

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

JUNE M. HAYES, etc.,  
Plaintiff,

vs

Case No. 383210

JUDSON RETIREMENT  
COMMUNITY, et al.,

Defendants.

- - - - -  
DEPOSITION OF DIANNE SOUKUP

WEDNESDAY, SEPTEMBER 13, 2000

- - - - -  
The deposition of DIANNE SOUKUP, the Witness  
herein, called by counsel on behalf of the  
Plaintiff for examination under the statute,  
taken before me, Vivian L. Gordon, a Registered  
Diplomate Reporter and Notary Public in and for  
the State of Ohio, pursuant to agreement of  
counsel, at the offices of Becker & Mishkind,  
Skylight Office Tower, Cleveland, Ohio,  
commencing at 11:00 o'clock a.m. on the day and  
date above set forth.

1 APPEARANCES:

2

3 On behalf of the Plaintiff

Becker & Mishkind

4 BY: JEANNE M. TOSTI, ESQ.

Skylight Office Tower Suite 660

5 1220 W. 2nd Street

Cleveland, Ohio 44113

6

On behalf of the Defendant Judson Retirement

7 Community

Slater & Zurz

8 BY: BRUCE S. GOLDSTEIN, ESQ.

One Cascade Plaza Suite 2210

9 Akron, Ohio 44308-1135

10 On behalf of the Defendant Irvin

Davis & Young

11 BY: JAN L. ROLLER, ESQ.

1700 Midland Building

12 Cleveland, Ohio 44115

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

6                       EXAMINATION OF DIANNE SOUKUP

7           BY MS. TOSTI:

8           Q.       Would you please state your full name  
9           for us and spell your last name.

10          A.       Dianne Marie Soukup S-O-U-K-U-P.

11          Q.       What is your home address?

12          A.       862 Overlook Ridge Drive, Cleveland,  
13          Ohio, 44109.

14          Q.       Have you ever had your deposition  
15          taken before?

16          A.       Yes.

17          Q.       How many times?

18          A.       Once.

19          Q.       Was it in a medical malpractice case?

20          A.       Yes.

21          Q.       Was Judson Retirement Community a  
22          defendant in the case?

23          A.       Yes.

24          Q.       What was the allegation of negligence  
25          in the case?

1           A.     There was an oxygen issue. I'm not  
2 really sure. We were named along with everybody  
3 else.

4           Q.     What was your understanding of the  
5 oxygen issue?

6           MR. GOLDSTEIN: Let me have a  
7 continuing objection to the line of question as  
8 irrelevant. Go ahead and answer.

9           A.     Lack of oxygen on the transport from  
10 the hospital via the ambulance to Judson.

11          Q.     Do you recall the name of the  
12 plaintiff in that case, or the patient?

13          A.     No.

14          Q.     What was the outcome of that case?

15          A.     It was thrown out.

16          Q.     Dismissed?

17          A.     Yes, dismissed. Not substantiated.

18          Q.     Was that case filed in Cuyahoga County  
19 here?

20          A.     I'm not sure. I would assume so.

21          Q.     Have you ever given any trial  
22 testimony?

23          A.     No.

24          Q.     I want to review for you a few of the  
25 ground rules for a deposition. I am sure

1 Mr. Goldstein has had a chance to speak with you,  
2 but this is a question and answer session. It's  
3 under oath.

4 It's important that you understand the  
5 questions that I ask you. If you don't  
6 understand the questions, just let me know and  
7 I'll be happy to restate them or to rephrase  
8 them; otherwise I'm going to assume that you  
9 understood my question and that you are able to  
10 answer it.

11 If at some point you wish to refer to  
12 any records that Mr. Goldstein has provided to  
13 you, please feel free to do so.

14 At some point during the deposition,  
15 defense counsel may choose to enter an  
16 objection. You are still required to answer my  
17 questions, unless Mr. Goldstein instructs you not  
18 to do so.

19 It's also important that you give all  
20 of your answers verbally, because our court  
21 reporter cannot take down head nods or hand  
22 motions.

23 Do you understand those directions?

24 A. Yes.

25 Q. Would you tell me what you have

1 reviewed for this deposition?

2 A. We met yesterday and we reviewed some  
3 memos that went back and forth that were written,  
4 and some Judson articles, papers.

5 Q. Did you review any of the medical  
6 records **of** William Hayes?

7 A. He had the medical record, but I did  
8 not look at it.

9 MR. GOLDSTEIN: Let me correct  
10 something on the record. I did show you the memo  
11 from Laurie Thill, and that's a part of the  
12 chart. So in order to ensure that this is  
13 accurate, I am adding that too.

14 MS. TOSTI: What memo are you  
15 referring to, Bruce?

16 MR. GOLDSTEIN: The addendum note.

17 Q. In regard to the memos that you  
18 previously referenced, what memos did you look  
19 at?

20 A. There was a memo that Donna Joseph  
21 wrote, I think to David Clark, that had per a  
22 conversation with Dianne Soukup. I reviewed  
23 that. A unit coordinator record that is given to  
24 the unit coordinator, that piece **of** paper I  
25 looked at and reviewed.

1           Q.     You did not review any records from  
2 Hillcrest Hospital; is that correct?

3           A.     That's correct, no.

4           Q.     Have you reviewed any deposition  
5 testimony in this case?

6           A.     No.

7           Q.     Do you have any personal notes or a  
8 personal file on anything that is in reference to  
9 this case?

10          A.     No.

11          Q.     Have you ever generated any such notes  
12 or kept a personal file on anything related to  
13 Mr. Hayes or in reference to this case?

14          A.     No.

15          Q.     And aside from the memos that you  
16 reviewed with Mr. Goldstein, do you have any  
17 personal notes or anything to do with a former  
18 Judson Retirement Community employee named  
19 Patricia Redwood?

20          A.     No.

21          Q.     Since this case was filed, have you  
22 discussed this case with anyone from Judson  
23 Retirement Community?

24          A.     I haven't discussed the case, but I  
25 was aware when it was filed. They called me and

1 suggested that I might be deposed down the road.

2 Q. Who did you speak to? Who was the  
3 contact?

4 A. Tina Satala, probably about six or  
5 seven months ago, I think.

6 Q. And does Tina Satala have some type of  
7 title at Judson Retirement Community?

8 A. She is like -- I'm not sure what her  
9 title is, to be perfectly honest.

10 Q. Well, what is your understanding as to  
11 her position at Judson Retirement Community?

12 A. Well, her position is she works for  
13 David Clark, who is the vice-president of  
14 operations, and she is -- I don't know what her  
15 title is -- but a quality person who reviews,  
16 gets Judson prepared for surveys and reviews what  
17 is going on.

18 So I mean, she is not a vice-president  
19 of operations, but she is his right-hand man.

20 Q. Did she tell you what the subject  
21 matter might be if you were deposed? Did she  
22 discuss with you why it would be that you might  
23 be called as a witness?

24 A. No. She just mentioned the name of  
25 the patient and asked if I remembered them at



1 that time.

2 Q. What did you tell her?

3 A. I said not really.

4 Q. Other than with counsel, have you  
5 discussed this case with anyone else?

6 A. No.

7 Q. Who is your current employer?

8 A. I work for Specialty Health Care of  
9 Cleveland.

10 Q. And what is your current title?

11 A. Director of quality management.

12 Q. And when did you first become employed  
13 there?

14 A. December 10th of '99.

15 Q. What do you do for Specialty Health  
16 Care? What is it that your job entails, just  
17 briefly?

18 A. Policies and procedures forms, getting  
19 ready for JACHO surveys, any ODH complaints, CLEA  
20 license issues.

21 Q. Do you hold any professional licenses?

22 A. I'm a registered nurse, certified in  
23 gerontological nursing.

24 Q. What type of program was your basic  
25 nursing program?

1           A.     Bachelor of science in nursing,  
2     four-year degree.

3           Q.     And where did you obtain your degree  
4     from?

5           A.     Ursuline College.

6           Q.     What year?

7           A.     I graduated in '90.

8           Q.     And do you hold any type of further  
9     certification, any additional professional  
10    certifications beyond your basic nursing  
11    education?

12          A.     Other than the certification in  
13    gerontological nursing, I took a test.

14          Q.     When did you obtain your certification  
15    in gerontological nursing?

16          A.     '97.

17          Q.     In November of '97, who was your  
18    employer?

19          A.     Judson Park Retirement Community.

20          Q.     When did you first become employed at  
21    Judson Retirement Community?

22          A.     '95, 1995, July.

23          Q.     What was your title when you were  
24    initially hired at Judson?

25          A.     Resident care manager.

1 Q. And is that the same title that you  
2 held until the time that you terminated your  
3 employment there?

4 A. Yes.

5 Q. When did you leave employment with  
6 Judson Retirement Community?

7 A. '97 or '98. I went to -- '98.

8 Q. Do you know what month in 1998?

9 A. It was the beginning **of** December, or  
10 I'm sorry, January or February.

11 Q. What was the reason that you left your  
12 employment?

13 A. I went to another position.

14 Q. But was there a reason why you left  
15 Judson and went to the other position?

16 A. It was as a director of nursing of a  
17 start-up facility in Elyria, so it was a growth.

18 Q. What was the name **of** the facility?

19 A. Life Care Center of Elyria.

20 Q. How long did you work there?

21 A. Six months.

22 Q. Why did you leave that position?

23 A. I was enrolled at Baldwin-Wallace for  
24 my masters in business administration, the  
25 Executive MBA program, and it was too difficult

1 to work full time and do that, so I decided to  
2 consult.

