IN THE COURT OF COMMON PLEAS SUMMIT COUNTY, OHIO

CASE NO. CV 2003-07-3984 JUDGE BURNHAM UNRUH

CHARLES G. PERE, Individually and as the Executor of the Estate of John G. Pere, Deceased, et al.,

Plaintiffs,

-vs-

THE LEDGES AT ROCKYNOL, et al.,

Defendants.

TELEPHONIC DEPOSITION OF LEONARD S. WILLIAMS, M.D. Thursday, May 27th, 2004 6:16 P.M. - 6:57 P.M.

> Suite 150 1135 South Pasadena Avenue Pasadena, Florida

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Reported by:
JANET HAMILTON, RPR
Notary Public, State of Florida
Esquire Deposition Services - Tampa, Florida
813-221-2535 (800-838-2814)
Job No. N631773
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Esquire Deposition Services

Page 1

	Page 2		Page 4
1	APPEARANCES:	1	A Yes, sir.
2	JACQUELINE D. TRESL, ESQ.	2	Q Would you state your would you let's
	Becker & Mishkind Co., LPA	3	
3	Suite 660, Skylight Office Tower 1660 West 2nd Street	ŧ	see.
4	Cleveland, Ohio 44113	4	Would you tell me where you currently reside?
	(216) 241-2600	5	A I reside at 916 79th Street South,
5		6	St. Petersburg, Florida.
6	Attorney for Plaintiffs (Appeared via telephone conference call)	7	Q Okay. You're breaking up on me.
67	(Appeared via resentione conterence can)	8	A Okay. I reside at 916 79th Street South,
	HARRY A. TIPPING, ESQ.	9	St. Petersburg, Florida.
8	Tipping Co., LPA	10	Q Okay. And your age today, sir?
9	Suite 207 525 North Cleveland-Massillon Road	11	A Forty-eight.
1 9	Akron, Ohio 44333	12	Q And are you currently employed?
10	(330) 670-8400	13	A Yes.
11	Attorney for Defendants	14	Q And tell me where you work and what you do.
12	(Appeared via telephone conference call)	15	A I'm a full-time staff physician at the Bay
13		16	Pines VA Medical Center here in St. Petersburg, Florida.
14	INDEX	17	Q And when did you start in that position?
15	PAGE	18	A July 1st, 1993.
16	Examination by Mr. Tipping 3 Certificate of Oath	19	Q Okay. And the business address for your
17	Certificate of Reporter	20	position is what?
19	Signature Page/Errata Sheet		A.
20	Witness Notification Letter	21	A Bay Pines VA Medical Center, 10000 Bay Pines
21	EVINDITC	22	Boulevard, St. Petersburg, Florida.
22 23	EXHIBITS (NO EXHIBITS MARKED.)	23	Q Okay.
24		24	MR. TIPPING: Is the court reporter able
25		25	to get this?
	Page 3		Page 5
	*	-1	
1	The telephonic deposition of LEONARD S.		THE REPORTER: Yes. It comes in very
2	WILLIAMS, M.D., was taken pursuant to notice by counsel	2	clear on this end.
3	for the Defendants on the 27th day of May, 2004,	3	MR. TIPPING: You're breaking up on my
4	commencing at 6:16 P.M., at Suite 150, 1135 South	4	end. But as long as you can hear me and you
5	Pasadena Avenue, Pasadena, Florida. Said deposition was	5	can get the doctor, that's what's important.
6	reported by Janet Hamilton, Notary Public, State of	6	THE REPORTER: Not a problem here.
7	Florida.	7	MR. TIPPING: Okay.
8		8	Can you hear?
9	WHEREUPON:	9	MS. TRESL: Yes, I can.
10	LEONARD S. WILLIAMS, M.D.,	10	MR. TIPPING: Is he breaking up with you?
11	a witness, having been duly sworn to tell the truth, the	11	MS. TRESL: It's not great, but it's way
12	whole truth, and nothing but the truth, was examined and	12	better than it was the first time.
13	testified as follows:	13	MR. TIPPING: All right. Okay.
14	EXAMINATION	14	Q (By Mr. Tipping) Doctor, prior to your current
5	BY MR. TIPPING:	ł	
15		15	work position, where did you work?
16	Q Doctor, can you hear me?	16	A From July 1st, 1991, to June 30, 1993, I did a
17	A Yes, sir.	17	fellowship in clinical pharmacology at the VA Medical
18	Q Okay. Would you state your full name and	18	Center in Gainesville and the University of Florida in
19	spell your last name for the record?	19	Gainesville.
20	A Leonard Salvatore Williams. W-i-I-I-i-a-m-s.	20	Q Okay. All right. And then you then you
21	Q Now, Doctor, we have not met this evening, but	21	took your current position. And you've been with the
22	my name is Harry Tipping. I'm an attorney from Akron,	22	Veterans Hospital since that time?
23	Ohio. I represent the Rockynol nursing home and the	23	A Yes.
1	Presbyterian Society that's been sued in this case, so	24	Q Okay. Have you ever worked in the private
24			
24 25	that you know who I am.	25	sector?

