

<p>Page 1</p> <p>1 IN THE COURT OF COMMON PLEAS 2 OF CUYAHOGA COUNTY, OHIO 3 4 CHARLES TENNEY, III, etc., 5 et al., 6 Plaintiffs, 7 vs Case No. 448548 8 URMILA PATEL, M.D., et al., 9 Defendants. 10 ----- 11 DEPOSITION OF LISA A. PISCOLA, R.N. 12 WEDNESDAY, OCTOBER 16, 2002 13 ----- 14 Deposition of LISA A. PISCOLA, R.N., a 15 Witness herein, called by counsel on behalf of 16 the Plaintiffs for examination under the statute, 17 taken before me, Lorraine J. Klodnick, a 18 Registered Merit Reporter and Notary Public in 19 and for the State of Ohio, pursuant to notice and 20 stipulations of counsel, at Southwest General 21 Health Center, Old Oak Pavilion, Williams C 22 Conference Room, Cleveland, Ohio, commencing at 23 11:00 a.m., on the day and date above set forth. 24 ----- 25</p>	<p>Page 3</p> <p>1 LISA A. PISCOLA, R.N., of lawful age, called 2 for examination, as provided by the Ohio Rules of 3 Civil Procedure, being by me first duly sworn, as 4 hereinafter certified, deposed and said as 5 follows: 6 EXAMINATION OF LISA A. PISCOLA, R.N. 7 BY MR. MISHKIND: 8 Q. Would you please state your full name 9 for the record? 10 A. Sure. Lisa Ann Piscola. 11 Q. And I asked you off the record, I'll 12 ask you on the record, may I call you Lisa? 13 A. Yes, you may. 14 Q. I think you know by now that my name 15 is Howard Mishkind and that I represent little 16 Charlie and his mom and dad in connection with 17 the lawsuit that's been filed against the 18 hospital and against Dr. Patel. Do you 19 understand that? 20 A. Yes, I do. 21 Q. I'm going to ask you some questions 22 this morning about your involvement in the labor 23 and delivery of Charlie. 24 A. Yes. 25 Q. And I'm going to ask you some</p>
<p>Page 2</p> <p>1 APPEARANCES: 2 On behalf of the Plaintiffs: 3 Becker & Mishkind, by 4 HOWARD D. MISHKIND, ESQ. 5 660 Skylight Office Tower 6 1660 West 2nd Street 7 Cleveland, Ohio 44113 8 (216) 241-2600 9 10 On behalf of Defendant Southwest General 11 Health Center: 12 Bonezzi, Switzer, Murphy & Polito, by 13 DONALD SWITZER, ESQ. 14 1400 Leader Building 15 Cleveland, Ohio 44114 16 (216) 875-2767 17 18 On behalf of Defendant Urmila Patel, M.D.: 19 Weston, Hurd, Fallon, Paisley & Howley, by 20 CAROL K. METZ, ESQ. 21 2500 Terminal Tower 22 50 Public Square 23 Cleveland, Ohio 44113 24 (216) 687-3368 25 -----</p>	<p>Page 4</p> <p>1 questions about your background and what you do 2 for a living and things of that nature. 3 Hopefully we'll be done. 4 A. Okay. 5 Q. Have you had your deposition taken 6 before at any time? 7 A. No. 8 Q. So this situation with the court 9 reporter present where you had to raise your hand 10 and swear that you're going to tell the truth and 11 nothing but the truth, this is a new process for 12 you? 13 A. Yes, it is. 14 Q. It's an important process because it's 15 my opportunity to find out from you today what 16 you remember and what took place the morning that 17 Charlie was delivered. 18 So take your time. Make sure you 19 understand my questions before you answer. And 20 if you don't understand a question, just say, 21 Howard, please rephrase the question or I have no 22 clue what you're asking me or something to that 23 effect and I'll try again. Okay? 24 A. Yes. 25 Q. The reason I say that to you at the</p>

Page 5

1 beginning is because I'm going to rely on your
2 answers when this matter goes to trial in
3 connection with what you've said today in
4 response to my questions. It's very important,
5 even though we're not in the courtroom right now,
6 but this case will be going to trial in January
7 of 2003, okay?

8 A. Yes.

9 Q. If you need to take a break at any
10 time, let me know. It's not an endurance
11 contest.

12 Also, if you just don't know an
13 answer, don't feel that you need to give me an
14 answer just because I seem to be a nice guy and
15 you want to give me an answer. If you don't know
16 something, just simply tell me. If I need to
17 explore further why you don't know, I'll ask you
18 additional questions.

19 A. Okay.

20 Q. Last thing I'd ask you to do, lawyers
21 probably are more guilty than the witnesses of
22 this, and that is let's wait until we're each
23 done. I will wait until you're done with an
24 answer; wait until I'm done with my question.
25 The court reporter has the toughest job. She's

Page 7

1 month.

2 Q. Where did you live before?

3 A. It was 1320 South Abbe Road. That was
4 in Elyria also.

5 Q. How long did you live there?

6 A. Four years.

7 Q. So you would have been living in
8 Elyria on South Abbe Road when you were working
9 at Southwest and were involved in the labor and
10 delivery of Charlie Tenney, true?

11 A. Correct.

12 Q. Are you married?

13 A. No, I'm not.

14 Q. Have you ever been married?

15 A. No.

16 Q. Who do you live with at the address on
17 Eastern Heights?

18 A. Myself.

19 Q. Would the same apply back on South
20 Abbe?

21 A. Yes.

22 Q. Tell me how many years young are you?

23 A. 37.

24 Q. Your date of birth would be?

25 A. 6-14-65.

Page 6

1 got to get everything down and you might start
2 answering something that you think should be
3 going one way and if I ever finished the question
4 and you would listen to it, you might have gone a
5 different way with the answer, okay?

6 A. Uh-huh.

7 Q. Let's start out with some of the easy
8 stuff.

9 A. Okay.

10 Q. You are a nurse, is that correct?

11 A. Presently, no.

12 Q. You're not presently working as a
13 nurse?

14 A. Correct.

15 Q. You were trained and educated as a
16 nurse, correct?

17 A. Yes, I was.

18 Q. Tell me, if you would, where you
19 currently live.

20 A. My address or just the city?

21 Q. Your address.

22 A. My address is 915 Eastern Heights
23 Boulevard, Elyria, Ohio, 44035.

24 Q. How long have you lived there, Lisa?

25 A. Just recently moved there, like last

Page 8

1 Q. Your Social Security number, please?

2 A. 294-62-1107.

3 Q. Where did you grow up?

4 A. Grafton, Ohio.

5 Q. Went to high school where?

6 A. Midview.

7 Q. Graduated what year?

8 A. 83.

9 Q. After graduating in 83, what did you
10 do?

11 A. I went directly into college.

12 Q. That would be where?

13 A. Lorain County Community College.

14 Q. Did you obtain a degree?

15 A. Yes, I did.

16 Q. What was your degree in?

17 A. Associate's degree in nursing.

18 Q. What year would that be?

19 A. 1988.

20 Q. Did you go part time?

21 A. Yes. I was working and going to
22 school at the same time.

23 Q. Where were you working during that 83
24 to 88 period?

25 A. Grafton Pharmacy.

2 (Pages 5 to 8)

<p>Page 9</p> <p>1 Q. What was your title at Grafton 2 Pharmacy? 3 A. Sales clerk. 4 Q. Was that the only job that you held 5 during the 83 to 88 time period while you were at 6 Lorain Community College? 7 A. Yes. 8 Q. Then in 1988 you obtained your 9 associate's degree in nursing? 10 A. Correct. 11 Q. And I take it you left the pharmacy? 12 A. Yes, I did. 13 Q. And you left voluntarily? 14 A. Yes. 15 Q. To take a position where? 16 A. Elyria Memorial Hospital. 17 Q. How long did you work at EMH? 18 A. From 1988 until 1999. 19 Q. What departments did you work in at 20 EMH? 21 A. I worked on a step-down unit for about 22 six months. Then I went directly to labor and 23 delivery. 24 Q. So other than six months up until 25 1999, you were working in labor and delivery?</p>	<p>Page 11</p> <p>1 position elsewhere? 2 A. Here at Southwest. 3 Q. You would have started sometime in the 4 year 2000 at Southwest? 5 A. Correct. 6 Q. About when in 2000 did you start at 7 Southwest? 8 A. July. 9 Q. Did you leave Elyria Memorial Hospital 10 voluntarily? 11 A. Yes, I did. 12 Q. You weren't discharged? 13 A. No. 14 Q. While you were at Elyria Memorial 15 Hospital, were you involved in any matters that 16 involved questions concerning your license that 17 were brought before the Ohio Board of Nursing? 18 A. Yes. 19 Q. Were you disciplined as a consequence 20 of any of those matters by the Ohio Board of 21 Nursing? 22 A. No, I was not. 23 Q. How many times were matters brought 24 relative to your work at EMH before the Ohio 25 Board of Nursing?</p>
<p>Page 10</p> <p>1 A. Correct. 2 Q. Were you working full time? 3 A. Yes, I was. 4 Q. When you left Elyria Memorial 5 Hospital, where did you go to work? 6 A. I worked for like a nursing agency. 7 Q. What was the name of the agency? 8 A. Med-Ex Services. 9 Q. How long did you work through the 10 nursing agency? 11 A. About a year. 12 Q. Did you work at various hospitals 13 through the agency? 14 A. Actually, it was like nursing home 15 type jobs. 16 Q. Unrelated to your prior experience in 17 labor and delivery, I presume? 18 A. Correct. 19 Q. Was it one particular nursing home or 20 a number of nursing homes? 21 A. It was a variety of nursing homes. 22 Q. All in Lorain County area or scattered 23 about? 24 A. It was scattered. 25 Q. Did you leave Med-Ex then to take a</p>	<p>Page 12</p> <p>1 A. Just once. 2 Q. And what was the nature of that 3 matter? 4 A. I believe it was a question of the 5 timing that I called. 6 Q. Called the doctor? 7 A. Physicians. 8 Q. I don't want to put words in your 9 mouth, but correct me if I'm wrong, but was there 10 an issue as to whether or not you were timely 11 notifying the attending or the responsible 12 physician with regard to clinical information 13 that came to your attention as the nurse that was 14 caring for a patient? Did you lose me? 15 A. Yes, I did. 16 Q. In terms of calling the doctor, was 17 the issue that when information, either from a 18 nursing assessment standpoint or labs or 19 something came to your attention, that you were 20 not timely with regard to notifying the doctor or 21 that you just weren't, according to the 22 allegations, calling the doctors when they needed 23 to be contacted? 24 A. It was a question of like the delivery 25 would be precipitous and if I gave enough notice</p>

Page 13

1 to the physician to come for the delivery.
2 Q. Was this complaint by more than one
3 physician?
4 A. I have no idea. No one ever told me.
5 Q. Did you have to appear before the Ohio
6 Board of Nursing with regard to this matter?
7 A. No. One representative came to me and
8 it was an interview type of a thing.
9 Q. Your understanding is that -- what was
10 the ultimate disposition with regard to that
11 charge?
12 A. There was nothing to base it on. I
13 mean, it was unfounded.
14 Q. You never found out who the doctor or
15 perhaps nurse was that --
16 A. No, I never did.
17 Q. Is that the only time that you were
18 brought before the Ohio Board of Nursing on a
19 matter of nursing practice?
20 A. Yes.
21 Q. Did you ever have your privileges
22 suspended, revoked or otherwise drawn into
23 question at any other time prior to coming to
24 Southwest while you worked at EMH?
25 A. No.

Page 15

1 A. That would be correct.
2 Q. Do you have any specialized
3 educational training in labor and delivery that
4 you pursued outside of your associate's degree,
5 education, back at Lorain Community? In other
6 words, did you take any specialized training to
7 get any certification in the area of obstetrics
8 and gynecology?
9 A. I attended continuing education
10 courses and things like that and I was code pink
11 certified.
12 Q. When were you code pink certified?
13 A. I was initially certified when I
14 started labor and delivery at EMH; then I
15 maintained my licensure, or my certification,
16 excuse me.
17 Q. Was that a yearly process that you had
18 to go through?
19 A. It was every two years, but every year
20 we had to take a refresher test.
21 Q. Besides being code pink certified, do
22 you have any other certification within the area
23 of labor and delivery or obstetrics?
24 A. No.
25 Q. Have you ever written anything in any

Page 14

1 MR. SWITZER: Howard, can I just have
2 a continuing objection to this?
3 MR. MISHKIND: Sure.
4 MR. SWITZER: I'm not sure it's
5 required anymore in light of the local rules.
6 BY MR. MISHKIND:
7 Q. When you applied for a position here
8 at Southwest, it was in labor and delivery, true?
9 A. Correct.
10 Q. In your application, did you disclose
11 the issue about the complaint, we'll call it,
12 that had been registered with the Ohio Board of
13 Nursing?
14 A. No, because there was never any
15 discipline. I mean, they never told me I had to
16 disclose it.
17 Q. Did you ever disclose this information
18 to any of your nursing colleagues while you
19 worked here?
20 A. No.
21 Q. So to your knowledge none of the
22 nurses that worked in labor and delivery or any
23 of your supervisors knew or were aware of this
24 complaint registered against you about not
25 calling doctors in a timely manner; is that true?

Page 16

1 nursing journals?
2 A. No, I have not.
3 Q. You started here in July of 2000 and
4 this delivery was in September of 2000?
5 A. Uh-huh.
6 Q. You were still going through an
7 orientation period here at Southwest; true?
8 A. Yes.
9 Q. Who was your supervisor while you were
10 going through the orientation process?
11 A. The primary person I was with was Mary
12 Jo Alverson.
13 Q. Can you spell Mary Jo's last name?
14 A. A L V E R S O N, I believe.
15 Q. How long was your preceptorship or
16 your orientation when you arrived and started
17 here at Southwest?
18 A. It was 90 days, I believe, and
19 depending on the need.
20 Q. What do you mean by that?
21 A. It could have been longer if it was
22 necessary.
23 Q. How were you being evaluated during
24 that 90-day period?
25 A. I believe every 30 days.

4 (Pages 13 to 16)

<p style="text-align: right;">Page 17</p> <p>1 Q. Was there sort of a checklist of 2 things that were looked at in terms of whether or 3 not you were doing what you needed to do to be a 4 good obstetrical nurse? 5 A. Yes. 6 Q. Did you ever receive copies of any of 7 those evaluations? 8 A. I recall reading them, but I don't 9 remember receiving a copy. 10 Q. In your orientation, was there someone 11 that you had to be working under the direct 12 supervision of during that 90-day period? 13 A. I more or less used her as a resource 14 person, having previously had delivery 15 experience. 16 Q. Her, being Mary Jo? 17 A. Correct. Excuse me. 18 Q. Is it your understanding that during 19 the orientation, this 90-day orientation, that 20 because of your prior labor and delivery 21 experience that you were able to function in the 22 capacity as a labor and delivery nurse 23 independent of a direct supervising nurse? 24 A. Yes. 25 Q. But if one had to classify anyone as</p>	<p style="text-align: right;">Page 19</p> <p>1 didn't fit in, what was it that caused you to 2 feel that way? 3 A. Just conflicting personalities with 4 coworkers. I just didn't feel like I was a part 5 of the team. 6 Q. Were there particular incidents that 7 occurred that caused you not to feel part of the 8 team? 9 A. No. It was just a generalized feeling 10 that I just didn't feel like I fit in. 11 Q. Did you ever bring that generalized 12 feeling to Mary Jo or to any of the other 13 supervisors? 14 A. I can't recall that I did, but 15 probably not. 16 Q. Did you ever bring that feeling to any 17 of the physicians, the attendings, in labor and 18 delivery? 19 A. No. 20 Q. Did you ever file any complaints with 21 administration or with the nursing department 22 relative to how you perceived your relationship? 23 A. No. 24 Q. Were you in fact terminated in October 25 of 2000?</p>
<p style="text-align: right;">Page 18</p> <p>1 your supervisor, it would be Mary Jo, true? 2 A. Yes. 3 Q. And would Mary Jo have been 4 technically your supervisor on the morning of the 5 delivery of Charles Tenney, Charlie Tenney? 6 A. Do you know, I can't recall if she was 7 there on that day or not. 8 Q. But she still would have been your 9 preceptor by title, if nothing else, on that day; 10 true? Even though she may not have been 11 physically present? 12 A. Oh, correct. 13 Q. When did you leave Southwest? 14 A. October of 2000. 15 Q. Why did you leave Southwest? 16 A. I just didn't feel like I fit in with 17 the staff. 18 Q. So did you finish your orientation? 19 A. It was just the end of it. 20 Q. Had you received your final review or 21 your final evaluation? 22 A. No. You know, I can't recall, 23 actually. I don't believe so. 24 Q. I don't mean to press too deep, but I 25 need to understand when you say you felt that you</p>	<p style="text-align: right;">Page 20</p> <p>1 A. No. I left voluntarily. 2 Q. You resigned? 3 A. Yes. 4 Q. In order to resign, did you have to 5 write something indicating that you were leaving 6 the position? 7 A. Just on a note pad I wrote that I was 8 terminating my position. 9 Q. And did you indicate on that the 10 reason that you were terminating your position? 11 A. I can't recall. 12 Q. Did you go to work elsewhere when you 13 left Southwest? 14 A. Yes, I did. 15 Q. And would that be the Clinic? 16 A. Yes, it would. 17 Q. When did you start at the Clinic? 18 That would be Cleveland Clinic? 19 A. Yes. 20 Q. When did you start at the Cleveland 21 Clinic? 22 A. December of 2000. 23 Q. What went on during the period from 24 October until December of 2000 before starting at 25 the Clinic?</p>

<p>Page 21</p> <p>1 A. I may have picked up time at the 2 Med-Ex Services. 3 Q. The service that you had been with 4 before? 5 A. Correct. 6 Q. That's a possibility? You're not 7 certain about that? 8 A. I'm not positive. 9 Q. If you worked at all during those two 10 months, would it have been through the agency? 11 A. I believe so. 12 Q. Were there any other agencies that you 13 worked with that might have placed you between 14 October and December? 15 A. No. 16 Q. When you applied at the Cleveland 17 Clinic, did you apply to work in labor and 18 delivery? 19 A. Yes, I did. 20 Q. And did you, in your application, give 21 any indication to the folks at the Cleveland 22 Clinic as to the reason that you had left 23 Southwest? 24 A. Maybe just it was a desire to change, 25 but not -- nothing elaborate.</p>	<p>Page 23</p> <p>1 different person pretty much. 2 Q. But you were an employee of the Clinic 3 working in the department of obstetrics and 4 gynecology? 5 A. Yes. 6 Q. Why did you leave the Cleveland 7 Clinic? 8 A. There were personal reasons. 9 Q. Were they health related? 10 A. Yes. 11 Q. Physical or emotional? 12 A. Emotional. 13 Q. And you felt that those emotional 14 factors prohibited you from working in the 15 department of obstetrics and gynecology at the 16 Cleveland Clinic? 17 A. Yes. 18 Q. When did those emotional problems 19 surface? 20 A. In December of 2000. 21 Q. Was there an event that took place in 22 December of 2000 -- 23 A. Yes. 24 Q. -- that prompted the emotional 25 problems?</p>
<p>Page 22</p> <p>1 Q. As an employer myself, I guess 2 sometimes employers become very curious when 3 someone is only with a position for a 4 probationary or orientation period. Was there 5 any question asked of you as to why you were only 6 at Southwest for 90 or so days? 7 A. No. 8 Q. And your testimony is that you didn't 9 indicate in your application any feeling of not 10 fitting in or anything along those lines? 11 A. I can't recall. I could have maybe, 12 but -- 13 Q. You started in December of 2000 at the 14 Cleveland Clinic? 15 A. Correct. 16 Q. Full time? 17 A. Yes. 18 Q. And you worked there up until when? 19 A. I left in December of 2000 also. 20 Q. How long were you at the Cleveland 21 Clinic in terms of days? 22 A. Like maybe three weeks, four weeks. 23 Q. Who was your supervisor during that 24 period? 25 A. I didn't have -- I worked with a</p>	<p>Page 24</p> <p>1 A. Yes. 2 Q. What was that? 3 A. That's personal. 4 Q. I understand that, but I'm not sure 5 that it's privileged given the circumstances in 6 the case and -- 7 MR. SWITZER: I don't know if it is or 8 it isn't. If you don't want to disclose that 9 now, indicate you don't want to disclose it for 10 reasons that you so indicated. I guess we'll 11 have to take it up with the judge, unless she 12 wants to disclose it now. I just can't answer 13 your question. 14 MR. MISHKIND: Okay. 15 MR. MISHKIND: The reason I'm asking 16 this is because I need -- because of the 17 relationship of when the baby was born and when 18 you were at Southwest and when you left and then 19 your subsequent employment, and I'm not trying to 20 give you a lecture on the law, but the law 21 provides some latitude in terms of discovery to 22 determine whether or not some physical or 23 emotional problem may or may not have affected 24 you at the time of the events that are the 25 subject of this lawsuit. And there are also</p>

