So the only conversation at all in respect to  
17 this case relates to what you heard over the  
18 speaker, and the only word that you remember is  
19 "carcinoma"?

20 A That's correct.

21 Q Now, I'll make sure I understand this. You have  
22 not looked at any of the chart relating to  
23 Ms. Lee; is that correct?

24 A That's correct.

25 Q So when you were told that there was going to be

1 A That's correct.

2 Q Or what happened to the patient?

3 A That's correct.

4 Q So as we sit here today, not quite two years,  
5 what you can recall is the nature of the  
6 procedure, who was in the room, and one  
7 conversation?

8 A Correct.

9 Q And that one conversation is limited to one  
10 word?

11 A Yes.

12 Q What you recall? Is that correct?

13 A Yes.

14 Q You are not suggesting that the entire  
15 communication between Dr. Patel on the one hand  
16 and Dr. Ghumrawi on the other was limited to one  
17 word; is that correct?

18 A That's correct.

19 Q So what you are suggesting is the only word you  
20 remember from the entire conversation was  
21 "malignancy"?

22 A No.

23 MR. NORCHI: Objection.

24 Q Excuse me. "Carcinoma." I'm sorry.  
25 "Carcinoma"; is that correct?

22

24

1 a deposition, you, on your own, attempted to  
2 recall as much as you could about that  
3 procedure?

4 A That's correct.

5 Q And what you could recall was that it was an  
6 open thoracotomy?

7 A Yes.

8 Q And that it involved a lung biopsy?

9 A Yes.

10 Q So those are additional things you could recall?

11 A Yes.

12 Q Okay. Could you recall who was in the room with  
13 you?

14 A Yes.

15 Q Who was in the room with you?

16 A To my best recollection, of course there was  
17 Dr. Ghumrawi, Marian McCulla. Laura Hoogenboom  
18 came in and relieved Marian. And, of course,  
19 myself. That's the ones -- I don't know who was  
20 in anesthesia. I don't remember.

21 Q And since this procedure occurred, you have no  
22 recollection of discussing the results of the  
23 procedure with anybody; is that correct?

24 A That's correct.

25 Q Or the diagnosis?

1 A That's correct.

2 Q You don't recall if the preface was used of  
3 adenocarcinoma, do you?

4 A No.

5 Q You don't recall if there was a word used  
6 "probably"?

7 A No.

8 Q Anything of that nature?

9 A No.

10 Q Do you recall anything that Dr. Ghumrawi said?

11 A No.

12 Q And you indicated to Mr. Peskin that you did  
13 recognize Dr. Patel's voice, correct?

14 A Yes.

15 Q And that's something that's happened on other  
16 occasions with frozen samples or perhaps some  
17 communication from Dr. Patel to the surgeon; is  
18 that correct?

19 A That's correct.

20 Q Did you have any problem in understanding  
21 Dr. Patel?

22 A No.

23 Q And as I understand your testimony, there was no  
24 discussion from Dr. Ghumrawi, as you can recall,  
25 back to Dr. Patel; is that correct?

25

27

1 A That's correct.  
 2 Q Was there any discussion that Dr. Ghumrawi had  
 3 as to his plan or strategy to remove the lung?  
 4 A Yes.  
 5 Q And you recall that discussion?  
 6 A Not word for word.  
 7 Q The gist of it?  
 8 A Yes.  
 9 Q What was that?  
 10 A I don't understand.  
 11 Q Tell me -- what don't you understand? I'll  
 12 repeat it.  
 13 A I don't understand how -- I don't remember every  
 14 word that Dr. Ghumrawi said.  
 15 Q Okay. That's fine.  
 16 A Okay.  
 17 Q Essentially, a decision was made to remove the  
 18 lung?  
 19 A He made a decision, yes.  
 20 Q Did he ask for your input at all?  
 21 A No.  
 22 Q Anyone else's input?  
 23 A Not that I can recollect, no.  
 24 Q You say you recall when Dr. Patel communicated  
 25 over the speakerphone that there was a

1 A That's correct.  
 2 MR. LENSEN: Thank you very  
 3 much. I have no further questions.  
 4 -----  
 5 EXAMINATION OF CHARLES W. NADOLSKI  
 6 BY MS. MALNAR:  
 7 Q Hi. My name is PJ Malnar. I just have a few,  
 8 hopefully, follow-up questions for you.  
 9 You indicated you were able to hear this  
 10 conversation between Dr. Patel and Dr. Ghumrawi  
 11 on a speakerphone, correct?  
 12 A Yes.  
 13 Q Were you able to hear, if you recall, the  
 14 entirety of the conversation?  
 15 A No. The "entirety" meaning the whole  
 16 conversation?  
 17 Q Yes.  
 18 A No.  
 19 Q Why were you not able to hear the whole  
 20 conversation?  
 21 MR. NORCHI: Objection. He  
 22 didn't say that. Go ahead.  
 23 Q I'm sorry.  
 24 A I don't understand what you mean.  
 25 Q Was the whole conversation on the speakerphone ?

26

28

1 carcinoma, but you do not recall any  
 2 conversation relating to specimen A; is that  
 3 correct?  
 4 A That's correct.  
 5 Q Just so you know, there was a specimen A, which  
 6 was a lymph node, and specimen B, which was lung  
 7 tissue samples.  
 8 A That's correct.  
 9 Q But you have no recollection of any conversation  
 10 relating to A; is that correct?  
 11 A That's correct.  
 12 Q You're not suggesting a communication didn't  
 13 occur, you just don't remember it?  
 14 A That's correct.  
 15 Q Have you had any conversations with anyone other  
 16 than counsel about this procedure that was  
 17 performed in May of 2003 since it occurred ?  
 18 A Just counsel.  
 19 Q I said beside counsel.  
 20 A No, nobody.  
 21 Q That would be Dr. Ghumrawi, Dr. Patel, and  
 22 Ms. Hoogenboom; is that correct?  
 23 A That's correct.  
 24 Q And no one else who was in that operative  
 25 theater; is that correct?