3 Q. And what were you consulting in?

4 A. Nursing. I worked for New Health  
5 Management.

6 Q. What type **of** consultant work were you  
7 doing?

8 Let me rephrase that. Who were you  
9 consulting with?

10 A. Various nursing homes and hospitals in  
11 the Ohio area, especially for their skilled  
12 nursing units.

13 Q. And following your consulting  
14 position, where did you go for employment?

15 A. To Specialty.

16 Q. Who did you work for prior to Judson  
17 Retirement Community?

18 A. Cleveland Clinic Foundation.

19 Q. What type of position did you have  
20 with The Cleveland Clinic?

21 A. I was charge nurse of their skilled  
22 nursing unit that they opened up brand new, and  
23 then **prior** to that, I worked on the orthopedic  
24 plastic sports medicine floor as a floor nurse.

25 Q. How long did you work at Cleveland

1 Clinic?

2 A. Since I graduated in '90 from Ursuline  
3 to the time I left, resigned from subacute, and I  
4 went to Judson.

5 Q. For the balance of this deposition,  
6 unless I tell you differently, my questions are  
7 going to refer to the time period of November of  
8 1997 when William Hayes was a patient at Judson  
9 Retirement Community.

10 If I am referring to another period of  
11 time, I will let you know that.

12 A. Okay.

13 Q. In November of 1997, as resident care  
14 manager, who did you report to?

15 A. Donna Joseph.

16 Q. And she was director of nursing; is  
17 that correct?

18 A. Director of nursing.

19 Q. Were you a full-time employee at  
20 Judson Retirement Community at that time?

21 A. Yes.

22 Q. And as resident care manager, what  
23 were your duties and responsibilities?

24 A. To make sure that the floor ran  
25 smoothly, if possible, basically. I had a

1 staff. I was responsible 24 hour, seven making  
2 sure staffing was there; patients were there; the  
3 doctors were notified of the residents being  
4 admitted; the staff; concerns of families,  
5 residents, staff; hiring staff.

6 Q. During the time that you were employed  
7 at Judson Retirement Community, did you encounter  
8 any problems with staffing shortages?

9 MR. GOLDSTEIN: Objection. Go ahead.

10 A. I guess it's how you define staffing  
11 shortages. There is always the call-offs where  
12 you have to get coverage either via your own  
13 people or nursing agencies. But I don't think we  
14 ever -- well, we never fell below the state  
15 staffing norm.

16 Q. So on all shifts, on all days, you met  
17 the state requirements in regard to staff?  
18 You're nodding.

19 A. At least I can speak for the sixth  
20 floor, which I was in charge of, yes.

21 Q. You have to answer verbally so that  
22 our court reporter can take it down.

23 A. Sorry.

24 Q. Now, as resident care manager, did you  
25 personally provide any clinical care to the

1 patients?

2           A.       I did not have an assignment, but if  
3 the staff needed help with IVs or issues, I would  
4 assist them.

5           Q.       Did you ever have to take over, say,  
6 charge duty on a floor to supplement for a nurse  
7 that wasn't available to staff it?

8           A.       I think my role was the charge nurse  
9 duty, but I did not take an assignment, if that's  
10 what you are asking me.

11          Q.       Well, let me rephrase the question.  
12                    Did you ever have to handle the  
13 day-to-day work on any shift as a result of not  
14 having a regular staff person available to do it?

15          A.       No.

16          Q.       What were your usual work hours at  
17 Judson Retirement Community?

18          A.       They were flexible. Because I was  
19 going to school and doing other things, I would  
20 try to get in anywhere between 8:00 and 8:30 and  
21 leave around 4:00, 4:30, 5:00 o'clock, Monday  
22 through Friday. Sometimes when I had school, I  
23 would work a Saturday and take off on the Friday,  
24 because I left early or whatever, but basically  
25 it was Monday through Friday.

1 Q. And were there any staff members that  
2 routinely reported directly to you?

3 A. Well, the unit coordinators, the  
4 nurses that worked the floor, and the resident  
5 assistants that worked the floor would report to  
6 me on all three shifts.

7 Q. Now, aside from your position, were  
8 there any persons -- I'm going to refer to them  
9 as nursing supervisors, or were you essentially  
10 the nursing supervisor that oversaw what was  
11 going on in the skilled unit?

12 A. Well, I was the nursing supervisor for  
13 the skilled unit, but we had nursing supervisors  
14 on 3:00 to 11:00 and 11:00 to 7:00 that oversaw  
15 the whole house, if you will, the whole Judson.

16 So, they really reported to Donna, and  
17 there was sort of an undefined line to the  
18 resident care managers. It was kind of, they  
19 oversaw the whole thing, but if there was still  
20 an issue, they would page us.

21 Q. On the day shift when you were there,  
22 was there any nursing supervisor that oversaw the  
23 skilled nursing units?

24 A. No.

25 Q. So essentially if there was a problem,



1 it would be directed to you?

2 A. Resident manager, correct.

3 Q. Now, you indicated that the unit  
4 coordinators reported to you; is that correct?

5 A. Uh-huh.

6 Q. What was your understanding as to the  
7 duties and the responsibilities of the unit  
8 coordinators?

9 A. They were the front line person that  
10 the residents first saw, the patients, when they  
11 came on the floor. They were responsible for  
12 answering the phones, doing miscellaneous  
13 computer work, paperwork, making appointments;  
14 basically answering the phone and concerns in  
15 getting the people to the right place, especially  
16 the doctors; faxing a lot of information, making  
17 ambulance arrangements; helping me with the  
18 computer; and forms, the forms that we needed to  
19 do for the skilled unit, and policies.

20 Q. What responsibilities, if any, did the  
21 unit coordinators have in regard to doctor's  
22 orders?

23 A. At the beginning, when I first  
24 started, the unit coordinators did not take  
25 doctor's orders off, but then with the skilled

1 unit -- Judson was in a transition of making it  
2 more skilled -- the unit coordinators were  
3 educated to function like hospital nurses or unit  
4 coordinators, in a way, and start to take  
5 doctor's orders **off**, but it was still the nurse's  
6 responsibility to make sure that they were  
7 accurate.

8 Q. So in November of '97, were the unit  
9 coordinators assisting the nurses in transcribing  
10 orders?

11 A. I'm not sure. I'm not sure when we  
12 did that transition.

13 Q. I am going to hand you what has been  
14 marked as Plaintiff's Exhibit Number 1.

15 - - -  
16 (Thereupon, Soukup Deposition  
17 Exhibit 1 was marked for  
18 purposes of identification.)

19 - - - -  
20 Q. Let me show it to you. I believe  
21 Plaintiff's Exhibit Number 1 bears the title of  
22 unit coordinator - skilled unit, and I would ask  
23 if you have seen this document before?

24 A. I can't say I have.

25 Q. Now, this particular document

1 indicates at the top that the unit coordinator  
2 reports to the resident care manager, and it has  
3 a date on the document as November 4th of 1997.

4 Would you agree that this appears to  
5 be a job description for the unit coordinator?

6 A. Yes, it appears to be.

7 Q. And the date on it, November 4th of  
8 1997, would you agree that this would be the job  
9 description applicable to the unit coordinator in  
10 November of 1997?

11 A. It appears to be.

12 Q. Do you have any reason to think that  
13 it is not the job description for the unit  
14 coordinator in November of 1997?

15 A. No, I don't have any reason.

16 Q. Judson did have job descriptions for --

17 A. Everybody had job descriptions.

18 Q. Let me finish. Judson did have job  
19 descriptions for the unit coordinator in November  
20 of 1997; is that correct?

21 A. That's correct.

22 Q. Now, number one under essential  
23 functions of the unit coordinator on Plaintiff's  
24 Exhibit Number 1, it indicates responsible for  
25 accurate transcription of orders, providing all

1 necessary paperwork to ensure smooth admission  
2 process. Do you see that?

3 A. Yes.

4 Q. Would you agree that this would  
5 indicate that within the duties of the unit  
6 coordinator in November of 1997 that their  
7 essential functions were to do accurate  
8 transcriptions of orders?

9 A. Yes.

10 Q. Now, when the unit coordinators were  
11 taking some action in regard to transcribing  
12 orders, were the nurses responsible for making  
13 sure that when the unit coordinator took an  
14 action on a doctor's order, the unit coordinator  
15 was carrying out his or her duties correctly?

16 A. Can you repeat that?

17 (Thereupon, the record was read.)

