

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

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4 NADIRAH D. MALIK, etc.,

5 Plaintiff,

6 vs

Case No. 443949  
Judge Russo

7 MERIDIA HEALTH SYSTEMS,  
8 et al.,

9 Defendants.

10 - - - - -

11 DEPOSITION OF LEKITA NANCE, L.P.N.

12 FRIDAY MAY 31, 2002

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14 Deposition of LEKITA NANCE, L.P.N., a  
15 Witness herein, called by counsel on behalf of  
16 the Plaintiff for examination under the statute,  
17 taken before me, Vivian L. Gordon, a Registered  
18 Diplomate Reporter and Notary Public in and for  
19 the State of Ohio, pursuant to agreement of  
20 counsel, at the offices of Huron Road Hospital,  
21 13951 Terrace Road, East Cleveland, Ohio,  
22 commencing at 10:50 o'clock a.m. on the day and  
23 date above set forth.

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25

1 APPEARANCES:

2

On behalf of the Plaintiff

3

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1           LEKITA NANCE, L.P.N., a witness herein,  
2   called for examination, as provided by the Ohio  
3   Rules of Civil Procedure, being by me first duly  
4   sworn, as hereinafter certified, was deposed and  
5   said as follows:

6           EXAMINATION OF LEKITA NANCE, L.P.N.

7   BY MR. MISHKIND:

8           Q.     State your full name for the record,  
9   please.

10          A.     Lekita L. Nance.

11          Q.     I understand you are an LPN; is that  
12   correct?

13          A.     Yes.

14          Q.     And you are employed by whom?

15          A.     Cleveland Clinic Health System,  
16   Meridia System.

17          Q.     Tell me where you live, your  
18   residence address, please, Lekita.

19          A.     1111 East 145 Street.

20          Q.     East Cleveland?

21          A.     Cleveland.

22          Q.     Zip?

23          A.     44110.

24          Q.     How long have you worked here at  
25   Huron Road?

1 A. Since December of '99.

2 Q. So you had only worked here a month  
3 prior to Mr. Edwards' death?

4 A. Yes.

5 Q. Where did you work before Huron Road?

6 A. I worked at the post office.

7 Q. You weren't working as an LPN, were  
8 you?

9 A. No. Huron was my first nursing job.  
10 I had just graduated.

11 Q. From where?

12 A. Central School of Practical Nursing.

13 Q. Where is that?

14 A. 4600 Carnegie.

15 Q. Ever had your deposition taken  
16 before?

17 A. No.

18 Q. The court reporter is going to take  
19 my questions down and she is going to take your  
20 answers down.

21 A. Okay.

22 Q. Pretty simple. If you don't  
23 understand my question, tell me you don't, okay?

24 A. Yes.

25 Q. I'll wait until you are done

1     answering and you wait until I am done asking.

2     Okay?

3             A.     Okay.

4             Q.     What have you reviewed for today's  
5     deposition, ma'am?

6             A.     Reviewed?

7             Q.     What records have you reviewed?

8             A.     I have seen this chart.

9             Q.     Did you maintain any notes at all  
10    about Mr. Edwards or your involvement in the  
11    care of Mr. Edwards?

12            A.     No.

13            Q.     Do you remember meeting any family  
14    members?

15            A.     No.

16            Q.     Do you remember Mr. Edwards?

17            A.     Yes.

18            Q.     Tell me how you remember him.

19            A.     Our first meeting?

20            Q.     Yes. Tell me your first meeting,  
21    what you remember.

22            A.     I was going in to assess Mr. Edwards.

23            Q.     What time was that?

24            A.     Roughly maybe 12:00 or so.

25            Q.     That would be 12:00 midnight?

1 A. Yes.

2 Q. So we are going from the 28th into  
3 the 29th of January; true?

4 A. Yes.

5 Q. Prior to this time, where are you  
6 going in to assess him? Had you ever  
7 encountered Mr. Edwards before?

8 A. No.

9 Q. This is the telemetry unit that you  
10 were working on; correct?

11 A. Yes.

12 Q. Had you worked in the telemetry unit  
13 on any evenings prior to January 28th to January  
14 29th?

15 A. Yes.

16 Q. When you started at Huron Road, were  
17 you assigned to the telemetry unit from the very  
18 beginning?

19 A. Yes.

20 Q. Were you in some type of a training  
21 period?

22 A. I don't understand.

23 Q. Fair enough. Probably poorly worded.  
24 I was just wondering what type of a period of  
25 orientation you have to go through when you

1 started, when you are going through orientation.

2 A. Yes, at that time, I was -- well, you  
3 go through a series of classes and I was on my  
4 IV therapy class. I hadn't started training for  
5 the telemetry yet.

6 Q. So on January 28th, 2000, going into  
7 January 29th, 2000, you were an orientee in the  
8 telemetry unit; true?

9 A. I was still in the probationary  
10 period, yes.

11 Q. Then that lasts, is it, 90 days?

12 A. Four months, mostly, for a new grad.

13 Q. You had not had any telemetry  
14 training from the standpoint of reading  
15 telemetry strips?

16 A. No.

17 Q. Did you know how to operate the  
18 telemetry equipment?

19 A. I just knew how to place leads. I  
20 wasn't involved in the monitor or anything like  
21 that.

22 Q. Did you know how to hook up or  
23 disconnect the monitor from the leads?

24 A. Yes.

25 Q. Did you know how to set alarms?

1 A. No.

2 Q. Did you know the thresholds that  
3 needed to be set for the alarms to sound?

4 A. No.

5 Q. Did you know the protocol to be  
6 followed in the event that an alarm sounded on  
7 the telemetry unit on any given patient?

8 A. Yes.

9 Q. What was the protocol that you were  
10 to follow?

11 A. At that time -- well, any time, you  
12 are supposed to go and see the patient and  
13 assess the patient.

14 Q. Your shift would have started at what  
15 time on the 28th?

16 A. 11:00.

17 Q. 11:00 p.m.?

18 A. Yes.

19 Q. Did you work through your shift that  
20 day? I mean, into the following morning.

21 A. Yes.

22 Q. Until 7:00 a.m.?

23 A. 7:30, yes.

24 Q. Were there other **LPNs** that were  
25 working on the telemetry unit floor that evening



1 during your shift?