E	Page 6		Page 8
1	A No.	1	Fordham. And I applied to Italy at the same time that I
2	Q Tell me about your educational background.	2	applied to the ten medical schools here in the
3	A I received a bachelor's of science from	3	United States.
4	Fordham University in biological sciences in 1978. I	4	Q Were you accepted at any schools in the
5	went to the University of Perugia in Perugia, Italy,	5	States?
6	School of Medicine and Surgery and received my M.D.	6	A No.
7	degree in 1985. I then did a residency in internal	7	Q Where did you apply? Give me an idea of some
8	medicine from July 1st, 1986, through June 30th, 1989.	8	of the schools.
9	I then did a fellowship in geriatric medicine from	9	A Medical College of New York in Valhalla.
10	July 1st, 1989, through June 30th, 1991. And then I did	10	Temple University, School of Medicine. It used to be
11	the clinical pharmacology fellowship that I just	11	called the School of Medicine and Dentistry of
12	mentioned. And then I came to work at Bay Pines.	12	New Jersey. Probably Jefferson Medical School in
13		13	Philadelphia.
14	you're breaking up on me. Okay?	14	Those are the ones that I can remember right
15	A Sure.	15	now.
16	- , , , , , , , , , , , , , , , , , , ,	16	Q Okay. Now, I understand from looking at your
17	off the speaker. Okay?	17	resume you did and I think you've already, may have
18	A Okay.	18	already told me this. You did a residency at Interfaith
19	MS TRESL: Okay.	19	Medical Center in Brooklyn, New York?
20	MR. TIPPING: Because I can't hear him.	20	A Yes.
21	Q (By Mr. Tipping) Doctor, can you hear me	21	Q And that was from July 1st, '86, to June 30,
22	better now?	22	'89?
23	A Yes.	23	A Yes.
24	Q Okay. I can hear you better now.	24	Q Okay. And then after that, that's when you
25	MS TRESL: Yes.	25	went to Florida, moved to Florida?
	Page 7		Page 9
1	MR. TIPPING: Maybe it was the speaker. I	1	A Yes.
2	don't know what that was.	2	Q And when did you become licensed to practice
3	MS. TRESL: Yes.	3	medicine in the state of New York?
4	Q (By Mr. Tipping) Doctor, I understand you went	4	A I don't have my CV in front of me.
5	to medical school in Italy. Did you apply to any	5	Q The reason I asked you that, I didn't see the
6	medical schools in the United States?	6	date.
7	A \$7		
- E	A Yes.	7	A It should be there. Let's see. It would have
8	Q And where did you apply?	8	A It should be there. Let's see. It would have been 1989, I believe.
9	Q And where did you apply?A Mostly on the East Coast. I probably applied	8 9	A It should be there. Let's see. It would have been 1989, I believe.Q Okay.
9 10	Q And where did you apply?A Mostly on the East Coast. I probably applied to about ten different schools.	8 9 10	A It should be there. Let's see. It would have been 1989, I believe.Q Okay.A That's what I think.
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9 10 11 12	 Q And where did you apply? A Mostly on the East Coast. I probably applied to about ten different schools. Q Okay. And why did you end up going to medical school in Italy? 	8 9 10 11 12	 A It should be there. Let's see. It would have been 1989, I believe. Q Okay. A That's what I think. Q So that would have been New York. Did you also become licensed in Connecticut?
9 10 11 12 13	 Q And where did you apply? A Mostly on the East Coast. I probably applied to about ten different schools. Q Okay. And why did you end up going to medical school in Italy? A Well, when I was doing my premed work, 	8 9 10 11 12 13	 A It should be there. Let's see. It would have been 1989, I believe. Q Okay. A That's what I think. Q So that would have been New York. Did you also become licensed in Connecticut? A Yes.
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	Page 10		Page 12
1	medicine at the University of Florida in the Gainesville	in the second	that I followed under the supervision of faculty at
2	VA. And then I took the examination in I think it	2	University of Florida, College of Medicine.
3	was 1992 for the board certification.	3	Q Okay. But did you ever have any experience as
4	Q Okay. Now, tell me about the medical	4	a private physician?
5	societies to which you are a member.	5	A No.
6	A Well, I'm a member of the American Medical	6	Q Okay. Did you ever work as a medical director
7	Society, American Geriatric Society, the American the	7	in a nongovernment nursing home?
8	American College of Clinical Pharmacology. I think	8	A No.
9	that's about it.	9	Q Are you a certified medical director?
10	Q Okay. Are you a current member of the	10	A No.
11	American Medical Association?	11	Q Do you know what a certified medical director
12	A Yes.	12	is?
13	Q And are you affiliated with any expert witness	13	A I know that there's some type of course and
14	services?	14	test that people take to become a certified medical
15	A No.	15	director.
16	Q Do you advertise your service as an expert	16	Q Okay. Are you currently seeing any patients
17	witness? A No.	17 18	in a long-term care setting? A Yes.
18 19	Q Have you testified in other nursing home cases	10	Q And is that in the that is in the Veterans
20	in the past?	$\frac{1}{20}$	Medical Center?
21	A Yes.	21	A Yes.
22	Q How many times?	22	Q Are you seeing any patients in a long-term
23	A I would say probably around 80 times.	23	care setting in a private nursing home?
24	Q Eighty times?	24	A No.
25	A Yes.	25	Q And other than the fellowship work that you
	D		Page 13
	Page 11		E (1) Sec. 1. 2
		-1	
1	Q And have you testified in Ohio in the past?		told me about, you haven't had any experience in a