18 Q. Let me rephrase that question since  
19 it's not very clear.

20 Were the nurses responsible for making  
21 sure that when the unit coordinators were taking  
22 action on a doctor's order, the unit coordinators  
23 were carrying out their duties correctly?

24 A. When there was an admission and the  
25 unit coordinators were carrying out their duties

1 or taking the orders out, yes, it's the nurse's  
2 responsibility to double-check them to make sure  
3 they are accurately done.

4 Q. If the unit coordinator scheduled a  
5 test, it would be the responsibility of the  
6 nurses to follow up to make sure that that test  
7 was scheduled correctly?

8 A. Yes.

9 Q. Now, in November of 1997, did all of  
10 the shifts at Judson Retirement Community in the  
11 skilled units have unit coordinators working on  
12 them?

13 A. No.

14 Q. When were unit coordinators available  
15 in the skilled units? And I am specifically  
16 speaking, I believe, unit E.

17 MS. ROLLER: What did you say?

18 MS. TOSTI: Unit E.

19 A. The unit coordinators hours Monday  
20 through Friday were roughly like a 9:00 to 5:30  
21 position, and there was no weekend coverage of a  
22 unit coordinator role.

23 Q. So if the nurses wanted a diagnostic  
24 test scheduled, what procedure would they follow  
25 then on a weekend when a unit coordinator was not

1 available?

2 A. The information that they received,  
3 they would call the hospital or whatever, whoever  
4 they would call, and make the appointment  
5 themselves and make the ambulance arrangements  
6 themselves and put it in a calendar.

7 Q. Did the nurses ever fill out a request  
8 form and leave it for the Monday unit coordinator  
9 to take care of?

10 A. I can say that's possible. There is a  
11 unit, there was a unit coordinator req to be  
12 filled out for the appointments to be made, but  
13 if a person was admitted and it needed to be made  
14 quickly, nursing was aware to do it. So I can't  
15 speak for every person.

16 Q. But the system was in place that if  
17 the nurse wanted a unit coordinator to take care  
18 of the scheduling, they would fill out a form and  
19 put it --

20 A. In the unit coordinator's box. There  
21 is two boxes on the floor.

22 Q. And then the unit coordinator would  
23 check that periodically and take care of whatever  
24 the request was?

25 A. At least three times a day she would

1 do rounds to check to see what was in her box.

2 Q. And were you aware of instances where  
3 nurses on the weekend would make requests that  
4 would go into the box for the unit coordinator to  
5 take care of on a Monday?

6 A. Was I aware? I think it happened both  
7 ways. I think, depending on the admission and  
8 what was going on with the patient, nursing  
9 either did it themselves or they put it on a req  
10 for the unit coordinator to do. So I think it  
11 happened both ways.

12 Q. It was an acceptable procedure, to  
13 fill out a requisition, put it in the unit  
14 coordinator's box and allow the unit coordinator  
15 to take action on a Monday then, if it was a  
16 weekend when the order was transcribed?

17 A. Right, and it wasn't a stat type of  
18 issue.

19 Q. If the nurses were indicating to a  
20 unit coordinator on the request form that they  
21 wanted a test scheduled, what information was it  
22 necessary for the nurses to include? How were  
23 they supposed to fill those request forms out?

24 A. In the busy day of things, nursing,  
25 who doesn't like to fill them out, the name of

1 the patient, the room number, what kind of tests  
2 that they are doing, if they have the phone  
3 number or doctor's office or whatever they would  
4 put on there. Transportation needed to be  
5 checked, because the unit coordinator would make  
6 the transportation arrangements too.

7 Q. With the nurses, if there was a  
8 particular date that the test was supposed to be  
9 done, would that also be included on the request  
10 form to the unit coordinator?

11 A. Yes. Whatever was on the order that  
12 came across with the patient.

13 Q. Any time that the nurses were  
14 requesting that the unit coordinator schedule a  
15 test, were the nurses required to make that  
16 request in writing?

17 A. Required? We tried to make sure that  
18 the nurses used the unit coordinator req, but in  
19 some situations, people would ask the unit  
20 coordinator to do it verbally.

21 Q. What was the policy of Judson? What  
22 was the policy in regard to making a request to  
23 the unit coordinator to schedule a diagnostic  
24 test?

25 A. I'm not sure what their policy was.



1           Q.       But there were instances when there  
2       was a verbal communication made to the unit  
3       coordinator?

4           A.       Yes.

5           Q.       When the nurses would fill out a  
6       request to the unit coordinator, and the unit  
7       coordinator acted upon the request, would there  
8       be any communication by the unit coordinator back  
9       to the nurse that the action had been completed,  
10      taken care of?

11          A.       Not all the time. The unit  
12      coordinator would make the ambulance arrangements  
13      and put it in the calendar.

14          Q.       And if the unit coordinator was  
15      scheduling a diagnostic test, would the unit  
16      coordinator fill out any additional forms in  
17      regard to the test?

18          A.       Other than a transfer form that would  
19      go with them with the ambulance req.

20          Q.       **So** normally if the unit coordinator  
21      had to arrange transportation, she would fill out  
22      another form referring to the transportation?

23          A.       Yes.

24          Q.       What information would be on the  
25      transportation form?

1           A.     Depending on what ambulance company  
2     you used, each of them had different req's that  
3     needed to be filled out for Medicare,  
4     reimbursement purposes, whatever, so it would  
5     depend. Patient's name, room number, Medicare  
6     number, other important financial information or  
7     insurance information is what I am looking for.

8           Q.     The date and the time that the  
9     transportation was supposed to take place?

10          A.     Right.

11          Q.     And who would choose the transporting  
12     company?

13          A.     Well, the unit coordinator would,  
14     because she would know if they were a straight  
15     Medicare person or a Kaiser person. Kaiser had a  
16     contract with a different ambulance company than  
17     who Judson had a contract with. **So** there was two  
18     ambulance companies we utilized.

19          Q.     Did you ever have any personal contact  
20     with William Hayes?

21                 MR. GOLDSTEIN: With him?

22                 MS. TOSTI: Yes.

23          A.     I can't remember if I met him, but I  
24     know there was some -- I really can't remember if  
25     I met him the first day that he was there.

1           Q.     Well, I am not asking you the first  
2     day. I'm asking whether you ever had any -- let  
3     me finish -- whether you ever had any personal  
4     contact with William Hayes?

5           A.     I can't answer that. I can't remember  
6     if I did.

7           Q.     Did you ever have any contact with any  
8     of his family at any time?

9           A.     I had telephone conversations with his  
10    daughter.

11          Q.     Do you know which daughter?

12          A.     I don't remember the name of the  
13    daughter.

14          Q.     When did you have conversation with  
15    Mr. Hayes' daughter?

16          A.     When he was first admitted, the  
17    daughter had some concerns about the room and  
18    environment, to our case manager, who left me a  
19    voicemail message and a phone number, and when I  
20    came in the next day, before I could even call  
21    her, she called me and was very concerned about  
22    the room and her father's admission.

23          Q.     What specifically was she concerned  
24    about?

25          A.     There was no clock, no radio, no TV.

1 He was in a private room and she wanted him to be  
2 transferred to a different facility.

3 Q. Did you have just one conversation  
4 with the family member?

5 A. I had the initial phone call when she  
6 called me, and then we were looking to transfer  
7 the person to a different facility, and there was  
8 no beds available, working with our case manager,  
9 so I did talk to her about that. And then the  
10 decision at that point was for him to still stay  
11 at Judson because there was not a bed available  
12 somewhere else.

13 Q. You never had any conversations with  
14 June Hayes, his wife; is that correct?

15 A. I'm not sure. I don't know if I  
16 talked to the daughter or June. I talked to a  
17 Hayes and I don't remember.

18 Q. You don't have any recollection of  
19 speaking specifically to his wife, though;  
20 correct?

21 A. No, I don't have a recollection.

22 Q. You mentioned that there was a case  
23 manager that had left you a voicemail message in  
24 regard to a contact made by the daughter. Who  
25 was the case manager?

1           A.     Marcia Phillpots is our case manager  
2     at the time.

3           Q.     In November of 1997 as resident care  
4     manager, were you Patricia Redwood's supervisor?

5           A.     Yes.

6           Q.     Did you participate in any way to hire  
7     Pat Redwood as a unit coordinator?

8           A.     Yes.

9           Q.     Did you interview her when she first  
10    came to Judson?

11          A.     Yes.

12          Q.     And in September of '97, was that -- I  
13    believe her hire date was September 2nd of 1997  
14    -- would that time or about that time be the  
15    first time that you had ever met her?

16          A.     Pat worked at The Cleveland Clinic  
17    Foundation and I worked at The Cleveland Clinic  
18    Foundation, but we did not work together there.  
19    I did not meet her there.

20                 I'm not sure about the hire date. Pat  
21    was hired as a temporary, because my unit  
22    coordinator was on maternity leave, and she came  
23    back one day and then Pat was a temporary  
24    person. My other unit coordinator came back the  
25    first day and decided she didn't want to work and

1 leave her little one at home and Pat became a  
2 full-time Judson employee, so I'm not sure of her  
3 full-time date.