1 A Yes.  
 2 Q Were you in the suite for the whole  
 3 conversation?  
 4 A Yes.  
 5 Q Were you able to hear the whole conversation ?  
 6 A Not the whole conversation because I have my  
 7 focus on other things that I'm doing in that  
 8 room.  
 9 Q Okay.  
 10 A Okay.  
 11 Q Would it be fair for me to say that if Dr. Patel  
 12 had requested additional tissue samples, and  
 13 rather than provide additional tissue samples  
 14 Dr. Ghumrawi made the decision to remove the  
 15 lung, that would be something that would stick  
 16 out in your mind?  
 17 MR. NORCHI: Objection. Go  
 18 ahead.  
 19 A I can't recollect a specific conversation  
 20 indicating that as far as -- it's not my job to  
 21 listen to that conversation.  
 22 Q Okay.  
 23 A Okay? That speakerphone that they have is  
 24 between Dr. Patel and Dr. Ghumrawi. Again,  
 25 we're in the room and we can overhear, but



29

31

1 whether we hear every last little word and  
2 detail and so on and so forth, I'm not focused  
3 on that. That's Dr. Ghumrawi and Dr. Patel to  
4 be focused on that, not me.

5 Q So you have no recollection of Dr. Patel  
6 requesting additional tissue?

7 A That's correct.

8 Q Okay.

9 MS. MALNAR: I don't have  
10 anything else. Thank you.

11 MR. SKALL: Nothing.

12 MR. PESKIN: A couple of  
13 follow-up questions.

14 -----

15 RE-EXAMINATION OF CHARLES W. NADOLSKI

16 BY MR. PESKIN:

17 Q The speakerphone has sufficient volume that if  
18 you wanted to hear an entire conversation and  
19 wanted to pay attention to it, do you have any  
20 doubt that you'd be able to do that?

21 A Yes. The speakerphone is loud enough, yes.

22 Q Okay. I mean, there's a difference between what  
23 you might have heard and what you remember. Can  
24 we agree on that?

25 A I'm sorry. Say again.

1 Q Yes.

2 A It's not my position to question the physician  
3 what he's doing. I'm just an extension of  
4 helping him, assisting him, and so on and so  
5 forth. So what he decides to do is his own  
6 decision.

7 Q Okay.

8 A Again, it's not me to -- I mean, it's not my  
9 position to say, "Look, did you forget to take  
10 the true-cuts" or "Did you forget this?" No,  
11 it's not my position to say that.

12 Q Given your education, training, and experience,  
13 would you agree with me -- and your experience  
14 in an operating room, would you agree with me it  
15 would be unusual for a surgeon to remove an  
16 entire organ immediately following a  
17 conversation where a pathologist has said, "I  
18 can't be sure. I need more tissue"? Would you  
19 agree with me that would be unusual?

20 MR. NORCHI: Objection.

21 MR. LENSEN: Objection.

22 Q You can answer, if you know.

23 MR. NORCHI: You can answer.

24 I mean, you're asking a lot of this particular  
25 witness, but.

30

32

1 Q I mean, you may have heard things back in June  
2 of 2003 that you -- or May of 2003 that you just  
3 don't remember now?

4 A That's a fair statement, yes.

5 Q I want you to assume that you heard a  
6 conversation, and during the conversation  
7 Dr. Patel -- let's keep it out of this case.  
8 You're in the operating room. You're assisting  
9 a surgeon. There's a frozen section involved  
10 and you hear on the telephone the pathologist  
11 saying to the surgeon or communicating to the  
12 surgeon that they want more tissue in order to  
13 make a definitive diagnosis. Are you with me so  
14 far?

15 A Yes.

16 Q And then you hear -- then the phone conversation  
17 ends and you see the surgeon start to remove the  
18 entire organ that's at issue. Under those  
19 circumstances, would you say something to the  
20 surgeon?

21 MR. NORCHI: Objection.

22 That's a hypothetical. But go ahead.

23 Q It's a hypothetical.

24 A Hypothetical, I would probably ask him -- if I  
25 heard the conversation specifically?

1 MR. PESKIN: I know.

2 MR. LENSEN: I'm going to  
3 object.

4 A I can't answer that.

5 Q Have you ever been in a situation -- and you've  
6 been doing this for a long time, right?

7 A Yes.

8 Q I mean, I would assume you've been involved in  
9 hundreds and hundreds of operations where  
10 there's a frozen section taken intraoperatively  
11 that, the results of which have some impact on  
12 how far a procedure is going to go. Is that a  
13 fair statement?

14 A That's correct. That's a fair statement.

15 Q Have you ever been in a situation where you  
16 heard a pathologist reporting over a  
17 speakerphone a need for additional tissue to  
18 make a definitive diagnosis and the surgeon  
19 ignored the request?

20 A No.

21 Q Never seen it?

22 A No.

23 Q Now, I'm going to get back to the rest of the  
24 story here in terms of what happened with Joyce  
25 Lee. Do you have a specific recollection that

33

1 Joyce Lee's entire right lung was removed ?  
 2 A Yes.  
 3 Q Okay. Do you remember anything that  
 4 Dr. Ghumrawi said about why he was electing to  
 5 remove the entire lung as opposed to a portion  
 6 of the lung?

7 A No.

8 MR. PESKIN: I have no other  
 9 questions.

10 MR. LENSON: Just a couple  
 11 follow up. I appreciate your indulgence. I'll  
 12 be very short.

13 -----

14 RE-EXAMINATION OF CHARLES W. NADOLSKI  
 15 BY MR. LENSON:

16 Q Do you recall any of the words that I'm going to  
 17 give you now being said over that conversation,  
 18 "this is a malignant process, most likely  
 19 adenocarcinoma." Do you remember that at all?

20 A As I stated before, the only part I remember is  
 21 just "carcinoma."

22 Q Okay. Generally, when these conversations occur  
 23 between an outside consultant or whatever, a  
 24 pathologist calling to the OR, that really has  
 25 nothing to do with you, correct?

THE STATE OF OHIO, ) SS:  
 COUNTY OF CUYAHOGA. )

I, Tracy L. Vargo, a Notary Public within  
 and for the State of Ohio, duly commissioned and  
 qualified, do hereby certify that CHARLES W.  
 NADOLSKI, was 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 on  
 a computer/printer, and that the foregoing is a  
 true and correct transcript of the testimony so  
 given by him as aforesaid.