Page 25

1 matters of physician/patient privilege.
2 I'm not going to ask you who you
3 treated with, but I think that because of my
4 obligation to my client, I will have to pursue
5 having a disclosure as to what this is just to
6 satisfy my due diligence that it's unrelated to
7 anything that may have been existing back in
8 September and, thus, totally irrelevant or might
9 be irrelevant.
10 Mr. Switzer has told you you can
11 refuse to answer the question. I'm not by any
12 way threatening you, but I'm just telling you if
13 you do refuse, what I will probably do is ask the
14 Court to compel at least an incamera disclosure
15 by you of what the medical condition was so the
16 judge then would have to make a decision and then
17 that might prompt additional questions at a
18 subsequent deposition; or after further
19 reflection if you'll voluntarily answer that, it
20 may obviate that.
21 Is that an accurate statement?
22 MR. SWITZER: Just so we make the
23 record clear, before she makes the decision, why
24 don't you ask her that question about whether she
25 believes that it affected, just so we have it on

Page 26

1 the record, and then follow up. You actually had
2 a good question in your discourse.
3 MR. MISHKIND: I'll be happy to ask
4 it. I'm not sure that in and of itself --
5 MR. SWITZER: I'm not saying it is or
6 isn't, but I think it should be on the record and
7 follow up from there.
8 MR. MISHKIND: Okay. I'll do that
9 just to have the entire record clear.
10 BY MR. MISHKIND:
11 Q. The incident that caused this
12 emotional problem in December, do you believe
13 that that had any impact on your performance or
14 your work at Southwest back in September of 2000?
15 A. Absolutely not.
16 Q. Your opinion is that this incident
17 that occurred in December was totally unrelated
18 and removed from any emotional problems that you
19 had back in September of 2000?
20 A. Completely.
21 Q. Back in September of 2000, were you
22 under a doctor's care for any emotional or
23 psychiatric issues or problems?
24 A. No.
25 Q. Again, I'm going to ask, and I'll

Page 27

1 accept whatever your answer is, you know where we
2 go from here, I'm going to ask you again to tell
3 me what that incident or incidents were in
4 December of 2000 that caused the emotional issue
5 that prompted you to leave the Clinic.
6 A. I had some depression that was -- I
7 was depressed. And I felt suicidal. And so I
8 diverted an ampule of Nubain -- I diverted an
9 ampule of Nubain to attempt suicide.
10 MR. SWITZER: Let me have a continuing
11 objection along this line of questioning.
12 Q. When you say diverted an ampule of
13 Nubain, that's a medication; is it not?
14 A. Yes, it is.
15 Q. And that's something that you took
16 from the Cleveland Clinic?
17 A. Yes, I did.
18 Q. And was that discovered by the folks
19 at the Cleveland Clinic?
20 A. Yes, it was.
21 Q. Was that the basis upon which your job
22 was terminated or did you resign the position?
23 A. Since I was still in my probationary
24 period, they let me go.
25 Q. And it's your testimony that you were

Page 28

1 not suicidal or depressed prior to December of
2 2000?
3 A. Correct.
4 Q. Had you ever been treated for
5 depression at any time before December of 2000?
6 A. Yes.
7 Q. Were you under psychiatric care or
8 seeing a mental health care provider back in
9 September of 2000?
10 A. No.
11 Q. When did you start seeing a
12 psychiatrist?
13 A. Subsequent to --
14 Q. This event?
15 A. Yes.
16 Q. In December?
17 A. Yes.
18 Q. Was there a life's event, a death, a
19 triggering episode that caused the depression and
20 the suicidal attempt? And I assure you, I'm
21 getting very close to being done with this. I'm
22 sorry for --
23 A. Yes.
24 Q. What was that?
25 A. My mother's death.

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 Q. That was in December of 2000?</p> <p>2 A. No.</p> <p>3 Q. When did your mother die?</p> <p>4 A. August of 95. It just did not surface</p> <p>5 until --</p> <p>6 Q. From August of 95 up until December of</p> <p>7 2000, is it your testimony that you were not</p> <p>8 seeing any mental health care providers?</p> <p>9 A. I saw my general practitioner, but</p> <p>10 not -- and he referred me to Dr. Lawson briefly.</p> <p>11 Q. Dr. Lawson, I presume, is a</p> <p>12 psychiatrist?</p> <p>13 A. I'm not sure if he's a psychiatrist or</p> <p>14 psychologist.</p> <p>15 Q. And did you in fact see Dr. Lawson on</p> <p>16 one or more occasions prior to September of 2000?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Did you disclose that in your</p> <p>19 application when you applied for the position</p> <p>20 here at Southwest, that you had been seen by a</p> <p>21 psychologist or psychiatrist?</p> <p>22 A. No.</p> <p>23 Q. I presume you saw Dr. Lawson for</p> <p>24 emotional issues triggered as a result of the</p> <p>25 death of your mom?</p>	<p style="text-align: right;">Page 31</p> <p>1 A. No.</p> <p>2 Q. Was the personal reason an emotional</p> <p>3 reason?</p> <p>4 A. No.</p> <p>5 Q. Was it a physical?</p> <p>6 A. No.</p> <p>7 Q. It wasn't emotional and it wasn't</p> <p>8 physical. Were you just not happy with the</p> <p>9 position with the Renaissance?</p> <p>10 A. Yes.</p> <p>11 Q. Did you quit or were you terminated</p> <p>12 from the Renaissance?</p> <p>13 A. I was terminated.</p> <p>14 Q. And to your knowledge, what was the</p> <p>15 basis upon which you were terminated?</p> <p>16 A. They felt uncomfortable with my</p> <p>17 personal situation.</p> <p>18 Q. What was that personal situation that</p> <p>19 was affecting you at work?</p> <p>20 A. That I'm in recovery.</p> <p>21 Q. From what?</p> <p>22 A. Alcoholism.</p> <p>23 Q. I take it you're an alcoholic?</p> <p>24 MR. SWITZER: Some of this questioning</p> <p>25 now I think is certainly getting into</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Correct. And I had thought things</p> <p>2 were resolved, but then in December everything</p> <p>3 fell on me like a ton of bricks.</p> <p>4 Q. Since December of 2000, have you</p> <p>5 worked?</p> <p>6 A. Yes, I have.</p> <p>7 Q. When did you return to work after</p> <p>8 December of 2000?</p> <p>9 A. March of 2001.</p> <p>10 Q. Where at?</p> <p>11 A. The Renaissance.</p> <p>12 Q. That's a retirement community, isn't</p> <p>13 it?</p> <p>14 A. Yes, it is.</p> <p>15 Q. How long did you work there?</p> <p>16 A. Until October of 2001.</p> <p>17 Q. Why did you leave in October of 2001?</p> <p>18 A. Personal reasons.</p> <p>19 Q. Again, did they stem from resurfacing</p> <p>20 of depression secondary to your mom's loss?</p> <p>21 A. No.</p> <p>22 Q. Other personal reasons?</p> <p>23 A. Yes.</p> <p>24 Q. Was it depression caused by some other</p> <p>25 event?</p>	<p style="text-align: right;">Page 32</p> <p>1 confidential/privileged areas. I'm not telling</p> <p>2 her not to answer these questions, but you should</p> <p>3 just be aware of that, and I'm going to notify</p> <p>4 you if you pursue this.</p> <p>5 Q. Let me get an answer to that question,</p> <p>6 whether or not you are a recovering alcoholic.</p> <p>7 A. What was the question?</p> <p>8 Q. Are you a recovering alcoholic?</p> <p>9 A. Yes, I am.</p> <p>10 Q. When did you first realize that you</p> <p>11 had a drinking problem?</p> <p>12 A. I guess December of 2000.</p> <p>13 Q. So the time that you took medication</p> <p>14 from the Cleveland Clinic is the same time that</p> <p>15 you started drinking, or had you been drinking</p> <p>16 before December of 2000 but you just started</p> <p>17 drinking to an excess in December of 2000?</p> <p>18 A. Excessively in December.</p> <p>19 Q. So is it fair to say that you drank to</p> <p>20 a lesser extent back in September of 2000 when</p> <p>21 you were employed at Southwest?</p> <p>22 MR. SWITZER: Object to the form of</p> <p>23 the question.</p> <p>24 Q. You can answer the question.</p> <p>25 A. I wasn't drinking at all in September.</p>

Page 33

1 Q. So had you consumed alcohol at any
2 time in your life before September of 2000?
3 A. Oh, yes.
4 Q. You just started drinking sometime
5 after leaving Southwest and prior to it becoming
6 a problem in December of 2000?
7 A. Yes.
8 Q. Were you admitted to any treatment
9 facilities either for drug or alcohol problems?
10 A. Yes.
11 Q. Where were you admitted?
12 A. The Cleveland Clinic.
13 Q. Would that have been in December of
14 2000?
15 A. Yes.
16 Q. Since October of 2001, have you
17 worked, have you been gainfully employed?
18 A. As a nurse?
19 Q. We'll start with that.
20 A. As a nurse, no.
21 Q. Have you been gainfully employed in
22 some other capacity since October of 2001?
23 A. Yes, I have.
24 Q. Where and when?
25 A. Since December of 2001 --

Page 35

1 recovery.
2 Q. And that was disclosed before you were
3 hired?
4 A. Correct.
5 Q. And you worked at the Renaissance up
6 until October of 01 and I think you told me
7 before they were uncomfortable with your personal
8 situation?
9 A. What happened was the director of
10 nursing hired me and then she was terminated.
11 The person that was to fill out my monthly
12 reports for the nursing board felt that it was
13 uncomfortable -- that they were uncomfortable.
14 Q. You're not currently employed, are
15 you? Or are you currently employed?
16 A. Presently, no.
17 Q. When was the last time that you were
18 employed?
19 A. I worked from May until September,
20 this May.
21 Q. May 02 to September of 02, just last
22 month?
23 A. Correct.
24 Q. Where did you work?
25 A. Our Lady of the Wayside.

Page 34

1 Q. I'm sorry, you told me you started at
2 the Renaissance in March of 2001?
3 A. Right.
4 Q. I presume between December of 2000 and
5 March of 2001 you were in treatment for some
6 period of time?
7 A. Yes.
8 Q. That would have been inpatient?
9 A. Yes.
10 Q. Was that the entire time period or
11 just --
12 A. I was inpatient for seven days, and
13 then I was outpatient for a month. I'm not sure
14 on the exact dates. And then after care for a
15 month.
16 Q. Which then leads us up to the
17 Renaissance, correct?
18 A. Correct.
19 Q. In your application to the
20 Renaissance, did you disclose to them that you
21 had been treated for alcohol or had had a problem
22 with misuse of drugs at the Cleveland Clinic?
23 A. I don't believe there was a place on
24 the application, but I disclosed it to the
25 director of nursing that I had -- I was in

Page 36

1 Q. Doing what?
2 A. Rehabilitation assistance.
3 Q. Would that be the only position that
4 you've held since leaving the Renaissance?
5 A. No.
6 Q. Where did you work between the
7 Renaissance and Our Lady of the Wayside?
8 A. I worked in a factory for about a
9 month and then I worked at Lorain County Board of
10 Mental Retardation, but the scheduling was
11 conflicting with me attending my required
12 meetings, so I quit.
13 Q. Why did you leave Our Lady of the
14 Wayside?
15 A. Because some of my coworkers were
16 drinking and I was very uncomfortable with that
17 situation.
18 Q. I take it now you're looking for new
19 employment?
20 A. Correct.
21 Q. Other than sitting here in a
22 deposition?
23 A. Correct. I'm getting my nursing
24 license back.
25 Q. Was your nursing license in fact

9 (Pages 33 to 36)

<p style="text-align: right;">Page 37</p> <p>1 revoked?</p> <p>2 A. I surrendered it.</p> <p>3 Q. When would that have been?</p> <p>4 A. January of 2001.</p> <p>5 Q. Were charges brought before the Ohio</p> <p>6 Board of Nursing or did you just sort of</p> <p>7 preemptively surrender your nursing license</p> <p>8 before any charges were brought against you?</p> <p>9 MR. SWITZER: Let me object to all of</p> <p>10 this.</p> <p>11 A. I'm sorry, I don't understand.</p> <p>12 Q. Why did you surrender your license in</p> <p>13 January of 01?</p> <p>14 A. Because I had -- I wasn't working as a</p> <p>15 nurse and I was chosen to submit a random drug</p> <p>16 screen and I didn't have the chain of custody</p> <p>17 forms that were required because I wasn't</p> <p>18 currently working, so they considered them to be</p> <p>19 contaminated or dirty specimens.</p> <p>20 Q. Are you still a patient on an</p> <p>21 outpatient basis with Dr. Lawson?</p> <p>22 A. No.</p> <p>23 Q. Are you under psychiatric care</p> <p>24 currently?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Correct.</p> <p>2 Q. Have you ever appeared before any type</p> <p>3 of a magistrate or any type of formal hearing</p> <p>4 where you had to give sworn testimony about</p> <p>5 anything relating to your nursing care?</p> <p>6 A. No.</p> <p>7 Q. This incident with the accusation</p> <p>8 about waiting too long to contact doctors that we</p> <p>9 talked about before, did that ever come up during</p> <p>10 your probationary period while you were employed</p> <p>11 at Southwest?</p> <p>12 A. No.</p> <p>13 Q. Do you remember the Tenney delivery?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Did you maintain any type of notes at</p> <p>16 all outside of what's handwritten in the chart or</p> <p>17 the computer notes in the chart?</p> <p>18 A. No.</p> <p>19 Q. Sometimes nurses will write things</p> <p>20 down on a paper towel. I've even run into nurses</p> <p>21 where they maintain their own little personal</p> <p>22 journals unbeknownst to someone else?</p> <p>23 A. Oh, no. Huh-uh.</p> <p>24 Q. So whatever you recorded would be in</p> <p>25 the chart?</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Who is the doctor that you're under</p> <p>2 psychiatric care with?</p> <p>3 A. Alamir.</p> <p>4 Q. I'm sorry?</p> <p>5 A. A L A M I R.</p> <p>6 Q. Where is Dr. Alamir located?</p> <p>7 A. The Nord Center.</p> <p>8 Q. You don't have children, do you?</p> <p>9 A. No.</p> <p>10 Q. Okay. You told me before you've never</p> <p>11 given a deposition before. After this deposition</p> <p>12 I'm sure you're going to hope you're never going</p> <p>13 to have to give another one again. That's my</p> <p>14 attempt at levity, but it didn't work too well.</p> <p>15 Have you ever appeared in a courtroom</p> <p>16 to testify in connection with anything?</p> <p>17 A. No.</p> <p>18 Q. Have you ever had to appear before any</p> <p>19 type of administrative board or agency to give</p> <p>20 testimony relative to anything arising out of</p> <p>21 your nursing care or testify in any connection</p> <p>22 relating to any of your personal problems?</p> <p>23 A. I'm sorry, I'm not following you.</p> <p>24 Q. You've never testified in a courtroom</p> <p>25 and you've never given a deposition?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Correct.</p> <p>2 Q. We have before us a copy of the</p> <p>3 Southwest chart for the admission of Dawn and the</p> <p>4 delivery of Charlie. I take it you've had a</p> <p>5 chance to review the records to refresh your</p> <p>6 memory?</p> <p>7 A. Yes.</p> <p>8 Q. Before looking at the records to</p> <p>9 refresh your memory, did you remember this</p> <p>10 delivery?</p> <p>11 A. Yes, I did.</p> <p>12 Q. What was it about this delivery, if</p> <p>13 you are able to sort of pinpoint or crystallize,</p> <p>14 that you remembered even before you looked at the</p> <p>15 record?</p> <p>16 A. Only that I was here at Southwest for</p> <p>17 a short time and it was a difficult delivery and</p> <p>18 it was the only difficult delivery I had.</p> <p>19 Q. Was this the only shoulder dystocia</p> <p>20 that you experienced while working at Southwest?</p> <p>21 A. The best that I can recall, yes.</p> <p>22 Q. Aside from the records, Southwest</p> <p>23 records, and any portions of Dr. Patel's</p> <p>24 antenatal records that may be a part of the</p> <p>25 chart, have you seen any other records concerning</p>

Page 41

1 Dawn Davis?
2 A. No.
3 Q. Have you seen any deposition
4 transcripts concerning, for example, Dawn's
5 testimony or Charles Tenney, the father's
6 testimony?
7 A. No, I have not.
8 Q. Have you had occasion to read any of
9 the records that have been authored by any of the
10 experts in this case?
11 A. No, I have not.
12 Q. Have you been provided with any
13 information relative to any of the testimony that
14 is to be offered by the experts; in other words,
15 plaintiffs' experts are going to say this,
16 defense experts are going to say this?
17 A. No.
18 Q. So the information that you have as
19 you sit here right now is based upon your review
20 of the Southwest records and what you remember
21 about that day that you worked, is that correct?
22 A. Correct.
23 Q. Have you done any research at all in
24 preparing yourself today for the deposition on
25 nursing practice when shoulder dystocia is

Page 43

1 event that a shoulder dystocia was encountered
2 during the birthing process?
3 A. I can't recall seeing in paper,
4 writing, no.
5 Q. Aside from the fact that this was a
6 difficult birth and it was the only difficult
7 birth that you remember while you were at
8 Southwest, before looking at the records, is
9 there anything that you recall about any
10 conversations that you had with mom or dad of the
11 baby or the grandparents that's not otherwise
12 reflected in the record?
13 A. No.
14 Q. Just to be fair to you, you told me
15 that you remembered the case because it was a
16 difficult delivery and --
17 A. Correct.
18 Q. -- shoulder dystocia was encountered?
19 A. Correct.
20 Q. I know you started your shift at 7
21 a.m. on the day of delivery, true?
22 A. Yes.
23 Q. When did your shift end on that day?
24 A. I can't recall if I worked until 3 or
25 7.

