SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - UNION COUNTY
DOCKET NO.: UNN-L-0679-16

----------X

KIRL ABAD,

Plaintiff,

-against-

MISTER EAST, AMIKLE RESTAURANT, INC., CENTRAL PARK BAR RESTAURANT SUSHI, STEPHEN LORENZO and EMELITA E. LORENZO,

Defendants.

----------X

MISTER EAST, AMIKLE RESTAURANT, INC. and CENTRAL PARK BAR RESTAURANT SUSHI,

Third-Party Plaintiffs,

-against

STEPHEN LORENZO, EMELITA E. LORENZO and STEPHEN KOO,

Third-Party Defendants

----------X

39 Broadway
New York, New York

February 18, 2019
9:32 a.m.

EXAMINATION BEFORE TRIAL OF ALI GUY, MD, an Expert Witness herein, taken by the Defendants, pursuant to Article 31 of the Civil Practice Law & Rules of Testimony, and Court Order, held at the above-mentioned time and place, before Brittany E. Bosak, a Notary Public of the State of New York.

A P P E A R A N C E S

FOR THE PLAINTIFF:
LAW OFFICE OF SOUREN A. ISRAELYAN
39 Broadway, Suite 950
New York, New York 10006
BY: SOUREN A. ISRAELYAN, ESQ.

FOR DEFENDANTS: Mister East, Amikle Restaurant, Inc., and Central Park Bar Restaurant Sushi
COZEN O'CONNOR
45 Broadway
New York, New York 10006
BY: JOHN McDONOUGH, ESQ.

FOR DEFENDANTS: Stephen Lorenzo and Emelita E. Lorenzo
SORIANO, HENKEL, BIEHL & MATTHEWS
75 Eisenhower Parkway
Roseland, New Jersey 07068-1693
BY: ADRIENNE MATTHEWS, ESQ.

I N D E X

WITNESS	EXAMINATION BY	PAGE
Ali Guy, MD	John J. McDonough	5

MARKED FOR A RULING	PAGE
Colloquy	86

DEFENDANTS' EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
Exhibit V	CV	22
Exhibit W	Queens College Transcript	33
Exhibit X	Handwritten Notes	141

Exhibits were retained by Court Reporter to be included with the transcript.

A L I G U Y, M D, after having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

BY THE COURT REPORTER:

Q Please state your name for the record.

A Ali Guy, MD.

Q Please state your business address for the record.

A 7 Gramercy Park, New York, New York 10003.

EXAMINATION BY

MR. McDONOUGH:

Q Good morning, Dr. Guy.

A Good morning. My name is John McDonough. I'm with the law firm of Cozen and O'Connor.

Have you ever known or used any other names, other than the names Ali Guy.

A My middle name, E-R-A-J, Guy.

Q Well, have you -- have you used that instead of Ali at some point?

A My gosh. Going back so many years. It was originally E-R-A-J Guy. Around 1970s I changed it to Ali Eraj Guy.

Q Okay. Which is why it's on your transcript at Queens College, right?

A I believe that's correct, yes.

Q All right. I'm going to ask you a few questions here today. If you don't understand any of the questions, please let me know, and I'll attempt to clarify them.

A Okay.

Q Is that understood?

A Yes.

Q All right. And if you wish to speak to Plaintiff's counsel here, I would ask that you not do it during a pending question, but if you either want to take a break for some other reason or take a break, you are certainly free to talk to him.

Is that understood, sir?

A Yes, yes.

Q Okay. And how many times have you been deposed -- not testified under oath in court.

How many times have you been in a setting like this at a deposition, approximately?

A In my -- in 30-year experience, to the best of my recollection -- and, again, it's the best of my recollection. I would say under 12 times. It could be slightly less, slightly more.

Q That's a pretty good estimation.

Now, where are you at with the number of times you've testified in court at this point?