I do further certify 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, counsel or attorney of either  
 party, or otherwise interested in the event of this  
 action.

IN WITNESS WHEREOF, I have hereunto set my  
 hand and affixed my seal of office at Cleveland,  
 Ohio, on this 17th day of March, 2005.

Tracy L. Vargo, Notary Public  
 within and for the State of Ohio  
 My Commission expires June 6, 2005.

34

1 A That's correct.

2 Q So in other words, anything you hear is by  
 3 chance. Is that accurate?

4 MR. PESKIN: Objection.

5 A That's correct.

6 Q In this situation, that would be true also; is  
 7 that correct?

8 A That's correct.

9 Q You weren't eavesdropping, correct?

10 MR. PESKIN: Objection.

11 Q Am I correct?

12 A No.

13 Q You have no reason to be involved in the  
 14 conversation, correct?

15 A That's correct.

16 Q Your attention, as you said before, is dedicated  
 17 to the patient or other things that you have to  
 18 do?

19 A That's correct.

20 Q Thank you.

21 MR. PESKIN: I have no  
 22 further questions.

23 MS. MALNAR: I don't have  
 24 anything.

25 MR. SKALL: Nothing.

THE STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS:

Before me, a Notary Public in and for said  
 state and county, personally appeared the  
 above-named CHARLES W. NADOLSKI, who acknowledged  
 that he did sign the foregoing transcript and that  
 the same is a true and correct transcript of the  
 testimony so given.

IN TESTIMONY WHEREOF, I have hereunto  
 affixed my name and official seal at  
 \_\_\_\_\_ this \_\_\_\_\_ day of  
 \_\_\_\_\_, 2005.

CHARLES W. NADOLSKI

Notary Public

My Commission expires: \_\_\_\_\_

tlv

	<b>6</b>	30:5 32:8 <b>Attempted</b> 22:1 <b>Attention</b> 29:19 34:16 <b>Attorney</b> 13:13 35:17 <b>Avenue</b> 1:20 2:19 5:24 <b>Avoid</b> 5:11	<b>Case</b> 1:6 12:24 12:25 13:5 13:12 13:15 13: 22 14:17 14:25 19:19 20:6 21:17 30:7 <b>CCF</b> 9:14 9:16 <b>Center</b> 1:19 2:7 <b>Certification</b> 8:2 8:6 8:8 <b>Certified</b> 4:5 6:2 6:3 7:8 7:17 8:12 <b>Certify</b> 35:5 35:14 35:16 <b>Chagrin</b> 2:9 <b>Chance</b> 34:3 <b>Changed</b> 9:2 9:4 <b>Charles</b> 1:11 1:14 3:2 4:1 4:7 4:11 4:13 21:3 27: 5 29:15 33:14 35:5 36:6 36:17 <b>Chart</b> 21:22 <b>Chuck</b> 4:13 4:14 <b>Circumstances</b> 17:19 20:10 30:19 <b>Civil</b> 1:16 4:3 <b>Clear</b> 16:16 <b>Cleveland</b> 2:5 2:15 2:19 2:24 5:24 8:14 8:15 8:19 8:22 8:24 35:21 <b>Clinic</b> 8:14 8:15 8:20 8:22 8:24 <b>Clinical</b> 8:23 9:2 <b>Close</b> 9:21 10:6 <b>Co</b> 2:4 2:18 <b>Coming</b> 16:13 <b>Commencing</b> 1:20 <b>Commission</b> 35:25 36:21 <b>Commissioned</b> 35:4 <b>COMMON</b> 1:3 <b>Communicated</b> 14:25 17:7 25:24 <b>Communicating</b> 18:20 30:11 <b>Communication</b> 16:24 23:15 24:17 26:12 <b>Complete</b> 6:14 <b>Completed</b> 8:11 <b>Comply</b> 20:23 <b>Consultant</b> 33:23 <b>Context</b> 16:11 <b>Continuing</b> 7:19 7:21 7:22 <b>Conversation</b> 14:15 17:8 20:3 21:7 21:14 21:16 23:7 23:9 23:20 26:2 26:9 27:10 27:14 27: 16 27:20 27:25 28:3 28:5 28:6 28:19 28:21 29:18 30:6 30:6 30:16 30:25 31: 17 33:17 34:14 <b>Conversations</b> 13:19 14:16 26:15 33:22 <b>Corpsman</b> 6:17 6:21 8:23 9:2