Page 42

1 encountered?
2 A. No.
3 Q. How about reviewing any hospital
4 protocols on labor and delivery that would relate
5 to the management of shoulder dystocia; have you
6 seen any?
7 A. You mean prior to today --
8 Q. Prior to me asking you this question
9 today?
10 A. Correct.
11 Q. The answer is?
12 A. You mean in preparation for today?
13 Q. Yes.
14 A. Oh, no.
15 Q. Do you know whether there are any
16 nursing policies that deal with how nurses are to
17 manage shoulder dystocia?
18 A. I can't -- no.
19 Q. No, there aren't, or no --
20 A. I don't know.
21 Q. Again, as you sit here and reflect
22 back on the three months or so that you were
23 here, do you have any recollection of ever being
24 presented with any protocols or policies that
25 delineated what you were to do as a nurse in the

Page 44

1 Q. After mom was transferred from the
2 birthing room to the floor, to her room, and
3 Charlie was taken from the birthing room and
4 attended to by the pediatric staff, based upon
5 your independent memory, do you recall having any
6 further contact with any of the Tenneys, we'll
7 call them, mom, dad, family, baby?
8 A. No.
9 Q. For example, later in the afternoon
10 when mom was up on the floor or the next day, do
11 you recall any interaction, you going to see
12 Dawn, you talking to the father, any exchange
13 where there's some communication?
14 A. If I was on the unit, I maybe would
15 have seen her up walking and maybe had asked how
16 she was doing, asked about the baby, but --
17 Q. Do you remember doing that or are you
18 just speculating that --
19 A. That's probably speculation. I can't
20 recall doing it.
21 Q. So you do recall being there for the
22 difficult delivery?
23 A. Yes, I do.
24 Q. As to what contact, if any, you had
25 after the baby was delivered and pediatrics were

Page 45

1 taking care of the baby and mom was transferred
2 out of the birthing room, you have no independent
3 recollection of any specific events, is that
4 true?
5 A. Correct.
6 Q. Have you had an opportunity, since
7 learning about this case, to talk with any of
8 your colleagues that were involved, nursing
9 colleagues that were involved preceding you? The
10 shift that ended at 7:00, have you talked with
11 that nurse or have you talked with any of the
12 other nurses that were involved in the aspect of
13 labor and delivery?
14 A. No, I have seen no one since I've left
15 here.
16 Q. How about Dr. Patel, have you had
17 occasion to talk with her --
18 A. No.
19 Q. -- since leaving the hospital?
20 A. No.
21 Q. Did you have occasion to talk with Dr.
22 Patel after the delivery occurred and the baby
23 was handed off to pediatrics -- do you have a
24 recollection of talking face to face with Dr.
25 Patel about what had transpired during this

Page 47

1 Q. In looking at the record itself, both
2 the computer-generated notes and your handwritten
3 notes, is there anything that helps you recall
4 the position of the dad in the birthing room at
5 any time?
6 A. No.
7 Q. Do you have any independent
8 recollection of actually meeting the father? Can
9 you picture the father and having interaction
10 with him?
11 A. I couldn't picture him, but I'm sure
12 at some point in the day he was in the room and I
13 certainly would have interacted in an
14 introduction of myself, but actually knowing who
15 he is, no.
16 Q. Do you have any recollection of any
17 general conversations or subjects that you and he
18 discussed at all, if anything, during that 7 a.m.
19 shift up until the time of delivery?
20 A. No.
21 Q. There is testimony in this case that
22 Dawn's mom and Dawn's father were in the birthing
23 room up to and including the time of delivery.
24 Do you have any recollection one way or another
25 about, let's call them, grandparents being in the

Page 46

1 difficult delivery?
2 A. No.
3 Q. Again, I ask that to you in fairness
4 because sometimes people will say, it's not
5 recorded in the record, but I remember Dr. Patel
6 telling me an hour later A, B, C and D, or I
7 remember I said to Dr. Patel D, E and F; you
8 don't have any recollection of such discussion?
9 A. No.
10 Q. Do you have a recollection of who from
11 the family was in the room from 7 a.m. up to and
12 including the time of the delivery?
13 A. No, I don't.
14 Q. The records don't reflect, at least
15 the computer notes, don't reflect the identity of
16 family members. We know Dawn Davis, the mom, had
17 to have been there?
18 A. Right.
19 Q. Otherwise, we wouldn't be in the
20 delivery process, but as far as whether dad was
21 or was not present or how long he was present
22 from 7 a.m. up to the time of delivery, do you
23 have any recollection, vague or otherwise, about
24 his presence or whereabouts?
25 A. No, I can't say that I do.

Page 48

1 birthing room in this case?
2 A. No.
3 Q. Are you able in your mind's eye to
4 picture Dawn?
5 A. No. I just remember the delivery
6 itself. I can't put a face to a name, no.
7 Q. Okay. When you say that you are code
8 pink certified, does that mean that you are
9 certified to provide resuscitative measures to a
10 baby that is born depressed?
11 A. Correct.
12 Q. Were you involved in any resuscitative
13 efforts for Charlie when he was born?
14 A. No.
15 Q. Were you code pink certified in
16 September of 2000?
17 A. Yes, I was.
18 Q. Is there a reason that you did not
19 participate in the code pink in this case?
20 A. Yes.
21 Q. Tell me why.
22 A. I was Dawn's nurse and I was her
23 primary -- I was her primary nurse, so I was
24 directly involved in her care.
25 Q. Who called for the code pink? Was it

12 (Pages 45 to 48)

Page 49

1 you or was it Dr. Patel?
2 A. I don't know. I can't recall.
3 Q. It could have been either?
4 A. It could have been either.
5 Q. Is there a normal procedure when a
6 shoulder dystocia is encountered, and I recognize
7 this was the only one that you experienced at
8 Southwest, but to your knowledge, was there a
9 protocol or procedure to be followed in terms of
10 who calls for help?
11 A. It could be either the physician or
12 the nurse.
13 Q. Can you tell from looking at the
14 record whether it was you or whether it was the
15 doctor?
16 A. No, truthfully, I can't.
17 Q. You've had enough opportunity to look
18 at the chart to refamiliarize yourself with this
19 case, correct?
20 A. Correct.
21 Q. In looking at the chart and reading it
22 over, did anything more concrete come back to you
23 that you recall about this delivery other than
24 that you remember it being a difficult delivery?
25 A. I don't understand what you're asking.

Page 50

1 Q. You remembered before seeing the chart
2 that this baby was a difficult delivery. When
3 you looked at the chart and went over the notes
4 from 7 a.m., perhaps even looking back at the
5 previous shift, and then going up until the time
6 of delivery, was there anything else that stood
7 out in your mind that you recalled of
8 significance that explained the reason this was a
9 difficult delivery?
10 A. After reading the chart, I -- I just
11 don't understand what you mean.
12 Q. Let me withdraw it. It's probably not
13 well worded. Every once in a while I do that.
14 Usually Mr. Switzer reminds me of that, but he
15 didn't at this time. Don't worry about it. I'll
16 give you a different question in a moment.
17 There was a shutdown of the computer
18 system, I think it's called Q5?
19 A. QS.
20 Q. QS?
21 A. Yes.
22 Q. Sometime during your shift, true?
23 A. Correct.
24 Q. Can you explain that to me?
25 A. We were notified at the beginning of

Page 51

1 the shift that there was a scheduled maintenance
2 on the computer system, that it would be shut
3 down sometime during the morning and that we
4 would have to -- that we wouldn't be able to
5 document in the computer; we would have to
6 document by hand.
7 Q. I have a copy of the labor flow sheet
8 with notes that cover about half of the labor
9 flow sheet. I'm just going to show you a copy of
10 it. But is this labor flow sheet with the
11 handwriting along the right-hand side, is this
12 where you documented things while the computer
13 system was shut down?
14 A. Yes.
15 Q. And then you have a line drawn at
16 10:53 to just designate that you are abandoning
17 the handwritten notes and going back to the
18 computer notes, correct?
19 A. Correct.
20 Q. This was a birthing room, true?
21 A. Yes.
22 Q. The computer would have been with mom
23 with her head against the top of the bed, the
24 computer would have been to mom laying on her
25 back, the computer would have been to her left,

Page 52

1 true?
2 A. Either her left or her right.
3 Q. Do you know specifically in this case
4 which it was?
5 A. No.
6 Q. How close is the computer maintained,
7 whether it's to the left or the right to the
8 mom's bed?
9 A. It's directly to the side of the bed.
10 Q. Is it within arm's reach from mom to
11 the computer or do you have to step away from one
12 or the other to get to mom or to --
13 A. I have to like pivot, but I don't step
14 away.
15 Q. Have you taken a look at the
16 computer-generated notes from 7 a.m. up through
17 delivery of the head at 11:20 and the body at
18 11:24?
19 A. Yes.
20 Q. And from what you see on those
21 computer-generated notes, I'm going to have some
22 questions about some of them, do you see any
23 entries that you've made in terms of timing or
24 events that you say, when you look back at them
25 now, that can't be right, I must have entered

13 (Pages 49 to 52)

Page 53

1 something incorrectly, or the timing on things is
2 incorrect; is there anything that happened that
3 would cause you to question any of your entries?

4 A. No.

5 Q. So you stand by the timing of the
6 entries, true?

7 A. Yes.

8 Q. You stand by what is recorded in terms
9 of what you did directly or your contact that you
10 had with Dr. Patel or the anesthesiologist, Dr.
11 Haggarty?

12 A. Can you say that again?

13 Q. You stand by what you have recorded in
14 the computer as being true and accurate?

15 A. Yes, I do.

16 Q. During your shift, did you see any
17 indications of any nonreassuring fetal tracings,
18 as you can recall, when you look back in the
19 chart?

20 A. No.

21 Q. During your shift were there any signs
22 prior to the shoulder dystocia being encountered
23 of any fetal distress or indications of potential
24 fetal distress that were being clinically
25 indicated to you by any labs or by any nursing

Page 55

1 Q. Okay. I think I'd asked you whether
2 there were any signs of fetal distress before the
3 shoulder dystocia was encountered?

4 A. Prior to my shift, I wouldn't know
5 because I didn't review the chart at that point.

6 Q. Let's just deal with your shift then.
7 The first note I have for you on the
8 computer-generated note would be 7:18 a.m. I
9 guess then that would include the period up
10 through, I guess the last note that you would
11 have would be 11:17, which would be the last note
12 before the head was delivered. So during that
13 period, were there any signs of fetal distress?

14 A. 7:18?

15 Q. Yeah, 7:18, correct. Obviously you
16 started at 7:00, but 7:18 would be the first
17 time?

18 A. That I entered --

19 Q. I would presume between 7 and 7:18
20 you're getting a report?

21 A. Right.

22 Q. That would have been from Jill
23 Castenir?

24 A. I don't know.

25 Q. That's okay. That's her name from the

Page 54

1 assessments?

2 A. There's --

3 MR. SWITZER: Can she look at the
4 records?

5 MR. MISHKIND: Sure. I'm sorry.

6 MR. SWITZER: I didn't know if you had
7 switched from a recall to --

8 MR. MISHKIND: You're correct, Don.

9 Q. Right now and for the balance of the
10 deposition, unless I tell you otherwise, please
11 feel free to refer to the records and the
12 deposition transcript will indicate so. However,
13 if you see something in the record but you
14 remember something else -- I'm not saying that
15 you are going to remember something, but you
16 remember something else that isn't recorded in
17 the record, tell me that, because, again, I'm
18 assuming that at this point with regard to the
19 minute by minute or perhaps every 15 minute type
20 of detail, that you're relying on the record.
21 But if I'm wrong and if something pops into your
22 mind and you remember something happening, tell
23 me that I remember this, but it's not recorded in
24 the record; fair enough?

25 A. Fair.

Page 56

1 nurse that preceded you.

2 A. Okay. Right.

3 The only thing I can see, there was an
4 episode of decreased variability, but I wouldn't
5 say distress.

6 Q. What time was that at?

7 A. 8:59.

8 Q. Other than that episode, which you
9 would not describe as fetal distress, just
10 continue on up until the time the minutes before
11 the head was delivered.

12 A. No.

13 Q. In fairness to you, you've been
14 looking at a printout of the strips, true?

15 A. Correct.

16 Q. In addition to the strips in terms of
17 the computer-generated notes or your handwritten
18 notes, would you say that there were any signs of
19 fetal distress before the shoulder dystocia was
20 encountered?

21 A. No.

22 Q. When did the second stage of labor,
23 according to the records, start?

24 A. 9:57.

25 Q. Explain if you would for me, there's a

Page 57

1 note on the labor flow sheet in the handwritten
2 section where you have late entry noted, and I
3 presume the late entry starts at, is it 10:15?
4 A. Yes. Only that when a patient starts
5 pushing, we're supposed to document the fetal
6 heart rate every five minutes and I was with her
7 pushing and I forgot that the computer wasn't
8 going to document it, so that's why --
9 Q. So the standard nursing procedure is
10 once the patient starts pushing, you are to
11 document every five minutes the fetal heart rate?
12 A. Correct.
13 Q. And initially when she started
14 pushing, you omitted to do that, true?
15 A. Okay.
16 Q. And then went back, recognizing that
17 you had forgotten to do that, and made the entry
18 in the chart of what the fetal heart rate had
19 been when she had started pushing?
20 A. Correct.
21 Q. So that's the whole significance of
22 this late entry?
23 A. Yes.
24 MR. SWITZER: When you get a chance,
25 could we take a short break?

Page 59

1 you're asking?
2 Q. Well, in your studies and in your
3 experience, have you seen situations where
4 certain patients that have certain
5 characteristics are at increased risk of
6 potentially developing a shoulder dystocia as
7 opposed to other patients?
8 A. No.
9 Q. For example, a mom that gains a
10 certain amount of weight or is of short stature,
11 this is the kind of thing --
12 MS. METZ: I'm going to object.
13 Q. Not that that necessarily indicates
14 that the mom is going to have encountered
15 shoulder dystocia, but do you recognize there are
16 certain stigmata or certain indicators in the
17 patient that at least raise an index that mom is
18 at an increased risk for potential for the
19 development of shoulder dystocia?
20 A. It's sort of like an assessment you
21 make after the delivery, though, so I don't
22 understand what --
23 Q. Let me ask you this. How tall was
24 Dawn?
25 A. Am I allowed to look at the chart?

Page 58

1 MR. MISHKIND: Yes.
2 (Recess had.)
3 (Record read.)
4 BY MR. MISHKIND:
5 Q. When you worked at EMH, had you
6 encountered deliveries complicated by shoulder
7 dystocia?
8 A. Yes.
9 Q. Are you able to give me a guesstimate
10 as to how many?
11 A. No.
12 Q. Are you trained as a labor and
13 delivery room nurse to recognize the factors that
14 or indicators that increase the risk that mom may
15 encounter during the birthing process, a shoulder
16 dystocia?
17 A. I'm sorry, can you rephrase that
18 again?
19 Q. Sure. Are there indicators or factors
20 that as a labor and delivery room nurse you
21 recognize that increase the potential for mom
22 having a delivery complicated by shoulder
23 dystocia?
24 A. It doesn't happen until the time of
25 delivery, so you can't foresee. Is that what

Page 60

1 Q. Sure.
2 A. Five-one.
3 Q. And her weight?
4 A. 198.
5 Q. And the amount of weight that she had
6 gained during the pregnancy?
7 A. 53 pounds.
8 Q. Was this her first pregnancy?
9 A. Yes.
10 Q. Were you aware of whether there was
11 any indication by Dr. Patel during the antenatal
12 course as to whether or not she anticipated that
13 Dawn was likely to deliver a big baby?
14 MS. METZ: Objection.
15 A. You mean you want me to read right
16 now?
17 Q. No. From what you've seen in terms of
18 looking back at the records, were you aware that
19 Dr. Patel anticipated that Dawn was going to
20 deliver a big baby?
21 MS. METZ: Objection.
22 A. No.
23 Q. The fact that she was short stature, a
24 large woman, gained the amount of weight that she
25 gained and it was her first pregnancy, do those

15 (Pages 57 to 60)

Page 61

1 factors at all influence whether or not this
2 particular patient is at an increased risk of
3 encountering a shoulder dystocia over a patient
4 that does not gain that amount of weight that's
5 not short and heavy?
6 MS. METZ: Objection.
7 A. That's not for me to assume.
8 Q. Why do you say that?
9 A. Where did she gain the weight? It's
10 so --
11 Q. It's a what? You seem confused by the
12 question.
13 A. Yeah, I don't understand.
14 Q. Let me ask you this. Maybe let me make
15 it easier. As a nurse, is it your understanding
16 that there is no way to predict whether a mother
17 is at increased risk of encountering a shoulder
18 dystocia until it has occurred?
19 A. Correct.
20 Q. Were there any signs of mottling of
21 the head prior to delivery?
22 MS. METZ: Objection.
23 Q. You might want to look at your
24 computer notes.
25 A. What time was the delivery? I'm

Page 63

1 above that is the time of 7:43. Do you see that?
2 A. Yes, I do.
3 Q. Would you explain to me, just so I'm
4 clear with regard to your explanation, why the
5 note begins at 7:43 and the left tilt is recorded
6 at 7:44?
7 A. I maybe changed on the change of the
8 minute, documented on the change of the minute of
9 the computer.
10 Q. Does the computer automatically
11 generate that 7:43 time?
12 A. When I push the annotations button.
13 Q. So you have to push a button --
14 A. To make an entry.
15 Q. Otherwise, 7:43 would have come and
16 gone unless you would have pressed a button to
17 make an annotation?
18 A. Correct.
19 Q. So when you pressed a button, it was
20 7:43, true?
21 A. Correct.
22 Q. And then at 7:44 is when you noted the
23 left tilt. So it was a minute after you had
24 pressed the button to annotate, correct?
25 MR. SWITZER: Objection.

Page 62

1 sorry.
2 Q. 11:20 was when the head was delivered.
3 MR. SWITZER: What do you need to look
4 at?
5 A. No.
6 Q. Is mottling of the head of any
7 significance in terms of whether or not there is
8 the potential that shoulder dystocia may be
9 encountered?
10 A. No.
11 MS. METZ: Objection.
12 Q. At 7:43, I'm not going to reference
13 each of your notes, but at 7:43, which would be
14 the lower left-hand corner --
15 A. Okay.
16 Q. -- It says tilt left --
17 A. Tilt --
18 Q. Left tilt, I'm sorry. What does that
19 mean?
20 A. She just repositioned.
21 Q. Did you reposition her or did she
22 reposition herself?
23 A. I probably repositioned her because
24 that's the desired position to be in in labor.
25 Q. Now, the note says left tilt 7:44 and

Page 64

1 A. It could have been seconds, though. I
2 mean if it was 7:43 and 58 seconds and I entered
3 it at 7:44 and 3 seconds, it's only a matter of
4 six seconds --
5 Q. That's fine. I just want to
6 understand, for example, if we go back to your
7 first note at 7:18 --
8 A. Yes.
9 Q. -- 7:18 is when you pressed the
10 button to annotate to put in a note, true?
11 A. Correct.
12 Q. And your comments were that you were
13 assuming care of the patient, your initials, the
14 date, and when you put the date in, the minute
15 had changed from 7:18 to 7:19, true?
16 A. Correct.
17 Q. Now, at 7:41, at least the annotation
18 that you made shows that you did a sterile
19 vaginal exam, true?
20 A. Correct.
21 Q. And Dawn was complaining of increased
22 pressure?
23 A. Correct.
24 Q. Was that of any significance at that
25 point given the station that she was at and the

16 (Pages 61 to 64)

Page 65

1 state of labor?
2 A. No.
3 Q. You were comfortable with where things
4 were at that point, from a nursing assessment
5 standpoint?
6 A. Yes.
7 Q. Now, at 7:59 Dawn was complaining of
8 increased pain, is that correct?
9 A. Yes.
10 Q. Did anesthesia respond immediately or
11 did you have to recontact them at 8:12 because
12 they had not responded?
13 A. I had to renotify them.
14 Q. She was continuing to be
15 uncomfortable, but your initial attempt to get
16 anesthesia to come in and redose or to assess was
17 unsuccessful; true?
18 A. Right. But they could have been doing
19 another procedure.
20 Q. I'm not suggesting that they weren't.
21 I just want to try to get some clarification as
22 to whether anesthesia came in when you notified
23 them at 8 a.m. or whether at 8:12 they hadn't
24 come in yet and you obviously were concerned for
25 your patient so you renotified them. And it was

Page 67

1 notation that gives you any basis to say what she
2 did when she came to labor and delivery at 9:14?
3 A. No.
4 Q. Do you have an independent
5 recollection of what, if anything, she did when
6 she came at 9:14?
7 A. No, I don't.
8 Q. Now, at 9:57, you have a note that
9 Dawn had an undeniable urge to push.
10 A. What was the time? I'm sorry.
11 Q. 9:57.
12 MR. SWITZER: Are you looking at the
13 gray times or the other ones?
14 MR. MISHKIND: Let me double-check.
15 MR. SWITZER: Are you looking at the
16 handwritten --
17 A. Yes, that's documented.
18 Q. So the computer is down and you're
19 doing your handwriting assessment, your
20 handwriting notations at this point, correct?
21 A. Correct.
22 Q. And at this point you did a vaginal
23 exam?
24 A. Yes.
25 Q. And she was complete?