A In the supreme courts --
MR. ISRAELYAN: Objection to form.
You may answer; you may answer.
A In all the different states, supreme courts, and my approximately 30-year experience, I would say 240 times -- again, slightly less, slightly more. On the average I testify eight to ten times per year.
Q Well, that was a number you gave two years ago -- three years ago, now, in '16, 240?
A Like I said, could be slightly more, slightly less.
Q How many times have you been -- has either your testimony or the reports that you have done been precluded by a court?
A To my knowledge, never.
Q Okay. When were you first retained in this matter?
A What do you mean by retained?
Q Hired.
A I was asked to see the patient on or about February 24, 2018.
Q When were you paid for that?
A Around the same time.
Q Okay. Was there something that was signed

to contract for your services?

A No.

Q How many times before that, February 24th of '18, had you worked with Plaintiff's counsel?

A Never.

Q How many times since that date have you worked with Plaintiff's counsel?

A To my knowledge, recollection, this is the first and only case.

Q What have you reviewed, if anything -- for the record, I see you've got about a 3-inch binder in front of you.

What have you reviewed to prepare for your deposition testimony today, sir?

A I reviewed records from Elmhurst Hospital, Mt. Sinai Hospital, records from Dr. Charles Kincaid, records from Dr. Rumbalm (phonetic). That's essentially it -- and EMS report.

Q Okay. When did you see Dr. Kincaid's report for the first time?

A So all the records were given to me February -- on or about February 24, 2018.

Q And your usual custom and practice is to not read any depositions?

A That's correct.

Q Did you read any depositions in this case?
A I did not.
Q A number of times you testified in court and at deposition, testified, in matters related to what we're doing today, a medical/legal matter.
Of all of those times have you ever testified in a case where there was anterlisthesis of the thoracic spine?
A It's possible.
Q I'm not asking you what's possible.
A I don't recall.
Q Is that a -- is that a significant injury, an anterolisthesis of the thoracic spice?
A Depending on the grade. We have grade one, grade two, grade three, and what the other surroundings injuries are, depends.
Q What is the most severe?
A When you have a burst fracture of the entire vertebra it causes a complete transection of the spinal cord.
Q Was there a transaction here?
A Yes, there was.
Q According to you or according to somebody else?
A According to the records and according to

my evaluation of the patient.

Q There was a complete transection of the cord?

A Yes.

Q What level was that at?

A Mostly L1.

Q You have expertise in reading films and scans?

A Yes, sir.

Q Of all of the times you testified in a medical/legal context, such as today, have you ever testified in a court where there's ever -- where there ever was -- let me start that over again, please.

Of all the times you have testified in a medical/legal context have you ever testified in a case involving the retrolisthesis of the lumbar spine?

A What grade?

Q Same grade as this.

A Again, I don't recall specifically. It's possible.

Q And when you talk about grading, what is the ASIA scale?

A I am not familiar with the ASIA scale. I

don't use the ASIA scale.

Q What scale is it you use?

A Grade one is when there's no neurological compromise. Grade two is when there is some neurological compromise. Grade three, when there's complete paralysis.

Q Do you know the name of the scale?

A No.

Q Is there more than one scale?

A Oh, yeah. In the medical field there's always more than one scale.

Q Right.

You don't know the name of the scale that you are using with those definitions attached to the grades?

A I do not know.

Q What was the answer to the question?

Have you testified in a case with these injuries with a retrolisthesis of the lumbar spine at L2?

A I believe I answered the question. I said it is possible. I don't recollect --

Q Okay.

A -- specifically.

Q All right. Both an anterlisthesis or a

retrolisthesis at this level with either impaction on the cord or resection of the cord is a very serious injury, right?

A You said resection or transection; which did you say?

Q Transection of the cord.

A That's a big difference, yes.

Q Is a very serious injury, right?

A That's right, yes.

Q You would not recall if you testified in such a case?

A I said it is possible. I don't recall specifically.

Q Okay. Do you keep track of those kinds of cases that you testify on?

A I do not.

Q In any event, in either of those -- either of those situations, the injury I described, there would be a paralysis, right?

MR. ISRAELYAN: Objection to the form.

A If there's a complete transection, generally speaking, yes.

Q Would you need a transection to have complete paralysis?

A No.