2 A. I don't remember.

3 Q. As an LPN, would you work under the  
4 direction of a nurse?

5 MS. REID: An RN you mean?

6 A. An RN, yes, we do.

7 Q. And who was the RN that you were  
8 assigned to work with?

9 A. The staff RN that night I believe was  
10 Bill Bagi.

11 Q. That's B-A-G-I?

12 A. I think so, yes.

13 Q. I want to jump ahead for a moment and  
14 then go back to what went on when you went into  
15 his room, but after Mr. Edwards died, did you  
16 have any communication with his daughter when  
17 she arrived?

18 A. No, I did not.

19 Q. Did you have any communication with  
20 Dr. D'Hue when he arrived?

21 A. No.

22 Q. Do you remember Dr. D'Hue and  
23 Mr. Edwards' daughter arriving at or around the  
24 same time to the hospital?

25 A. I remember seeing them. Whether they

1       came at the same time, I don't know.

2           Q.       What do you remember observing, even  
3       though you didn't talk to the daughter, what do  
4       you remember observing about her state of being,  
5       if you will, when she arrived?

6           A.       I remember her being upset, but I  
7       went into the back and I was trying to get my  
8       notes and stuff together. I wasn't at the front  
9       desk.

10          Q.       What notes were you trying to get  
11       together?

12          A.       There is paperwork that you have to  
13       fill out, and I was trying to get that paperwork  
14       and put to together.

15          Q.       Is that part of the chart, this  
16       paperwork that you are referring to?

17          A.       Yes.

18          Q.       Aside from the paperwork that's part  
19       of the chart, did you prepare any other  
20       paperwork concerning this event?

21          A.       No.

22          Q.       At any time prior to Mr. Edwards'  
23       body being removed from the floor, being  
24       transferred out from the hospital, things being  
25       cleared after his death, do you have any

1 recollection of any interaction with  
2 Mr. Edwards' daughter or any family or friends  
3 that may have come to the hospital?

4 A. No.

5 Q. Are there any observations that stand  
6 out in your mind in terms of anything that you  
7 saw after you finished your paperwork in terms  
8 of Mr. Edwards' daughter's interaction with  
9 Dr. D'Hue or her talking with Dr. Bagi --

10 MS. REID: Mr. Bagi.

11 MR. MISHKIND: Dr. Bagi.

12 MS. REID: He is a nurse.

13 Q. -- I'm sorry, with Bill Bagi, do you  
14 recall anything of that?

15 A. They were all up front, so they might  
16 have been carrying on a conversation.

17 Q. What do you mean by up front?

18 A. See, there is the nurses' station and  
19 then there is a lounge and a hall, a solarium on  
20 each end, **so** they were all up front. I mean,  
21 this was all pretty new, so I wasn't up there  
22 with all that.

23 Q. You weren't invited into the  
24 conversation?

25 A. Well, it wasn't that. I just

1 didn't -- there was nothing for me to say, so I  
2 wasn't involved in anything that was going on up  
3 there.

4 Q. Sherry Edwards was Mr. Edwards' nurse  
5 from 3:00 to 11:00. Apparently, Bill took over  
6 at 11:00?

7 A. As charge nurse or as --

8 Q. Was he Mr. Edwards' nurse from 11:00  
9 to 7:00?

10 A. No, I was.

11 Q. Was there an RN assigned to  
12 Mr. Edwards from 11:00 to 7:00?

13 A. For his primary nurse?

14 Q. Yes.

15 A. No.

16 Q. Do you remember meeting Sherry?

17 A. Yes.

18 Q. She was apparently an agency nurse?

19 A. Right.

20 Q. Did she give you report?

21 A. The report is taped, so --

22 Q. Did you listen to the report?

23 A. Yes.

24 Q. Do you have any recollection of what  
25 the report consisted of?

1 A. No.

2 Q. Not necessarily all the specifics,  
3 but anything relative to what the report was?

4 A. No.

5 Q. Did you have any face-to-face  
6 communication with Sherry?

7 (Discussion off the record.)

8 Q. Did you have any face-to-face  
9 communication with Sherry before she left and  
10 you assumed responsibility for her to  
11 Mr. Edwards?

12 A. Before she left, she mentioned  
13 something about an IV that she was hanging or an  
14 antibiotic that she had hung.

15 Q. Did she give you any indication at  
16 all about the status of a transfusion order that  
17 had been written that morning that had been  
18 entered into the computer at 12:15 that  
19 afternoon, that at least as of 11:00 p.m. had  
20 not been implemented at all?

21 A. No.

22 MR. LENSON: What is Sherry's last  
23 name?

24 MS. REID: Edwards.

25 Q. Were you familiar enough with the

1 nursing process to be able to go back and read a  
2 chart and realize what orders were outstanding  
3 on a particular patient?

4 A. Yes.

5 Q. So you would have been aware that  
6 there was an order for transfusion that had been  
7 given on January 28th and had been entered into  
8 the computer at around 12:15 that afternoon, but  
9 had never been implemented?

10 A. Right.

11 Q. When you saw that, when you came on  
12 at 11:00 p.m., what did you do when you saw  
13 that?

14 A. At that time, I wouldn't have seen it  
15 yet. 11:00 to 7:00 does a complete chart check  
16 for the whole day, and that's done maybe in the  
17 middle of a shift. After you have seen all your  
18 patients, then you go back and look at all the  
19 charts and make sure all the orders have been  
20 taken off.

21 Q. Had Mr. Edwards already died by the  
22 time you saw that order?

23 A. I never got a chance to see the  
24 order.

25 Q. Just in looking at the chart, in

1 preparing for the deposition, you saw the order;  
2 correct?

3 A. Right.

4 Q. But between the time you arrived and  
5 the time he was found and the code was called,  
6 is it your testimony that you did not see that  
7 order?

8 A. No.

9 Q. That's an accurate statement?

10 A. Yes.

11 Q. Do you know whether Bill Bagi was  
12 aware of the status of the transfusion order?

13 A. No.

14 Q. No, he wasn't?

15 A. No, I don't know, I'm sorry.

16 Q. Do you know who it was that called  
17 Mr. Edwards' daughter to let her know that  
18 something had happened to her dad?

19 A. No, I don't.

20 Q. What time is the first entry that you  
21 made in the nurse's notes, Lekita?

22 A. 2429, 12:29.

23 Q. Is that to mean that the first time  
24 that you would have seen Mr. Edwards would have  
25 been at 12:29 a.m. on January 29?