2	A Yes.	2	told me about, you haven't had any experience in a nongovernment facility?
23	A Yes.Q Any cases in Summit County in the past?	23	told me about, you haven't had any experience in a nongovernment facility? A No, not really. Because that's not
2 3 4	A Yes.Q Any cases in Summit County in the past?A I wouldn't know.	2 3 4	told me about, you haven't had any experience in a nongovernment facility? A No, not really. Because that's not correct. Because during my second fellowship I did work
2 3 4 5	 A Yes. Q Any cases in Summit County in the past? A I wouldn't know. Q Okay. Summit County is the is the court 	2 3 4 5	told me about, you haven't had any experience in a nongovernment facility? A No, not really. Because that's not correct. Because during my second fellowship I did work in nursing homes that were private nursing homes in
234	 A Yes. Q Any cases in Summit County in the past? A I wouldn't know. Q Okay. Summit County is the is the court where this case is currently pending. But you wouldn't 	2 3 4	told me about, you haven't had any experience in a nongovernment facility? A No, not really. Because that's not correct. Because during my second fellowship I did work in nursing homes that were private nursing homes in Gainesville. We were evaluating patients in nursing
2 3 4 5 6 7	 A Yes. Q Any cases in Summit County in the past? A I wouldn't know. Q Okay. Summit County is the is the court 	23456	told me about, you haven't had any experience in a nongovernment facility? A No, not really. Because that's not correct. Because during my second fellowship I did work in nursing homes that were private nursing homes in
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2 3 4 5 6 7 8 9 10 11 12	 A Yes. Q Any cases in Summit County in the past? A I wouldn't know. Q Okay. Summit County is the is the court where this case is currently pending. But you wouldn't know? A No, sir. Q Okay. And of the 80 times that you have testified in the past, how many times have you testified for plaintiffs? A I don't know. If I say 80 nursing home cases, 	2 3 4 5 6 7 8 9 10 11 12	 told me about, you haven't had any experience in a nongovernment facility? A No, not really. Because that's not correct. Because during my second fellowship I did work in nursing homes that were private nursing homes in Gainesville. We were evaluating patients in nursing homes and doing research. Q Okay. A In about there were probably two or three different private nursing homes that we went to. Q Okay. After your fellowships were completed, did you have any long-term care setting experience in a
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	Page 14		Page 16
1	Medical Center?	in the second	Q Okay. Did you did you have an occasion to
2	A Yes.	2	speak to any Summa Hospital personnel?
3	Q And tell me about that.	3	A No.
4	A Well, I'm the chairman of the Pharmacy and	4	Q Did you have an occasion to speak to any
5	Therapeutics Committee at Bay Pines. And we have a	5	Rockynol personnel?
6	local formulary for our hospital. And we also have a	6	A No.
7	visne formulary, which is the regional formulary for the	7	Q And I would assume that you've never had the
8	state of Florida and Puerto Rico. Our local formulary	8	opportunity to visit the Rockynol facility?
9	has to coincide with the regional formulary, which also	9	A Correct.
10	has to coincide with the national VA formulary.	10	Q Are you aware of John Pere's admitting
11 12	Q Okay. Does that also have to comply with Medicare standards?	11 12	diagnosis when he went to Akron City Hospital on 1/19/02?
12	A No.	12	A Would that be the Summa Hospital?
14	Q Does it comply with Medicaid standards?	14	Q Yeah. That's Summa.
15	A I'm not aware of any Medicare or Medicaid	15	A Yes.
16	standards that would apply to the VA, since the VA does	16	Q And what was that?
17	not receive any funding from Medicare or Medicaid.	17	A He had syncope due to orthostatic hypotension.
18	Q Okay. Can you tell me the three	18	Q And that was on 1/19/02?
19	antidepressant medications that let's see. You are	19	A Yes.
20	not familiar with the updated Beer's list. Correct?	20	Q Are you aware that while he was at Akron City
21	A Correct.	21	Hospital that he had fallen?
22	Q So strike that.	22	A No.
23	Can you tell me, Doctor: Is the standard of	23	Q Are you aware that the of the medications
24	care for a government nursing home the same as the	24	that he was taking while he was in Akron City Hospital?
25	standard of care for a nongovernment nursing home?	25	A Yes.
	Page 15		Page 17
1	A Yes.	1	Q And what were those?
2	Q And does the drug formulary have anything to	2	A He was taking Florinef, Pindolol, Coumadin
3	do with the standard of cares and the application of the	3	Altace, Paxil, multivitamins. He had also been on
	drug formulary in both settings?	4	
4	ang ronnanny in com scangs.	4	Sinemet and Furosemide, which were discontinued after he
	A Well, the formulary is what drugs are	5	Sinemet and Furosemide, which were discontinued after he got into the hospital.
4 5 6			got into the hospital. Q Okay. In your opinion, Doctor, was Paxil a
4 5 7	A Well, the formulary is what drugs are available to be used. The standard of care is how you are using a particular drug in a particular patient.	5 6 7	got into the hospital. Q Okay. In your opinion, Doctor, was Paxil a proper antidepressant medication for him to be on at