Page 66

1 at about 8:15 that anesthesia came in and redosed
2 by 8:20?
3 A. Correct.
4 Q. And that's Dr. Haggarty, correct?
5 A. Yes.
6 Q. Do you remember Dr. Haggarty?
7 A. No, not specifically.
8 Q. When it says epidural redosed per Dr.
9 Haggarty, does that mean that Dr. Haggarty gave
10 you the okay to go ahead and redose the epidural
11 or did he do it himself?
12 A. Anesthesia does it.
13 Q. Am I correct that the first time that
14 Dr. Patel was in that morning during your shift
15 would be at 9:14 a.m.?
16 A. Yes.
17 Q. It says Dr. Patel here. Did Dr.
18 Patel, according to your notes, examine Dawn?
19 A. I can't recall.
20 Q. When you say Dr. Patel is here, can
21 you explain to me what you meant by that?
22 A. Just that she was present in the labor
23 and delivery room.
24 Q. But as to whether she examined Dawn,
25 had any interaction with Dawn, is there any

Page 68

1 A. Correct.
2 Q. Her previous exam ten minutes earlier
3 had shown a rim, true?
4 A. Yes. True.
5 Q. Thanks. Now, at 10:10, are we still
6 on the handwritten?
7 A. Yes.
8 Q. The baby was very active at this
9 point, correct?
10 A. Correct.
11 Q. There were some accelerations with
12 movements to 190, correct?
13 A. Correct.
14 Q. And Dr. Patel was notified?
15 A. Correct.
16 Q. And the patient was pushing at this
17 point, correct?
18 A. Correct.
19 Q. Did you have any concerns at this
20 point relative to the status of mom, the status
21 of the baby, given the stage of labor, given
22 station, dilatation, effacement?
23 A. No.
24 Q. You notified Dr. Patel for what reason
25 at 10:10?

17 (Pages 65 to 68)

Page 69

1 A. That she was complete and pushing.
2 Q. Was that a standing order, that Dr.
3 Patel wanted to be notified when the patient was
4 complete and is pushing?
5 MS. METZ: Objection.
6 A. I can't recall. It was just my
7 practice to notify.
8 Q. Okay. Going back to the computer
9 sheets now, 10:52?
10 A. Okay.
11 Q. It says the toco was discontinued per
12 Dr. Patel?
13 A. Doesn't say -- all I have is
14 discontinued per.
15 Q. Then it continues on the next page --
16 A. Excuse me.
17 Q. -- in the right-hand corner?
18 A. Yes.
19 Q. Does that mean that you disconnected
20 the toco per the order of Dr. Patel?
21 A. She either did it or I did it.
22 Q. When you say discontinued per Dr.
23 Patel, that means either she told you to do it or
24 she did it herself, true?
25 A. Correct.

Page 71

1 Q. Would froglike be a reasonable
2 description?
3 A. Okay.
4 Q. That's certainly not the same as the
5 McRoberts position?
6 A. Correct.
7 Q. What's the difference between what you
8 would do in a McRoberts position and the
9 lithotomy position?
10 A. The McRoberts, the legs are
11 hyperextended and instead of knees being bent,
12 they're -- or the legs are out, I'm sorry.
13 Q. Does mom maintain the lithotomy
14 position with assistance of nursing and/or
15 coaches?
16 A. Yes.
17 Q. Do you know up until the time that the
18 shoulder dystocia was encountered who was
19 assisting mom with the lithotomy position?
20 A. Do I know?
21 Q. Yes.
22 A. No.
23 Q. Do the records reflect who it was?
24 A. No.
25 Q. I want to jump ahead to 11:23 for a

Page 70

1 Q. As opposed to your doing it on your
2 own without anyone telling you to do so, true?
3 A. Yes.
4 Q. Do you know at 10:52 whether Dr. Patel
5 was actually in the room when the toco was
6 discontinued?
7 A. No, I don't.
8 Q. Are you able to say more likely than
9 not that she was, or is it equally likely that
10 you received some communication from her and you
11 then disconnected the toco per her order?
12 A. She was more than likely in the room.
13 Q. Okay. At 10:52 the bed was prepped
14 for delivery?
15 A. Okay, yes.
16 Q. Prior to it having been prepped for
17 delivery, do you have any recollection as to what
18 position Dawn's legs were in during this morning
19 shift up until 10:53?
20 A. She was pushing at that point, so her
21 legs were in the lithotomy position.
22 Q. Describe for me the lithotomy
23 position; the angle, I guess, if you would?
24 A. Knees bent back toward the chest with
25 the legs open.

Page 72

1 moment and then I'm going to go back and cover a
2 couple other areas. At 11:23 there's an
3 annotation and that obviously means you would
4 have pressed something on the computer and the
5 computer then would have recorded that you're
6 pressing the computer button and that it's 11:23,
7 correct?
8 A. Correct.
9 Q. Again, I'm sorry if it's so obvious to
10 you, but I wasn't there.
11 Then you have under comments, and do
12 you actually type that in or are there key
13 strokes that will put suprapubic pressure per Dr.
14 Patel? Do you have to literally type it in?
15 A. Yes.
16 Q. Suprapubic pressure per Dr. Patel's
17 order, what does that mean in simple terms?
18 A. That suprapubic pressure was applied
19 upon order.
20 Q. And suprapubic pressure was being
21 applied by you per Dr. Patel's order?
22 A. Correct.
23 Q. And that was being applied at, you
24 have, it says, 1344; is that accurate or
25 inaccurate? Is that a typo?

18 (Pages 69 to 72)

Page 73

1 A. It was probably typed in at that
2 point.
3 Q. So this is something that you would
4 have gone back and done after the fact, correct?
5 A. Because I'm doing care of the patient.
6 Q. I'm not suggesting that you did
7 anything wrong. You went back -- you had pressed
8 the button at 11:23 to do something, but were not
9 able to put that note in at 11:23?
10 A. Correct.
11 Q. When you went back to finish the
12 record, your note was that you had applied
13 suprapubic pressure because Dr. Patel had given
14 you that order probably sometime around 11:23?
15 A. Correct.
16 Q. It's as simple as that, right?
17 A. Right.
18 Q. It just so happens that because of
19 everything that went on, you couldn't get back to
20 make that note until 1344?
21 A. Yes.
22 Q. Okay. Now at 11:08 you press the
23 annotation button on the computer and you
24 indicate that mom is pushing, fetal heart rate is
25 at 154 and you have fundal pressure with push and

Page 75

1 suprapubic pressure but for Dr. Patel's order,
2 true?
3 A. Correct.
4 Q. Where does it indicate at 11:08 that
5 you applied fundal pressure per Dr. Patel's
6 order?
7 A. It is just practice, in my practice,
8 that I don't just apply fundal pressure without
9 any physician's order.
10 Q. Would it be inappropriate nursing
11 practice to apply fundal pressure without a
12 physician ordering it?
13 A. Yes.
14 Q. Can we agree that the note that you
15 have at, it looks like, 11:15, you applied fundal
16 pressure again with a push; true?
17 A. Correct.
18 Q. And can we agree again that that
19 record does not reflect that it was per Dr.
20 Patel's order?
21 A. Yes.
22 Q. And can we agree that it would be
23 inappropriate nursing practice to apply fundal
24 pressure unless it's per physician's order?
25 MS. METZ: I'm going to object just

Page 74

1 then the time of 11:13 and your name, correct?
2 A. Uh-huh.
3 Q. Was the fundal pressure applied at
4 11:08 and you made the entry at 11:13, or why
5 don't you explain to me when most likely the
6 fundal pressure was being applied.
7 A. It was applied with a push. If it was
8 at 11:08 or 11:13, it was probably 11:08 because
9 I have the time entry there and it didn't get it
10 typed in until 11:13.
11 Q. Again, at this particular point there
12 were no signs of fetal distress, correct?
13 A. Correct.
14 Q. Why did you apply fundal pressure at
15 11:08?
16 A. Dr. Patel ordered it.
17 Q. Where does it say that Dr. Patel
18 ordered it?
19 A. I wouldn't apply fundal pressure
20 without a physician order.
21 Q. If we go back to my question earlier
22 in terms of your applying suprapubic pressure,
23 you had indicated, per Dr. Patel's order, right?
24 A. Correct.
25 Q. And you would not have applied

Page 76

1 because there are two, depending which one you're
2 talking about, annotations at 11:15, depending
3 which number you're looking at, just for
4 clarification.
5 MR. MISHKIND: Sure. The one that
6 says fundal pressure with push.
7 MS. METZ: We're not talking about the
8 annotation below it that says 9:13, 11: --
9 MR. MISHKIND: It doesn't say anything
10 about fundal pressure at that point, unless I'm
11 missing something.
12 MR. SWITZER: It's under 11:08 on the
13 same white page.
14 BY MR. MISHKIND:
15 Q. There were two periods of time that
16 you applied fundal pressure, according to the
17 chart, before shoulder dystocia was encountered;
18 true?
19 A. Correct.
20 Q. One was sometime at or around 11:13 or
21 would it be at or around 11:08?
22 A. It was documented at 11:13, so it
23 happened at 11:08.
24 Q. And then the next fundal pressure
25 application with push would have been at 11:15,

Page 77

1 correct?
2 A. Correct.
3 Q. And other than Dr. Patel told you to
4 apply fundal pressure, at least that's what your
5 explanation was, but you wouldn't have applied it
6 unless he told you to?
7 A. Absolutely not.
8 Q. Do you know why fundal pressure, why
9 Dr. Patel told you to apply fundal pressure at
10 those two times?
11 MS. METZ: Objection.
12 A. No.
13 Q. Do you recall specifically in this
14 case the actual application of the fundal
15 pressure? In other words, where you were
16 positioned relative to mom when you applied the
17 fundal pressure?
18 A. Yes.
19 Q. And where were you?
20 A. At her side.
21 Q. Which side?
22 A. Left.
23 Q. And do you recall whether there were
24 any family members on her left side when you were
25 applying fundal pressure?

Page 79

1 the bed.
2 Q. How tall are you?
3 A. Five-two.
4 Q. I'm not sure, other than your being
5 seated through the deposition. So you're
6 five-two. So in order to apply fundal pressure,
7 you need a little boost up to be able to get to
8 the abdomen?
9 A. Yes.
10 Q. So when you applied fundal pressure
11 during those two occasions, you would have gotten
12 up on a stool and then basically made -- bent
13 sort of over her abdomen applying pressure at the
14 top of the uterus?
15 A. Correct.
16 Q. Do you know how long during each
17 session, the 11:08 and the 11:15 time periods,
18 how long you applied the fundal pressure?
19 A. No.
20 Q. Do you know as a nurse why it was that
21 fundal pressure was called for at that time?
22 MS. METZ: Objection.
23 A. No.
24 Q. Had you ever applied fundal pressure
25 in a delivery before?

Page 78

1 A. No.
2 Q. No, you don't recall?
3 A. No, I can't recall.
4 Q. Fundal pressure, when you're applying
5 fundal pressure, are you essentially applying
6 pressure, for lack of better terminology, in the
7 stomach area?
8 MR. SWITZER: Objection.
9 A. Fundal pressure is applied at the top
10 of the uterus, yeah.
11 Q. Above the bellybutton?
12 A. Yes.
13 Q. Are you able to tell -- first, aside
14 from being to her left, on her left side, and
15 applying the fundal pressure, do you recall how
16 you were positioned when you were applying fundal
17 pressure other than to the left of her body? In
18 other words, where the rest of your body was,
19 your arms, your chest, in relationship to her
20 abdomen?
21 A. I was standing on a chair or a stool
22 and like over her -- like leaned over her
23 abdomen.
24 Q. Why were you standing on a stool?
25 A. Because of my stature in relation to

Page 80

1 A. Yes.
2 Q. Had you ever applied fundal pressure
3 in a delivery that then was complicated by a
4 shoulder dystocia?
5 A. Yes.
6 Q. On how many occasions?
7 A. Maybe ten.
8 Q. Have you ever applied fundal pressure
9 once shoulder dystocia has been encountered?
10 A. No.
11 Q. Would you agree that it would be below
12 accepted standards of practice to apply fundal
13 pressure once shoulder dystocia has been
14 encountered?
15 MS. METZ: Objection.
16 A. Yes.
17 Q. Why is that?
18 A. It's not going to be effective.
19 Q. And will it further impact or does it
20 have the increased likelihood of causing further
21 impaction of the shoulder?
22 MR. SWITZER: Objection.
23 MS. METZ: Objection.
24 MR. SWITZER: Go ahead.
25 A. Yes.

20 (Pages 77 to 80)

Page 81

1 Q. Do you know why fundal pressure was
2 applied at those two times, 11:08 and 11:15 --
3 MS. METZ: Objection.
4 Q. -- and why fundal pressure was not
5 applied at 11:16 and 11:18?
6 MR. SWITZER: Objection. Go ahead.
7 MS. METZ: Objection.
8 A. No.
9 Q. We then get to 11:20 and lo and behold
10 the head is delivered.
11 A. Yes.
12 Q. You're on the left side of mom?
13 A. Correct.
14 Q. Do you have a recollection as to who
15 was -- who, if anyone, was on the left side with
16 you at that time?
17 A. No.
18 Q. What about on the right side, do you
19 know who was assisting with the lithotomy
20 position at the time, at 11:20?
21 A. I can't recall exactly, no.
22 Q. Do you have a vague recollection of
23 who was?
24 A. Maybe the father, Dawn's husband,
25 or --

Page 83

1 also; do you see that?
2 A. Yes.
3 Q. Between 10:53 and 11:05, does that
4 mean that Dr. Patel had left the room and came
5 back in at 11:05?
6 MR. SWITZER: Objection --
7 MS. METZ: Objection.
8 MR. SWITZER: -- to the form. I think
9 that time is actually 10:48, not 10:53.
10 MR. MISHKIND: You're right. The
11 entry is 10:48. It's noted by you at 10:53 that
12 Dr. Patel is here. Thank you.
13 Q. And then at 11:05 you have a note Dr.
14 Patel in room and you record that at 11:08, and,
15 again, I'm going around in circles, but does that
16 mean to you that the doctor was in at 10:48 and
17 then left and came back at 11:05?
18 MS. METZ: Objection.
19 A. She probably arrived from us calling
20 her at 10:48 and then she went and washed up,
21 scrubbed, and I'm assuming that she just came in
22 at 11:05, like she announced that she was here in
23 the hospital and that she was in the room at
24 11:05.
25 Q. 11:20, the head comes out and there is

Page 82

1 Q. Are you guessing at that, though?
2 A. I'm guessing it was Dawn's husband.
3 Q. Are you guessing that it was -- the
4 husband or father was on the right side or do you
5 have a recollection of him being on the right
6 side at that time?
7 A. I'm guessing.
8 Q. Fair enough. What about behind Dawn,
9 perhaps at her head, do you recall whether there
10 were any other family members around the
11 perimeter, if you will, of the bed at the time
12 that the head was delivered?
13 A. No.
14 Q. How is mom draped at this point?
15 A. With three sterile towels or drapes.
16 There's one across -- over each leg and one
17 across the abdomen.
18 Q. And I presume Dr. Patel was in the
19 room?
20 A. Yes.
21 Q. Now, there's a note at 11:05, Dr.
22 Patel in room. Do you see that?
23 A. Yes.
24 Q. Correct me if I'm wrong, but there had
25 been a note at 10:53 that said Dr. Patel here

Page 84

1 an obvious dystocia encountered, correct?
2 A. Correct.
3 Q. Are you at this point the only labor
4 and delivery room nurse that's present?
5 A. I can't recall if there were any other
6 nurses present.
7 Q. Does the record reflect anywhere the
8 presence of any other nurses at the moment that
9 the dystocia was encountered?
10 A. No.
11 Q. Tell me what you remember Dr. Patel
12 saying once she saw what she saw. I presume that
13 there was some communication by her to you in
14 giving you orders to do something?
15 MS. METZ: Objection.
16 A. I can't recall.
17 Q. Do you recall anything about her
18 disposition at that point when the shoulder
19 dystocia was encountered? What I mean by that,
20 did she appear calm? Did she appear collected?
21 Did she appear anxious or concerned? Are you
22 able to recollect in your mind how she reacted
23 when this event was discovered?
24 A. I can't recall, but --
25 MR. SWITZER: He's asking what you

<p style="text-align: right;">Page 85</p> <p>1 recall. 2 A. Oh, no. 3 MR. SWITZER: He doesn't want you to 4 speculate. 5 Q. Again, this is one of those that you 6 might, as you reflect back on the events, you 7 might say, oh, yeah, I remember when it happened. 8 Dr. Patel screamed out and said such and such or 9 I remember Dr. Patel did this or Dr. Patel did 10 that. 11 MS. METZ: Objection. 12 Q. Is there anything that you recall that 13 Dr. Patel did when she discovered the shoulder 14 dystocia at 11:20? 15 A. No. 16 Q. Did you have an opportunity to observe 17 what Dr. Patel did between 11:20 and 11:23 when 18 you were told by her to apply the suprapubic 19 pressure? 20 A. No. 21 Q. Do you have a recollection of 22 observing any of the maneuvers that she used in 23 an effort to try to free the baby's shoulder and 24 deliver the body? 25 MS. METZ: Objection.</p>	<p style="text-align: right;">Page 87</p> <p>1 had obviously been called prior to 11:24? 2 A. That would be correct. 3 Q. Any idea as to when the code pink team 4 was called? 5 A. It would say on the code pink sheet. 6 Q. Are you able to picture in your mind 7 Dawn being moved into the McRoberts maneuver to 8 free the baby? 9 A. Am I able to recall her being 10 maneuvered? 11 Q. Yes. 12 A. Yeah. 13 Q. You sort of hesitate when you say 14 that. I mean, you're able to picture that 15 actually happening in this case? 16 A. Yes. 17 Q. Who actually was participating in 18 getting mom into the McRoberts position? 19 A. Dr. Patel and I. 20 Q. What side were you on? 21 A. I was also still on her left side. 22 Q. What would Dr. Patel have been doing 23 to assist in terms of getting her legs in the 24 proper position for the McRoberts? Was she -- 25 MS. METZ: Objection.</p>
<p style="text-align: right;">Page 86</p> <p>1 A. No. 2 Q. What most likely were you doing 3 between 11:20 and 11:23 when Dr. Patel said apply 4 suprapubic pressure, given the fact that a 5 shoulder dystocia had been encountered? 6 A. What was I doing? 7 Q. What would you most likely have been 8 doing during those three minutes? 9 MS. METZ: Objection. 10 A. Probably trying to keep Dawn calm, 11 reassure her and -- between 11:20 and 11:23, 12 that's where I was. I was at her side. 13 Q. Would you have been up probably by her 14 head at this point trying to reassure her? 15 A. Right. 16 Q. Perhaps a washcloth on her head or 17 something to try to calm her down? 18 A. Correct. 19 Q. So you wouldn't have been able to 20 observe necessarily what Dr. Patel was doing in 21 her efforts to manage the shoulder dystocia, is 22 that correct? 23 A. Correct. 24 Q. At 11:24 it says the code pink team 25 was present and I presume that the code pink team</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. -- participating in that or were you 2 assisted by someone else? 3 A. I can't recall if someone else came in 4 the room at that time. 5 Q. Does the record reflect anyone coming 6 in? 7 A. No. 8 Q. Certainly during this period of time 9 one wouldn't be encouraging mom to push -- 10 MS. METZ: Objection. 11 Q. -- true? 12 MR. SWITZER: Objection. 13 A. What? 14 Q. Once the shoulder dystocia is 15 encountered and before mom is moved into the 16 McRoberts position, would it be appropriate or 17 inappropriate to encourage mom to continue to 18 push? 19 MS. METZ: Objection. 20 A. She wouldn't push. 21 Q. That would be inappropriate? 22 A. Correct. 23 Q. Did you see Dr. Patel deliver the 24 body? 25 A. Yes.</p>

Page 89

1 Q. Can you describe for me where her
2 hands were and how she freed the shoulder and
3 delivered the baby?
4 A. No.
5 Q. So is it fair to say that after she
6 was placed into the McRoberts position, the next
7 thing you saw was the body delivered?
8 A. Yes.
9 Q. And what steps were taken by Dr. Patel
10 once mom was in the McRoberts position to
11 actually free the shoulders and deliver the baby,
12 is it fair to say that you didn't observe that?
13 A. That would be correct.
14 Q. Do you have a recollection of anyone
15 from the code pink team that came in assisting
16 Dr. Patel in any aspect of the actual delivery?
17 A. No.
18 Q. Would that be the role of the code
19 pink team, to assist?
20 MS. METZ: Objection.
21 A. Would that be the role?
22 Q. Yes.
23 A. No.
24 Q. What is the usual and customary role
25 of the code pink team?