1 A. Yes.

2 Q. Your shift started at 11:00 p.m.?

3 A. Right.

4 Q. So for an hour and 29 minutes, you  
5 were not in to see him; true?

6 A. Correct.

7 Q. Do you know what you were doing  
8 during that hour and 29 minutes as it relates to  
9 any patients?

10 A. Well, I probably got report,  
11 depending on if I was first or second to listen,  
12 probably just starting the shift off. Maybe  
13 seeing other patients before him, I'm sure.

14 Q. How many patients would you have been  
15 assigned to see?

16 A. Anywhere from four to seven.

17 Q. 12:29 you went in to Mr. Edwards'  
18 room for the first time; true?

19 A. True.

20 Q. Was an RN in the room already when  
21 you arrived?

22 A. No.

23 Q. Can you explain to me what your  
24 note -- I can read it. Just for the record, it  
25 says, in room to assess patient when RN notified



1 to check monitor on patient. Is that the full  
2 sentence?

3 A. Yes.

4 Q. And the next sentence is patient  
5 found unresponsive without rhythm and code was  
6 called?

7 A. Right.

8 Q. Can you explain to me what you mean?

9 A. What we were doing?

10 Q. Yes.

11 A. We were in the hallway.

12 Q. Who is we?

13 A. Me and the other nurse that was  
14 working on that side of the hall with me.

15 Q. That would be who?

16 A. I believe that was another agency  
17 nurse, Ms. Marshall.

18 Q. Ms. Marshall?

19 A. Uh-huh.

20 Q. Okay.

21 A. We were in the hall, and as I was  
22 going in the room, she was down at the other end  
23 of the hall. And she said, could you go in  
24 there and check his monitor. He is off or  
25 whatever, whatever she said. And I went in

1     there to check and he didn't have a pulse, so  
2     immediately a code button was pressed.

3           Q.     She said would you go in and check,  
4     he is off, were her words?

5           A.     Her exact words, I can't remember.  
6     She said something, hollered down to me  
7     something to that effect, as to could you check  
8     the monitor.

9           Q.     And where was she standing when she  
10    called to you?

11          A.     She was probably maybe three rooms  
12    down. There are two monitors, two TV's in the  
13    hallway. So she probably had looked up.

14          Q.     When you went in to his room, did you  
15    hear anything in the room?

16          A.     No.

17          Q.     Is there a monitor in Mr. Edwards'  
18    room?

19          A.     No.

20          Q.     What did you do when you got into  
21    Mr. Edwards' room?

22          A.     I was walking over to him to check  
23    the box. I think I grabbed his arm or  
24    something, and then I felt for a pulse and he  
25    didn't have one. I think his arm might have --

1 something made me feel for a pulse.

2 Q. Was he lying on his back or his  
3 stomach?

4 A. He was actually in an upright  
5 position.

6 Q. Was he in bed or was he sitting in a  
7 chair?

8 A. He was in bed.

9 Q. But propped up?

10 A. Yes.

11 Q. That's a yes?

12 A. Yes.

13 Q. Eyes closed, eyes open?

14 A. Closed.

15 Q. You tried to obtain a pulse?

16 A. Correct.

17 Q. Check for a pulse?

18 A. Correct.

19 Q. And was he pulseless?

20 A. I couldn't feel one.

21 Q. Do you remember, did he react in any  
22 way to any contact by you, either touch or  
23 otherwise?

24 A. No.

25 Q. Did you call out his name?

1           A.     I don't remember.

2           Q.     Tell me what you do remember doing.

3                   MS. REID: Other than what she  
4 already told you.

5           Q.     Other than what you have already told  
6 me, when you went into the room.

7           A.     That was basically it. I went in  
8 there to check on the box, and as I went towards  
9 him to check for the box, like I said, I think I  
10 maybe grabbed his arm or something and something  
11 made me feel for a pulse. Maybe his arm fell or  
12 something and I didn't feel, I couldn't feel a  
13 pulse. And I hit the code button on the wall.

14          Q.     Did you try to assess him in terms of  
15 looking at his nail beds or looking at his skin  
16 to try to get a sense as to how long he appeared  
17 to have been pulseless or unresponsive?

18          A.     No.

19          Q.     This box that you are referring to,  
20 what is that?

21          A.     It's the telemetry box, the actual  
22 box that monitors the heart.

23          Q.     Where was the box located?

24          A.     It should have been on his chest. I  
25 never got a chance to even go for the box.

1           Q.       So you don't know whether or not the  
2       box was actually on his chest?

3           A.       No.

4           Q.       And then there are wires that go from  
5       his chest to the box?

6           A.       Correct.

7           Q.       And you don't know whether those  
8       wires were connected from the box to his chest;  
9       is that correct?

10          A.       Correct.

11          Q.       Did anyone give you any indication --  
12       strike that.

13                   What did you do then? Did you call  
14       out to someone? Did you call back to this  
15       nurse? Tell me what you did next.

16          A.       Well, after you hit the code button,  
17       it's really loud. So she, as a matter of fact,  
18       I believe she was the first one that came,  
19       because she was originally the one who said  
20       could you check. So we were in there together  
21       for maybe all of three seconds.

22          Q.       This is **Ms.** Marshall?

23          A.       Yes.

24          Q.       So she came into the room?

25          A.       She came back into the room. And we

1     were doing -- we were starting a code with the  
2     02 and chest compressions and next thing the  
3     code team came.

4           Q.     Once the code team came, did you step  
5     aside?

6           A.     I switched off with -- I don't even  
7     know who I switched **off** with. But, yes, I moved  
8     and I started the paper.

9           Q.     Do you remember the names of any **of**  
10    the residents that came in responding to the  
11    code?

12          A.     I think Dr. Kuivinen was there, I'm  
13    not sure. I am trying to think of the faces.

14          Q.     That's K-U-I-V-I-N-E-N?

15                 MS. REID: K-U-I-V-A-N-E-N. I don't  
16    know if that's what you said **or** not.

17                 MR. MISHKIND: I think that's what I  
18    said.

19          Q.     Dr. Kuivinen was a resident; is that  
20    correct?

21          A.     Yes,

22          Q.     **Do** you know where Dr. Kuivinen was  
23    prior to the code?

24          A.     No.

25          Q.     Did you ever talk to Dr. Kuivinen

1 about the code?

2 A. No.

3 Q. Dr. D'Hue made a note in the chart at  
4 2:45 a.m. after he arrived and after Mr. Edwards  
5 had expired. That still would have been within  
6 your shift; correct? And in his note he  
7 indicates that no nurse's notes were recorded on  
8 the patient after 5:00 p.m. on December 28th.