4 Q. When Pat was hired as a temporary  
5 employee, was she hired as a full-time temporary  
6 employee?

7 A. Yes.

8 Q. What type of orientation did Pat  
9 Redwood receive for her position as unit  
10 coordinator?

11 A. She received -- actually I did her  
12 orientation to the floor, to the unit. The  
13 expectations. And we had a unit coordinator on a  
14 different floor and she also spent time with her  
15 in regard to the computers and the laboratory  
16 issues and that type of stuff.

17 Q. How much time did you spend with her  
18 in orientation?

19 A. She probably had a good week of  
20 orientation. During that Monday through Friday  
21 that she worked, I probably spent about four to  
22 six hours with her that first week.

23 Q. And in regard to the other unit  
24 coordinator, how much one-on-one time did she  
25 spend with Pat Redwood?

1           A.       I would say a total of eight hours.

2           Q.       When Pat Redwood was hired, was she  
3 provided with a job description for her position?

4           A.       Yes.

5           Q.       Now, we just recently looked at a job  
6 description dated November 4th of 1997. There  
7 was a change in her job description. Would that  
8 have been provided to her at the time of the  
9 change?

10          A.       Yes.

11          Q.       In November of 1997, were all  
12 personnel at Judson Retirement Community provided  
13 with a copy of the resident nursing home  
14 patient's bill of rights?

15          A.       All the employees?

16          Q.       Yes. Specifically the unit  
17 coordinators.

18          A.       We have the orientation that is  
19 performed on all new hirees, and in the  
20 orientation, the bill of rights is given to the  
21 staff.

22          Q.       But you indicated that you did  
23 Patricia Redwood's orientation along with the  
24 unit coordinator. Did you give her a copy of the  
25 patient's bill of rights?

1           A.       I can't say that I did.

2           Q.       Do you know if anybody else did?

3           A.       There is a whole-day orientation that  
4 Victoria Gurdy does with all new hirees and she  
5 usually gives the bill of rights to the nursing  
6 staff.

7           Q.       Do you know if Pat Redwood had that  
8 one-day orientation with Victoria Gurdy.

9           A.       In September of 1997, what information  
10 were employees, unit coordinators given when they  
11 started work? What type of orientation materials  
12 were they given?

13          A.       Our policy and procedure books to look  
14 at. Where the unit coordinator sits, there is a  
15 desk full of all the forms and the charts. I had  
16 a mock chart that I sat down and gave to not the  
17 unit coordinators and the nurses of our paperwork  
18 of what is expected for admission, and all the  
19 documents. And everybody gets a copy of all  
20 those documents that go along with it to review  
21 and to understand how to fill them out.

22                   Also, there is copies of documents for  
23 the different ambulance companies and just the  
24 different documents you use on a given day on a  
25 skilled floor or on any floor.



1           Q.     Did you have any type of formalized  
2 performance evaluation of the unit coordinators?

3           A.     We have a yearly -- yes, we have a  
4 yearly evaluation tool that we use on all  
5 employees.

6           Q.     Would that occur after their one-year  
7 anniversary date?

8           A.     Yes.

9           Q.     Did Judson Retirement Community have a  
10 formal disciplinary process that you as a  
11 supervisor were to follow if it was necessary to  
12 discipline or reprimand an employee?

13          A.     Yes, they did.

14          Q.     And was this a process that was in  
15 place from the time that you were hired at  
16 Judson?

17          A.     Yes. Judson is a union environment,  
18 so they are very strict on verbal warning,  
19 written warning, suspension and termination, and  
20 the paperwork that goes with it and the  
21 documentation that needs to go with it.

22          Q.     Did Patricia Redwood have any  
23 disciplinary problems while employed at Judson  
24 Retirement Community when she was under your  
25 supervision?

1 MR. GOLDSTEIN: Objection. Go ahead.

2 A. Not work related. There may have been  
3 an attendance issue, but I don't remember where  
4 she was or where she would be in the discipline  
5 process at the time.

6 Q. I don't understand what you are  
7 saying. Did you ever have to discipline Patricia  
8 Redwood?

9 A. No, I didn't discipline her for any  
10 work or floor issues, but I know she might have  
11 gotten -- at least I remember giving her at least  
12 a verbal on attendance.

13 Q. So you did discipline her?

14 A. On attendance, yes.

15 Q. On an attendance issue. Do you  
16 remember whether that was a verbal, or written  
17 warning or suspension?

18 A. I think it was a verbal.

19 Q. Do you know whether she was ever  
20 disciplined in any other way by anyone else at  
21 Judson Retirement Community while you were  
22 employed there?

23 MR. GOLDSTEIN: Objection. Go ahead.

24 A. I don't remember if she was  
25 disciplined by anybody else.

1           Q.     You don't recall Donna Joseph ever  
2     issuing a verbal warning to her?

3           A.     No, not at this time, no, I don't  
4     remember that.

5           Q.     You don't recall her ever being  
6     suspended at any time?

7           A.     No, I don't.

8           Q.     While you were working at Judson, did  
9     you ever have any personnel under your  
10    supervision suspended?

11                  MR. GOLDSTEIN:  Objection.

12           A.     Yes.  That I suspended?

13           Q.     Just anyone that was working under  
14    your supervision that was suspended as a  
15    disciplinary action.

16                  MR. GOLDSTEIN:  Ongoing objection to  
17    this line **of** questioning.  You may answer.

18           A.     Yes.

19           Q.     Was that a rare occurrence for a unit  
20    coordinator to be suspended?

21           A.     Yes.

22           Q.     Now, if an employee was tardy for work  
23    on a number **of** occasions, would that likely  
24    result in a verbal warning under Judson's  
25    disciplinary policy?

1           A.     Judson's attendance disciplinary  
2 policy had -- which you would have to pull the  
3 policy -- you would get a certain amount of  
4 points and you would start at a verbal, written,  
5 suspension termination, so it's a point type of  
6 thing.

7           Q.     Now, did you ever attend a meeting  
8 with the director of nursing, Donna Joseph, and  
9 Nurse Laurie Thill in which there was a  
10 discussion about William Hayes?

11          A.     No.

12          Q.     Now, I want you to assume that Donna  
13 Joseph has previously testified in this case that  
14 you may have been in attendance at a meeting with  
15 her and Nurse Thill in which there was  
16 discussions about Mr. Hayes. And you have a  
17 clear recollection that you have never attended  
18 any meeting of that sort?

19          A.     Not with both of them that I remember.

20          Q.     Did you ever attend a meeting with  
21 just Donna Joseph in regard to William Hayes?

22          A.     Yes.

23                 MR. GOLDSTEIN: Subject to any  
24 investigation of the incident, there is a  
25 privilege that would apply to that, but I'm okay

1 with what the question was and the answer, but I  
2 want to interpose that objection should you go  
3 further with that line of questioning.

4 Q. When did this meeting with Donna  
5 Joseph occur?

6 MR. GOLDSTEIN: You may answer that  
7 question.

8 A. I guess after the death of Mr. Hayes  
9 and the 911 call. The day after when he was  
10 transferred to the hospital, I reviewed the  
11 chart, and upon reviewing the chart, I met with  
12 Donna Joseph in regard to the chart, the  
13 documentation and the situation that happened.

14 Q. Why were you asked to do that review?

15 A. I review all transfers to the  
16 hospital, 911's, ER's, emergency transfers,  
17 unscheduled transfers back to the hospital or  
18 discharges from the unit.

19 Q. Were you asked to look at anything in  
20 particular?

21 MR. GOLDSTEIN: Objection. I don't  
22 know if she was asked to look at anything or  
23 whether she did it herself as part of her job.

24 Q. Did you conduct an investigation as a  
25 result of your meeting with Donna Joseph?

1           A.     **No.** I review all the charts on the  
2 floor, and then upon reviewing that, since it was  
3 in the supervisor's log and there were issues, I  
4 brought the chart to Donna Joseph and we met  
5 about the chart.

6           Q.     What were the issues?

7           A.     There was an agency nurse that was  
8 on. The person coded in the bathroom. You had  
9 documentation that the family was upset. Also  
10 calling **911**, and there was issues. He was an  
11 unscheduled visit to the ER.

12          Q.     **So** this would be a typical  
13 investigation that you would conduct after an  
14 expiration of a patient that was unexpected;  
15 correct?

16          A.     Correct.

17          Q.     Now, aside from that particular  
18 instance, which was the day following or in close  
19 proximity to his death, did you ever have any  
20 additional meetings with Donna Joseph or anyone  
21 else at Judson in regard to William Hayes?

22                 MR. GOLDSTEIN: You may answer yes **or**  
23 no.

24          A.     Yes.

25          Q.     When did that occur?

1 MR. GOLDSTEIN: You may answer that  
2 question also.

3 A. After I reviewed the chart. After he  
4 was transferred back to the hospital a day or two  
5 later.

6 Q. My understanding was that Mr. Hayes  
7 died at Judson Retirement Community. So when are  
8 you referring to when he was transferred back  
9 from the hospital?