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A Well, the formulary is what drugs are available to be used. The standard of care is how you are using a particular drug in a particular patient. Q Uh-hum. A So they're two different things. Q Now, as relates to this particular case, what materials have you been provided? A I have reviewed records from Summa Hospital; January 19, 2002, through January 29th, 2002. I've reviewed records from Ledges at Rockynol; January 29th, 2002, through February 2nd, 2002. Q Uh-hum. A I reviewed a copy of the medical examiner report. I guess it's called a Report of Investigation. And I think there's there is also an autopsy report. I reviewed depositions of Michael Carroll, RN 	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 got into the hospital. Q Okay. In your opinion, Doctor, was Paxil a proper antidepressant medication for him to be on at that time? A If monitored appropriately, I don't see any problem with the Paxil. Q And I know you're not familiar with the Beer's list, but are you familiar with any other list in your capacity as a board certified geriatrics physician, of any lists that indicate the various medications that should not be given as an antidepressant medication? A Yes. Q And is Paxil on that list? A Not to my knowledge. Q Is Prozac on that list? A No.
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	Page 18		Page 20
1	the medical students who rotate with me in geriatrics	1	Q Right.
2	that are considered more likely inappropriate for the	2	A he would have been. Because I think four
3	elderly.	3	or below was nonrisk in the nursing home.
4	Q Uh-hum.	4	Q Now, prior to entering Akron City Hospital,
5	A These come from a number of geriatric	5	you're aware of the fact that he had an aortic valve
6	specialists who some years ago sat around and came up	6	replacement at the Cleveland Clinic?
7	with a number of medications that really shouldn't be	7	A I don't know where it happened, but the
8	used in the elderly. Elavil is one of them. Imipramine	8	documents at the hospital do state that he had an aortic
9	is another one. Darvon or propoxyphene is one. So I'm	9	valve replacement. Yes.
10	familiar with those common medications that people say	10	Q Okay. And he was admitted to Rockynol on
11	should not be used in the elderly.	11	January 29, 2002, I think at 1:30 P.M. I think that's
12	Q Okay. Now, the syncopal episodes that are	12	what the records show. Correct?
13	reflected in those records that I think you've reviewed,	13	A One second.
14	those would have resulted from what, Doctor?	14	Q Okay.
15	A His blood pressure went down when he stood up.	15	A Counselor, I can't tell you the time, because
16	And, therefore, he didn't have enough blood pressure to	16	I don't have anything that would tell me the time
17	perfuse his brain, and he passed out.	17	Q I can tell you what I'm telling you is true.
18	Q What about could one of the causes have been a	18	It's in the records. But we agree he was admitted to
19	cardiac arrhythmia?	19	Rockynol on 1/29/02?
20	A That's possible, but I think unlikely.	20	A Yes.
21	Q Okay. Could one of the causes have been	21 22	Q Do you know why he was admitted?
22 23	orthostatic hypotension? A That's what we're talking about. Orthostatic	22	A Because of his orthostatic hypotension.Q Do you know what treatment he was supposed to
24	A That's what we're talking about. Orthostatic hypotension.	24	Q Do you know what treatment he was supposed to receive?
25	Q Now, his fall risk assessment at the hospital	25	A In what sense, counselor?
	2 Now, his tail hist assessment at the hospital		
	Page 19		Page 21
1	was a five. Correct?	1	Q Do you know what he was what he was
2	A I don't have a fall risk assessment from the	2	supposed to receive when he went to Rockynol?
3	hospital.	3	A Well, I know what they did.
4	Q Okay. Well, I'm going to tell you that at the	4	Q Yeah. But do you know what he was supposed to
5	hospital his fall risk assessment was a five. And I	5	receive?
6	think you indicated to me that you looked at the	6	A I don't understand your question.
7	Rockynol records. And when he went to Rockynol the	7	Q Do you know what the prescribed treatment for
8	assessment was a seven. Are you familiar with that?	8	him was when he entered Rockynol?
9	A I've looked at their assessment. And their	9	A Yes.
10	assessment was a seven. Correct.	10	Q What was it? A They discontinued his Sinemat mediaction
11 12	Q Correct. Assuming – assuming that I'm telling you what is correct, that at the hospital he was	11 12	A They discontinued his Sinemet medication, which was his Parkinson's medication.
13	a five and you know he was a seven, as I understand it	12	O And that's it?
14	an individual to be at risk for falling has to be ten or	13	A Later they discontinued his Furosemide, or his
15	greater. Correct?	15	diuretic medication.
16	A It depends on what scale you're using. I	16	Q Okay. Doctor, did you have a chance to look
17	don't know if the instrument at the hospital was the	17	at the MDS that was prepared at Rockynol?
18	same instrument in the nursing home. So, without seeing	18	A Yes.
19	it, I would not be able to comment.	19	Q And do you agree with me a final MDS is not
20	Q Okay. Well, assuming that it was the same,	20	required to be completed for a period of 14 days from
21	Mr. Pere, when he entered Rockynol, would not have been	21	the date of admission? Correct?
22	at a risk for fall. Correct?	22	A Correct.
		23	Q And you would agree that Rockynol was in the
23	A Assuming		
24	Q Assuming they're the same.	24	process of evaluation of Mr. Pere at the time of his
6			