9 Now, those nurse's notes that he is  
10 referring to would have been during the shift  
11 that Sherry Edwards had been caring for  
12 Mr. Edwards. I say that to you only in  
13 preparation for this question, and that is, when  
14 you came on at 11:00 o'clock and assumed  
15 responsibility for this patient, it was an hour  
16 and 29 minutes before you actually went in to  
17 see him.

18 Did you, besides getting the report  
19 that was recorded, did you look back at the  
20 chart looking for some information on what had  
21 been going on with this patient during the  
22 evening?

23 A. No. And at 11:00 to 7:00, we start a  
24 new sheet, so it was blank for me. I would  
25 never see the other nurse's notes until I go

1 back and read and see what has been going on.

2 Q. So the fact that this nurse had not  
3 made any nursing notes after 5:00 p.m.,  
4 according to Dr. D'Hue, and no telemetry strips  
5 were recorded during the 3:00 to 11:00 shift,  
6 you would not have been aware of that because  
7 you were dealing with a new set of sheets for  
8 the next day?

9 A. Correct.

10 Q. And you don't recall anything from  
11 Sherry Edwards' report that gave you any  
12 information as to what Mr. Edwards' condition  
13 was that evening, do you?

14 MS. REID: Objection. I think she  
15 said she doesn't recall the specifics.

16 Q. Do you remember anything from a  
17 general standpoint in terms of what she said  
18 about his condition that evening?

19 A. No, I don't remember any -- nothing  
20 negative stands out.

21 Q. Do you remember anything at all about  
22 what she said negative or positive concerning  
23 what his condition was in terms of whether or  
24 not he was hemodynamically stable, what he had  
25 been doing, what his vital signs were, what the



1 nursing flowsheet had shown in terms of his  
2 cardiothoracic status, anything of that nature?

3 A. No.

4 Q. Do you know how long the verbal  
5 reports that are recorded are kept at the  
6 hospital?

7 A. We use one tape and we keep taping  
8 over them. We don't save them.

9 Q. So I presume that her words that *you*  
10 heard in your ear at around 11:00 o'clock had  
11 long been recorded over?

12 A. Yes. If not the tape destroyed,  
13 anyway.

14 Q. After the death, and on the days  
15 after his death, on the 30th, et cetera, did you  
16 ever talk with Sherry about what had happened  
17 during her shift?

18 A. No.

19 Q. Did you ever talk with Dr. D'Hue  
20 about his note that he wrote about the lack of  
21 any nurse's notes that evening or the lack of  
22 telemetry strips that day in the chart?

23 A. This is my first time seeing this.

24 Q. Got it. So I guess the answer would  
25 be no.

1 A. No.

2 Q. Is there anything that you recall  
3 being said by anyone during the code that you  
4 remember?

5 A. As to what?

6 Q. As to Mr. Edwards' status, or any  
7 comments about how he got to be in the condition  
8 that he was in.

9 A. No.

10 Q. Did anyone comment to you as to how  
11 long they felt that he had been unresponsive  
12 before you came in and found him at 12:29?

13 A. No.

14 Q. And you personally don't know how  
15 long he had been unresponsive, because you  
16 didn't see him?

17 A. Until 12:30, yes.

18 Q. Do you have any knowledge that anyone  
19 had been in to see him between 11:00 and 12:29  
20 before you went in to see him?

21 A. Well, I don't know -- well, no. I  
22 know she was there late. Whether she went back  
23 in the room or not, I don't know.

24 Q. This is Sherry?

25 A. Yes.

1           Q.     Anything else you recall about your  
2 involvement -- I recognize it was limited --  
3 other than what you have told me?

4           A.     No.

5           Q.     You didn't keep any private notes at  
6 all about this event?

7           A.     No.

8           Q.     Were you ever required to give any  
9 type of a statement at any meetings that were  
10 held at the hospital concerning this event?

11                 MS. REID:  Objection.  You mean other  
12 than her talking to me?

13                 MR. MISHKIND:  I'm talking about  
14 any -- I'm not going to ask her about the  
15 substance, but was she asked to give any type of  
16 a statement at any time.

17                 MS. REID:  A formal written  
18 statement?

19                 MR. MISHKIND:  Verbal or otherwise,  
20 other than to counsel, but to any nurses or  
21 supervisors, in terms of what you recall  
22 happening?

23                 MS. REID:  I'm going to object.  You  
24 can answer yes or no.

25           A.     No.

1           Q.     No, you didn't have to give any  
2     statements?

3           A.     No.

4           Q.     That's an accurate statement that you  
5     didn't have to give any statements?

6                   MS. REID: Just say I did not give  
7     any statements.

8           A.     I did not give any statements.

9           Q.     Got it.

10                   MR. MISHKIND: Thanks, Lekita. I  
11     have no further questions for you.

12                   MS. SEACRIST: Nothing.

13                   MR. LENSON: I just have one  
14     question.

15                   EXAMINATION OF LEKITA NANCE, L.P.N.

16     BY MR. LENSON:

17           Q.     During the course of the  
18     resuscitation efforts, was there ever an  
19     occasion that you observed in which Mr. Edwards  
20     regained consciousness or had any type of  
21     response?

22           A.     No.

23                   MR. LENSON: Thank you.

24                   MS. REID: We will read it, as well.

25                                 - - - - -

1 (Deposition concluded at 11:30 a.m.)

2 (Signature not waived.)

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1 AFFIDAVIT

2 I have read the foregoing transcript from  
3 page 1 through 29 and note the following  
4 corrections:

5 PAGE LINE REQUESTED CHANGE

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LEKITA NANCE, L.P.N.

18

19

20 Subscribed and sworn to before me this  
21 day of , 2002.

22

23 Notary Public

24

25 My commission expires

1 CERTIFICATE

2

3 State of Ohio,

4 SS:

5 County of Cuyahoga.

6

7

8 I, Vivian L. Gordon, a Notary Public within  
9 and for the State of Ohio, duly commissioned and  
10 qualified, do hereby certify that the within  
11 named LEKITA NANCE, L.P.N. was by me first duly  
12 sworn to testify to the truth, the whole truth  
13 and nothing but the truth in the cause  
14 aforesaid; that the testimony as above set forth  
15 was by me reduced to stenotypy, afterwards  
16 transcribed, and that the foregoing is a true  
17 and correct transcription of the testimony.

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

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand and affixed my seal of office at Cleveland,  
20 Ohio, on this 5th day of June, 2002.