Page 90

1 A. To attend to the baby's needs after
2 delivery.
3 Q. Be on standby and ready to take the
4 baby upon delivery?
5 A. Correct.
6 Q. Is it fair to say that the shoulder
7 dystocia or the head was delivered at 11:20 and
8 according to your notes the body was delivered
9 four minutes later at 11:24?
10 A. Correct.
11 Q. And as to the position of Dr. Patel's
12 hands and how she freed the anterior or the
13 posterior shoulder or delivered the baby once the
14 legs were placed into the McRoberts position, you
15 don't have a recollection of that; true?
16 MS. METZ: Objection.
17 A. Correct.
18 Q. Do you recall Dr. Patel ever
19 explaining to you anything relative to the nature
20 of the injury that the baby sustained to the
21 brachial plexus?
22 MS. METZ: Objection.
23 A. No.
24 Q. You've never seen any of the records
25 once the baby was transferred to pediatrics --

Page 91

1 A. No.
2 Q. -- to know the extent of the injury,
3 is that correct?
4 A. That's correct.
5 Q. There was some bruising to the head.
6 Do you recall seeing cephalohematoma?
7 A. No.
8 Q. Do you recall any discussion about the
9 bilateral pneumothoraces that occurred?
10 A. No.
11 Q. I take it you have no explanation for
12 why there was a cephalohematoma --
13 MS. METZ: Objection.
14 A. No, I don't.
15 Q. -- or why there was bilateral
16 pneumothoraces?
17 A. No.
18 Q. I want you to place yourself back into
19 the delivery room. You're on the left side of
20 mom, shoulder dystocia is encountered, you
21 remember Dr. Patel telling you at 11:23 apply
22 suprapubic pressure. Do you recall actually
23 applying that suprapubic pressure?
24 A. Yes.
25 Q. Do you know how long you applied the

Page 92

1 suprapubic pressure?
2 A. For the duration of Dawn's push.
3 Q. So while applying the suprapubic
4 pressure, Dawn was pushing?
5 A. Correct.
6 Q. Even then you weren't able to observe
7 what it was that Dr. Patel was doing from a
8 mechanical standpoint in terms of freeing the
9 baby, true?
10 MS. METZ: Objection.
11 A. True.
12 Q. The last note you made at 11:41?
13 A. Yes.
14 Q. And the note that you made that was an
15 annotation at 11:24 where it says code pink team
16 present, comment, shoulder delivered followed by
17 body, you went back at 13:43 and made that
18 notation, correct?
19 A. Correct.
20 Q. But there's no doubt in your mind that
21 from body -- from head to body that there was a
22 four-minute period of time?
23 A. Correct.
24 Q. Are you able to tell me what the other
25 nurses -- strike that.

23 (Pages 89 to 92)

Page 93

1 I presume the code pink team included
2 nurses?
3 A. Yes.
4 Q. Are you able to tell me what the
5 nurses did when they came in while Dr. Patel was
6 still in the process of delivering the baby?
7 A. No. I can assume that they were
8 getting the warmer ready.
9 MR. SWITZER: He's asking what you
10 recall.
11 A. I don't recall.
12 Q. In terms of where they were positioned
13 at or around mom or at or in the room, are you
14 able to tell me in this case what the nurses or
15 any of the code pink team were doing between
16 11:20 and 11:24?
17 A. No.
18 Q. According to the records, either the
19 computer notes or anything else in the record,
20 when was your last encounter with mom?
21 A. It would have been 12:06.
22 Q. That's in the recovery?
23 A. Yes.
24 Q. She's actually still in the birthing
25 room, right?

Page 94

1 A. Correct.
2 Q. Do you remember that last encounter?
3 A. No.
4 Q. Did you make any specific notes
5 concerning any conversation that you had with mom
6 or with Dr. Patel during the immediate recovery
7 period?
8 A. During the immediate recovery, no.
9 Q. You recorded vital signs?
10 A. Right. And physical assessments.
11 Q. Examined the fundus?
12 A. The fundus, the lochia and the
13 episiotomy.
14 Q. At that point there's no notation or
15 discussion relative to the nature of the brachial
16 injury or the complications the baby had,
17 correct?
18 A. Correct.
19 Q. And as it would relate to the nature
20 and the extent of the injuries the baby suffered
21 at the time of birth and as a consequence of the
22 shoulder dystocia, you have no personal knowledge
23 of that --
24 MS. METZ: Objection.
25 Q. -- true?

Page 95

1 A. Correct.
2 Q. Has anyone ever explained to you at
3 any time from the hospital, by way of pediatrics
4 or the obstetrical department, why it is that the
5 child suffered the injuries that he did?
6 A. No.
7 Q. Is there anything else you remembered
8 doing during labor and delivery from 7:18 a.m. up
9 through and including the delivery process and
10 what you did during the efforts to free the baby,
11 once the shoulder dystocia was encountered, that
12 we haven't already talked about?
13 A. No.
14 MR. MISHKIND: I have nothing further.
15 Thank you.
16 MS. METZ: I have just a few follow-up
17 questions.
18 EXAMINATION OF LISA A. PISCOLA, R.N.
19 BY MS. METZ:
20 Q. Are you on any medication today?
21 A. Yes.
22 Q. What medications are you currently
23 taking?
24 A. Celexa, Tenormin, that's all.
25 Q. Prior to December of 2000 when you

Page 96

1 received treatment at Cleveland Clinic
2 Foundation, had you at any point prior to that
3 received treatment for depression or alcohol use?
4 A. For depression.
5 Q. And what time period was that?
6 A. 1999.
7 Q. Were you on any medication in
8 September of 2000?
9 A. No -- yes. Sorry.
10 Q. I'm sorry, what were you taking?
11 A. Celexa.
12 Q. And who was prescribing that at that
13 time?
14 A. Dr. Derek Seaton.
15 Q. You indicated during some of your
16 previous testimony you were asked whether dad was
17 in the room and you said you were sure he was in
18 the room sometime during the day. Is that
19 because you remember him being in the room at
20 various points during the day or is that an
21 assumption based on the fact that fathers may or
22 may not generally be present during the day?
23 A. That was an assumption.
24 Q. You also indicated that at one point
25 during the delivery mom's legs were in the

24 (Pages 93 to 96)

<p>Page 97</p> <p>1 lithotomy position. Was that an assumption or do 2 you actually recall that? 3 A. Lithotomy position. 4 Q. Was that an assumption or was that an 5 actual recollection that you have in the 6 delivery? 7 A. Recollection. 8 Q. I note, looking through your entries, 9 there's several points where you indicate that 10 Dr. Patel was in the room. Does that mean 11 in-between those times she left the room or was 12 that just an annotation you made based on what 13 was going on in the room at the time? 14 A. It was an annotation made at the time 15 that things were going on. 16 Q. That is not an indication that she 17 previously left the room and reentered? 18 A. Correct. 19 MS. METZ: No further questions. 20 MR. MISHKIND: Just a couple follow-up 21 questions. 22 EXAMINATION OF LISA A. PISCOLA, R.N. 23 BY MR. MISHKIND: 24 Q. Even though it's an annotation that 25 she was in the room at those particular times,</p>	<p>Page 99</p> <p>1 A. Celexa. 2 Q. Celexa? 3 A. C E L E X A. 4 Q. Is that an antidepressant? 5 A. Yes. 6 Q. What dosage were you taking at that 7 time? 8 A. 40 milligrams. 9 Q. Was it once a day? 10 A. Yes. 11 Q. Was that also an antianxiety 12 medication? 13 A. Celexa, no. 14 Q. Did you take anything for anxiety? 15 A. Yes. 16 Q. What did you take? 17 A. I'm sorry. Xanax. 18 Q. What dosage did you take of Xanax? 19 A. 0.25. 20 Q. Was that PRN? 21 A. Yes. 22 Q. You were taking that back in September 23 of 2000 as well, correct? 24 A. Correct. 25 MR. MISHKIND: Nothing further.</p>
<p>Page 98</p> <p>1 are you able to say one way or another whether 2 Dr. Patel was in the room during the periods 3 in-between your entries that reference her? 4 A. She was in the room. 5 Q. When was she in the room that you're 6 certain of? 7 A. After the preparation for delivery, 8 she doesn't leave. 9 Q. Which is when? 10 A. At the time 11:04. 11 Q. From 11:04 until basically 11:20, it's 12 your testimony that she would have been in the 13 room nonstop? 14 A. Consistently, yes. 15 Q. Without leaving the room for any 16 period of time? 17 A. Correct. 18 Q. Before 11:04 and prep was done and the 19 bed was broken down and everything was done to 20 move forward, are you able to say which periods 21 of time Dr. Patel was in the room and which 22 periods of time she was out of the room? 23 A. No. 24 Q. What is the medication that you said 25 you were on back in September of 2000?</p>	<p>Page 100</p> <p>1 Thanks. 2 MR. SWITZER: You're done. Why don't 3 you send me the transcript, I'll send it to her. 4 MR. MISHKIND: The record should 5 reflect no waiver? 6 MR. SWITZER: Yeah. 7 MR. MISHKIND: Why don't we reflect on 8 the record that the witness can have 28 days. 9 MR. SWITZER: I'll send it to her as 10 soon as we get it. 11 MR. MISHKIND: I will take it. 12 (Deposition concluded at 1:22 p.m.) 13 (Signature not waived.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

Page 101	Page 103
<p>1 AFFIDAVIT</p> <p>2 I have read the foregoing transcript from</p> <p>3 page 1 through 100 and note the following</p> <p>4 corrections:</p> <p>5 PAGE/LINE REQUESTED CHANGE</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 <u>LISA A. PISCOLA, R.N.</u></p> <p>19 Subscribed and sworn to before me this</p> <p>20 _____ day of 2002.</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23 My commission expires _____.</p> <p>24</p> <p>25</p>	<p>1 EXAMINATION OF LISA A. PISCOLA, R.N.</p> <p>2 BY MR. MISHKIND..... 3:6</p> <p>3 EXAMINATION OF LISA A. PISCOLA, R.N.</p> <p>4 BY MS. METZ..... 95:18</p> <p>5 EXAMINATION OF LISA A. PISCOLA, R.N.</p> <p>6 BY MR. MISHKIND..... 97:22</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 102</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 State of Ohio,</p> <p>4 SS:</p> <p>5 County of Cuyahoga.</p> <p>6</p> <p>7</p> <p>8 I, Lorraine J. Klodnick, a Notary Public</p> <p>9 within and for the State of Ohio, duly</p> <p>10 commissioned and qualified, do hereby certify</p> <p>11 that the within named LISA A. PISCOLA, R.N. was</p> <p>12 by me first duly sworn to testify to the truth,</p> <p>13 the whole truth and nothing but the truth in the</p> <p>14 cause aforesaid; that the testimony as above set</p> <p>15 forth was by me reduced to stenotypy, afterwards</p> <p>16 transcribed, and that the foregoing is a true and</p> <p>17 correct transcription of the testimony.</p> <p>18</p> <p>19 I do further certify that this deposition</p> <p>20 was taken at the time and place specified and was</p> <p>21 completed without adjournment; that I am not a</p> <p>22 relative or attorney for either party or</p> <p>23 otherwise interested in the event of this action.</p> <p>24 I am not, nor is the court reporting firm with</p> <p>25 which I am affiliated, under a contract as</p> <p>defined in Civil Rule 28 (D).</p> <p>IN WITNESS WHEREOF, I have hereunto set my</p> <p>hand and affixed my seal of office at Cleveland,</p> <p>Ohio, on this 21st of October, 2002.</p> <p><i>Lorraine J. Klodnick</i></p> <p>Lorraine J. Klodnick, Notary Public</p> <p>Within and for the State of Ohio</p> <p>My commission expires July 20, 2007.</p>	

<p>A</p> <p>abandoning 51:16 Abbe 7:3,8,20 abdomen 78:20,23 79:8,13 82:17 able 17:21 40:13 48:3 51:4 58:9 70:8 73:9 78:13 79:7 84:22 86:19 87:6,9,14 92:6,24 93:4,14 98:1,20 about 3:22 4:1 9:21 10:11,23 11:6 14:11,24 21:7 25:24 36:8 39:4,8 39:9 40:12 41:21 42:3 43:9 44:16 45:7,16,25 46:23 47:25 49:23 50:15 51:8 52:22 66:1 76:2,7,10 81:18 82:8 84:17 91:8 95:12 above 1:23 63:1 78:11 102:11 Absolutely 26:15 77:7 accelerations 68:11 accept 27:1 accepted 80:12 according 12:21 56:23 66:18 76:16 90:8 93:18 accurate 25:21 53:14 72:24 accusation 39:7 across 82:16,17 action 102:15 active 68:8 actual 77:14 89:16 97:5 actually 10:14 18:23 26:1 47:8 47:14 70:5 72:12 83:9 87:15,17 89:11 91:22 93:24 97:2 addition 56:16 additional 5:18 25:17 address 6:20,21,22 7:16 adjournment</p>	<p>102:14 administration 19:21 administrative 38:19 admission 40:3 admitted 33:8,11 affected 24:23 25:25 affecting 31:19 AFFIDAVIT 101:1 affiliated 102:16 affixed 102:18 aforesaid 102:11 after 8:9 25:18 30:7 33:5 34:14 38:11 44:1,25 45:22 50:10 59:21 63:23 73:4 89:5 90:1 98:7 afternoon 44:9 afterwards 102:11 again 4:23 26:25 27:2 30:19 38:13 42:21 46:3 53:12 54:17 58:18 72:9 74:11 75:16,18 83:15 85:5 against 3:17,18 14:24 37:8 51:23 age 3:1 agencies 21:12 agency 10:6,7,10,13 21:10 38:19 agree 75:14,18,22 80:11 ahead 66:10 71:25 80:24 81:6 al 1:5,8 Alamir 38:3,6 alcohol 33:1,9 34:21 96:3 alcoholic 31:23 32:6,8 Alcoholism 31:22 allegations 12:22 allowed 59:25 along 22:10 27:11 51:11 already 95:12 Alverson 16:12 amount 59:10 60:5 60:24 61:4</p>	<p>ampule 27:8,9,12 and/or 71:14 anesthesia 65:10,16 65:22 66:1,12 anesthesiologist 53:10 angle 70:23 Ann 3:10 annotate 63:24 64:10 annotation 63:17 64:17 72:3 73:23 76:8 92:15 97:12 97:14,24 annotations 63:12 76:2 announced 83:22 another 38:13 47:24 65:19 98:1 answer 4:19 5:13 5:14,15,24 6:5 24:12 25:11,19 27:1 32:2,5,24 42:11 answering 6:2 answers 5:2 antenatal 40:24 60:11 anterior 90:12 antianxiety 99:11 anticipated 60:12 60:19 antidepressant 99:4 anxiety 99:14 anxious 84:21 anymore 14:5 anyone 17:25 70:2 81:15 88:5 89:14 95:2 anything 15:25 22:10 25:7 38:16 38:20 39:5 43:9 47:3,18 49:22 50:6 53:2 67:5 73:7 76:9 84:17 85:12 90:19 93:19 95:7 99:14 anywhere 84:7 appear 13:5 38:18 84:20,20,21 APPEARANCES 2:1</p>	<p>appeared 38:15 39:2 application 14:10 21:20 22:9 29:19 34:19,24 76:25 77:14 applied 14:7 21:16 29:19 72:18,21,23 73:12 74:3,6,7,25 75:5,15 76:16 77:5,16 78:9 79:10,18,24 80:2 80:8 81:2,5 91:25 apply 7:19 21:17 74:14,19 75:8,11 75:23 77:4,9 79:6 80:12 85:18 86:3 91:21 applying 74:22 77:25 78:4,5,15 78:16 79:13 91:23 92:3 appropriate 88:16 area 10:22 15:7,22 78:7 areas 32:1 72:2 arising 38:20 arms 78:19 arm's 52:10 around 73:14 76:20 76:21 82:10 83:15 93:13 arrived 16:16 83:19 aside 40:22 43:5 78:13 asked 3:11 22:5 44:15,16 55:1 96:16 asking 4:22 24:15 42:8 49:25 59:1 84:25 93:9 aspect 45:12 89:16 assess 65:16 assessment 12:18 59:20 65:4 67:19 assessments 54:1 94:10 assist 87:23 89:19 assistance 36:2 71:14 assisted 88:2 assisting 71:19 81:19 89:15</p>	<p>associate's 8:17 9:9 15:4 assume 61:7 93:7 assuming 54:18 64:13 83:21 assumption 96:21 96:23 97:1,4 assure 28:20 attempt 27:9 28:20 38:14 65:15 attend 90:1 attended 15:9 44:4 attending 12:11 36:11 attendings 19:17 attention 12:13,19 attorney 102:15 August 29:4,6 authored 41:9 automatically 63:10 aware 14:23 32:3 60:10,18 away 52:11,14 a.m 1:23 43:21 46:11,22 47:18 50:4 52:16 55:8 65:23 66:15 95:8</p> <p>B</p> <p>B 46:6 baby 24:17 43:11 44:7,16,25 45:1 45:22 48:10 50:2 60:13,20 68:8,21 87:8 89:3,11 90:4 90:13,20,25 92:9 94:16,20 95:10 baby's 85:23 90:1 back 7:19 15:5 25:7 26:14,19,21 28:8 32:20 36:24 42:22 49:22 50:4 51:17 51:25 52:24 53:18 57:16 60:18 64:6 69:8 70:24 72:1 73:4,7,11,19 74:21 83:5,17 85:6 91:18 92:17 98:25 99:22 background 4:1 balance 54:9 base 13:12</p>
---	---	---	--	---