10 A. Well, he was dead on arrival at the  
11 hospital, so he was sent to the hospital, and the  
12 day after that incident happened, I reviewed the  
13 chart. **So** a day or two after that.

14 Q. **So** a day or two after Mr. Hayes'  
15 death, you had another meeting, the subject of  
16 which was Mr. Hayes; correct?

17 A. Correct.

18 Q. Who did you meet with?

19 MR. GOLDSTEIN: You may answer that  
20 question.

21 A. I met with Laurie.

22 Q. You are speaking **of** Laurie Thill, the  
23 nurse?

24 A. I met with Laurie Thill.

25 Q. Why did you meet with Laurie Thill?

1           A.       She was upset about the incident that  
2 happened. I was her supervisor. And then there  
3 was some question about the documentation that  
4 she did on admission.

5           Q.       Who raised the question about her  
6 documentation?

7           A.       I think that was -- who raised the  
8 question about her documentation? When Donna and  
9 I met in regard to the documentation, I think the  
10 question was raised then.

11          Q.       A day or so after his death; correct?

12          A.       Correct.

13          Q.       When you met with Laurie Thill, was  
14 there anyone else in attendance at that meeting?

15          A.       No. Just Laurie and I.

16          Q.       Did you instruct her to do anything as  
17 a result of that meeting?

18                 MR. GOLDSTEIN: Objection. I think I  
19 know where she is going. Go ahead.

20          A.       Laurie and I reviewed the  
21 documentation and I asked her if she believed  
22 that that really happened. He had pain in his  
23 legs, and was it pain from the hip because he was  
24 bilateral or was it other issues going on with  
25 him. But I never instructed Laurie -- I



1 instructed Laurie if she felt the need to write  
2 an addendum, an addendum needed to be done, but  
3 it was up to her.

4 Q. Did she, in fact, write an addendum  
5 note?

6 A. Yes.

7 Q. Did she show you that note after she  
8 wrote it?

9 A. No. Well, she did not show the note  
10 to me. I saw the note later after she wrote it  
11 and left.

12 Q. You mean the same day?

13 A. I'm not sure it was the same day we  
14 talked. It was a different day.

15 Q. How much after the time that you  
16 talked with her did you review the note?

17 A. I don't know. Maybe a day or two  
18 later.

19 Q. You read through the note?

20 A. Her note?

21 Q. Yes.

22 A. Yes.

23 Q. Did you have any questions about it?

24 A. Do I have any questions?

25 Q. No. I asked, did you have any

1 questions after you read the note in regard to  
2 what she wrote?

3 A. No.

4 Q. Did you speak with her about it after  
5 you had an opportunity to review her note?

6 A. I don't think so.

7 Q. Now, did you note when you looked at  
8 that particular addendum note that she had dated  
9 it for 11-23-97?

10 A. In retrospect, it wasn't dated in the  
11 proper way. But at the time, it didn't dawn on  
12 me that she didn't write late entry for whatever  
13 date.

14 Q. And you would agree that when a late  
15 entry is made to a chart -- let me finish -- that  
16 the date and the time that the entry is being  
17 made should be recorded on the addendum note;  
18 correct?

19 A. I agree.

20 Q. And the note that Laurie Thill wrote  
21 was dated 11-23-97, which was actually the date  
22 of admission for Mr. Hayes; correct?

23 A. Correct.

24 Q. Now, aside from your meeting with  
25 Donna Joseph that you mentioned and the meeting

1     that you had with Nurse Thill, did you have any  
2     additional meetings with anyone at Judson  
3     Retirement Community, the subject of which was  
4     Mr. Hayes?

5           A.     Yes.

6           Q.     Who did you meet with?

7           A.     Pat Redwood.

8           Q.     And when was that?

9           A.     The same day or two after he was  
10    transferred to the hospital.

11          Q.     **So** this would have been in November;  
12    correct?

13          A.     Correct.

14          Q.     And why is it that you met with Pat  
15    Redwood?

16          A.     To review the admission orders that  
17    were taken **off**.

18          Q.     Why did you want to review the  
19    admission orders?

20          A.     After reading Laurie's notes and  
21    reviewing the chart, and a test that was  
22    scheduled that wasn't done, **I** wanted to ask the  
23    question why.

24          Q.     Now, you had an opportunity to meet  
25    with Patricia Redwood in regard to the test.   Was

1 it a specific test that you were inquiring about?

2 A. Yes.

3 Q. What test was that?

4 A. Doppler -- DVT test, whatever it was  
5 written on the admission transfer sheet.

6 Q. And when you met with Patricia Redwood  
7 and inquired about the DVT test, what did you  
8 find out?

9 A. There is a unit coordinator req that  
10 was written for it, the date and time, and when  
11 she called for date and time, it wasn't scheduled  
12 and they gave her a different date and time.

13 Q. Now, the unit coordinator req, was  
14 that filled out by Nurse Thill?

15 A. You know, I would have to look at it.  
16 Whoever the admitting nurse was filled it out.

17 Q. Well, let me give you a copy and I am  
18 going to ask you some questions about it.

19 - - -

20 (Thereupon, Soukup Deposition  
21 Exhibits 2A, 2B, 2C & 2D were marked  
22 for purposes of identification.)

23 - - -

24 Q. I am going to hand you what I am  
25 marking as Plaintiff's Exhibit 2A, 2B, 2C, and

1 2D.

2 MS. TOSTI: These are the ones that  
3 you provided to me before.

4 MR. GOLDSTEIN: Okay.

5 Q. I am going to call your attention to  
6 Plaintiff's Exhibit 2B. Now, is this the unit  
7 coordinator's request form that you inquired  
8 about with Patricia Redwood?

9 A. Yes.

10 Q. On that form it indicates that Nurse  
11 Thill was the nurse that filled it out; is that  
12 correct?

13 A. Correct.

14 Q. Now, when you spoke with Patricia  
15 Redwood and you made inquiry in regard to the  
16 scheduling of Mr. Hayes' DVT study, did you go  
17 back and take a look at the original order to see  
18 how that was written?

19 A. I looked on the golden rod or the  
20 transfer form and then that's transcribed to the  
21 physician's sheet, the admission sheet.

22 Q. Did you look at the physician's sheet  
23 to see how that was recorded?

24 A. Yes.

25 Q. And did you find that the order for

1 the DVT study on the transfer form, as well as on  
2 the admission physician orders, and the request  
3 that was filled out by Nurse Thill were all  
4 consistent?

5 A. Yes.

6 Q. And what is it that you asked Pat  
7 Redwood in regard to the scheduling of Mr. Hayes'  
8 DVT study?

9 A. There was a date that said 11-25-97  
10 DVT study to rule out the DVT; were the  
11 arrangements made? She said that she called and  
12 it was cancelled and it was rescheduled for  
13 December 15th, 1997, and then the paperwork was  
14 filled out to send the gentleman on the 15th.

15 Q. Now, you said that she said she called  
16 and it was cancelled. What was cancelled?

17 A. Let me clarify that. She called --  
18 when you would get stuff like this from the  
19 hospital, you would call the place to see if,  
20 indeed, it was scheduled, or there was on  
21 11-25-97, the date and time to make sure it's  
22 accurate to send this person to make  
23 arrangements. They didn't have this gentleman's  
24 appointment for that date and time and they gave  
25 her December 15th, '97 at 9:00 a.m.

1           Q.     And was that consistent with the way  
2     that this particular order was written?

3           A.     The December 15th was not the order  
4     that was written.

5           Q.     Okay. And as her supervisor, what in  
6     your opinion was she supposed to do with the  
7     request that was provided to her by Nurse Thill?

8           A.     When these outside appointments were  
9     made, the unit coordinator called and confirmed  
10    if that appointment was indeed that date and  
11    time. If they received another date and time,  
12    they made the ambulance arrangements and filled  
13    out the paperwork and put it in the calendar was  
14    what the requirement was.

15          Q.     And did she do that?

16          A.     She made a date and called and  
17    confirmed. It wasn't scheduled. She made  
18    another date and time and filled out the  
19    paperwork, and I'm not sure about the calendar,  
20    if it was put in there.

21          Q.     And did you think that she carried out  
22    her duties appropriately in scheduling Mr. Hayes'  
23    DVT study?

24                   MR. GOLDSTEIN: Objection. Go ahead.

25          A,     Do I think this was -- can you repeat

1     that, please?

2           Q.     I said, in your opinion, do you think  
3     that she carried out her duties appropriately in  
4     scheduling Mr. Hayes' DVT study?

5           A.     Yes.

6           Q.     And the fact that this order said that  
7     the DVT study was to be done on November 25th,  
8     and she scheduled it for December 15th, you feel  
9     was okay?

10          A.     In her duties, yes.

11          Q.     Does a unit coordinator have the  
12     authority to change a physician's order without  
13     the permission of the physician?

14          A.     No.

15                   MR. GOLDSTEIN:  Objection.

16          Q.     Does a unit coordinator, if she is  
17     unable to schedule a diagnostic test as ordered,  
18     have a duty to inform her supervising nurse of a  
19     change in the order?