<b>'69</b> 8:19 8:20 <b>'71</b> 7:18 <b>'80s</b> 8:8	<b>6</b> 35:25 <b>600</b> 2:9 <b>660</b> 2:4		
<b>1</b>	<b>9</b>	<b>B</b>	
<b>101</b> 2:19 <b>1300</b> 2:14 <b>1301</b> 2:23 <b>1400</b> 2:18 <b>15</b> 11:23 <b>1660</b> 2:5 <b>17th</b> 35:22 <b>1969</b> 8:16 8:18 <b>1971</b> 6:9 8:5 <b>1979</b> 8:25 <b>1:20</b> 1:20	<b>9</b> 10:16 <b>900</b> 2:14 <b>9th</b> 12:7	<b>Background</b> 6:1 <b>Badr</b> 2:16 <b>Barrett</b> 2:9 <b>Based</b> 19:24 <b>Basis</b> 12:10 <b>Beachwood</b> 2:10 <b>Became</b> 9:11 10:1 <b>Becker</b> 2:4 <b>Become</b> 6:25 <b>Becoming</b> 6:3 <b>Bedford</b> 1:19 1:20 2:7 10:14 10:15 10:15 10:23 12:16 <b>Began</b> 13:21 <b>Behalf</b> 2:2 2:7 2:11 2:16 2:21 <b>Berne</b> 2:13 <b>Beside</b> 26:19 <b>Best</b> 5:6 11:24 16:6 22:16 <b>Between</b> 23:15 27:10 28:24 29:22 33:23 <b>Beyond</b> 7:16 <b>Big</b> 5:15 5:16 <b>Biopsies</b> 18:17 <b>Biopsy</b> 13:6 22:8 <b>Bit</b> 4:21 <b>Blaine</b> 1:19 <b>Boards</b> 6:7 6:7 9:10 <b>Boulevard</b> 2:9 <b>Break</b> 5:19 <b>Bringing</b> 10:24 <b>Brought</b> 13:13 <b>Building</b> 2:14 2:18	
<b>2</b>	<b>A</b>		
<b>2000</b> 10:16 10:17 12:7 <b>2003</b> 11:6 11:6 12:2 13:7 15:6 15:25 26:17 30:2 30:2 <b>2005</b> 1:12 35:22 35:25 36:13 <b>21</b> 3:6 <b>23240</b> 2:9 <b>27</b> 3:7 <b>28</b> 1:12 <b>29</b> 3:5	<b>Able</b> 7:11 16:18 27:9 27:13 27:19 28:5 29:20 <b>Above-named</b> 36:6 <b>Accurate</b> 34:3 <b>Acknowledged</b> 36:6 <b>Action</b> 35:19 <b>Actual</b> 18:9 <b>Additional</b> 17:9 18:21 20:22 22:10 28:12 28:13 29: 6 32:17 <b>Address</b> 5:23 <b>Adenocarcinoma</b> 24:3 33:19 <b>Affixed</b> 35:21 36:11 <b>Aforesaid</b> 35:8 35:13 <b>Afterwards</b> 35:10 <b>Age</b> 4:2 <b>Ago</b> 14:5 14:8 14:10 14:11 <b>Agree</b> 29:24 31:13 31:14 31:19 <b>Ahead</b> 27:22 28:18 30:22 <b>Al</b> 1:8 <b>Anesthesia</b> 22:20 <b>Answer</b> 31:22 31:23 32:4 <b>Answers</b> 5:1 <b>APPEARANCES</b> 2:1 <b>Appeared</b> 36:5 <b>Appreciate</b> 33:11 <b>Assigned</b> 12:10 <b>Assist</b> 10:24 <b>Assistant</b> 6:2 6:4 7:12 7:17 8:12 9:6 9:9 9:11 9: 13 9:19 10:2 10:10 10:22 12:18 <b>Assistants</b> 7:9 8:9 <b>Assisted</b> 10:4 <b>Assisting</b> 20:20 30:8 31:4 <b>Associated</b> 17:2 <b>Assume</b>		
<b>3</b>		<b>C</b>	
<b>30</b> 11:15 12:2 13:7 15:6 15:25 <b>3117</b> 5:24 <b>33</b> 3:6 <b>3600</b> 2:23		<b>Caption</b> 35:16 <b>Carcinoma</b> 16:9 16:11 16:23 17:2 21:19 23:24 23: 25 26:1 33:21 <b>Care</b> 11:2 11:2	
<b>4</b>			
<b>4</b> 3:5 <b>40</b> 11:15 <b>44109</b> 5:24 <b>44113</b> 2:5 <b>44114</b> 2:15 2:24 <b>44115-1093</b> 2:19 <b>44122</b> 2:10			
<b>5</b>			
<b>55</b> 1:19			