<p>based 41:19 44:4 96:21 97:12 basically 79:12 98:11 basis 27:21 31:15 37:21 67:1 Becker 2:3 become 22:2 becoming 33:5 bed 51:23 52:8,9 70:13 79:1 82:11 98:19 before 1:17 4:6,19 7:2 11:17,24 13:5 13:18 20:24 21:4 25:23 28:5 32:16 33:2 35:2,7 37:5 37:8 38:10,11,18 39:2,9 40:2,8,14 43:8 50:1 55:2,12 56:10,19 76:17 79:25 88:15 98:18 101:18 beginning 5:1 50:25 begins 63:5 behalf 1:15 2:2,10 2:18 behind 82:8 behold 81:9 being 3:3 15:21 16:23 17:16 28:21 42:23 44:21 47:25 49:24 53:14,22,24 71:11 72:20,23 74:6 78:14 79:4 82:5 87:7,9 96:19 believe 12:4 16:14 16:18,25 18:23 21:11 26:12 34:23 believes 25:25 bellybutton 78:11 below 76:8 80:11 bent 70:24 71:11 79:12 Besides 15:21 best 40:21 better 78:6 between 21:13 34:4 36:6 55:19 71:7 83:3 85:17 86:3 86:11 93:15 big 60:13,20</p>	<p>bilateral 91:9,15 birth 7:24 43:6,7 94:21 birthing 43:2 44:2 44:3 45:2 47:4,22 48:1 51:20 58:15 93:24 board 11:17,20,25 13:6,18 14:12 35:12 36:9 37:6 38:19 body 52:17 78:17 78:18 85:24 88:24 89:7 90:8 92:17 92:21,21 93:6 Bonezzi 2:12 boost 79:7 born 24:17 48:10 48:13 both 47:1 Boulevard 6:23 brachial 90:21 94:15 break 5:9 57:25 bricks 30:3 briefly 29:10 bring 19:11,16 broken 98:19 brought 11:17,23 13:18 37:5,8 bruising 91:5 Building 2:14 button 63:12,13,16 63:19,24 64:10 72:6 73:8,23</p> <p style="text-align: center;">C</p> <p>C 1:21 46:6 99:3 call 3:12 14:11 44:7 47:25 called 1:15 3:1 12:5 12:6 48:25 50:18 79:21 87:1,4 calling 12:16,22 14:25 83:19 calls 49:10 calm 84:20 86:10 86:17 came 12:13,19 13:7 65:22 66:1 67:2,6 83:4,17,21 88:3 89:15 93:5 capacity 17:22</p>	<p>33:22 care 26:22 28:7,8 29:8 34:14 37:23 38:2,21 39:5 45:1 48:24 64:13 73:5 caring 12:14 CAROL 2:20 case 1:7 5:6 24:6 41:10 43:15 45:7 47:21 48:1,19 49:19 52:3 77:14 87:15 93:14 Castenir 55:23 cause 53:3 102:11 caused 19:1,7 26:11 27:4 28:19 30:24 causing 80:20 Celexa 95:24 96:11 99:1,2,13 Center 1:21 2:11 38:7 cephalohematoma 91:6,12 certain 21:7 59:4,4 59:10,16,16 98:6 certainly 31:25 47:13 71:4 88:8 CERTIFICATE 102:1 certification 15:7 15:15,22 certified 3:4 15:11 15:12,13,21 48:8 48:9,15 certify 102:9,13 chain 37:16 chair 78:21 chance 40:5 57:24 change 21:24 63:7 63:8 101:5 changed 63:7 64:15 characteristics 59:5 charge 13:11 charges 37:5,8 Charles 1:4 18:5 41:5 Charlie 3:16,23 4:17 7:10 18:5 40:4 44:3 48:13 chart 39:16,17,25 40:3,25 49:18,21 50:1,3,10 53:19 55:5 57:18 59:25 76:17</p>	<p>checklist 17:1 chest 70:24 78:19 child 95:5 children 38:8 chosen 37:15 circles 83:15 circumstances 24:5 city 6:20 Civil 3:3 102:17 clarification 65:21 76:4 classify 17:25 clear 25:23 26:9 63:4 clerk 9:3 Cleveland 1:22 2:7 2:15,23 20:18,20 21:16,21 22:14,20 23:6,16 27:16,19 32:14 33:12 34:22 96:1 102:18 client 25:4 Clinic 20:15,17,18 20:21,25 21:17,22 22:14,21 23:2,7 23:16 27:5,16,19 32:14 33:12 34:22 96:1 clinical 12:12 clinically 53:24 close 28:21 52:6 clue 4:22 coaches 71:15 code 15:10,12,21 48:7,15,19,25 86:24,25 87:3,5 89:15,18,25 92:15 93:1,15 colleagues 14:18 45:8,9 collected 84:20 college 8:11,13 9:6 come 13:1 39:9 49:22 63:15 65:16 65:24 comes 83:25 comfortable 65:3 coming 13:23 88:5 commencing 1:22 comment 92:16 comments 64:12 72:11 commission 101:23 102:24</p>	<p>commissioned 102:9 COMMON 1:1 communication 44:13 70:10 84:13 community 8:13 9:6 15:5 30:12 compel 25:14 complaining 64:21 65:7 complaint 13:2 14:11,24 complaints 19:20 complete 67:25 69:1,4 completed 102:14 Completely 26:20 complicated 58:6 58:22 80:3 complications 94:16 computer 39:17 46:15 50:17 51:2 51:5,12,18,22,24 51:25 52:6,11 53:14 57:7 61:24 63:9,10 67:18 69:8 72:4,5,6 73:23 93:19 computer-genera... 47:2 52:16,21 55:8 56:17 concerned 65:24 84:21 concerning 11:16 40:25 41:4 94:5 concerns 68:19 concluded 100:12 concrete 49:22 condition 25:15 Conference 1:22 confidential/privi... 32:1 conflicting 19:3 36:11 confused 61:11 connection 3:16 5:3 38:16,21 consequence 11:19 94:21 considered 37:18 Consistently 98:14 consumed 33:1</p>
--	--	--	---	---

<p>contact 39:8 44:6 44:24 53:9 contacted 12:23 contaminated 37:19 contest 5:11 continue 56:10 88:17 continues 69:15 continuing 14:2 15:9 27:10 65:14 contract 102:16 conversation 94:5 conversations 43:10 47:17 copies 17:6 copy 17:9 40:2 51:7 51:9 corner 62:14 69:17 correct 6:10,14,16 7:11 9:10 10:1,18 11:5 12:9 14:9 15:1 17:17 18:12 21:5 22:15 28:3 30:1 34:17,18 35:4,23 36:20,23 39:1 40:1 41:21 41:22 42:10 43:17 43:19 45:5 48:11 49:19,20 50:23 51:18,19 54:8 55:15 56:15 57:12 57:20 61:19 63:18 63:21,24 64:11,16 64:20,23 65:8 66:3,4,13 67:20 67:21 68:1,9,10 68:12,13,15,17,18 69:25 71:6 72:7,8 72:22 73:4,10,15 74:1,12,13,24 75:3,17 76:19 77:1,2 79:15 81:13 82:24 84:1 84:2 86:18,22,23 87:2 88:22 89:13 90:5,10,17 91:3,4 92:5,18,19,23 94:1,17,18 95:1 97:18 98:17 99:23 99:24 102:12 corrections 101:4 counsel 1:15,20</p>	<p>County 1:2 8:13 10:22 36:9 102:5 couple 72:2 97:20 course 60:12 courses 15:10 court 1:1 4:8 5:25 25:14 102:16 courtroom 5:5 38:15,24 cover 51:8 72:1 coworkers 19:4 36:15 crystallize 40:13 curious 22:2 currently 6:19 35:14,15 37:18,24 95:22 custody 37:16 customary 89:24 Cuyahoga 1:2 102:5</p> <hr/> <p>D</p> <p>D 2:4 46:6,7 102:17 dad 3:16 43:10 44:7 46:20 47:4 96:16 date 1:23 7:24 64:14,14 dates 34:14 Davis 41:1 46:16 Dawn 40:3 41:1 44:12 46:16 48:4 59:24 60:13,19 64:21 65:7 66:18 66:24,25 67:9 82:8 86:10 87:7 92:4 Dawn's 41:4 47:22 47:22 48:22 70:18 81:24 82:2 92:2 day 1:23 18:7,9 41:21 43:21,23 44:10 47:12 96:18 96:20,22 99:9 101:19 days 16:18,25 22:6 22:21 34:12 100:8 deal 42:16 55:6 death 28:18,25 29:25 December 20:22,24 21:14 22:13,19 23:20,22 26:12,17</p>	<p>27:4 28:1,5,16 29:1,6 30:2,4,8 32:12,16,17,18 33:6,13,25 34:4 95:25 decision 25:16,23 decreased 56:4 deep 18:24 Defendant 2:10,18 Defendants 1:9 defense 41:16 defined 102:17 degree 8:14,16,17 9:9 15:4 delineated 42:25 deliver 60:13,20 85:24 88:23 89:11 delivered 4:17 44:25 55:12 56:11 62:2 81:10 82:12 89:3,7 90:7,8,13 92:16 deliveries 58:6 delivering 93:6 delivery 3:23 7:10 9:23,25 10:17 12:24 13:1 14:8 14:22 15:3,14,23 16:4 17:14,20,22 18:5 19:18 21:18 39:13 40:4,10,12 40:17,18 42:4 43:16,21 44:22 45:13,22 46:1,12 46:20,22 47:19,23 48:5 49:23,24 50:2,6,9 52:17 58:13,20,22,25 59:21 61:21,25 66:23 67:2 70:14 70:17 79:25 80:3 84:4 89:16 90:2,4 91:19 95:8,9 96:25 97:6 98:7 department 19:21 23:3,15 95:4 departments 9:19 depending 16:19 76:1,2 deposed 3:4 deposition 1:11,14 4:5 25:18 36:22 38:11,11,25 41:3 41:24 54:10,12</p>	<p>79:5 100:12 102:13 depressed 27:7 28:1 48:10 depression 27:6 28:5,19 30:20,24 96:3,4 Derek 96:14 describe 56:9 70:22 89:1 description 71:2 designate 51:16 desire 21:24 desired 62:24 detail 54:20 determine 24:22 developing 59:6 development 59:19 die 29:3 difference 71:7 different 6:5 23:1 50:16 difficult 40:17,18 43:6,6,16 44:22 46:1 49:24 50:2,9 dilatation 68:22 diligence 25:6 direct 17:11,23 directly 8:11 9:22 48:24 52:9 53:9 director 34:25 35:9 dirty 37:19 discharged 11:12 discipline 14:15 disciplined 11:19 disclose 14:10,16 14:17 24:8,9,12 29:18 34:20 disclosed 34:24 35:2 disclosure 25:5,14 disconnected 69:19 70:11 discontinued 69:11 69:14,22 70:6 discourse 26:2 discovered 27:18 84:23 85:13 discovery 24:21 discussed 47:18 discussion 46:8 91:8 94:15 disposition 13:10 84:18</p>	<p>distress 53:23,24 55:2,13 56:5,9,19 74:12 diverted 27:8,8,12 doctor 12:6,16,20 13:14 38:1 49:15 83:16 doctors 12:22 14:25 39:8 doctor's 26:22 document 51:5,6 57:5,8,11 documented 51:12 63:8 67:17 76:22 doing 17:3 36:1 44:16,17,20 65:18 67:19 70:1 73:5 86:2,6,8,20 87:22 92:7 93:15 95:8 Don 54:8 DONALD 2:13 done 4:3 5:23,23,24 28:21 41:23 73:4 98:18,19 100:2 dosage 99:6,18 double-check 67:14 doubt 92:20 down 6:1 39:20 51:3,13 67:18 86:17 98:19 Dr 3:18 29:10,11,15 29:23 37:21 38:6 40:23 45:16,21,24 46:5,7 49:1 53:10 53:10 60:11,19 66:4,6,8,9,14,17 66:17,20 68:14,24 69:2,12,20,22 70:4 72:13,16,21 73:13 74:16,17,23 75:1,5,19 77:3,9 82:18,21,25 83:4 83:12,13 84:11 85:8,9,9,13,17 86:3,20 87:19,22 88:23 89:9,16 90:11,18 91:21 92:7 93:5 94:6 96:14 97:10 98:2 98:21 drank 32:19 draped 82:14 drapes 82:15</p>
---	--	--	--	--

drawn 13:22 51:15 drinking 32:11,15 32:15,17,25 33:4 36:16 drug 33:9 37:15 drugs 34:22 due 25:6 duly 3:3 102:8,10 duration 92:2 during 8:23 9:5 16:23 17:12,18 20:23 21:9 22:23 39:9 43:2 45:25 47:18 50:22 51:3 53:16,21 55:12 58:15 60:6,11 66:14 70:18 79:11 79:16 86:8 88:8 94:6,8 95:8,10 96:15,18,20,22,25 98:2 dystocia 40:19 41:25 42:5,17 43:1,18 49:6 53:22 55:3 56:19 58:7,16,23 59:6 59:15,19 61:3,18 62:8 71:18 76:17 80:4,9,13 84:1,9 84:19 85:14 86:5 86:21 88:14 90:7 91:20 94:22 95:11	102:15 elaborate 21:25 elsewhere 11:1 20:12 Elyria 6:23 7:4,8 9:16 10:4 11:9,14 EMH 9:17,20 11:24 13:24 15:14 58:5 emotional 23:11,12 23:13,18,24 24:23 26:12,18,22 27:4 29:24 31:2,7 employed 32:21 33:17,21 35:14,15 35:18 39:10 employee 23:2 employer 22:1 employers 22:2 employment 24:19 36:19 encounter 58:15 93:20 94:2 encountered 42:1 43:1,18 49:6 53:22 55:3 56:20 58:6 59:14 62:9 71:18 76:17 80:9 80:14 84:1,9,19 86:5 88:15 91:20 95:11 encountering 61:3 61:17 encourage 88:17 encouraging 88:9 end 18:19 43:23 ended 45:10 endurance 5:10 enough 12:25 49:17 54:24 82:8 entered 52:25 55:18 64:2 entire 26:9 34:10 entries 52:23 53:3,6 97:8 98:3 entry 57:2,3,17,22 63:14 74:4,9 83:11 epidural 66:8,10 episiotomy 94:13 episode 28:19 56:4 56:8 equally 70:9 ESQ 2:4,13,20	essentially 78:5 et 1:5,8 etc 1:4 evaluated 16:23 evaluation 18:21 evaluations 17:7 even 5:5 18:10 39:20 40:14 50:4 92:6 97:24 event 23:21 28:14 28:18 30:25 43:1 84:23 102:15 events 24:24 45:3 52:24 85:6 ever 6:3 7:14 13:4 13:21 14:17 15:25 17:6 19:11,16,20 28:4 38:15,18 39:2,9 42:23 79:24 80:2,8 90:18 95:2 every 15:19,19 16:25 50:13 54:19 57:6,11 everything 6:1 30:2 73:19 98:19 exact 34:14 exactly 81:21 exam 64:19 67:23 68:2 examination 1:16 3:2,6 95:18 97:22 103:1,3,5 examine 66:18 examined 66:24 94:11 example 41:4 44:9 59:9 64:6 excess 32:17 Excessively 32:18 exchange 44:12 excuse 15:16 17:17 69:16 existing 25:7 experience 10:16 17:15,21 59:3 experienced 40:20 49:7 experts 41:10,14,15 41:16 expires 101:23 102:24 explain 50:24 56:25 63:3 66:21 74:5	explained 50:8 95:2 explaining 90:19 explanation 63:4 77:5 91:11 explore 5:17 extent 32:20 91:2 94:20 eye 48:3 F F 46:7 face 45:24,24 48:6 facilities 33:9 fact 19:24 29:15 36:25 43:5 60:23 73:4 86:4 96:21 factors 23:14 58:13 58:19 61:1 factory 36:8 fair 32:19 43:14 54:24,25 82:8 89:5,12 90:6 fairness 46:3 56:13 Fallon 2:19 family 44:7 46:11 46:16 77:24 82:10 far 46:20 father 44:12 47:8,9 47:22 81:24 82:4 fathers 96:21 father's 41:5 feel 5:13 18:16 19:2 19:4,7,10 54:11 feeling 19:9,12,16 22:9 fell 30:3 felt 18:25 23:13 27:7 31:16 35:12 fetal 53:17,23,24 55:2,13 56:9,19 57:5,11,18 73:24 74:12 few 95:16 file 19:20 filed 3:17 fill 35:11 final 18:20,21 find 4:15 fine 64:5 finish 18:18 73:11 finished 6:3 firm 102:16 first 3:3 32:10 55:7	55:16 60:8,25 64:7 66:13 78:13 102:10 fit 18:16 19:1,10 fitting 22:10 five 57:6,11 Five-one 60:2 five-two 79:3,6 floor 44:2,10 flow 51:7,9,10 57:1 folks 21:21 27:18 follow 26:1,7 followed 49:9 92:16 following 38:23 101:3 follows 3:5 follow-up 95:16 97:20 foregoing 101:2 102:12 foresee 58:25 forgot 57:7 forgotten 57:17 form 32:22 83:8 formal 39:3 forms 37:17 forth 1:23 102:11 forward 98:20 found 13:14 Foundation 96:2 four 7:6 22:22 90:9 four-minute 92:22 free 54:11 85:23 87:8 89:11 95:10 freed 89:2 90:12 freeing 92:8 froglike 71:1 from 4:15 9:18 12:17 20:23 23:14 26:7,18 27:2,16 29:6 30:19 31:12 31:21 32:14 35:19 40:22 43:5 44:1,3 46:10,11,22 49:13 50:4 52:10,11,16 52:20 54:7 55:22 55:25 60:17 64:15 65:4 70:10 78:14 83:19 89:15 92:7 92:21,21 95:3,8 98:11 101:2 full 3:8 10:2 22:16 function 17:21
--	---	---	---	--

<p>fundal 73:25 74:3,6 74:14,19 75:5,8 75:11,15,23 76:6 76:10,16,24 77:4 77:8,9,14,17,25 78:4,5,9,15,16 79:6,10,18,21,24 80:2,8,12 81:1,4 fundus 94:11,12 further 5:17 25:18 44:6 80:19,20 95:14 97:19 99:25 102:13</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 61:4,9 gained 60:6,24,25 gainfully 33:17,21 gains 59:9 gave 12:25 66:9 general 1:20 2:10 29:9 47:17 generalized 19:9,11 generally 96:22 generate 63:11 getting 28:21 31:25 36:23 55:20 87:18 87:23 93:8 give 5:13,15 21:20 24:20 38:13,19 39:4 50:16 58:9 given 24:5 38:11,25 64:25 68:21,21 73:13 86:4 gives 67:1 giving 84:14 go 8:20 10:5 15:18 20:12 27:2,24 64:6 66:10 72:1 74:21 80:24 81:6 goes 5:2 going 3:21,25 4:10 5:1,6 6:3 8:21 16:6,10 25:2 26:25 27:2 32:3 38:12,12 41:15,16 44:11 50:5 51:9 51:17 52:21 54:15 57:8 59:12,14 60:19 62:12 69:8 72:1 75:25 80:18 83:15 97:13,15 gone 6:4 63:16 73:4</p>	<p>good 17:4 26:2 gotten 79:11 Graduated 8:7 graduating 8:9 Grafton 8:4,25 9:1 grandparents 43:11 47:25 gray 67:13 grow 8:3 guess 22:1 24:10 32:12 55:9,10 70:23 guessing 82:1,2,3,7 guesstimate 58:9 guilty 5:21 guy 5:14 gynecology 15:8 23:4,15</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>Haggarty 53:11 66:4,6,9,9 half 51:8 hand 4:9 51:6 102:18 handed 45:23 hands 89:2 90:12 handwriting 51:11 67:19,20 handwritten 39:16 47:2 51:17 56:17 57:1 67:16 68:6 happen 58:24 happened 35:9 53:2 76:23 85:7 happening 54:22 87:15 happens 73:18 happy 26:3 31:8 having 17:14 25:5 44:5 47:9 58:22 70:16 head 51:23 52:17 55:12 56:11 61:21 62:2,6 81:10 82:9 82:12 83:25 86:14 86:16 90:7 91:5 92:21 health 1:21 2:11 23:9 28:8 29:8 hearing 39:3 heart 57:6,11,18 73:24</p>	<p>heavy 61:5 Heights 6:22 7:17 held 9:4 36:4 help 49:10 helps 47:3 her 17:13,16 25:24 32:2 44:2,15 45:17 48:22,23,24 51:23,24,25 52:2 52:2 55:25 57:6 60:3,8,25 62:21 62:23 68:2 70:10 70:11,20 77:20,24 78:14,14,17,19,22 78:22 79:13 82:9 83:20 84:13,17 85:18 86:11,12,13 86:14,16,17,21 87:9,21,23 89:1 98:3 100:3,9 hereinafter 3:4 hereunto 102:18 herself 62:22 69:24 hesitate 87:13 high 8:5 him 47:10,11 82:5 96:19 himself 66:11 hired 35:3,10 home 10:14,19 homes 10:20,21 hope 38:12 Hopefully 4:3 hospital 3:18 9:16 10:5 11:9,15 42:3 45:19 83:23 95:3 hospitals 10:12 hour 46:6 Howard 2:4 3:15 4:21 14:1 Howley 2:19 Huh-uh 39:23 Hurd 2:19 husband 81:24 82:2 82:4 hyperextended 71:11</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 13:4 87:3 identity 46:15 III 1:4 immediate 94:6,8</p>	<p>immediately 65:10 impact 26:13 80:19 impaction 80:21 important 4:14 5:4 inaccurate 72:25 inappropriate 75:10,23 88:17,21 incamera 25:14 incident 26:11,16 27:3 39:7 incidents 19:6 27:3 include 55:9 included 93:1 including 46:12 47:23 95:9 incorrect 53:2 incorrectly 53:1 increase 58:14,21 increased 59:5,18 61:2,17 64:21 65:8 80:20 independent 17:23 44:5 45:2 47:7 67:4 index 59:17 indicate 20:9 22:9 24:9 54:12 73:24 75:4 97:9 indicated 24:10 53:25 74:23 96:15 96:24 indicates 59:13 indicating 20:5 indication 21:21 60:11 97:16 indications 53:17 53:23 indicators 58:14,19 59:16 influence 61:1 information 12:12 12:17 14:17 41:13 41:18 initial 65:15 initially 15:13 57:13 initials 64:13 injuries 94:20 95:5 injury 90:20 91:2 94:16 inpatient 34:8,12 instead 71:11 interacted 47:13</p>	<p>interaction 44:11 47:9 66:25 interested 102:15 interview 13:8 introduction 47:14 involved 7:9 11:15 11:16 45:8,9,12 48:12,24 involvement 3:22 in-between 97:11 98:3 irrelevant 25:8,9 issue 12:10,17 14:11 27:4 issues 26:23 29:24</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J 1:17 102:8,22 January 5:6 37:4 37:13 Jill 55:22 Jo 16:12 17:16 18:1 18:3 19:12 job 5:25 9:4 27:21 jobs 10:15 journals 16:1 39:22 Jo's 16:13 judge 24:11 25:16 July 11:8 16:3 102:24 jump 71:25 just 4:20 5:12,14,16 6:20,25 12:1,21 14:1 18:16,19 19:3,4,9,10 20:7 21:24 24:12 25:5 25:12,22,25 26:9 29:4 31:8 32:3,16 33:4 34:11 35:21 37:6 43:14 44:18 48:5 50:10 51:9 51:16 55:6 56:9 62:20 63:3 64:5 65:21 66:22 69:6 73:18 75:7,8,25 76:3 83:21 95:16 97:12,20</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K 2:20 keep 86:10 key 72:12 kind 59:11</p>
---	---	---	--	--