20

21

*Vivian L. Gordon*

22

23 Vivian L. Gordon, Notary Public

24 Within and for the State of Ohio

25 My commission expires June 8, 2004.

1	INDEX	
2	DEPOSITION OF LEKITA NANCE, L.P.N.	
3	BY MR. MISHKIND: .....	3:7
4	BY MR. LENSON: .....	28:17
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		



<p><b>A</b></p> <p>able 14:1  about 5:10 10:4  13:13,16 23:1  24:18,21 25:16  25:20,20 26:7  27:1,6,13,14  above 1:23 31:11  according 24:4  accurate 15:9 28:4  action 31:16  actual 20:21  actually 19:4 21:2  23:16  address 3:18  adjournment 31:14  AFFIDAVIT 30:1  affiliated 31:16  affixed 31:18  aforesaid 31:11  after 9:15 10:25  11:7 14:17 21:16  23:4,4,8 24:3  25:14,15  afternoon 13:19  14:8  afterwards 31:11  agency 12:18 17:16  agreement 1:19  ahead 9:13  al 1:7  alarm 8:6  alarms 7:25 8:3  already 14:21  16:20 20:4,5  another 17:16  answer 25:24 27:24  answering 5:1  answers 4:20  antibiotic 13:14  anyone 21:11 26:3  26:10,18  anything 7:20 11:6  11:14 12:2 13:3  18:15 24:10,16  24:21 25:2 26:2  27:1  anyway 25:13  Anywhere 16:16  apparently 12:5,18  APPEARANCES  2:1  appeared 20:16  arm 18:23,25 20:10  20:11  around 9:23 14:8  25:10  arrived 9:17,20  10:5 15:4 16:21  23:4  arriving 9:23</p>	<p>aside 10:18 22:5  asked 27:15  asking 5:1  assess 5:22 6:6 8:13  16:25 20:14  assigned 6:17 9:8  12:11 16:15  assumed 13:10  23:14  attorney 31:15  aware 14:5 15:12  24:6  a.m 1:22 8:22 15:25  23:4 29:1</p> <p><b>B</b></p> <p>back 9:14 10:7 14:1  14:18 19:2 21:14  21:25 23:19 24:1  26:22  Bagi 9:10 11:9,10  11:11,13 15:11  basically 20:7  Becker 2:3  bed 19:6,8  beds 20:15  before 1:17 4:5,16  6:7 13:9,12 16:13  23:16 26:12,20  30:20  beginning 6:18  behalf 1:15 2:2,6,10  2:13  being 3:3 10:4,6,23  10:23,24 26:3  believe 9:9 17:16  21:18  Berne 2:14  besides 23:18  between 15:4 26:19  Bill 9:10 11:13 12:5  15:11  blank 23:24  body 10:23  box 18:23 20:8,9,19  20:21,22,23,25  21:2,5,8  Building 2:8,11,15  button 18:2 20:13  21:16  B-A-6-19:11</p> <p><b>C</b></p> <p>call 19:25 21:13,14  called 1:15 3:2 15:5  15:16 17:6 18:10  came 10:1 14:11  21:18,24,25 22:3  22:4,10 23:14  26:12  cardiothoracic</p>	<p>25:2  care 5:11  caring 23:11  Carnegie 4:14  carrying 11:16  Case 1:6  cause 31:10  Central 4:12  CERTIFICATE  31:1  certified 3:4  certify 31:9,13  cetera 25:15  chair 19:7  chance 14:23 20:25  CHANGE 30:5  charge 12:7  chart 5:8 10:15,19  14:2,15,25 23:3  23:20 25:22  charts 14:19  check 14:15 17:1  17:24 18:1,3,7,22  19:17 20:8,9  21:20  chest 20:24 21:2,5,8  22:2  CHRISTINE 2:7  Civil 3:3 31:17  Clair 2:8,11  class 7:4  classes 7:3  cleared 10:25  Cleveland 1:21 2:4  2:8,12,15 3:15,20  3:21 31:18  Clinic 3:15  closed 19:13,14  code 15:5 17:5 18:2  20:13 21:16 22:1  22:3,4,11,23 23:1  26:3  come 11:3  commencing 1:22  comment 26:10  comments 26:7  commission 30:25  31:24  commissioned 31:8  COMMON 1:1  communication  9:16,19 13:6,9  complete 14:15  completed 31:14  compressions 22:2  computer 13:18  14:8  concerning 10:20  24:22 27:10  concluded 29:1  condition 24:12,18</p>	<p>24:23 26:7  connected 21:8  consciousness  28:20  consisted 12:25  contact 19:22  contract 31:17  conversation 11:16  11:24  correct 3:12 6:10  15:2 16:6 19:16  19:18 21:6,9,10  22:20 23:6 24:9  31:12  corrections 30:4  counsel 1:15,20  27:20  County 1:23 1:5  course 28:17  court 1:1 4:18  31:16  Cuyahoga 1:23 1:5</p> <p><b>D</b></p> <p>D 1:4 2:3 31:17  dad 15:18  date 1:23  daughter 9:16,23  10:3 11:2 15:17  daughter's 11:8  day 1:22 8:20 14:16  24:8 25:22 30:21  31:19  days 7:11 25:14  dealing 24:7  death 4:3 10:25  25:14,15  December 4:1 23:8  Defendant 2:6,10  2:13  Defendants 1:8  defined 31:17  depending 16:11  deposed 3:4  deposition 1:11,14  4:15 5:5 15:1  29:1 31:13 32:2  desk 10:9  destroyed 25:12  Dickerson 2:13  died 9:15 14:21  Diplomate 1:18  direction 9:4  disconnect 7:23  Discussion 13:7  doing 16:7 17:9  20:2 22:1 24:25  done 4:25 5:1 14:16  down 4:19,20 17:22  18:6,12  Dr 9:20,22 11:9,9</p>	<p>11:11 22:12,19  22:22,25 23:3  24:4 25:19  duly 3:3 31:8,9  during 9:1 16:8  23:10,21 24:5  25:17 26:3 28:17  D'Hue 2:10 9:20,22  11:9 23:3 24:4  25:19</p> <p><b>E</b></p> <p>each 11:20  ear 25:10  East 1:21 3:19,20  Edwards 4:3 5:10  5:11,16,22 6:7  9:15,23 10:22  11:2,8 12:4,4,8  12:12 13:11,24  14:21 15:17,24  16:17 18:17,21  23:4,11,12 24:11  24:12 26:6 28:19  effect 18:7  efforts 28:18  either 19:22 31:15  employed 3:14  encountered 6:7  end 11:20 17:22  enough 6:23 13:25  entered 13:18 14:7  entry 15:20  equipment 7:18  ESQ 2:3,7,11,14  et 1:7 25:15  etc 1:4  even 10:2 20:25  22:6  evening 8:25 23:22  24:13,18 25:21  evenings 6:13  event 8:6 10:20  27:6,10 31:15  ever 4:15 6:6 22:25  25:16,19 27:8  28:18  exact 18:5  examination 1:16  3:2,6 28:15  expired 23:5  expires 30:25 31:24  explain 16:23 17:8  eyes 19:13,13</p> <p><b>F</b></p> <p>faces 22:13  face-to-face 13:5,8  fact 21:17 24:2  Fair 6:23  familiar 13:25</p>
--	---	---	--	---