1 A Yes. Because he was still within the 14-day 2 evaluation or information gathering time frame. 3 A 3 Q Okay. Now, do you agree with me that while he 4 Cackynol? 3 A Nes, sir. 2 Rockynol? 6 Q Do you agree that the records reflect that he 6 A Yes, sir. 7 Q Do you agree that he followed direction? 6 A Yes, sir. 9 Q Do you agree that he records show that he 6 A Yes, sir. 10 A No 10 A No 11 Q Olay. 11 Q Do you agree that he records show that he 11 Q Olay. 11 Q Olay. 12 followed direction? 11 Q Olay. 12 A Because on the OPRS physical training 13 A No 11 Q Olay. 11 No Itaisalize 11 Na 14 walked, 400 foet. Assistance. He add 11 Na <th>py notes</th>	py notes
3 Q Okay. Now, do you agree with me that while he 3 A Yes, sir. 4 was at Rockynol he knew his limits? 5 A No. 5 A No. 5 of Rockynol? 6 Q Doyou agree that the records reflect that he 6 A Yes, sir. 7 Q You disagree with me that those records indicate that he was identified as independent 9 Q Doyou agree that he followed direction? 9 ambulation without device? 10 A No. 10 A Astsolutely. 11 Q Doyou agree that he records show that he 11 Q Okay. 12 followed direction? 11 Q Okay. No 13 A No 11 Q Okay. No 12 13 A Initially. Then he bacame confused. 13 progress log for February Ist, 2002, it says dist 14 was of contact Guarding Assistance it says CGA, 'in hands-on while he was walking to steady him. 14 house setsedy him. 17 A Initially. Then he bacame confused. </td <td>5</td>	5
4 was at Rockynol he knew his limits? 4 Q And you've reviewed the physical ther 5 A No. 5 of Rockynol? 6 Q Do you agree that the records reflect that he 6 A Yes, sir. 8 A No. 6 A Yes, sir. 9 Q Do you agree that he followed direction? 9 ambulation without device? 10 10 A No. 10 A Assolutely. 11 11 Q Do you agree that he records show that he 11 Q Okay. 13 A No. 11 Q Okay. Do you agree that he was oriented times 15 three? 11 Q Okay. Do you agree with me that the records show 11 Na Na 13 progress log for February 1st, 2002, it says dis 16 A Initially. 15 means Contact Guarding Assistance. He had someone holding him physically; not steadyin 17 Q Do you know he had a call button? 20 A Yes, sir. 21 A Yes. <td>5</td>	5
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5 MS TRESL: How would we know that, 5 Q And why is that?	
10 MI. Thping? 10 A well, just because, it you fail and brea	***
7 Q (By Mr. Tipping) Well, Doctor, you're the 7 neck, it doesn't mean that you necessarily have	-
8 expert. 9 A Well, I can tell you that he did not have full 9 bead on Coumadin will necessarily bleed into	
10 privileges, because his doctor on admission the order 10 brain. In fact, the vast majority of people who	
11 was he was supposed to be up with assistance. So that 11 and hit their head on Coumadin do not bleed i	heir
12 would not be full privileges in the sense to be up as 12 brain.	heir fall
13 tolerated or up ad lib. So in that sense he did not 13 Q Dector, what do you believe was the ca	heir fall
14 have full privileges. 14 death?	heir fall to their
15 Q All right. If he had full privileges, would 15 A Fractured neck.	heir fall to their
16 that change whatever opinions you're going to render in 16 Q And you base that opinion upon the au	heir fall to their
17 this case? 17 report?	heir fall to their use of
18 A Na 18 A Yes.	heir fall to their use of
19 Q Are you aware of the fact that the day before 19 Q Tell me, Doctor, the sequence of event	heir fall to their use of
20 his death he walked a distance of 400 feet? 20 led to Mr. Pere's death that morning.	heir fall to their use of opsy
21 A Yes. 21 A Well, in my opinion what occurred is t	heir fall to their use of Dpsy that
22 Q Are you aware that his level of function was 22 there was a change in Mr. Pere's clinical status	heir fall to their use of opsy that at
23 identified as independent ambulation without device? 23 overall status. He had become somewhat conf	heir fall to their use of opsy that at his
24 A That is incorrect. He was contact guard 24 was found in his feces. He had defecated. An	heir fall to their use of opsy that at his used. He
25 assistance without device. 25 not wanted the nurses to clean him up. And the	heir fall to their use of opsy that at his used. He l he had