20          A.     Yes.

21          Q.     Did Patricia Redwood do that in this  
22     instance; inform either the nurse that made the  
23     request or the charge nurse that she was unable  
24     to schedule Mr. Hayes' DVT study as it was  
25     ordered?  Did she do that?



1           A.     I don't know if she told Laurie Thill  
2     that there was a change in date and time.

3           Q.     Did she tell any nurse?

4           A.     I can't answer that.

5           Q.     And you as her supervisor didn't  
6     investigate that to find out whether she told  
7     someone?

8           A.     When I talked to her about this, from  
9     what I recall, I don't recall her saying she  
10    notified anybody of the change.

11          Q.     Well, I am asking you if you  
12    investigated whether she did. Did you?

13          A.     Did I investigate that she notified  
14    people?

15          Q.     Yes.

16          A.     I don't remember her saying to anybody  
17    -- I don't remember her saying, yes, I notified  
18    somebody of the change.

19          Q.     Did you ask her?

20          A.     I don't remember if I asked that  
21    question specifically.

22          Q.     In Mr. Hayes' case -- now, he was a  
23    patient that had undergone bilateral total knee  
24    replacement, and you had reviewed his records and  
25    were aware that he had pain in his leg on

1 admission.

2 Did you think that it was significant  
3 that his DVT study be ordered and done -- I'm  
4 sorry, be scheduled and done as it was ordered by  
5 the physician?

6 A. In retrospect, after you review it, it  
7 probably should have been done on 11-25-97, but  
8 at the time of an admission, in being post-op,  
9 when you review the notes, you ask the question,  
10 was the pain due to a DVT or was the pain because  
11 he has bilateral knees.

12 When you look at the documentation,  
13 you ask the question, what was really going on  
14 with the knees.

15 Q. As a specialist in geriatric nursing,  
16 you are aware that a patient that has undergone  
17 bilateral total knees would be at increased risk  
18 for deep vein thrombosis after surgery; correct?

19 A. Correct.

20 Q. A decision to change the date on a  
21 vascular study should not be left to a unit  
22 coordinator; correct?

23 A. Correct.

24 Q. Isn't that why you have nurses  
25 overseeing what the unit coordinators are doing?

1 A. Correct.

2 Q. Is that correct?

3 A. Correct.

4 Q. And in this instance, was there anyone  
5 that followed up to review what Patricia Redwood  
6 was doing in Mr. Hayes' case in regard to  
7 scheduling that vascular study?

8 A. At the time of this, I can't answer  
9 that question. I don't know if she followed up  
10 with Laurie.

11 Q. Well, with Laurie or with whoever the  
12 charge nurse was on that particular unit, do you  
13 know whether she followed up with any nurse?

14 A. I can't answer that.

15 Q. Did Judson Retirement Community have a  
16 process in place for follow up of what the unit  
17 coordinators were doing?

18 A. The nurses that reviewed the charts  
19 after the orders were taken off were responsible  
20 to make sure that the orders were correct.

21 Q. And in this case, when you did your  
22 investigation, who was that person that was  
23 supposed to review the chart and make sure that  
24 the orders were taken off correctly?

25 A. Well, we have already established

1     that.  That was Laurie Thill.

2           Q.     But in this instance, this was a  
3     Sunday that Nurse Thill was taking off these  
4     orders, and you've indicated that unit  
5     coordinators didn't work on Sunday.  **So** would  
6     this have been the nurses on Monday that were  
7     supposed to follow up on this particular order?

8           A.     Yes, correct, it could have been the  
9     nurse on Monday.

10          Q.     And when you conducted your  
11     investigation, you didn't find out where the  
12     breakdown was in the system of following up on  
13     the unit coordinator's work, did you?

14          A.     No.

15          Q.     Is there a reason why you didn't do  
16     that?

17          A.     I don't have an answer for that.  I  
18     don't recall asking Pat the specific question or  
19     finding out who the nurse was on Monday.  I don't  
20     remember that part.

21          Q.     Now, you've indicated to me that you  
22     have had three separate meetings, one with Donna  
23     Joseph, one with Nurse Thill, and one with  
24     Patricia Redwood.  Did you speak with anyone else  
25     in regard to Mr. Hayes?

1           A.       **No.**

2           Q.       I would like you to refer to what's  
3       been marked as Plaintiff's Exhibit 2A. I would  
4       ask if you could identify that document for me.  
5       Just tell us what that is.

6           A.       It's an e-mail.

7           Q.       That an e-mail from you?

8           A.       It's an e-mail from me to David Clark  
9       and Donna Joseph.

10          Q.       And the date of the e-mail is what?

11          A.       **1-16-98.**

12          Q.       What prompted you to generate that  
13       e-mail?

14          A.       It was documentation to Donna in  
15       regard to what I was looking into in regard to  
16       the situation; basically, the conversation of the  
17       req and what I asked Pat.

18          Q.       You indicated that your conversations  
19       with Pat occurred a couple days after -- within a  
20       couple days of Mr. Hayes' death?

21          A.       This **looks** like, uh-huh.

22          Q.       This particular memo was written --  
23       Mr. Hayes died in November. This particular memo  
24       was written in January of **1998**. Mr. Hayes died  
25       in November of '97. What prompted you in January

1 of '98 to write this particular memo on the  
2 subject matter of Mr. Hayes' DVT study?

3 A. I can't recall what prompted me to  
4 write this on 1-16-98.

5 Q. Did someone instruct you to do an  
6 investigation and to pull these unit coordinator  
7 requests at that time?

8 A. I can't answer that. I don't  
9 remember.

10 Q. When you conducted your investigation,  
11 did you find any evidence that Mr. Hayes had had  
12 a DVT study scheduled at any other date besides  
13 the December 15th, 1997 date?

14 A. No.

15 Q. And did you find any evidence that  
16 there were arrangements for transportation to  
17 Meridia Hillcrest's vascular lab or any other  
18 vascular lab for any other date other than  
19 December 15th, 1997?

20 A. No.

21 Q. Did anyone ever imply to you that Mr.  
22 Hayes' death may be some way related to the DVT  
23 study never being completed as ordered?

24 A. No.

25 Q. Would you agree that Pat Redwood's

1 failure to schedule Mr. Hayes' DVT study as  
2 ordered was a serious omission in her duties as a  
3 unit coordinator at Judson Retirement Community?

4 A. Yes.

5 Q. Would you agree that Pat Redwood's  
6 failure to schedule Mr. Hayes' DVT study as it  
7 was ordered and transcribed by Nurse Thill was  
8 substandard performance of her duties as a unit  
9 coordinator?

10 MR. GOLDSTEIN: Objection. Go ahead.

11 A. Substandard?

12 Q. Yes.

13 A. Can you repeat what you said?

14 (Thereupon, the record was read.)

15 A. You said Pat -- can read the last  
16 one? I thought you went to Laurie. I got  
17 confused. You went from Pat to Laurie

18 MS. GORDON: QUESTION: Would you  
19 agree that Pat Redwood's failure to schedule Mr.  
20 Hayes' DVT study as it was ordered and  
21 transcribed by Nurse Thill was substandard  
22 performance of her duties as a unit coordinator?

23 A. No.

24 Q. Why not? Or what's the basis of your  
25 opinion?

1           A.     The basis of my opinion is there is  
2     many of times on these req's from the hospital  
3     that you get these dates and times for orders and  
4     you can assume -- not that you want to assume --  
5     that it's prescheduled, and when you call to make  
6     the appointments or to verify that it's  
7     scheduled, they have no concept, they don't know  
8     the patient's name, it was not scheduled, and  
9     they give you another date and time.

10          Q.     But you would agree that Pat Redwood  
11     had a duty to tell either Nurse Thill or the  
12     nurse in charge at the time of the change from  
13     what was ordered on the unit coordinator's  
14     request form; correct?

15          A.     Correct.

16          Q.     Because Patricia Redwood did not have  
17     the medical expertise to know the implications of  
18     Mr. Hayes' **DVT** study; correct?

19          A.     Correct. But appointment versus no  
20     appointment is better than nothing, and then the  
21     nurse can determine.

22          Q.     Well, in Mr. Hayes' case it wasn't  
23     better than nothing, was it?

24          A.     You got a point.

25          Q.     Now, did Judson Retirement Community



1 have any system in place to monitor that ordered  
2 diagnostic tests actually were scheduled and  
3 completed for a patient?

4 A. No.

5 Q. So once a test got scheduled, nobody  
6 went back to make sure that the patient actually  
7 went for the test and had it done; correct?

8 A. Well, let me rephrase that. When the  
9 test was scheduled, and when it was ordered and  
10 scheduled, the paperwork was filled out and it  
11 was put in a calendar. So every day the  
12 envelopes of the scheduled tests were at the unit  
13 coordinator's desk that nursing looked at when  
14 they came in. So if a person didn't go for that  
15 test, you would have had the document there that  
16 they didn't go.

17 Q. Now, you would agree that an error was  
18 made in this instance in not scheduling Mr.  
19 Hayes' DVT study as it was ordered; correct?