family 5:13 11:2 feel 19:1,20 20:11 20:12,12 fell 20:11 felt 18:24 26:11 fill 10:13 finished 11:7 <b>firm</b> 31:16 first 3:3 4:9 5:19,20 15:20,23 16:11 16:18 21:18 25:23 31:9 floor 8:25 10:23 flowsheet 25:1 follow 8:10 followed 8:6 following 8:20 30:3 follows 3:5 foregoing 30:2 31:12 formal 27:17 forth 1:23 31:11 found 15:5 17:5 26:12 four 7:12 16:16 <b>FRIDAY</b> 1:12 friends 11:2 from 4:11 6:2,17 7:14,23 10:18,23 10:24 12:5,8,12 16:16 21:4,8 24:10,16 30:2 front 10:8 11:15,17 11:20 full 3:8 17:1 further 28:11 31:13	<b>H</b> hall 11:19 17:14,21 17:23 hallway 17:11 18:13 hand 31:18 hanging 13:13 happened 15:18 25:16 happening 27:22 Health 1:7 2:6 3:15 hear 18:15 heard 25:10 heart 20:22 held 27:10 hemodynamically 24:24 her 10:4,6 11:9 13:10 15:17,18 18:4,5 25:9,17 27:12,14 hereinafter 3:4 hereunto 31:18 him 5:18 6:6 16:5 16:13 18:22 20:9 20:14 23:17 26:12,16,19,20 hit 20:13 21:16 hollered 18:6 hook 7:22 hospital 1:20 9:24 10:24 11:3 25:6 27:10 hour 16:4,8 23:15 <b>HOWARD</b> 2:3 hung 13:14 Huron 1:20 3:25 4:5,9 6:16	Judge 1:6 jump 9:13 June 31:19,24 just 4:10 6:24 7:19 11:25 14:25 16:12,24 28:6,13	<b>K</b> K 2:14 keep 25:7 27:5 kept 25:5 knew 7:19 know 7:17,22,25 8:2,5 10:1 15:11 15:15,16,17 16:7 21:1,7 22:7,16,22 25:4 26:14,21,22 26:23 knowledge 26:18 Kuivinen 22:12,19 22:22,25 K-U-I-V-A-N-E-N 22:15 K-U-I-V-I-N-E-N 22:14	28:15 30:17 31:9 32:2 <b>M</b> M 2:11 made 15:21 19:1 20:11 23:3 24:3 maintain 5:9 make 14:19 <b>MALIK</b> 1:4 many 16:14 Marshall 17:17,18 21:22 matter 21:17 may 1:12 11:3 maybe 5:24 14:16 16:12 18:11 20:10,11 21:21 ma'am 5:5 mean 8:20 9:5 11:17,20 15:23 17:8 27:11 Media 2:15 meeting 5:13,19,20 12:16 meetings 27:9 members 5:14 mentioned 13:12 Meridia 1:7 2:6 3:16 middle 14:17 midnight 5:25 might 11:15 18:25 mind 11:6 minutes 16:4,8 23:16 Mishkind 2:3,3 3:7 11:11 22:17 27:13,19 28:10 32:3 moment 9:13 monitor 7:20,23 17:1,24 18:8,17 monitors 18:12 20:22 month 4:2 months 7:12 morning 8:20 13:17 mostly 7:12 moved 22:7 <b>MURRAY</b> 2:14	31:9 32:2 nature 25:2 necessarily 13:2 needed 8:3 negative 24:20,22 never 14:9,23 20:25 23:25 new 7:12 11:21 23:24 24:7 next 17:4 21:15 22:2 24:8 night 9:9 Notary 1:18 30:23 31:8,22 note 16:24 23:3,6 25:20 30:3 notes 5:9 10:8,10 15:21 23:7,9,25 24:3 25:21 27:5 nothing 12:1 24:19 28:12 31:10 notified 16:25 nurse 9:4 11:12 12:4,7,8,13,18 17:13,17 21:15 24:2 nurses 11:18 27:20 nurse's 15:21 23:7 23:9,25 25:21 nursing 4:9,12 14:1 24:3 25:1
<b>G</b> gave 24:11 general 24:17 getting 23:18 give 12:20 13:15 21:11 27:8,15 28:1,5,6,8 given 8:7 14:7 go 6:25 7:3 8:12 9:14 14:1,18 17:23 18:3 20:25 21:4 23:25 going 4:18,19 5:22 6:2,6 7:1,6 12:2 17:22 23:21 24:1 27:14,23 Gordon 1:17 31:8 31:22 grabbed 18:23 20:10 grad 7:12 graduated 4:10 guess 25:24	<b>I</b> immediately 18:2 implemented 13:20 14:9 <b>INDEX</b> 32:1 indicates 23:7 indication 13:15 21:11 information 23:20 24:12 interaction 11:1,8 interested 31:15 invited 11:23 involved 7:20 12:2 involvement 5:10 27:2 <b>IV</b> 7:4 13:13	<b>J</b> January 6:3,13,13 7:6,7 14:7 15:25 job 4:9	<b>L</b> L 1:17 3:10 31:8,22 lack 25:20,21 last 13:22 lasts 7:11 late 26:22 leads 7:19,23 least 13:19 left 13:9,12 Lekita 1:11,14 3:1 3:6,10,18 15:21 28:10,15 30:17 31:9 32:2 <b>LENSON</b> 2:14 13:22 28:13,16 28:23 32:4 let 15:17 like 7:20 20:9 limited 27:2 <b>LINE</b> 30:5 listen 12:22 16:11 live 3:17 located 20:23 long 3:24 20:16 25:4,11 26:11,15 look 14:18 23:19 looked 18:13 looking 14:25 20:15 20:15 23:20 loud 21:17 lounge 11:19 LPN 3:11 4:7 9:3 LPNs 8:24 lying 19:2 L.P.N 1:11,14 3:1,6	<b>N</b> <b>NADIRAH</b> 1:4 nail 20:15 name 3:8 13:23 19:25 named 31:9 names 22:9 Nance 1:11,14 3:1,6 3:10 28:15 30:17	<b>O</b> object 27:23 Objection 24:14 27:11 observations 11:5 observed 28:19 observing 10:2,4 obtain 19:15 occasion 28:19 off 13:7 14:20 16:12 17:24 18:4 22:6,7 office 2:4 4:6 31:18 offices 1:20 Ohio 1:2,19,21 2:4 2:8,12,15 3:2 31:3,8,19,23 okay 4:21,23 5:2,3 17:20 Once 22:4 one 18:25 19:20 21:18,19 25:7 28:13 only 4:2 23:12 open 19:13 operate 7:17 order 13:16 14:6,22 14:24 15:1,7,12 orders 14:2,19