1 definitely a change in his situation. What was causing 1 O Okay. Do you agree, Doctor, that, considering 2 that, if's on'clear. But there was some type of the various conditions that are relicted in the records 4 He was incontinent again on the morning that the various conditions that are relicted in the records 5 he dataid that he had said he was trying to go to the that people have assumed that that's how he fell, you 6 had said that he bad, sits of the record that people have assumed that that's how he fell, you 7 Q O on don't agree with that? 8 Not serious. "Serious" would are an erious condition. 11 Q Isthat it? 2 A Wedl, may opinions, Doctor, do you expecto 15 offer at the time of trial? Q Do you agree serious. Somebody who's in ar 17 the facility devinted from the standard of care in intensive care unit would have a serious condition. 18 regards to a mey opinion would be. significant 20 Do you agree. Not secondy. 18 messures to preved or ty to prevent him from falling. The the fact of adequately assess his risk for ralis. 20 A Not. Si	E.		T	
2 that, if's not clear. But there was some type of chapter of ch		Page 26		Page 28
2 they are incontinent again on the movining that 4 He was incontinent again on the movining that 5 the fell. There was freese by his bed. And his roomante 6 had said that he had sith e was trying to go to the 7 had said that he had sith e was trying to go to the 8 hoter sequence of bed, trying to go to the 9 historom. 11 O Is that if? 12 A. Well, that's the basic sequence of events. 13 Yes. 14 O. Okay. What opinions, Dector, do you expect to 15 offer at the time of trial? 16 A. Well, may opinions would be, number one, that 17 the facility deviated from the stand and or care in 18 regards to a nursing home patient like Mr. Perry in that 19 regards to a nursing home patient like Mr. Perry in that 14 the staff failed to adcapticly assess this fails for 20 Dayou have an opinion concerning his life 21 secondly, it's my opinion that the staff also 23 failed to notify Mr. Pere's physician on a significant 24 change in his condition, Abad, therefore, Mr. Pere was 26 <	1	definitely a change in his situation. What was causing	1	O Okay Do you agree Doctor that considering
3 change. dealing with Mr. Per's medical meatment, the surger 4 Hevas incontinent again on the morning thit indexade the was focus by his bed. And his roommath 5 Indexade that he had said be was trying to go to the indexade that had, the aortic valve replacement, that his 6 had said that he had said be was trying to go to the builthoom. A. No. 7 O You don't agree with that? A. No. 8 builthoom. Yes. O You don't agree with that? 9 bathroom. Yes. O You don't agree with that? 10 Is that it? A. No. Sourdition was a serious. Sourdition was serious. 11 O Is that it? A. No. Sourdition was serious. Sourdition was serious. Sourdition was serious. 12 A. Well, that's the basic sequence of events. Sourdition was serious. Sourolis in informitis. Sourolis i				
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6 A Mon. Non. 6 A Non. Non. 7 A Non. Non. 8 hatpeople have assumed that that's how he fell, you 7 9 know, when he got out of bed, trying to get to the 10 10 bathroom. 11 11 Q. Is that it? 11 2 A Wall, that's the basic sequence of events. 13 13 Yes. 0 Do you agree that he was in the later stages 14 Q. Olay, What opinions, Doctor, do you expect to 11 11 15 offer at the time of trial? Q. Do you have an opinion concerning his life 16 A Wall, my opinions would be, number one, that 14 A Cousselor, I would - my opinion would be, 17 A Cousselor, I would - my opinion matt the staff also 2 Q. Do you have an opinion concerning his life 13 response failed to adcupt'y expert him from failing. 2 Scoodly, if's my opinion fatt the staff also 16 networks for fails. And that, due to the 1 1 1 17 A No. 2 2 Q. All right. Now, Doctor, from what 1 12	1		1	
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1believe that this change in condition actually put him2at even greater risk for falls. And that, due to the3facility's negligence, Mr. Pere sustained a fall. And4this fall directly contributed to his death on5February 2nd, 2002.6Q Any other opinions?7A No.8Q Okay. The second opinion, when you say that9they failed to notify of the change. When did the10changed occur and what was it?11A The significant change is on January 31st,122002, when, at 8:00 in the evening, he's incontinent of13stool and refused care.14Q I couldn't hear you.15A He was incontinent of stool.16Q Okay.17A And he refused care.18Q Okay.19A Later on, I believe it's 10:00 at night, he20was up in his bed. He had no underwear on. There was21stool on his sheets. And he originally said that they22could wait to clean him up in the morning. However, he23did later agree to let the nurses change him. So I24think that the significant change happens around that				
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24 think that the significant change happens around that 24 A Well, if someone could prove that his heart	21	stool on his sheets. And he originally said that they		
	21 22	stool on his sheets. And he originally said that they could wait to clean him up in the morning. However, he	22	fall.
25 ume. 25 stopped when he was standing there and then he just fell	21 22 23	stool on his sheets. And he originally said that they could wait to clean him up in the morning. However, he did later agree to let the nurses change him. So I	22 23	fall. Q Okay. Such as?
	21 22 23 24	stool on his sheets. And he originally said that they could wait to clean him up in the morning. However, he did later agree to let the nurses change him. So I think that the significant change happens around that	22 23 24	fall.Q Okay. Such as?A Well, if someone could prove that his heart
	21 22 23 24	stool on his sheets. And he originally said that they could wait to clean him up in the morning. However, he did later agree to let the nurses change him. So I think that the significant change happens around that	22 23 24	fall. Q Okay. Such as?