<b>Correct</b> 9:12 9:15 18:24 19:3 19:16 19:18 19:20 20:1 21:20 21:23 21:24 22:4 22:23 22:24 23:1 23:3 23:8 23:12 23:17 23:18 23:25 24:1 24:13 24:18 24:19 24:25 25:1 26:3 26:4 26:8 26:10 26:11 26:14 26:22 26:23 26:25 27:1 27:11 29:7 32:14 33:25 34:1 34:5 34:7 34:8 34:9 34:11 34:14 34:15 34:19 35:12 36:8 <b>Counsel</b> 26:16 26:18 26:19 35:17 <b>County</b> 1:1 35:1 36:2 36:5 <b>Couple</b> 7:13 21:6 29:12 33:10 <b>Course</b> 22:16 22:18 <b>Courses</b> 7:20 <b>Court</b> 1:3 5:9 <b>Cut</b> 15:8 17:10 <b>Cuts</b> 15:12 17:13 19:1 31:10 <b>Cuyahoga</b> 1:1 35:1 <b>CV-04-528736</b> 1:6	<b>Down</b> 5:10 12:20 17:25 18:10 19:2 19:5 19:10 19:11 <b>Dozen</b> 11:10 11:10 11:10 <b>Dr</b> 9:24 12:1 12:3 12:5 12:12 12:15 14:16 14:22 15:1 15:1 15:5 15:24 16:5 16:7 16:14 16:14 16:21 17:9 18:10 18:16 18:20 18:20 20:9 20:21 20:22 21:5 21:8 21:9 21:12 22:17 23:15 23:16 24:10 24:13 24:17 24:21 24:24 24:25 25:2 25:14 25:24 26:21 26:21 27:10 27:10 28:11 28:14 28:24 28:24 29:3 29:3 29:5 30:7 33:4 <b>Draped</b> 11:3 <b>Duly</b> 4:4 35:4 35:6 <b>During</b> 15:24 17:8 30:6 <b>Duties</b> 10:21	<b>Examined</b> 4:5 <b>Excuse</b> 23:24 <b>Exist</b> 6:23 <b>Experience</b> 31:12 31:13 <b>Expires</b> 35:25 36:21 <b>Extension</b> 31:3 <b>Extensive</b> 6:19	33:22 <b>Gestures</b> 5:11 <b>Ghumrawi</b> 2:16 12:1 12:3 12:5 14:16 15:1 15:24 16:14 16:21 18:16 18:20 20:9 20:21 20:22 21:8 21:9 22:17 23:16 24:10 24:24 25:2 25:14 26:21 27:10 28:14 28:24 29:3 33:4 <b>Gist</b> 25:7 <b>Given</b> 31:12 35:8 35:13 36:9 <b>Graduate</b> 7:10 9:8 <b>Graduated</b> 6:5 <b>Group</b> 11:18 <b>Guess</b> 15:12 17:11
<b>D</b> <b>Date</b> 1:21 <b>David</b> 2:21 2:22 9:24 <b>December</b> 8:20 <b>Decides</b> 31:5 <b>Decision</b> 18:17 25:17 25:19 28:14 31:6 <b>Dedicated</b> 34:16 <b>Defendant</b> 2:7 2:11 2:16 <b>Defendants</b> 1:9 4:17 <b>Definitely</b> 16:15 <b>Definitive</b> 20:13 30:13 32:18 <b>Degree</b> 6:16 9:9 <b>Denholm</b> 2:21 <b>Deposition</b> 1:11 1:14 3:2 4:18 14:7 22:1 35:14 <b>Describe</b> 10:21 <b>Designed</b> 6:17 6:20 <b>Detail</b> 29:2 <b>Diagnosis</b> 17:15 20:13 21:11 22:25 30:13 32:18 <b>Difference</b> 29:22 <b>Different</b> 11:10 11:15 15:9 <b>Discharged</b> 6:21 8:13 8:18 <b>Discussing</b> 22:22 <b>Discussion</b> 24:24 25:2 25:5 <b>Dispute</b> 14:25 <b>Done</b> 13:7 18:13 18:15 <b>Doubt</b> 5:19 13:18 29:20	<b>E</b> <b>East</b> 2:14 2:23 <b>Easy</b> 14:24 <b>Eavesdropping</b> 34:9 <b>Education</b> 4:22 7:16 7:19 7:22 31:12 <b>Educational</b> 5:25 <b>Efforts</b> 5:9 <b>Either</b> 15:15 19:16 35:17 <b>Electing</b> 33:4 <b>Eligible</b> 6:6 <b>Employed</b> 9:14 <b>Employment</b> 8:10 <b>Ends</b> 30:17 <b>Entire</b> 21:12 23:14 23:20 29:18 30:18 31:16 33:1 33:5 <b>Entirely</b> 19:25 <b>Entirety</b> 27:14 27:15 <b>Erievew</b> 2:23 <b>Esq</b> 2:3 2:8 2:13 2:17 2:22 <b>Essentially</b> 25:17 <b>Estimate</b> 11:23 <b>Et</b> 1:8 <b>Evaluation</b> 21:12 <b>Event</b> 35:18 <b>Events</b> 20:1 <b>Ex</b> 7:1 7:8 <b>Ex-military</b> 7:1 7:8 <b>Exactly</b> 15:20 <b>Exam</b> 8:3 <b>Examination</b> 1:15 3:4 4:3 4:7 21:3 27:5	<b>F</b> <b>Fair</b> 11:23 28:11 30:4 32:13 32:14 <b>Far</b> 18:17 28:20 30:14 32:12 <b>Farchione</b> 2:22 <b>FEBRUARY</b> 1:12 <b>Few</b> 27:7 <b>Field</b> 7:15 7:23 <b>Fifty</b> 7:24 7:25 <b>Filed</b> 4:16 <b>Final</b> 21:11 <b>Fine</b> 4:14 25:15 <b>Finish</b> 6:8 <b>Finished</b> 6:10 7:18 <b>First</b> 4:4 6:11 14:1 15:4 15:21 18:1 18:24 35:6 <b>Five</b> 10:6 10:12 <b>Focus</b> 28:7 <b>Focused</b> 29:2 29:4 <b>Foley</b> 11:1 11:2 <b>Follow</b> 33:11 <b>Follow-up</b> 27:8 29:13 <b>Following</b> 21:9 31:16 <b>Follows</b> 4:6 <b>Forbes</b> 2:9 <b>Foregoing</b> 35:11 35:15 36:7 <b>Forget</b> 31:9 31:10 <b>Formal</b> 7:16 <b>Forth</b> 1:21 29:2 31:5 <b>Four</b> 19:2 19:16 <b>Frequently</b> 12:9 <b>Frozen</b> 12:19 15:2 15:6 15:8 20:11 24:16 30:9 32:10 <b>Full</b> 4:9	<b>H</b> <b>Half</b> 11:10 <b>Hand</b> 23:15 35:21 <b>Hard</b> 11:9 20:16 <b>Head</b> 5:12 5:12 <b>Health</b> 1:8 2:7 <b>Hear</b> 13:23 14:1 16:18 27:9 27:13 27:19 28:5 29:1 29:18 30:10 30:16 34:2 <b>Heard</b> 16:8 16:12 21:17 29:23 30:1 30:5 30:25 32:16 <b>Hearing</b> 15:4 15:14 15:22 16:10 <b>Heights</b> 9:17 9:20 <b>Helping</b> 31:4 <b>Hereby</b> 35:5 <b>Hereinafter</b> 4:5 <b>Hereunto</b> 35:20 36:10 <b>Hi</b> 27:7 <b>High</b> 6:13 <b>History</b> 8:11 <b>Hold</b> 9:1 <b>Hoogenboom</b> 20:4 22:17 26:22 <b>Hopefully</b> 5:2 27:8 <b>Hospital</b> 9:17 10:8 10:9 10:23 11:8 11:13 11:18 12:6 12:14 14:4 <b>Hospitals</b> 1:7 2:7 <b>Hours</b> 7:15 7:25 <b>Hundreds</b> 32:9 32:9 <b>Hypothetical</b> 30:22 30:23 30:24
		<b>G</b> <b>Generally</b>	<b>I</b> <b>Ignored</b> 32:19 <b>Immediately</b> 31:16 <b>Impact</b> 32:11