Q Did you see the Isabella Geriatric records?
A I did not.
Q Did you see the -- Dr. Matson's (phonetic) records?
A I did not.
Q Who is Jane Matson?
A I believe she's the vocational expert hired by you guys.
Q What is it that she does?
A Vocational rehabilitation, life care planning.
Q She does both of those things or something else?
MR. ISRAELYAN: Objection.
If you know.
Q Yeah. Everything -- everything is you know, so he doesn't have to chime in with that every five minutes.
A I don't know what she does exactly.
Q Okay. Does she have a focus on any part of the body?
A I have no idea.
Q Does she have a focus on any type of injury?

A I have no idea. I don't know who she is.
Q Okay. Have you ever testified in a case in which she has been on the same side as you?
A Not that I know.
Q Have you ever testified in a case where she's been opposite you?
A I have no idea.
Q Okay. Did you see a report by a neurosurgeon by the name of Eli Baron?
A No.
Q What is it you did here, if anything, to establish a premorbid level of functioning in Mr. Abad?
MR. ISRAELYAN: Objection to form.
Q Go ahead.
A History.
Q Oral history from the patient?
A Yes, sir.
Q From -- excuse me. From Mr. Abad, right?
A Yes, correct.
Q All right. Did you look at any records that predated this incident?
A No.
Q November of 2012?
A No.

Q All right. What's syncope?
A Syncope means when you pass out. It's when you have transient ischemic attack where the blood flow to the brain drops. It could be a slow drop. It could be a sudden drop, and you pass out.
Q Did you see that in the Elmhurst records at all on Mr. Abad?
A I did.
Q For how long did that condition predate the happening of the accident?
A I -- I'm not aware of it predating the accident -- this accident. I believe it happened with this accident.
Q That he had a moment or a period of syncope on the date or the time of this accident?
A That is my --
MR. ISRAELYAN: Objection to form.
Q Was the history given that it had happened before this date?
A Before -- to my of knowledge and my history, before 11/10/12, I don't have any such history, no.
Q Okay.
A My history, it happened the way it's described in the Elmhurst Hospital records.

Q How many hours did you spend reviewing this record before today inclusively -- and by records I mean the records you've identified in total.

A On or -- when I -- when I did this report in February 24, 2018, approximately two hours, and before I came here today about another two hours.

Q Did you ever look at the actual films or scans that were taken at Elmhurst or Mt. Sinai?

A Yes.

Q When did you do that?

A They were shown to me this morning by Mr. Israelyan.

Q What was shown to you?

A Pictures of the burst fracture, transection of the spinal cord, the surgical instrumentation.

Q In your opinion you were shown what appeared to be a burst fracture of a vertebral body in Mr. Abad's back somewhere?

A In part, yes.

Q What -- what was in part; there was a partial burst fracture, or you were shown the picture in part or something else?

A I was shown the picture of the actual

x-ray and the transection of the cord and the surgical instrumentation that was done afterwards.

Q Where was the burst fracture was the question, sir.

A T12 and also L1.

Q Both of those vertebral bodies showed a burst fracture; is that correct?

A The main one was between L1, L2, and a T12 also had partial fracture of it as well.

Q Give me your definition of a burst fracture, please.

A When -- when the vertebrae is completely broken, the pieces move away from its original anatomic location. It either lodges on the spinal cord or somewhere away from its original location. It breaks up. Burst means it breaks up.

Q The vertebral body, right?

A Correct, correct.

Q So, for instance, there would not be a burst fracture between L1 and L2 because between L1 and L2 there's no vertebral body; there's a disc, right?

A Burst fracture only applies to a bony vertebra.

Q So there would be no burst fracture

between those two vertebral bodies, correct?
A That is -- well, a piece would fall off and wind up between L1/L2. In this case that's what happened.
Q There's a piece of a vertebral body between one and two?
A Yes.
Q Tell me how you counted to arrive -- tell me how you counted the vertebral bodies to arrive at that conclusion?
THE WITNESS: Can I look at the x-rays one more time?
Q We don't have the time for that right now.
A Well, if you ask me --
Q Are you able to -- are you able to articulate here, after you have seen the x-rays a short time ago, how --
A Yes.
Q -- you ended up with that?
A I count L5, L4, L3, L2, L1.
Q Is there anything that you saw unique about L5/S1 on this gentleman?
A It was a herniation there as well.
Q In -- in regard to the interspace between L5 and S1 other than there being a herniation, what

you describe as a herniation, is there anything unique to this individual about that area?