<p>Klodnick 1:17 102:8,22 knees 70:24 71:11 knew 14:23 know 3:14 5:10,12 5:15,17 18:6,22 24:7 27:1 42:15 42:20 43:20 46:16 49:2 52:3 54:6 55:4,24 70:4 71:17,20 77:8 79:16,20 81:1,19 91:2,25 knowing 47:14 knowledge 14:21 31:14 49:8 94:22</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 16:14 38:5 99:3 labor 3:22 7:9 9:22 9:25 10:17 14:8 14:22 15:3,14,23 17:20,22 19:17 21:17 42:4 45:13 51:7,8,10 56:22 57:1 58:12,20 62:24 65:1 66:22 67:2 68:21 84:3 95:8 labs 12:18 53:25 lack 78:6 Lady 35:25 36:7,13 large 60:24 last 5:20 6:25 16:13 35:17,21 55:10,11 92:12 93:20 94:2 late 57:2,3,22 later 44:9 46:6 90:9 latitude 24:21 law 24:20,20 lawful 3:1 Lawson 29:10,11 29:15,23 37:21 lawsuit 3:17 24:25 lawyers 5:20 laying 51:24 Leader 2:14 leads 34:16 leaned 78:22 learning 45:7 least 25:14 46:14 59:17 64:17 77:4 leave 10:25 11:9</p>	<p>18:13,15 23:6 27:5 30:17 36:13 98:8 leaving 20:5 33:5 36:4 45:19 98:15 lecture 24:20 left 9:11,13 10:4 20:1,13 21:22 22:19 24:18 45:14 51:25 52:2,7 62:16,18,25 63:5 63:23 77:22,24 78:14,14,17 81:12 81:15 83:4,17 87:21 91:19 97:11 97:17 left-hand 62:14 leg 82:16 legs 70:18,21,25 71:10,12 87:23 90:14 96:25 less 17:13 lesser 32:20 let 5:10 27:10,24 32:5 37:9 50:12 59:23 61:14,14 67:14 let's 5:22 6:7 47:25 55:6 levity 38:14 license 11:16 36:24 36:25 37:7,12 licensure 15:15 life 33:2 life's 28:18 light 14:5 like 6:25 10:6,14 12:24 15:10 18:16 19:4,10 22:22 30:3 52:13 59:20 75:15 78:22,22 83:22 likelihood 80:20 likely 60:13 70:8,9 70:12 74:5 86:2,7 line 27:11 51:15 lines 22:10 Lisa 1:11,14 3:1,6 3:10,12 6:24 95:18 97:22 101:17 102:9 103:1,3,5 listen 6:4</p>	<p>literally 72:14 lithotomy 70:21,22 71:9,13,19 81:19 97:1,3 little 3:15 39:21 79:7 live 6:19 7:2,5,16 lived 6:24 living 4:2 7:7 lo 81:9 local 14:5 located 38:6 lochia 94:12 long 6:24 7:5 9:17 10:9 16:15 22:20 30:15 39:8 46:21 79:16,18 91:25 longer 16:21 look 49:17 52:15,24 53:18 54:3 59:25 61:23 62:3 looked 17:2 40:14 50:3 looking 36:18 40:8 43:8 47:1 49:13 49:21 50:4 56:14 60:18 67:12,15 76:3 97:8 looks 75:15 Lorain 8:13 9:6 10:22 15:5 36:9 Lorraine 1:17 102:8,22 lose 12:14 loss 30:20 lower 62:14</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 38:5 made 52:23 57:17 64:18 74:4 79:12 92:12,14,17 97:12 97:14 magistrate 39:3 maintain 39:15,21 71:13 maintained 15:15 52:6 maintenance 51:1 make 4:18 25:16,22 59:21 61:14 63:14 63:17 73:20 94:4 makes 25:23</p>	<p>manage 42:17 86:21 management 42:5 maneuver 87:7 maneuvered 87:10 maneuvers 85:22 manner 14:25 many 7:22 11:23 58:10 80:6 March 30:9 34:2,5 married 7:12,14 Mary 16:11,13 17:16 18:1,3 19:12 matter 5:2 12:3 13:6,19 64:3 matters 11:15,20 11:23 25:1 may 3:12,13 18:10 21:1 24:23,23 25:7,20 35:19,20 35:21 40:24 58:14 62:8 96:21,22 maybe 21:24 22:11 22:22 44:14,15 61:14 63:7 80:7 81:24 McRoberts 71:5,8 71:10 87:7,18,24 88:16 89:6,10 90:14 mean 13:13 14:15 16:20 18:24 42:7 42:12 48:8 50:11 60:15 62:19 64:2 66:9 69:19 72:17 83:4,16 84:19 87:14 97:10 means 69:23 72:3 meant 66:21 measures 48:9 mechanical 92:8 medical 25:15 medication 27:13 32:13 95:20 96:7 98:24 99:12 medications 95:22 Med-Ex 10:8,25 21:2 meeting 47:8 meetings 36:12 members 46:16 77:24 82:10</p>	<p>Memorial 9:16 10:4 11:9,14 memory 40:6,9 44:5 mental 28:8 29:8 36:10 Merit 1:18 METZ 2:20 59:12 60:14,21 61:6,22 62:11 69:5 75:25 76:7 77:11 79:22 80:15,23 81:3,7 83:7,18 84:15 85:11,25 86:9 87:25 88:10,19 89:20 90:16,22 91:13 92:10 94:24 95:16,19 97:19 103:4 Midview 8:6 might 6:1,4 21:13 25:8,17 61:23 85:6,7 milligrams 99:8 mind 50:7 54:22 84:22 87:6 92:20 mind's 48:3 minute 54:19,19,19 63:8,8,23 64:14 minutes 56:10 57:6 57:11 68:2 86:8 90:9 Mishkind 2:3,4 3:7 3:15 14:3,6 24:14 24:15 26:3,8,10 54:5,8 58:1,4 67:14 76:5,9,14 83:10 95:14 97:20 97:23 99:25 100:4 100:7,11 103:2,6 missing 76:11 misuse 34:22 mom 3:16 29:25 43:10 44:1,7,10 45:1 46:16 47:22 51:22,24 52:10,12 58:14,21 59:9,14 59:17 68:20 71:13 71:19 73:24 77:16 81:12 82:14 87:18 88:9,15,17 89:10 91:20 93:13,20 94:5</p>
--	---	--	---	--

<p>moment 50:16 72:1 84:8 mom's 30:20 52:8 96:25 month 7:1 34:13,15 35:22 36:9 monthly 35:11 months 9:22,24 21:10 42:22 more 5:21 13:2 17:13 29:16 49:22 70:8,12 morning 3:22 4:16 18:4 51:3 66:14 70:18 most 74:5 86:2,7 mother 29:3 61:16 mother's 28:25 mottling 61:20 62:6 mouth 12:9 move 98:20 moved 6:25 87:7 88:15 movements 68:12 much 23:1 Murphy 2:12 must 52:25 myself 7:18 22:1 47:14 M.D 1:8 2:18</p> <hr/> <p>N</p> <p>N 16:14 name 3:8,14 10:7 16:13 48:6 55:25 74:1 named 102:9 nature 4:2 12:2 90:19 94:15,19 necessarily 59:13 86:20 necessary 16:22 need 5:9,13,16 16:19 18:25 24:16 62:3 79:7 needed 12:22 17:3 needs 90:1 never 13:14,16 14:14,15 38:10,12 38:24,25 90:24 new 4:11 36:18 next 44:10 69:15 76:24 89:6</p>	<p>nice 5:14 none 14:21 nonreassuring 53:17 nonstop 98:13 Nord 38:7 normal 49:5 Notary 1:18 101:21 102:8,22 notation 67:1 92:18 94:14 notations 67:20 note 20:7 55:7,8,10 55:11 57:1 62:25 63:5 64:7,10 67:8 73:9,12,20 75:14 82:21,25 83:13 92:12,14 97:8 101:3 noted 57:2 63:22 83:11 notes 39:15,17 46:15 47:2,3 50:3 51:8,17,18 52:16 52:21 56:17,18 61:24 62:13 66:18 90:8 93:19 94:4 nothing 4:11 13:12 18:9 21:25 95:14 99:25 102:10 notice 1:19 12:25 notified 50:25 65:22 68:14,24 69:3 notify 32:3 69:7 notifying 12:11,20 Nubain 27:8,9,13 number 8:1 10:20 76:3 nurse 6:10,13,16 12:13 13:15 17:4 17:22,23 33:18,20 37:15 42:25 45:11 48:22,23 49:12 56:1 58:13,20 61:15 79:20 84:4 nurses 14:22 39:19 39:20 42:16 45:12 84:6,8 92:25 93:2 93:5,14 nursing 8:17 9:9 10:6,10,14,19,20 10:21 11:17,21,25 12:18 13:6,18,19</p>	<p>14:13,18 16:1 19:21 34:25 35:10 35:12 36:23,25 37:6,7 38:21 39:5 41:25 42:16 45:8 53:25 57:9 65:4 71:14 75:10,23</p> <hr/> <p>O</p> <p>O 16:14 Oak 1:21 object 32:22 37:9 59:12 75:25 objection 14:2 27:11 60:14,21 61:6,22 62:11 63:25 69:5 77:11 78:8 79:22 80:15 80:22,23 81:3,6,7 83:6,7,18 84:15 85:11,25 86:9 87:25 88:10,12,19 89:20 90:16,22 91:13 92:10 94:24 obligation 25:4 observe 85:16 86:20 89:12 92:6 observing 85:22 obstetrical 17:4 95:4 obstetrics 15:7,23 23:3,15 obtain 8:14 obtained 9:8 obviate 25:20 obvious 72:9 84:1 obviously 55:15 65:24 72:3 87:1 occasion 41:8 45:17 45:21 occasions 29:16 79:11 80:6 occurred 19:7 26:17 45:22 61:18 91:9 October 1:12 18:14 19:24 20:24 21:14 30:16,17 33:16,22 35:6 102:19 off 3:11 45:23 offered 41:14 office 2:5 102:18 oh 18:12 33:3 39:23</p>	<p>42:14 85:2,7 Ohio 1:2,19,22 2:7 2:15,23 3:2 6:23 8:4 11:17,20,24 13:5,18 14:12 37:5 102:3,8,19 102:23 okay 4:4,23 5:7,19 6:5,9 24:14 26:8 38:10 48:7 55:1 55:25 56:2 57:15 62:15 66:10 69:8 69:10 70:13,15 71:3 73:22 Old 1:21 omitted 57:14 once 12:1 50:13 57:10 80:9,13 84:12 88:14 89:10 90:13,25 95:11 99:9 one 6:3 10:19 13:2 13:4,7 17:25 29:16 38:13 45:14 47:24 49:7 52:11 76:1,5,20 82:16 82:16 85:5 88:9 96:24 98:1 ones 67:13 only 9:4 13:17 22:3 22:5 36:3 40:16 40:18,19 43:6 49:7 56:3 57:4 64:3 84:3 open 70:25 opinion 26:16 opportunity 4:15 45:6 49:17 85:16 opposed 59:7 70:1 order 20:4 69:2,20 70:11 72:17,19,21 73:14 74:20,23 75:1,6,9,20,24 79:6 ordered 74:16,18 ordering 75:12 orders 84:14 orientation 16:7,10 16:16 17:10,19,19 18:18 22:4 other 9:24 13:23 15:5,22 19:12 21:12 30:22,24 33:22 36:21 40:25</p>	<p>41:14 45:12 49:23 52:12 56:8 59:7 67:13 72:2 77:3 77:15 78:17,18 79:4 82:10 84:5,8 92:24 otherwise 13:22 43:11 46:19,23 54:10 63:15 102:15 out 4:15 6:7 13:14 35:11 38:20 45:2 50:7 71:12 83:25 85:8 98:22 outpatient 34:13 37:21 outside 15:4 39:16 over 49:22 50:3 61:3 78:22,22 79:13 82:16 own 39:21 70:2</p> <hr/> <p>P</p> <p>pad 20:7 page 69:15 76:13 101:3 PAGE/LINE 101:5 pain 65:8 Paisley 2:19 paper 39:20 43:3 part 8:20 19:4,7 40:24 participate 48:19 participating 87:17 88:1 particular 10:19 19:6 61:2 74:11 97:25 party 102:15 Patel 1:8 2:18 3:18 45:16,22,25 46:5 46:7 49:1 53:10 60:11,19 66:14,17 66:18,20 68:14,24 69:3,12,20,23 70:4 72:14 73:13 74:16,17 77:3,9 82:18,22,25 83:4 83:12,14 84:11 85:8,9,9,13,17 86:3,20 87:19,22 88:23 89:9,16 90:18 91:21 92:7</p>
---	--	--	--	---

93:5 94:6 97:10 98:2,21 Patel's 40:23 72:16 72:21 74:23 75:1 75:5,20 90:11 patient 12:14 37:20 57:4,10 59:17 61:2,3 64:13 65:25 68:16 69:3 73:5 patients 59:4,7 Pavilion 1:21 pediatric 44:4 pediatrics 44:25 45:23 90:25 95:3 people 46:4 per 66:8 69:11,14 69:20,22 70:11 72:13,16,21 74:23 75:5,19,24 perceived 19:22 performance 26:13 perhaps 13:15 50:4 54:19 82:9 86:16 perimeter 82:11 period 8:24 9:5 16:7,24 17:12 20:23 22:4,24 27:24 34:6,10 39:10 55:9,13 88:8 92:22 94:7 96:5 98:16 periods 76:15 79:17 98:2,20,22 person 16:11 17:14 23:1 35:11 personal 23:8 24:3 30:18,22 31:2,17 31:18 35:7 38:22 39:21 94:22 personalities 19:3 pharmacy 8:25 9:2 9:11 physical 23:11 24:22 31:5,8 94:10 physically 18:11 physician 12:12 13:1,3 49:11 74:20 75:12 physicians 12:7 19:17 physician's 75:9,24	physician/patient 25:1 picked 21:1 picture 47:9,11 48:4 87:6,14 pink 15:10,12,21 48:8,15,19,25 86:24,25 87:3,5 89:15,19,25 92:15 93:1,15 pinpoint 40:13 Piscola 1:11,14 3:1 3:6,10 95:18 97:22 101:17 102:9 103:1,3,5 pivot 52:13 place 4:16 23:21 34:23 91:18 102:14 placed 21:13 89:6 90:14 plaintiffs 1:6,16 2:2 41:15 PLEAS 1:1 please 3:8 4:21 8:1 54:10 plexus 90:21 pneumothoraces 91:9,16 point 47:12 54:18 55:5 64:25 65:4 67:20,22 68:9,17 68:20 70:20 73:2 74:11 76:10 82:14 84:3,18 86:14 94:14 96:2,24 points 96:20 97:9 policies 42:16,24 Polito 2:12 pops 54:21 portions 40:23 position 9:15 11:1 14:7 20:6,8,10 22:3 27:22 29:19 31:9 36:3 47:4 62:24 70:18,21,23 71:5,8,9,14,19 81:20 87:18,24 88:16 89:6,10 90:11,14 97:1,3 positioned 77:16 78:16 93:12 positive 21:8	possibility 21:6 posterior 90:13 potential 53:23 58:21 59:18 62:8 potentially 59:6 pounds 60:7 practice 13:19 41:25 69:7 75:7,7 75:11,23 80:12 practitioner 29:9 preceded 56:1 preceding 45:9 preceptor 18:9 preceptorship 16:15 precipitous 12:25 predict 61:16 preemptively 37:7 pregnancy 60:6,8 60:25 prep 98:18 preparation 42:12 98:7 preparing 41:24 prepped 70:13,16 prescribing 96:12 presence 46:24 84:8 present 4:9 18:11 46:21,21 66:22 84:4,6 86:25 92:16 96:22 presented 42:24 presently 6:11,12 35:16 press 18:24 73:22 pressed 63:16,19,24 64:9 72:4 73:7 pressing 72:6 pressure 64:22 72:13,16,18,20 73:13,25 74:3,6 74:14,19,22 75:1 75:5,8,11,16,24 76:6,10,16,24 77:4,8,9,15,17,25 78:4,5,6,9,15,17 79:6,10,13,18,21 79:24 80:2,8,13 81:1,4 85:19 86:4 91:22,23 92:1,4 presume 10:17 29:11,23 34:4 55:19 57:3 82:18	84:12 86:25 93:1 pretty 23:1 previous 50:5 68:2 96:16 previously 17:14 97:17 primary 16:11 48:23,23 printout 56:14 prior 10:16 13:23 17:20 28:1 29:16 33:5 42:7,8 53:22 55:4 61:21 70:16 87:1 95:25 96:2 privilege 25:1 privileged 24:5 privileges 13:21 PRN 99:20 probably 5:21 19:15 25:13 44:19 50:12 62:23 73:1 73:14 74:8 83:19 86:10,13 probationary 22:4 27:23 39:10 problem 24:23 26:12 32:11 33:6 34:21 problems 23:18,25 26:18,23 33:9 38:22 procedure 3:3 49:5 49:9 57:9 65:19 process 4:11,14 15:17 16:10 43:2 46:20 58:15 93:6 95:9 prohibited 23:14 prompt 25:17 prompted 23:24 27:5 proper 87:24 protocol 49:9 protocols 42:4,24 provide 48:9 provided 3:2 41:12 provider 28:8 providers 29:8 provides 24:21 psychiatric 26:23 28:7 37:23 38:2 psychiatrist 28:12 29:12,13,21	psychologist 29:14 29:21 Public 1:18 2:22 101:21 102:8,22 pursuant 1:19 pursue 25:4 32:4 pursued 15:4 push 63:12,13 67:9 73:25 74:7 75:16 76:6,25 88:9,18 88:20 92:2 pushing 57:5,7,10 57:14,19 68:16 69:1,4 70:20 73:24 92:4 put 12:8 48:6 64:10 64:14 72:13 73:9 p.m 100:12 <hr/> Q QS 50:19,20 qualified 102:9 question 4:20,21 5:24 6:3 12:4,24 13:23 22:5 24:13 25:11,24 26:2 32:5,7,23,24 42:8 50:16 53:3 61:12 74:21 questioning 27:11 31:24 questions 3:21 4:1 4:19 5:4,18 11:16 25:17 32:2 52:22 95:17 97:19,21 quit 31:11 36:12 Q5 50:18 <hr/> R R 16:14 38:5 raise 4:9 59:17 random 37:15 rate 57:6,11,18 73:24 reach 52:10 reacted 84:22 read 41:8 58:3 60:15 101:2 reading 17:8 49:21 50:10 ready 90:3 93:8 realize 32:10 reason 4:25 20:10
--	---	---	---	---