<b>Independent</b> 13:4 13:9 <b>INDEX</b> 3:2 <b>Indicated</b> 21:10 24:12 27:9 <b>Indicating</b> 5:16 28:20 <b>Indulgence</b> 33:11 <b>Initial</b> 17:24 <b>Input</b> 25:20 25:22 <b>Inserted</b> 11:1 <b>Interested</b> 35:18 <b>Intraoperatively</b> 32:10 <b>Involved</b> 12:21 22:8 30:9 32:8 34:13 <b>Issue</b> 15:10 30:18 <b>Itself</b> 7:15	2:13 3:6 21:4 21:5 27:2 31:21 32:2 33: 10 33:15 <b>Licensing</b> 8:3 <b>Likely</b> 33:18 <b>Limited</b> 23:9 23:16 <b>Listen</b> 28:21 <b>LLC</b> 2:9 <b>LLP</b> 2:13 <b>Look</b> 31:9 <b>Looked</b> 18:4 19:21 21:22 <b>Loud</b> 29:21 <b>LPA</b> 2:4 2:18 <b>Lung</b> 15:12 18:8 18:9 21:12 22:8 25:3 25:18 26:6 28:15 33:1 33:5 33:6 <b>Lymph</b> 15:11 17:14 17:20 18:9 18:14 18:23 26: 6	33:18 <b>Murray</b> 2:13 21:5  <b>N</b>  <b>Nadolski</b> 1:11 1:14 3:2 4:1 4:7 4:11 4:11 4:13 21: 3 27:5 29:15 33:14 35:6 36:6 36:17 <b>Name</b> 4:9 4:10 27:7 36:11 <b>Named</b> 12:1 <b>Nancy</b> 1:7 <b>Nature</b> 23:5 24:8 <b>Navy</b> 6:17 6:17 6:20 6:21 <b>Need</b> 5:17 5:19 31:18 32:17 <b>Needed</b> 18:16 <b>Needles</b> 18:13 <b>Needs</b> 11:1 <b>Never</b> 32:21 <b>Ninth</b> 2:14 2:23 <b>Nobody</b> 26:20 <b>Node</b> 15:11 17:14 17:20 18:9 18:14 18:23 26: 6 <b>Norchi</b> 2:8 2:9 4:23 7:2 7:6 11:20 13:19 13:24 14:2 14:13 15:7 17:21 18:2 23:23 27: 21 28:17 30:21 31:20 31:23 <b>Norchi's</b> 13:17 20:4 <b>Normal</b> 17:18 <b>Notary</b> 1:18 35:3 35:24 36:4 36:20 <b>Nothing</b> 18:1 29:11 33:25 34:25 35:7 <b>Number</b> 4:17 7:14 14:8	15:10 15:18 17:13 18:1 19:4 19:7 19:8 19:13 23:6 23:9 23:9 23:15 23:16 26:24 <b>Ones</b> 22:19 <b>Open</b> 13:6 22:6 <b>Operate</b> 11:13 <b>Operated</b> 10:3 20:9 <b>Operating</b> 12:20 15:1 15:16 15:23 16:18 20:20 30: 8 31:14 <b>Operations</b> 12:10 32:9 <b>Operative</b> 26:24 <b>Opinion</b> 15:5 <b>Opposed</b> 33:5 <b>Order</b> 30:12 <b>Organ</b> 30:18 31:16 <b>ORs</b> 10:23 <b>Otherwise</b> 35:18 <b>Outside</b> 20:4 33:23 <b>Overhear</b> 28:25 <b>Own</b> 19:25 22:1 31:5
<b>J</b>  <b>Job</b> 5:1 5:2 28:20 <b>Joyce</b> 1:4 4:16 12:2 13:7 15:13 32:24 33:1 <b>Judge</b> 1:7 <b>July</b> 10:16 10:17 12:7 <b>June</b> 30:1 35:25	<b>M</b>  <b>Malignancy</b> 21:13 23:21 <b>Malignant</b> 33:18 <b>Malnar</b> 2:17 3:7 27:6 27:7 29:9 34:23 <b>Mannion</b> 2:22 <b>March</b> 35:22 <b>Marian</b> 22:17 22:18 <b>McCulla</b> 22:17 <b>McDonnell</b> 1:7 <b>MD</b> 2:12 2:16 2:21 <b>Mean</b> 11:9 13:10 13:22 14:20 15:7 17:4 17:5 17:6 17:16 27:24 29:22 30:1 31:8 31: 24 32:8 <b>Meaning</b> 27:15 <b>Means</b> 11:21 11:22 <b>Meant</b> 19:8 <b>Media</b> 2:14 <b>Medical</b> 1:19 2:7 7:15 7:19 7:22 13:11 <b>Medics</b> 6:18 6:20 <b>Merit</b> 1:17 <b>Met</b> 4:15 14:13 <b>Midland</b> 2:18 <b>Might</b> 11:14 11:14 29:23 <b>Military</b> 7:1 7:3 7:8 8:13 <b>Mind</b> 28:16 <b>Mishkind</b> 2:4 <b>MONDAY</b> 1:12 <b>Most</b>	<b>O</b>  <b>O'Connell</b> 2:22 <b>Object</b> 32:3 <b>Objection</b> 11:20 17:21 23:23 27:21 28:17 30:21 31:20 31:21 34:4 34:10 <b>Obtained</b> 12:19 <b>Obtaining</b> 12:18 <b>Obviously</b> 17:14 <b>Occasions</b> 24:16 <b>Occur</b> 26:13 33:22 <b>Occurred</b> 15:22 18:12 22:21 26:17 <b>October</b> 8:19 <b>Office</b> 2:4 35:21 <b>Official</b> 36:11 <b>Ohio</b> 1:1 1:16 1:19 1:20 2:5 2:10 2:15 2:19 2: 24 4:3 5:24 35:1 35:4 35:22 35:24 <b>Once</b> 8:11 19:11 20:15 20:17 <b>One</b>	<b>P</b>  <b>P.m.</b> 1:20 <b>PAGE</b> 3:4 <b>Parma</b> 10:8 10:9 <b>Part</b> 33:20 <b>Particular</b> 13:15 13:21 31:24 <b>Party</b> 35:18 <b>Patel</b> 2:12 12:12 12:15 14:22 15:1 15:5 16:7 16:14 17:9 18:10 18:20 21:5 21:12 23: 15 24:17 24:21 24:25 25:24 26:21 27: 10 28:11 28:24 29:3 29:5 30:7 <b>Patel's</b> 16:5 24:13 <b>Pathologist</b> 12:12 20:11 20:12 20:21 30:10 31:17 32:16 33:24 <b>Patient</b> 10:24 10:25 11:3 12:1 23:2 34:17 <b>Pay</b> 29:19 <b>Penton</b> 2:14 <b>People</b> 7:10 <b>Performed</b> 12:1 26:17 <b>Perhaps</b> 24:16 <b>Permission</b> 13:17 <b>Personally</b> 36:5 <b>Peskin</b> 2:3 3:5 4:8 7:4 20:25 24:12 29:12 29: 16 32:1 33:8 34:4 34:10 34:21 <b>Phone</b> 16:21 30:16 <b>Physician</b>
<b>K</b>  <b>Kanalyalal</b> 2:11 <b>Keep</b> 30:7 <b>Kevin</b> 2:8 <b>Kind</b> 6:23 <b>Known</b> 12:15	<b>L</b>  <b>Lab</b> 17:25 19:6 <b>Laboratory</b> 12:21 <b>Last</b> 4:10 14:19 29:1 <b>Late</b> 8:8 <b>Laura</b> 20:3 22:17 <b>Lawful</b> 4:2 <b>Lawrence</b> 2:3 <b>Lawsuit</b> 4:16 13:23 <b>Learn</b> 14:6 <b>Learned</b> 21:11 <b>Least</b> 7:13 16:19 21:11 <b>Lee</b> 1:4 4:16 12:2 13:7 15:13 21:23 32:25 <b>Lee's</b> 33:1 <b>Left</b> 8:25 9:16 9:22 <b>Lenson</b>		