20 A. Correct.

21 Q. And in this instance, that error  
22 should have been prevented by the nursing staff  
23 overseeing what Patricia Redwood did as far as  
24 scheduling that test; correct?

25 A. Correct.

1           Q.     And in this instance, the Judson  
2 Retirement Community nursing staff did not do  
3 that; correct?

4           A.     Correct.

5           Q.     As Patricia's Redwood's supervisor,  
6 did you ever reprimand her or discipline her in  
7 any way for failing to schedule Mr. Hayes' DVT  
8 study as it was ordered?

9           A.     No.

10          Q.     Now, you previously testified that you  
11 considered this a serious omission on her part  
12 and that it was an error on her part. Is there a  
13 reason why you did not institute a disciplinary  
14 action in regard to this particular omission and  
15 error?

16                   MR. GOLDSTEIN: Objection. Go ahead.

17          A.     I don't know the reason why I didn't,  
18 other than I know around this 1-16-98, I think I  
19 was -- I left Judson at that time, and I don't  
20 recall the reasons why I would have or did not do  
21 a discipline on her.

22          Q.     Now, you indicated that, generally  
23 speaking, there was a performance evaluation  
24 conducted on an employee after they were hired  
25 for a year. Did you ever do a performance

1 evaluation on Patricia Redwood?

2 A. I don't recall doing a performance  
3 evaluation on her. Well, a year after they hired  
4 -- I think we did them at the beginning of the  
5 year. Everybody's was done at the beginning of  
6 the year, so that they would get the raise, but I  
7 don't think I did a performance evaluation on Pat  
8 that I remember.

9 a. I am going to hand you what's been  
10 marked as Plaintiff's Exhibit Number 3. It is a  
11 six-page document.

12 - - -

13 (Thereupon, Soukup Deposition  
14 Exhibit 3 was marked for  
15 purposes of identification.)

16 - - - -

17 MR. GOLDSTEIN: What bates stamp  
18 number?

19 MS. TOSTI: Bates stamp 0101 through  
20 0106.

21 MR. GOLDSTEIN: And the record can  
22 reflect that that document is out of Patricia  
23 Redwood's personnel file which was requested by  
24 plaintiff and furnished to plaintiff by defendant  
25 Judson.

1           Q.     I'm going to ask you if you have seen  
2     this particular document which has been marked as  
3     Plaintiff's Exhibit Number 3 and bears the title  
4     management performance evaluation. Have you seen  
5     this document before?

6           A.     Yes. It's got my handwriting on it.

7           Q.     And at the top **of** the first page of  
8     Plaintiff's Exhibit Number 3, it indicates that  
9     this is a management performance evaluation of  
10    Pat Redwood; correct?

11          A.     Correct.

12          Q.     And that it was reviewed by Dianne  
13    Soukup, yourself?

14          A.     Correct.

15          Q.     Did you fill out this performance  
16    evaluation on Patricia Redwood?

17          A.     It has my handwriting on it, so I  
18    filled out parts of it. But it's not completed,  
19    not dated and not all the categories are rated.

20          Q.     On the last page, you signed this  
21    particular performance evaluation; is that  
22    correct?

23          A.     My signature is there.

24          Q.     And there is also a signature of  
25    Patricia Redwood; correct?

1           A.       Correct.

2           Q.       Did you sit down and discuss this  
3 performance evaluation with Patricia Redwood?

4           A.       The question was, did I sit down and  
5 give this to her?

6           Q.       Did you sit down and discuss this with  
7 Patricia Redwood?

8           A.       I can't remember sitting down and  
9 discussing this with her.

10          Q.       Would it be your usual practice when  
11 you did a performance evaluation that the  
12 employee signed that you would sit down and  
13 discuss the evaluation with the employee?

14          A.       My usual practice was they received  
15 one and filled it out, I did one and filled it  
16 out, and then we came together and discussed both  
17 of them and put it together on a combined one and  
18 sat down and discussed that and signed it.

19          Q.       And the fact that there is two  
20 signatures on here, is that an indication that  
21 you got together with Pat Redwood and discussed  
22 this evaluation with her? Your signature appears  
23 on it as well as her signature. Is that a yes?

24               MR. GOLDSTEIN: She hasn't answered  
25 yet.

1 THE WITNESS: I haven't answered yet.

2 MS. TOSTI: She was nodding her head.

3 MR. GOLDSTEIN: That doesn't count.

4 THE WITNESS: I was, I'm sorry.

5 MR. GOLDSTEIN: Give a verbal  
6 response.

7 A. Our signatures appear here, but it's  
8 not complete. And this is my handwriting, but  
9 there is no date and time on it. I can't answer  
10 that. I can't say we sat down and discussed  
11 this.

12 Q. Well, obviously you saw it and she saw  
13 it, though --

14 A. Right, exactly.

15 Q. -- because both of your signatures  
16 appear on it?

17 A. Correct.

18 Q. And do you not know when you filled  
19 out this particular management performance  
20 evaluation on Patricia Redwood?

21 A. No, there is no date on it.

22 Q. Now, I would like to call your  
23 attention to page bates stamped 0105. Under  
24 objectives for next review period, would you read  
25 to us what you have written under item number

1 one.

2 A. Work on tracking mechanisms for  
3 follow-up appointments, especially if the office  
4 doesn't want to follow what we have written as  
5 the appointment.

6 Q. And in this instance, why did you  
7 include that as something that was an objective  
8 for her next review period?

9 MR. GOLDSTEIN: Objection.

10 A. Because it looks like that was an  
11 issue.

12 Q. Was that an issue because of her  
13 failure to properly schedule Mr. Hayes'  
14 appointment for his DVT study?

15 MR. GOLDSTEIN: Objection to the form  
16 of the question, She did schedule it or tried.

17 MS. TOSTI: I think we established she  
18 didn't schedule it appropriately.

19 A. There is no date on this document.  
20 Prior to the Hayes incident, you know, Pat made  
21 appointments appropriately.

22 At Judson, all evaluations were due on  
23 the year. You could say this was in January or  
24 January or February of the following year from  
25 this incident, so this would be the incident

1 documentation from the incident after the fact.

2 Q. So it's likely that this particular  
3 inclusion in her performance evaluation was  
4 because of what occurred in the scheduling of Mr.  
5 Hayes' DVT study; is that correct?

6 MR. GOLDSTEIN: Objection. You may  
7 answer.

8 A. It's likely, but I don't have a date  
9 on here.

10 Q. But you left the employment of Judson  
11 Retirement Community in January of '98; correct?

12 A. Correct.

13 MR. GOLDSTEIN: January or February,  
14 her testimony was.

15 THE WITNESS: January or February.

16 Q. In the first month or two of 1998;  
17 correct?

18 A. Correct.

19 Q. So this particular performance  
20 evaluation was done prior to the time that you  
21 left the employment of Judson Retirement  
22 Community; correct?

23 MR. GOLDSTEIN: Objection.

24 A. I go back to the other question that I  
25 answered. I'm not sure that we sat down and gave



1     this to her. **So** I can't -- I mean, you asked  
2     that question. It looks like it was given prior  
3     to me leaving.

4           Q.     Let me rephrase it. You filled out  
5     this form with your handwriting with the comment  
6     of item number one under objectives for next  
7     review period prior to the time that you left  
8     your employment at Judson Retirement Community;  
9     correct?

10          A.     Correct.

11          Q.     And we've established that since both  
12     your signature as well as Pat Redwood's signature  
13     appears on this form that it's likely that she  
14     was aware and you were aware **of** the contents of  
15     this form; correct?

16          A.     Correct.

17          Q.     And I believe you've testified that  
18     you feel that this form is not completely filled  
19     out; correct?

20          A.     Correct.

21          Q.     Now, after Pat Redwood left -- after  
22     you left employment with Judson Retirement  
23     Community, did you have any further contact with  
24     Patricia Redwood?

25          A.     Pat did stop at Specialty House when

1 her mother-in-law to be was on the floor and  
2 filled out an application for a job.

3 Q. When was that?

4 A. December of '99.

5 Q. Did you have any responsibilities for  
6 making any decisions as to whether or not her  
7 application was acted upon by extending an offer  
8 for employment?

9 A. No.

10 Q. Did you make any recommendations to  
11 your employer as to whether or not Pat Redwood  
12 should be hired or not hired?

13 MR. GOLDSTEIN: Objection. Go ahead  
14 and answer.

15 A. No.

16 Q. Now, as a resident care manager, you  
17 were familiar with the nursing home resident's  
18 bill of rights; correct?

19 A. Correct.

20 Q. And would you agree that Mr. Hayes, as  
21 a resident in Judson Retirement Community, had a  
22 right to adequate and appropriate medical  
23 treatment, nursing care, and other ancillary  
24 services that comprised necessary and appropriate  
25 care consistent with the program for which he

1 contracted?

2 A. Yes.

3 Q. And during the course of your  
4 employment at Judson, are you aware of any  
5 instances where nurses added notes to patient's  
6 charts weeks after the patient was no longer a  
7 patient at Judson?