orientation 6:25 7:1 orienteer 7:7 originally 21:19 other 8:24 10:19 16:13 17:13,22 20:3,5 23:25 27:3 27:11,20 otherwise 19:23 27:19 31:15 out 10:13,24 11:6 19:25 21:14 24:20 outstanding 14:2 over 12:5 18:22 25:8,11 o'clock 1:22 23:14 25:10	propped 19:9 protocol 8:5,9 provided 3:2 Public 1:18 30:23 31:8,22 pulse 18:1,24 19:1 19:15,17 20:11 20:13 pulseless 19:19 20:17 pursuant 1:19 put 10:14 p.m 8:17 13:19 14:12 16:2 23:8 24:3	removed 10:23 report 12:20,21,22 12:25 13:3 16:10 23:18 24:11 reporter 1:18 4:18 reporting 31:16 reports 25:5 REQUESTED 30:5 required 27:8 residence 3:18 resident 22:19 residents 22:10 responding 22:10 response 28:21 responsibility 13:10 23:15 resuscitation 28:18 reviewed 5:4,6,7 rhythm 17:5 Right 12:19 14:10 15:3 16:3 17:7 RN 9:5,6,7,9 12:11 16:20,25 Road 1:20,21 3:25 4:5 6:16 room 9:15 16:18,20 16:25 17:22 18:14,15,18,21 20:6 21:24,25 26:23 rooms 18:11 Roughly 5:24 Rule 31:17 Rules 3:3 Russo 1:6	24:7 31:11,18 seven 16:16 sheet 23:24 sheets 24:7 Sherry 12:4,16 13:6,9 23:11 24:11 25:16 26:24 Sherry's 13:22 shift 8:14,19 9:1 14:17 16:2,12 23:6,10 24:5 25:17 shown 25:1 side 17:14 Signature 29:2 signs 24:25 simple 4:22 Since 4:1 sitting 19:6 skin 20:15 Skylight 2:4 solarium 11:19 some 6:20 23:20 someone 21:14 something 13:13 15:18 18:6,7,24 19:1 20:10,10,12 sorry 11:13 15:15 sound 8:3 sounded 8:6 specifics 13:2 24:15 specified 31:14 SS 31:4 St 2:8,11 stable 24:24 staff 9:9 stand 11:5 standing 18:9 standpoint 7:14 24:17 stands 24:20 start 23:23 started 6:16 7:1,4 8:14 16:2 22:8 starting 16:12 22:1 state 1:19 3:8 10:4 31:3,8,23 statement 15:9 27:9 27:16,18 28:4 statements 28:2,5,7 28:8 station 11:18 status 13:16 15:12 25:2 26:6 statute 1:16 stenotypy 31:11 step 22:4 still 7:9 23:5 stomach 19:3 Street 3:19	strike 21:12 strips 7:15 24:4 25:22 stuff 10:8 Subscribed 30:20 substance 27:15 Suite 2:4 supervisors 27:21 supposed 8:12 sure 14:19 16:13 22:13 SUSAN 2:11 switched 22:6,7 sworn 3:4 30:20 31:10 System 3:15,16 Systems 1:7 2:6
<b>P</b> page 30:3,5 paper 22:8 paperwork 10:12 10:13,16,18,20 11:7 part 10:15,18 particular 14:3 party 31:15 patient 8:7,12,13 14:3 16:25 17:1,4 23:8,15,21 patients 14:18 16:9 16:13,14 Penton 2:15 period 6:21,24 7:10 personally 26:14 place 7:19 31:14 Plaintiff 1:5,16 2:2 PLEAS 1:1 please 3:9,18 poorly 6:23 position 19:5 positive 24:22 post 4:6 Practical 4:12 preparation 23:13 prepare 10:19 preparing 15:1 pressed 18:2 presume 25:9 pretty 4:22 11:21 primary 12:13 prior 4:3 6:5,13 10:22 22:23 private 27:5 probably 6:23 16:10,12 18:11 18:13 probationary 7:9 Procedure 3:3 process 14:1	<b>Q</b> qualified 3:19 question 4:23 23:13 28:14 questions 4:19 28:11	<b>R</b> react 19:21 read 14:1 16:24 24:1 28:24 30:2 reading 7:14 realize 14:2 really 21:17 recall 11:14 24:10 24:15 26:2 27:1 27:21 recognize 27:2 recollection 11:1 12:24 record 3:8 13:7 16:24 recorded 23:7,19 24:5 25:5,11 records 5:7 reduced 31:11 referring 10:16 20:19 23:10 regained 28:20 Registered 1:17 REID 2:7 9:5 11:10 11:12 13:24 20:3 22:15 24:14 27:11,17,23 28:6 28:24 relates 16:8 relative 13:3 31:15 remember 5:13,16 5:18,21 9:2,22,25 10:2,4,6 12:16 18:5 19:21 20:1,2 22:9 24:16,19,21 26:4 Reminger 2:7,7,10 2:10	<b>S</b> S 2:7 same 9:24 10:1 save 25:8 saw 11:7 14:11,12 14:22 15:1 says 16:25 School 4:12 SEACRIST 2:1 1 28:12 seal 31:18 second 16:11 seconds 21:21 see 8:12 11:18 14:23 15:6 16:5 16:15 23:17,25 24:1 26:16,19,20 seeing 9:25 16:13 25:23 seen 5:8 14:14,17 15:24 sense 20:16 sentence 17:2,4 series 7:3 set 1:23 7:25 8:3	<b>T</b> take 4:18,19 taken 1:17 4:15 14:20 31:14 talk 10:3 22:25 25:16,19 talking 11:9 27:12 27:13 tape 25:7,12 taped 12:21 taping 25:7 team 22:3,4 telemetry 6:9,12,17 7:5,8,13,15,18 8:7,25 20:21 24:4 25:22 tell 3:17 4:23 5:18 5:20 20:2 21:15 terms 11:6,7 20:14 24:17,23 25:1 27:21 Terrace 1:21 testify 31:10 testimony 15:6 31:11,12 Thank 28:23 Thanks 28:10 therapy 7:4 thing 22:2 things 10:24 think 9:12 18:23,25 20:9 22:12,13,17 24:14 though 10:3 three 18:11 21:21 thresholds 8:2 through 6:25 7:1,3 8:19 30:3 time 5:23 6:5 7:2 8:11,11,15 9:24 10:1,22 14:14,22 15:4,5,20,23 16:18 25:23