<p>9:5 31:2  <b>Physician's</b>  7:12 9:9 9:11 9:13  <b>PJ</b>  2:17 27:7  <b>Place</b>  35:15  <b>Plaintiff</b>  1:5 1:15 2:2 4:2  <b>Plan</b>  25:3  <b>Play</b>  12:17  <b>PLEAS</b>  1:3  <b>Point</b>  9:3  <b>Portion</b>  33:5  <b>Position</b>  8:21 31:2 31:9 31:11  <b>Positioning</b>  10:25  <b>Positions</b>  9:1  <b>Possible</b>  17:2  <b>Practice</b>  9:23 9:25  <b>Preface</b>  24:2  <b>Prepped</b>  10:25 11:3  <b>Prerequisite</b>  7:14  <b>Presence</b>  20:4 35:10  <b>Private</b>  9:23 9:25  <b>Probable</b>  17:1  <b>Problem</b>  13:1 24:20  <b>Procedure</b>  1:16 4:4 11:25 13:23 15:3 15:24 20:8  21:9 22:3 22:21 22:23 23:6 26:16 32:12  <b>Process</b>  12:18 12:21 33:18  <b>Program</b>  6:5 6:6 6:8 6:11 6:12 6:13 6:19 6:23 7:  7 7:11 7:12 7:17 9:4  <b>Prospect</b>  2:19  <b>Provide</b>  28:13  <b>Public</b>  1:18 35:3 35:24 36:4 36:20  <b>Pursuant</b>  1:15 4:3</p>	<p>17:12 17:17 18:15 34:13  <b>Received</b>  21:10  <b>Recognize</b>  16:2 24:13  <b>Recollect</b>  11:24 16:8 18:22 19:12 25:23 28:19  <b>Recollection</b>  13:4 13:10 13:14 16:6 16:16 18:7 19:  25 22:16 22:22 26:9 29:5 32:25  <b>Record</b>  4:10  <b>Records</b>  13:11 18:4 19:19  <b>Reduced</b>  35:9  <b>Referring</b>  13:10  <b>Regard</b>  15:2 17:8  <b>Regarding</b>  15:6  <b>Registered</b>  1:17  <b>Regular</b>  12:10  <b>Relate</b>  5:9  <b>Relates</b>  21:17  <b>Relating</b>  21:22 26:2 26:10  <b>Relative</b>  35:17  <b>Relatively</b>  11:18 11:21  <b>Relieved</b>  22:18  <b>Remember</b>  5:17 13:12 13:14 14:8 16:11 17:15 20:  5 21:14 21:18 22:20 23:20 25:13 26:13  29:23 30:3 33:3 33:19 33:20  <b>Reminger</b>  2:18 2:18  <b>Remove</b>  25:3 25:17 28:14 30:17 31:15 33:5  <b>Removed</b>  18:24 33:1  <b>Repeat</b>  25:12  <b>Rephrase</b>  5:5  <b>Report</b>  16:13  <b>Reporter</b>  1:18 5:9  <b>Reporting</b>  15:5 32:16  <b>Represent</b>  4:15 21:5  <b>Request</b>  14:6 20:10 20:23 32:19  <b>Requested</b>  28:12  <b>Requesting</b>  29:6  <b>Requirements</b>  7:21  <b>Requisition</b>  19:21  <b>Requisitions</b>  18:5  <b>Respect</b>  21:16  <b>Responsibilities</b>  10:22  <b>Responsibility</b>  4:23 13:3  <b>Rest</b>  5:8 32:23  <b>Restate</b></p>	<p>5:5  <b>Results</b>  15:2 15:14 22:22 32:11  <b>Revealed</b>  21:13  <b>Reviewed</b>  19:18  <b>Richmond</b>  9:17 9:20  <b>Role</b>  12:17  <b>Rollins</b>  9:24  <b>Room</b>  10:24 12:20 15:2 15:16 15:24 16:18 20:  20 22:12 22:15 23:6 28:8 28:25 30:8  31:14  <b>Rules</b>  1:16 4:3 5:8  <b>Run</b>  8:10</p>	<p>15:5 15:14 15:23 16:17 25:25 27:11 27:  25 28:23 29:17 29:21 32:17  <b>Speaking</b>  16:14  <b>Specific</b>  18:7 28:19 32:25  <b>Specifically</b>  30:25  <b>Specified</b>  35:16  <b>Specimen</b>  15:11 26:2 26:5 26:6  <b>Specimens</b>  15:10 15:15  <b>Spell</b>  4:9  <b>SS</b>  1:1 35:1 36:2  <b>Start</b>  8:15 10:15 30:17  <b>Started</b>  8:19  <b>State</b>  1:1 1:18 4:9 35:1 35:4 35:24 36:1 36:5  <b>Statement</b>  30:4 32:13 32:14  <b>Stay</b>  8:24 9:20  <b>Stenotypy</b>  35:9  <b>Stick</b>  28:15  <b>Still</b>  6:23  <b>Stop</b>  5:4  <b>Story</b>  32:24  <b>Strategy</b>  25:3  <b>Street</b>  2:5 2:14 2:23  <b>Student</b>  9:5  <b>Sufficient</b>  29:17  <b>Suggesting</b>  23:14 23:19 26:12  <b>Suite</b>  2:9 28:2  <b>Summoned</b>  14:3  <b>Surgeon</b>  9:24 24:17 30:9 30:11 30:12 30:17 30:  20 31:15 32:18  <b>Surgeons</b>  11:5 11:7 11:11 11:13 11:16  <b>Surgical</b>  6:2 6:4 6:25 7:9 7:17 8:9 8:12 9:19 10:  2 10:10 10:22 12:18  <b>Sutter</b>  2:22  <b>Sworn</b>  4:4 4:15 35:6  <b>System</b>  1:8 2:7</p>
<p><b>Q</b></p> <p><b>Qualified</b>  35:5  <b>Questions</b>  4:25 21:1 21:6 27:3 27:8 29:13 33:9 34:  22  <b>Quite</b>  23:4</p>			
<p><b>R</b></p> <p><b>Rather</b>  28:13  <b>RE-EXAMINATION</b>  29:15 33:14  <b>Ready</b>  11:4  <b>Real</b>  14:24  <b>Really</b>  33:24  <b>Reason</b></p>			
		<p><b>S</b></p> <p><b>Sample</b>  17:24  <b>Samples</b>  18:8 19:5 24:16 26:7 28:12 28:13  <b>SAs</b>  8:8  <b>Sat</b>  6:7  <b>School</b>  6:14  <b>Seal</b>  35:21 36:11  <b>Second</b>  2:5 15:12  <b>Section</b>  15:3 15:6 15:8 20:11 30:9 32:10  <b>Sections</b>  12:19  <b>See</b>  30:17  <b>Sent</b>  15:11 17:25 18:10 18:14 19:2 19:5 19:  10 19:11  <b>Separate</b>  18:8  <b>Separately</b>  19:11  <b>Service</b>  6:18 6:22  <b>Set</b>  1:21 19:5 35:20  <b>Several</b>  14:10 14:19  <b>Short</b>  5:20 33:12  <b>Sign</b>  36:7  <b>Sit</b>  6:6 9:9 23:4  <b>Situation</b>  20:19 32:5 32:15 34:6  <b>Skall</b>  2:22 29:11 34:25  <b>Skylight</b>  2:4  <b>Slice</b>  19:14  <b>Slips</b>  19:21  <b>Small</b>  11:18 11:21  <b>Sorry</b>  8:18 23:24 27:23 29:25  <b>Sort</b>  8:2  <b>Speaker</b>  21:18  <b>Speakerphone</b></p>	<p><b>T</b></p> <p><b>Tate</b>  5:24  <b>Tech</b>  6:25  <b>Telephone</b>  30:10  <b>Ten</b>  9:21  <b>Terms</b>  18:4 32:24  <b>Testified</b>  4:6  <b>Testify</b></p>