8 (Pages 26 to 29)

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	Page 30		Page 32
1		1	
1 2	to the floor dead, well, then that would take away the opinion that the fall caused his death.	12	Is the court reporter still there? THE WITNESS: I hope so.
3	Q And that would also eliminate your opinion	3	MR. TIPPING: Can she hear me?
\$.		1	THE REPORTER: I can, sir.
4	that any substandard care had caused his death. Correct?	4	
			MR. TIPPING: Pardon me? I can't hear you
6	A Correct.	6 7	very well. But go ahead and type that and give
1	Q Doctor, I just have a couple more questions	1	a copy to the doctor and just send me a copy of the transpirit. Well, send me the ariginal
8	for you. I don't think I asked you: How much do you	8 9	the transcript. Well, send me the original
9	charge an hour for your expert service?	F	transcript, give him an errata sheet. You know
10 11	A \$300 an hour. Q \$200?	10	what an errata sheet is?
		11	THE REPORTER: Surely.
12	A No, sir. \$300.	12	MR. TIPPING: Okay. And just send me
13	Q \$300 an hour?	13	you know. Send me a bill for it.
14	A Yes, sir.	14	THE REPORTER: Ms. Tresl, would you care
15	Q Okay. And how much have you paid today, thus $f_{0,r}^{2}$	15	for a copy?
16	far?	16	MS. TRESL: Yes, I would, please.
17	A \$500.	17	THE REPORTER: Thank you.
18	Q Okay.	18	One more question. Is this just regular d^2
19	MS. TRESL: He has an outstanding bill	19	seven- to ten-day turnaround?
20	with us. So we owe him money, Mr. Tipping. So	20	(Discussion between counsel.)
21	if you're asking him how much he's billed	21	MR. TIPPING: Why don't you do, like, 14
22	versus how much we've paid him	22	days?
23	MR. TIPPING: Well, that was my next	23	THE REPORTER: That's perfect.
24	question.	24	MR. TIPPING: If you can, just transcribe
25	MS. TRESL: Yeah. We are in arrears, you	25	it, send me a copy of it, and then you can let
	Page 31	<u>.</u>	Page 33
1	might say.	1	the doctor read it and sign it, just so we get
2	MR. TIPPING: Okay.	2	it back in 14 days. I don't care about that.
3	Q (By Mr. Tipping) Doctor, how much have you	3	MS. TRESL: Great.
4	billed?	4	THE REPORTER: Sure. Not a problem.
5	A I've billed \$500. That was at my old billing	5	(At 6:57 P.M., no further questions were
6	rate of \$250 an hour. I did two hours of work	6	propounded to this witness.)
7	previously.	7	propounded to ans withess.)
8	Q Okay. So you've been paid \$500 and you billed	8	∞ n4 00 we n3 m 60 00 M 60 80
9	\$500?	o 9	
10	A Yes, sir.	9 10	
11	r -	10	
112		11	
112	MS. TRESL: And then that's not counting today's deposition. Correct Dector?	12 13	
13	today's deposition. Correct, Doctor? MR. TIPPING: I understand that.	13 14	
14		14 15	
ŝ	MS. TRESL: Right?	15 16	
16	A Yes. MD TIDDING: Doctor I think that's all	10 17	
17	MR. TIPPING: Doctor, I think that's all		
18	the questions that I have for you. And under	18 10	
19	Ohio law, you have the right to either waive	19 20	
20	signature, or you can read the deposition if	20	
21	the lady types it because we're going to	21	
22	have it typed. You can read it and sign it, if	22	
23	you want to. It's your choice.	23	
24	THE WITNESS: I would prefer to read.	24	
25	MR. TIPPING: Okay.	25	
l			