8 A. Am I aware? Can you repeat the  
9 question?

10 Q. During the course of your employment  
11 at Judson, are you aware of any instances where  
12 nurses were adding notes to patient's charts  
13 weeks after the resident was no longer a patient  
14 at Judson?

15 MR. GOLDSTEIN: Objection. Go ahead.

16 A. Nurses have added addendums to charts  
17 after a patient has been discharged, at times. I  
18 guess the answer is yes.

19 Q. Have you seen them do that at Judson  
20 weeks after the patient has left the facility?

21 MR. GOLDSTEIN: Continuing objection.  
22 Go ahead.

23 A. I can't answer that.

24 Q. Is that something that happens  
25 frequently on a regular basis at Judson?

1 A. No.

2 Q. Would you agree that if Patricia  
3 Redwood did not schedule and make appropriate  
4 arrangements for Mr. Hayes' DVT study as it was  
5 ordered and transcribed by Nurse Thill that she  
6 breached her duty to Mr. Hayes as a resident of  
7 Judson Retirement Community?

8 MR. GOLDSTEIN: Objection. Didn't you  
9 she answer that previously?

10 MS. TOSTI: Not that question.

11 MR. GOLDSTEIN: I guess they just  
12 sound alike. Go ahead and answer, if you can.  
13 Note my objection.

14 A. Breach? No.

15 Q. And what's the basis for your opinion  
16 that she did not breach her duty to Mr. Hayes?

17 A. Because there was an appointment. She  
18 called about the appointment. Even though it was  
19 the date that the doctor's wrote, she scheduled  
20 another appointment, so she did make an  
21 appointment for the patient.

22 Q. So the fact that she made some  
23 appointment in Mr. Hayes' case was okay, even  
24 though it wasn't the way that the doctor ordered  
25 it? That was acceptable?

1           A.       She didn't breach, I guess is how I'm  
2     answering it. Is it acceptable? We already  
3     discussed with the previous questions that  
4     nursing had a responsibility to make sure that  
5     what Pat did was appropriate or not. So the  
6     backup did not work for this instance.

7           Q.       So then would it be fair to say that  
8     the nursing staff of Judson Retirement Community  
9     breached their duty to Mr. Hayes by not following  
10    up and checking to see that his DVT study was  
11    scheduled as it was ordered?

12                   MR. GOLDSTEIN: Objection. Go ahead.

13          A.       I guess I don't like the word  
14    breached. We talked about before, in previous  
15    instances, there is a lot of times that when  
16    these people come over with these appointments  
17    and dates and times, it's not accurate and it's  
18    not appropriate. It's not there. And nursing  
19    and the unit coordinator will make other  
20    appointments and times for the person to go.

21          Q.       I want to be clear on what you are  
22    saying. You don't believe that the nursing staff  
23    had a duty to Mr. Hayes in regard to his safety  
24    and health to follow up and make sure that his  
25    diagnostic test was scheduled the way the

1 physician wanted it scheduled?

2 A. Yes, the nurses had a duty.

3 Q. And would you agree that the nurses  
4 breached their duty to Mr. Hayes by not following  
5 up and making sure that his test was scheduled  
6 appropriately?

7 MR. GOLDSTEIN: Objection. Go ahead.

8 A. Did they breach? It's that word  
9 breach.

10 Q. Well, let me --

11 MR. GOLDSTEIN: She is asking you to  
12 make a legal conclusion.

13 Q. Let me change my question. I withdraw  
14 that one.

15 Was it substandard care on the part of  
16 the nursing staff to fail to follow up on the  
17 nursing unit coordinator's scheduling of Mr.  
18 Hayes' DVT study?

19 MR. GOLDSTEIN: Objection. Go ahead.

20 A. Substandard care?

21 Q. Substandard nursing care.

22 A. Substandard care, no.

23 Q. So it was acceptable then for the  
24 nurses not to follow up. If you are saying there  
25 is no substandard -- I want to be clear on what

1     you are saying here.

2                   If this was not substandard care, then  
3     you consider it acceptable for the nurses not to  
4     follow up on Mr. Hayes' DVT study to check how it  
5     was scheduled. And I want to just be clear on  
6     what you are testifying to today.

7                   MR. GOLDSTEIN: I'm sorry, what is  
8     your question?

9                   MS. TOSTI: Well, she has a problem  
10    using the word breach. So I have said is it  
11    substandard care on the part of the nursing staff  
12    for failing to follow up on how Mr. Hayes' DVT  
13    study was scheduled.

14           Q.     **So** that is my question to you at this  
15    point. Was it substandard nursing care for the  
16    nurses to fail to follow up on the way that Mr.  
17    Hayes' DVT study was scheduled?

18           A.     Yes.

19           Q.     Did anyone indicate to you that there  
20    was some concern that there might be a lawsuit  
21    filed as a result of Patricia Redwood's failure  
22    to schedule the DVT study as it was ordered?

23           A.     Not that I'm aware of.

24           Q.     After Mr. Hayes' death, was there any  
25    changes in the policies or procedures instituted

1 at Judson Retirement Community to prevent this  
2 type of error from happening to another patient?

3 MR. GOLDSTEIN: Objection. You are  
4 asking about subsequent remedial measures and I  
5 would object.

6 MS. TOSTI: You may answer.

7 MR. GOLDSTEIN: You may answer.

8 A. Not that I know of. Not that I'm  
9 aware of.

10 Q. There were no steps taken to ensure  
11 that this error wasn't repeated at a later date  
12 with another patient; correct?

13 A. I can't say yes or no to that. I  
14 don't remember.

15 Q. You don't have any knowledge of any  
16 steps that were taken?

17 A. I have no knowledge, correct.

18 Q. Did you ever discuss the scheduling of  
19 Mr. Hayes' DVT study with any of Mr. Hayes'  
20 physicians?

21 A. I have no knowledge of that. No, I  
22 don't think so.

23 Q. And aside from what we have already  
24 talked about, do you have any criticisms of  
25 anyone else in regard to their responsibilities



1 in having Mr. Hayes' DVT study scheduled?

2 A. No.

3 Q. To your knowledge, did Patricia  
4 Redwood ever make any threatening remarks to  
5 anyone at Judson Retirement Community?

6 MR. GOLDSTEIN: Objection.

7 A. Not to my knowledge.

8 Q. And aside from what we've already  
9 discussed in regard to an attendance problem and  
10 the scheduling of the DVT study, were there any  
11 other problems that you noted as Patricia  
12 Redwood's supervisor in her work performance?

13 A. No.

14 Q. You mentioned the one instance that  
15 you had contact with her when she applied for a  
16 job at your subsequent employer. Have you had  
17 any further contact with Patricia Redwood since  
18 the time that you left Judson Retirement  
19 Community?

20 A. No.

21 Q. Did you at some point learn that Mr.  
22 Hayes' death was the result of pulmonary emboli?

23 A. Yes.

24 Q. And do you have an opinion as to  
25 whether or not there is any relationship between

1 the scheduling of the vascular study and his  
2 subsequent death?

3 MS. ROLLER: Objection.

4 MR. GOLDSTEIN: Objection.

5 MS. TOSTI: She can tell me yes or  
6 no.

7 MR. GOLDSTEIN: I think it's a medical  
8 question for a doctor, but go ahead. If you can  
9 answer the question, please do so. If you can't,  
10 tell her you can't.

11 A. I can't answer that.

12 Q. And aside from what we have currently  
13 discussed, do you have knowledge about anything  
14 else that relates to Mr. Hayes that I have not  
15 asked you about?

16 A. No.

17 MS. TOSTI: I am finished, but Ms.  
18 Roller may have some questions for you.

19 MS. ROLLER: No questions.

20 MR. GOLDSTEIN: Would you like to read  
21 this to ensure that the questions and answers  
22 were recorded accurately?

23 THE WITNESS: I would like to read it.

24 (Deposition concluded at 1:00 p.m.)

25 (Signature not waived.)

1 AFFIDAVIT

2 I have read the foregoing transcript from  
3 page 1 through 74 and note the following  
4 corrections:

5 PAGE LINE REQUESTED CHANGE

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17

Dianne Soukup

18

19 Subscribed and sworn to before me this  
20 day of , 2000.

21

22

23 Notary Public

24

25 My commission expires .

CERTIFICATE

State of Ohio,

SS :

County of Cuyahoga.

I, Vivian L. Gordon, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named DIANNE SOUKUP was by me first duly sworn to testify to the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony as above set forth was by me reduced to stenotypy, afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony.

I do further certify that this deposition was taken at the time and place specified and was completed without adjournment; that I am not a relative or attorney for either party or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 18th day of September, 2000.



Vivian L. Gordon, Notary Public  
Within and for the State of Ohio

My commission expires June 8, 2004.

1	EXAMINATION OF DIANNE SOUKUP		
2	BY MS. TOSTI: .....	3	7
3			
4	Exhibit 1 was marked.....	18	17
5	Exhibits 2A, 2B, 2C & 2D were marked.....	44	21
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