35:6 <b>Testimony</b> 24:23 35:8 35:12 36:9 36:10 <b>Theater</b> 26:25 <b>Thoracotomy</b> 13:6 22:6 <b>Three</b> 8:13 14:11 17:13 19:1 19:16 21:8 <b>Tissue</b> 15:13 17:9 17:12 18:8 18:10 18:21 19: 5 19:14 20:12 20:22 26:7 28:12 28:13 29:6 30:12 31:18 32:17 <b>Title</b> 9:2 9:4 <b>Tlv</b> 36:24 <b>Today</b> 13:5 23:4 <b>Took</b> 8:2 <b>Tower</b> 2:4 2:23 <b>Tracy</b> 1:17 35:3 35:24 <b>Training</b> 6:19 7:17 8:11 31:12 <b>Transcribed</b> 35:10 <b>Transcript</b> 35:12 36:7 36:8 <b>Transported</b> 12:20 <b>Tri</b> 6:5 <b>Tri-C</b> 6:5 6:6 <b>True</b> 15:8 15:12 17:10 17:13 19:1 31:10 34: 6 35:12 36:8 <b>True-cut</b> 15:8 15:19 17:10 17:17 18:13 18:16 19: 5 19:14 <b>True-cuts</b> 15:12 17:13 19:1 31:10 <b>Truth</b> 35:7 35:7 35:7 <b>Try</b> 17:22 17:23 <b>Trying</b> 11:12 13:14 <b>Two</b> 6:14 7:11 7:24 7:25 13:22 14:11 15:8 15:10 17:13 18:8 21:8 23:4 <b>Two-year</b> 6:12 7:11	<b>V</b> <b>Vargo</b> 1:17 35:3 35:24 <b>Vascular</b> 9:23 <b>Voice</b> 15:22 16:2 16:4 24:13 <b>Volume</b> 29:17 <b>Vs</b> 1:6
	<b>W</b> <b>Weeks</b> 14:8 14:10 14:11 14:11 14:20 <b>West</b> 2:5 2:19 <b>WHEREOF</b> 35:20 36:10 <b>Whole</b> 27:15 27:19 27:25 28:2 28:5 28:6 35:7 <b>Witness</b> 31:25 35:10 35:20 <b>Word</b> 5:10 16:8 16:10 16:12 16:23 17:1 21: 18 23:10 23:17 23:19 24:5 25:6 25:6 25:14 29:1 <b>Words</b> 18:14 33:16 34:2
	<b>Y</b> <b>Year</b> 7:11 7:20 <b>Years</b> 6:14 7:13 7:14 7:24 7:25 8:14 9:21 10: 6 10:12 13:22 23:4
<b>U</b> <b>Uh-huhs</b> 5:11 <b>Uh-uhs</b> 5:11 <b>Ulmer</b> 2:13 <b>Unable</b> 20:13 <b>Unclear</b> 5:4 <b>Under</b> 16:11 17:18 20:9 30:18 <b>Undersigned</b> 1:17 <b>University</b> 1:7 2:7 <b>Unless</b> 13:16 <b>Unusual</b> 31:15 31:19 <b>Up</b> 33:11	