27:16 31:14 <b>today's</b> 5:4 <b>together</b> 10:8,11,14 21:20 <b>told</b> 20:4,5 27:3 <b>touch</b> 19:22 <b>towards</b> 20:8 <b>Tower</b> 2:4 <b>training</b> 6:20 7:4 7:14 <b>transcribed</b> 31:12 <b>transcript</b> 30:2 <b>transcription</b> 31:12 <b>transferred</b> 10:24 <b>transfusion</b> 13:16 14:6 15:12 <b>tried</b> 19:15 <b>true</b> 6:3 7:8 16:5,18 16:19 31:12 <b>truth</b> 31:10,10,10 <b>try</b> 20:14,16 <b>trying</b> 10:7,10,13 22:13 <b>TV's</b> 18:12 <b>two</b> 18:12,12 <b>type</b> 6:20,24 27:9 27:15 28:20  <hr/> <b>U</b> <hr/> <b>Uh-huh</b> 17:19 <b>Ulrner</b> 2:14 <b>under</b> 1:16 9:3 31:16 <b>understand</b> 3:11 4:23 6:22 <b>unit</b> 6:9,12,17 7:8 8:7,25 <b>unresponsive</b> 17:5 20:17 26:11,15 <b>until</b> 4:25 5:1 8:22 23:25 26:17 <b>upright</b> 19:4 <b>upset</b> 10:6 <b>use</b> 25:7  <hr/> <b>V</b> <hr/> <b>verbal</b> 25:4 27:19 <b>very</b> 6:17 <b>vital</b> 24:25 <b>Vivian</b> 1:17 31:8,22 <b>vs</b> 1:6  <hr/> <b>W</b> <hr/> <b>wait</b> 4:25 5:1 <b>waived</b> 29:2 <b>walking</b> 18:22 <b>wall</b> 20:13 <b>want</b> 9:13 <b>wasn't</b> 7:20 10:8 11:21,25 12:2 15:14	<b>way</b> 19:22 <b>well</b> 7:2 8:11 11:25 16:10 21:16 26:21,21 28:24 <b>went</b> 9:14,14 10:7 16:17 17:25 18:14 20:6,7,8 23:16 26:20,22 <b>were</b> 4:7 6:10,16,20 7:7 8:9,24,24 9:7 10:10 11:15,20 13:25 14:2 16:5,7 17:9,11,21 18:4 21:8,20 22:1,1 23:7 24:5,7,25 27:8,9 <b>weren't</b> 4:7 11:23 <b>WHEREOF</b> 31:18 <b>whole</b> 14:16 31:10 <b>wires</b> 21:4,8 <b>witness</b> 1:15 3:1 31:18 <b>wondering</b> 6:24 <b>worded</b> 6:23 <b>words</b> 18:4,5 25:9 <b>work</b> 4:5 8:19 9:3,8 <b>worked</b> 3:24 4:2,6 6:12 <b>working</b> 4:7 6:10 8:25 17:14 <b>wouldn't</b> 14:14 <b>written</b> 13:17 27:17 <b>wrote</b> 25:20  <hr/> <b>Z</b> <hr/> <b>Zip</b> 3:22  <hr/> <b>0</b> <hr/> <b>02</b> 22:2  <hr/> <b>I</b> <hr/> <b>1</b> 30:3 <b>10:50</b> 1:22 <b>11:00</b> 8:16,17 12:5 12:6,8,12 13:19 14:12,15 16:2 23:14,23 24:5 25:10 26:19 <b>11:30</b> 29:1 <b>1111</b> 3:19 <b>1132</b> 8,11 <b>12:00</b> 5:24,25 <b>12:15</b> 13:18 14:8 <b>12:29</b> 15:22,25 16:17 26:12,19 <b>12:30</b> 26:17 <b>13951</b> 1:21 <b>145</b> 3:19  <hr/> <b>2</b> <hr/> <b>2:45</b> 23:4	<b>2000</b> 7:6,7 <b>2002</b> 1:12 30:21 31:19 <b>2004</b> 31:24 <b>216-241-2600</b> 2:5 <b>216-621-8400</b> 2:16 <b>216-687-1311</b> 2:9 2:12 <b>2429</b> 15:22 <b>28</b> 31:17 <b>28th</b> 6:2,13 7:6 8:15 14:7 23:8 <b>28:17</b> 32:4 <b>29</b> 15:25 16:4,8 23:16 30:3 <b>29th</b> 6:3,14 7:7  <hr/> <b>3</b> <hr/> <b>3:00</b> 12:5 24:5 <b>3:7</b> 32:3 <b>30th</b> 25:15 <b>31</b> 1:12  <hr/> <b>4</b> <hr/> <b>44110</b> 3:23 <b>44113</b> 2:4,8,12 <b>44115</b> 2:15 <b>443949</b> 1:6 <b>4600</b> 4:14  <hr/> <b>5</b> <hr/> <b>5th</b> 31:19 <b>5:00</b> 23:8 24:3  <hr/> <b>6</b> <hr/> <b>660</b> 2:4  <hr/> <b>7</b> <hr/> <b>7:00</b> 8:22 12:9,12 14:15 23:23 <b>7:30</b> 8:23  <hr/> <b>8</b> <hr/> <b>8</b> 31:24  <hr/> <b>9</b> <hr/> <b>90</b> 7:11 <b>900</b> 2:15 <b>994</b> 1		
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