21:22 24:15 31:2 31:3 48:18 50:8 68:24 reasonable 71:1 reasons 23:8 24:10 30:18,22 reassure 86:11,14 recall 17:8 18:6,22 19:14 20:11 22:11 40:21 43:3,9,24 44:5,11,20,21 47:3 49:2,23 53:18 54:7 66:19 69:6 77:13,23 78:2,3,15 81:21 82:9 84:5,16,17 84:24 85:1,12 87:9 88:3 90:18 91:6,8,22 93:10 93:11 97:2 recalled 50:7 receive 17:6 received 18:20 70:10 96:1,3 receiving 17:9 recently 6:25 Recess 58:2 recognize 49:6 58:13,21 59:15 recognizing 57:16 recollect 84:22 recollection 42:23 45:3,24 46:8,10 46:23 47:8,16,24 67:5 70:17 81:14 81:22 82:5 85:21 89:14 90:15 97:5 97:7 recontact 65:11 record 3:9,11,12 25:23 26:1,6,9 40:15 43:12 46:5 47:1 49:14 54:13 54:17,20,24 58:3 73:12 75:19 83:14 84:7 88:5 93:19 100:4,8 recorded 39:24 46:5 53:8,13 54:16,23 63:5 72:5 94:9 records 40:5,8,22 40:23,24,25 41:9 41:20 43:8 46:14	54:4,11 56:23 60:18 71:23 90:24 93:18 recovering 32:6,8 recovery 31:20 35:1 93:22 94:6,8 redose 65:16 66:10 redosed 66:1,8 reduced 102:11 reentered 97:17 refamiliarize 49:18 refer 54:11 reference 62:12 98:3 referred 29:10 reflect 42:21 46:14 46:15 71:23 75:19 84:7 85:6 88:5 100:5,7 reflected 43:12 reflection 25:19 refresh 40:5,9 refresher 15:20 refuse 25:11,13 regard 12:12,20 13:6,10 54:18 63:4 registered 1:18 14:12,24 Rehabilitation 36:2 relate 42:4 94:19 related 23:9 relating 38:22 39:5 relation 78:25 relationship 19:22 24:17 78:19 relative 11:24 19:22 38:20 41:13 68:20 77:16 90:19 94:15 102:15 rely 5:1 relying 54:20 remember 4:16 17:9 39:13 40:9 41:20 43:7 44:17 46:5,7 48:5 49:24 54:14,15,16,22,23 66:6 84:11 85:7,9 91:21 94:2 96:19 remembered 40:14 43:15 50:1 95:7 reminds 50:14 removed 26:18	Renaissance 30:11 31:9,12 34:2,17 34:20 35:5 36:4,7 renotified 65:25 renotify 65:13 rephrase 4:21 58:17 report 55:20 reporter 1:18 4:9 5:25 reporting 102:16 reports 35:12 reposition 62:21,22 repositioned 62:20 62:23 represent 3:15 representative 13:7 REQUESTED 101:5 required 14:5 36:11 37:17 research 41:23 resign 20:4 27:22 resigned 20:2 resolved 30:2 resource 17:13 respond 65:10 responded 65:12 response 5:4 responsible 12:11 rest 78:18 result 29:24 resurfacing 30:19 resuscitative 48:9 48:12 Retardation 36:10 retirement 30:12 return 30:7 review 18:20 40:5 41:19 55:5 reviewing 42:3 revoked 13:22 37:1 right 5:5 34:3 41:19 46:18 52:2,7,25 54:9 55:21 56:2 60:15 65:18 73:16 73:17 74:23 81:18 82:4,5 83:10 86:15 93:25 94:10 right-hand 51:11 69:17 rim 68:3 risk 58:14 59:5,18 61:2,17	Road 7:3,8 role 89:18,21,24 room 1:22 44:2,2,3 45:2 46:11 47:4 47:12,23 48:1 51:20 58:13,20 66:23 70:5,12 82:19,22 83:4,14 83:23 84:4 88:4 91:19 93:13,25 96:17,18,19 97:10 97:11,13,17,25 98:2,4,5,13,15,21 98:22 Rule 102:17 rules 3:2 14:5 run 39:20 R.N 1:11,14 3:1,6 95:18 97:22 101:17 102:9 103:1,3,5 S S 16:14 Sales 9:3 same 7:19 8:22 32:14 71:4 76:13 satisfy 25:6 saw 29:9,23 84:12 84:12 89:7 saying 26:5 54:14 84:12 says 62:16,25 66:8 66:17 69:11 72:24 76:6,8 86:24 92:15 scattered 10:22,24 scheduled 51:1 scheduling 36:10 school 8:5,22 screamed 85:8 screen 37:16 scrubbed 83:21 seal 102:18 seated 79:5 Seaton 96:14 second 56:22 secondary 30:20 seconds 64:1,2,3,4 section 57:2 Security 8:1 see 29:15 44:11 52:20,22 53:16	54:13 56:3 63:1 82:22 83:1 88:23 seeing 28:8,11 29:8 43:3 50:1 91:6 seem 5:14 61:11 seen 29:20 40:25 41:3 42:6 44:15 45:14 59:3 60:17 90:24 send 100:3,3,9 September 16:4 25:8 26:14,19,21 28:9 29:16 32:20 32:25 33:2 35:19 35:21 48:16 96:8 98:25 99:22 service 21:3 Services 10:8 21:2 session 79:17 set 1:23 102:11,18 seven 34:12 several 97:9 sheet 51:7,9,10 57:1 87:5 sheets 69:9 shift 43:20,23 45:10 47:19 50:5,22 51:1 53:16,21 55:4,6 66:14 70:19 short 40:17 57:25 59:10 60:23 61:5 shoulder 40:19 41:25 42:5,17 43:1,18 49:6 53:22 55:3 56:19 58:6,15,22 59:6 59:15,19 61:3,17 62:8 71:18 76:17 80:4,9,13,21 84:18 85:13,23 86:5,21 88:14 89:2 90:6,13 91:20 92:16 94:22 95:11 shoulders 89:11 show 51:9 shown 68:3 shows 64:18 shut 51:2,13 shutdown 50:17 side 51:11 52:9 77:20,21,24 78:14 81:12,15,18 82:4
---	--	---	---	--

82:6 86:12 87:20 87:21 91:19 Signature 100:13 significance 50:8 57:21 62:7 64:24 signs 53:21 55:2,13 56:18 61:20 74:12 94:9 simple 72:17 73:16 simply 5:16 since 27:23 30:4 33:16,22,25 36:4 45:6,14,19 sit 41:19 42:21 sitting 36:21 situation 4:8 31:17 31:18 35:8 36:17 situations 59:3 six 9:22,24 64:4 Skylight 2:5 Social 8:1 some 3:21,25 6:7 24:21,22 27:6 30:24 31:24 33:22 34:5 36:15 44:13 47:12 52:21,22 65:21 68:11 70:10 84:13 91:5 96:15 someone 17:10 22:3 39:22 88:2,3 something 4:22 5:16 6:2 12:19 20:5 27:15 53:1 54:13,14,15,16,21 54:22 72:4 73:3,8 76:11 84:14 86:17 sometime 11:3 33:4 50:22 51:3 73:14 76:20 96:18 sometimes 22:2 39:19 46:4 soon 100:10 sorry 28:22 34:1 37:11 38:4,23 54:5 58:17 62:1 62:18 67:10 71:12 72:9 96:9,10 99:17 sort 17:1 37:6 40:13 59:20 79:13 87:13 South 7:3,8,19 Southwest 1:20 2:10 7:9 11:2,4,7 13:24 14:8 16:7	16:17 18:13,15 20:13 21:23 22:6 24:18 26:14 29:20 32:21 33:5 39:11 40:3,16,20,22 41:20 43:8 49:8 specialized 15:2,6 specific 45:3 94:4 specifically 52:3 66:7 77:13 specified 102:14 specimens 37:19 speculate 85:4 speculating 44:18 speculation 44:19 spell 16:13 Square 2:22 SS 102:4 staff 18:17 44:4 stage 56:22 68:21 stand 53:5,8,13 standard 57:9 standards 80:12 standby 90:3 standing 69:2 78:21 78:24 standpoint 12:18 65:5 92:8 start 6:1,7 11:6 20:17,20 28:11 33:19 56:23 started 11:3 15:14 16:3,16 22:13 32:15,16 33:4 34:1 43:20 55:16 57:13,19 starting 20:24 starts 57:3,4,10 state 1:19 3:8 65:1 102:3,8,23 statement 25:21 station 64:25 68:22 stature 59:10 60:23 78:25 status 68:20,20 statute 1:16 stem 30:19 stenotypy 102:11 step 52:11,13 steps 89:9 step-down 9:21 sterile 64:18 82:15 stigmata 59:16	still 16:6 18:8 27:23 37:20 68:5 87:21 93:6,24 stipulations 1:20 stomach 78:7 stood 50:6 stool 78:21,24 79:12 Street 2:6 strike 92:25 strips 56:14,16 strokes 72:13 studies 59:2 stuff 6:8 subject 24:25 subjects 47:17 submit 37:15 Subscribed 101:18 subsequent 24:19 25:18 28:13 suffered 94:20 95:5 suggesting 65:20 73:6 suicidal 27:7 28:1 28:20 suicide 27:9 supervising 17:23 supervision 17:12 supervisor 16:9 18:1,4 22:23 supervisors 14:23 19:13 supposed 57:5 suprapubic 72:13 72:16,18,20 73:13 74:22 75:1 85:18 86:4 91:22,23 92:1,3 sure 3:10 4:18 14:3 14:4 24:4 26:4 29:13 34:13 38:12 47:11 54:5 58:19 60:1 76:5 79:4 96:17 surface 23:19 29:4 surrender 37:7,12 surrendered 37:2 suspended 13:22 sustained 90:20 swear 4:10 switched 54:7 Switzer 2:12,13 14:1,4 24:7 25:10 25:22 26:5 27:10	31:24 32:22 37:9 50:14 54:3,6 57:24 62:3 63:25 67:12,15 76:12 78:8 80:22,24 81:6 83:6,8 84:25 85:3 88:12 93:9 100:2,6,9 sworn 3:3 39:4 101:18 102:10 system 50:18 51:2 51:13 <hr/> T <hr/> take 4:18 5:9 9:11 9:15 10:25 15:6 15:20 24:11 31:23 36:18 40:4 57:25 90:3 91:11 99:14 99:16,18 100:11 taken 1:17 4:5 44:3 52:15 89:9 102:14 taking 45:1 95:23 96:10 99:6,22 talk 45:7,17,21 talked 39:9 45:10 45:11 95:12 talking 44:12 45:24 76:2,7 tall 59:23 79:2 team 19:5,8 86:24 86:25 87:3 89:15 89:19,25 92:15 93:1,15 technically 18:4 tell 4:10 5:16 6:18 7:22 27:2 48:21 49:13 54:10,17,22 78:13 84:11 92:24 93:4,14 telling 25:12 32:1 46:6 70:2 91:21 ten 68:2 80:7 Tenney 1:4 7:10 18:5,5 39:13 41:5 Tenneys 44:6 Tenormin 95:24 Terminal 2:21 terminated 19:24 27:22 31:11,13,15 35:10 terminating 20:8 20:10	terminology 78:6 terms 12:16 17:2 22:21 24:21 49:9 52:23 53:8 56:16 60:17 62:7 72:17 74:22 87:23 92:8 93:12 test 15:20 testified 38:24 testify 38:16,21 102:10 testimony 22:8 27:25 29:7 38:20 39:4 41:5,6,13 47:21 96:16 98:12 102:11,12 Thank 83:12 95:15 Thanks 68:5 100:1 their 39:21 thing 5:20 13:8 56:3 59:11 89:7 things 4:2 15:10 17:2 30:1 39:19 51:12 53:1 65:3 97:15 think 3:14 6:2 25:3 26:6 31:25 35:6 50:18 55:1 83:8 though 5:5 18:10 59:21 64:1 82:1 97:24 thought 30:1 threatening 25:12 three 22:22 42:22 82:15 86:8 through 10:9,13 15:18 16:6,10 21:10 52:16 55:10 79:5 95:9 97:8 101:3 tilt 62:16,17,18,25 63:5,23 time 4:6,18 5:10 8:20,22 9:5 10:2 13:17,23 21:1 22:16 24:24 28:5 32:13,14 33:2 34:6,10 35:17 40:17 46:12,22 47:5,19,23 50:5 50:15 55:17 56:6 56:10 58:24 61:25 63:1,11 66:13 67:10 71:17 74:1
--	--	--	---	--

74:9 76:15 79:17 79:21 81:16,20 82:6,11 83:9 88:4 88:8 92:22 94:21 95:3 96:5,13 97:13,14 98:10,16 98:21,22 99:7 102:14 timely 12:10,20 14:25 times 11:23 67:13 77:10 81:2 97:11 97:25 timing 12:5 52:23 53:1,5 title 9:1 18:9 toco 69:11,20 70:5 70:11 today 4:15 5:3 41:24 42:7,9,12 95:20 told 13:4 14:15 25:10 34:1 35:6 38:10 43:14 69:23 77:3,6,9 85:18 ton 30:3 top 51:23 78:9 79:14 totally 25:8 26:17 toughest 5:25 toward 70:24 towel 39:20 towels 82:15 Tower 2:5,21 tracings 53:17 trained 6:15 58:12 training 15:3,6 transcribed 102:12 transcript 54:12 100:3 101:2 transcription 102:12 transcripts 41:4 transferred 44:1 45:1 90:25 transpired 45:25 treated 25:3 28:4 34:21 treatment 33:8 34:5 96:1,3 trial 5:2,6 triggered 29:24 triggering 28:19	true 7:10 14:8,25 16:7 18:1,10 43:21 45:4 50:22 51:20 52:1 53:6 53:14 56:14 57:14 63:20 64:10,15,19 65:17 68:3,4 69:24 70:2 75:2 75:16 76:18 88:11 90:15 92:9,11 94:25 102:12 truth 4:10,11 102:10,10,10 truthfully 49:16 try 4:23 65:21 85:23 86:17 trying 24:19 86:10 86:14 two 15:19 21:9 76:1 76:15 77:10 79:11 81:2 type 10:15 13:8 38:19 39:2,3,15 54:19 72:12,14 typed 73:1 74:10 typo 72:25 U Uh-huh 6:6 16:5 74:2 ultimate 13:10 unknownst 39:22 uncomfortable 31:16 35:7,13,13 36:16 65:15 undeniable 67:9 under 1:16 17:11 26:22 28:7 37:23 38:1 72:11 76:12 102:16 understand 3:19 4:19,20 18:25 24:4 37:11 49:25 50:11 59:22 61:13 64:6 understanding 13:9 17:18 61:15 unfounded 13:13 unit 9:21 44:14 unless 24:11 54:10 63:16 75:24 76:10 77:6 unrelated 10:16	25:6 26:17 unsuccessful 65:17 until 5:22,23,24 9:18,24 20:24 22:18 29:5,6 30:16 35:6,19 43:24 47:19 50:5 56:10 58:24 61:18 70:19 71:17 73:20 74:10 98:11 urge 67:9 Urmila 1:8 2:18 use 96:3 used 17:13 85:22 usual 89:24 Usually 50:14 uterus 78:10 79:14 V V 16:14 vaginal 64:19 67:22 vague 46:23 81:22 variability 56:4 variety 10:21 various 10:12 96:20 very 5:4 22:2 28:21 36:16 68:8 vital 94:9 voluntarily 9:13 11:10 20:1 25:19 vs 1:7 W wait 5:22,23,24 waiting 39:8 waived 100:13 waiver 100:5 walking 44:15 want 5:15 12:8 24:8 24:9 60:15 61:23 64:5 65:21 71:25 85:3 91:18 wanted 69:3 wants 24:12 warmer 93:8 washcloth 86:16 washed 83:20 wasn't 31:7,7 32:25 37:14,17 57:7 72:10 way 6:3,5 19:2 25:12 47:24 61:16 95:3 98:1	Wayside 35:25 36:7 36:14 WEDNESDAY 1:12 weeks 22:22,22 weight 59:10 60:3,5 60:24 61:4,9 well 38:14 50:13 59:2 99:23 went 8:5,11 9:22 20:23 50:3 57:16 73:7,11,19 83:20 92:17 were 6:15 7:8,9 8:23 9:5,25 10:2 11:14,15,17,19,23 12:10,19 13:17 14:23 15:12 16:6 16:9,23 17:2,3,21 19:6,24 20:5,10 21:12 22:5,20 23:2,8,9 24:18 26:21 27:3,25 28:7 29:7 30:2 31:8,11,15 32:21 33:8,11 34:5 35:2 35:7,13,17 36:15 37:5,8,17 39:10 42:22,25 43:7 44:25 45:8,9,12 47:22 48:12,15 50:25 53:21,24 55:2,13 56:18 60:10,18 61:20 64:12,12 65:3,4 65:24 68:11 70:18 70:21 73:8 74:12 76:15 77:15,19,23 77:24 78:16,16,24 82:10 84:5 85:18 86:2 87:20 88:1 89:2,9 90:14 93:7 93:12,15 96:7,10 96:16,17,25 97:15 98:25 99:6,22 weren't 11:12 12:21 65:20 92:6 West 2:6 Weston 2:19 we'll 4:3 14:11 24:10 33:19 44:6 we're 5:5,22 57:5 76:7	whereabouts 46:24 WHEREOF 102:18 while 9:5 11:14 13:24 14:18 16:9 39:10 40:20 43:7 50:13 51:12 92:3 93:5 white 76:13 whole 57:21 102:10 Williams 1:21 withdraw 50:12 witness 1:15 100:8 102:18 witnesses 5:21 woman 60:24 worded 50:13 words 12:8 15:6 41:14 77:15 78:18 work 9:17,19 10:5 10:9,12 11:24 20:12 21:17 26:14 30:7,15 31:19 35:24 36:6 38:14 worked 9:21 10:6 13:24 14:19,22 21:9,13 22:18,25 30:5 33:17 35:5 35:19 36:8,9 41:21 43:24 58:5 working 6:12 7:8 8:21,23 9:25 10:2 17:11 23:3,14 37:14,18 40:20 worry 50:15 wouldn't 46:19 51:4 55:4 56:4 74:19 77:5 86:19 88:9,20 write 20:5 39:19 writing 43:4 written 15:25 wrong 12:9 54:21 73:7 82:24 wrote 20:7 X X 99:3 Xanax 99:17,18 Y yeah 55:15 61:13 78:10 85:7 87:12 100:6
--	--	--	---	---

year 8:7,18 10:11 11:4 15:19 yearly 15:17 years 7:6,22 15:19 young 7:22	15 54:19 154 73:25 16 1:12 1660 2:6 190 68:12 198 60:4 1988 8:19 9:8,18 1999 9:18,25 96:6	58 64:2		
0		6		
0.25 99:19 01 35:6 37:13 02 35:21,21	2	6-14-65 7:25 660 2:5 687-3368 2:24		
1	2nd 2:6 20 102:24 2000 11:4,6 16:3,4 18:14 19:25 20:22 20:24 22:13,19 23:20,22 26:14,19 26:21 27:4 28:2,5 28:9 29:1,7,16 30:4,8 32:12,16 32:17,20 33:2,6 33:14 34:4 48:16 95:25 96:8 98:25 99:23 2001 30:9,16,17 33:16,22,25 34:2 34:5 37:4 2002 1:12 101:19 102:19 2003 5:7 2007 102:24 21st 102:19 216 2:8,16,24 241-2600 2:8 2500 2:21 28 100:8 102:17 294-62-1107 8:2	7 7 43:20,25 46:11,22 47:18 50:4 52:16 55:19 7:00 45:10 55:16 7:18 55:8,14,15,16 55:19 64:7,9,15 95:8 7:19 64:15 7:41 64:17 7:43 62:12,13 63:1 63:5,11,15,20 64:2 7:44 62:25 63:6,22 64:3 7:59 65:7		
	3	8		
1 101:3 1:22 100:12 10:10 68:5,25 10:15 57:3 10:48 83:9,11,16,20 10:52 69:9 70:4,13 10:53 51:16 70:19 82:25 83:3,9,11 100 101:3 11 76:8 11:00 1:23 11:04 98:10,11,18 11:05 82:21 83:3,5 83:13,17,22,24 11:08 73:22 74:4,8 74:8,15 75:4 76:12,21,23 79:17 81:2 83:14 11:13 74:1,4,8,10 76:20,22 11:15 75:15 76:2,25 79:17 81:2 11:16 81:5 11:17 55:11 11:18 81:5 11:20 52:17 62:2 81:9,20 83:25 85:14,17 86:3,11 90:7 93:16 98:11 11:23 71:25 72:2,6 73:8,9,14 85:17 86:3,11 91:21 11:24 52:18 86:24 87:1 90:9 92:15 93:16 11:41 92:12 12:06 93:21 13:43 92:17 1320 7:3 1344 72:24 73:20 1400 2:14	4 40 99:8 44035 6:23 44113 2:7,23 44114 2:15 448548 1:7	9 9:13 76:8 9:14 66:15 67:2,6 9:57 56:24 67:8,11 90 16:18 22:6 90-day 16:24 17:12 17:19 915 6:22 95 29:4,6 95:18 103:4 97:22 103:6		
	5			
	50 2:22 53 60:7			