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CERTIFICATE OF OATH STATE OF FLORIDA) COUNTY OF HILLSBOROUGH) I, the undersigned authority, certify that LEONARD S. WILLIAMS, M.D., the witness, personally appeared before me and was duly sworn on the 27th day of May, 2004.	SIGNATURE PAGE/ERRATA SHEET N631773 WITNESS: LEONARD S. WILLIAMS, M.D. TAKEN: 5/27/04 CASE REFERENCE: Pere vs. The Ledges at Rockynol, et al. After you have read your transcript, please note any errors in transcription on this page. Do not mark on the transcript itself. Please sign and date this sheet as indicated below. If additional tines are required for corrections, attach additional sheets. If there are no corrections, please indicate "None." Page/Line Error or Amendment/Reason for Change
WITNESS my hand and official seal this 7th day of June, 2004. JANET HAMILTON, RPR Notary Public State of Florida	
Commission: DD184269 Expires: 2/17/07	I have read my transcript and subscribe to its accuracy, to include the corrections or amendments noted above or hereto attached. DR. L.S. WILLIAMS DATE WITNESS
Page 35 CERTIFICATE OF REPORTER STATE OF FLORIDA) COUNTY OF HILLSBOROUGH) I, JANET HAMILTON, RPR, certify that I was authorized to and did stenographically report the deposition of LEONARD S. WILLIAMS, M.D.; that a review of the transcript WAS requested; and that the foregoing pages, numbered 1 through 33, are a true and complete record of my stenographic notes taken during said deposition. I further certify that I am not a relative, employee, attorney, or counsel of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action. Dated this 7th day of June, 2004. JANET HAMILTON, RPR Notary Public State of Florida Commission: DD184269 Expires: 2/17/07	Page 37 DATE: June 7, 2007 TO: Leonard S. Williams, M.D. 916 79th Street South 3. Petersburg, Florida 33707-2713 INRE: Pere vs. The Ledges at Rockynol, et al. Please take notice that on May 27th, 2004, you gay our deposition in the above-referred matter. At that time you did not waive signature. As a professional courtesy I an enclosing a context of your deposition transcript. A Page 36 you will find an errata sheet. As you read the transcript, any changes or context of the transcript iself. Date with to make should be noted on the errata sheet, citing page and line number of said change. DO NOT write on the transcript itself. Date you have read the transcript and noted any changes, sign and date the errata sheet and return the page to my office. You need not return the entire transcript. More you have read the transcript and noted any changes, sign and date the crata sheet and return the page to my office. You need not return the entire transcript. May thug yours, MANET HAMILTON, RPR ENDURE DEPOSITION SERVICES Suite 3350 101 East Kennedy Boulevant Tamp, Florida 33602 (813) 221-2535 To thereby waive my signature. EEONARD S. WILLIAMS, MD. Text is many Florida 33602 (813) 221-2535 To the return waive my signature.

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