A Well, there was spinal narrowing, due to a disc herniation. That's all I could remember.

Q Okay. Did this gentleman have any other preexisting health conditions you are aware of?

A Hepatitis type B.

Q Hepatitis type?

A B.

Q B as in boy?

A Correct. Under treatment.

Q Who is it that treated that?

A I guess his primary medical doctor.

Q Who is that?

A I don't know the name.

Q Did you ask him for that history when you examined him --

A No.

Q -- on February -- let me finish the question.

In February of 2018 about a year ago?

A No. Mr. Souren brought that to my attention.

Q He brought it to your -- when did he bring that to your attention?

A This morning and last night.
Q How many times did you speak to Plaintiff's counsel before now?
A About three -- three or four times.
Q And that goes back to February of '18, right?
A Recently.
Q Recently?
A Yes.
Q Okay. So the three times you've spoken to him were when?
A Last night, this morning, a week ago, and on or about February 24, 2018.
Q How long did you speak to him last night?
A Less than an hour.
Q How long did you speak to him this morning?
A About a half hour.
Q As part of the history you took from this gentleman did you ask him about preexisting conditions?
A I did.
Q All right. Did he tell you he had hep B, hepatitis B?
A He did not.

Q Okay. Did he tell you he had a primary care physician?

A That was not discussed.

Q Well, what -- what is the basis for your statement to me that it's -- is and has been under treatment?

A Based on what Mr. Souren told me.

Q What did he tell you?

A I said, does he have any past medical history or problems that I'm not aware of? He said, did you know that he had hepatitis B? I said, no. I said, is it under treatment? He said, yes, it is currently being treated.

Q There's no question in your mind that you asked him about preexisting medical conditions when you saw him in February of '18, right?

A That is correct.

Q Okay. Did he tell -- did Mr. Abad at any time, in your interview, some other time, tell you that he had seen a toxicology report from the -- from the evening of the -- excuse me. Withdrawn. Let me start over.

Did Mr. Abad tell you at any time that he had been advised of the results of a toxicology report on the evening -- from the evening of the

accident and that the toxicology report was positive for alcohol and cocaine?

MR. ISRAELYAN: Objection to form.

A The answer is no.

Q Okay. Are you aware that he told that -- that is that he saw a -- that he was told about a report, the contents of which said that he had alcohol and cocaine in his system on the evening of the accident -- are you aware that he told that to a psychologist at Isabella Geriatric Center, yes or no?

MR. ISRAELYAN: Objection to form.

A No.

Q All right. Why don't we -- do you have a copy of your résumé in there somewhere?

A I do not.

(A discussion was held off the record.)

(CV was marked as Defendants' Exhibit V for identification, as of this date.)

Q All right. So, Dr. Guy, I'm handing you what's been marked today's date as Defendants' Exhibit V, as in victory.

A Okay.

Q Do you recognize that document?

A I do.

Q Okay. So what is it?
A Give me a second. It's an old copy of my curriculum vitae. It has been updated as of December of 2018. It's missing one more section, and the special membership New York State Medical Society and New York County Medical Society, I'm no longer with that membership -- so yeah.
Q All right. So is it a fair statement, then, that -- that this was your CV or résumé before it was recently updated --
A Yes.
Q -- right?
A Yes.
Q And when you handed or gave the -- your report of your February of '18 interview, exam, opinions, and conclusions to the plaintiff's attorney in this case, you gave him that copy of your résumé, right?
A I didn't give him a copy of my résumé. My office may have given him a copy of my résumé. I did not.
Q I see. Well, did you authorize your office to give that to him?
A Yes, if they asked for résumé, yes.
Q Okay, all right. So starting at the top,

let's go over this, what you describe as, postgraduate training.

A Okay.

Q All right. Well, we'll start before that.

So you're a diplomate of the American Board of Physical Medicine and Rehabilitation?

A Yes, sir, yes.

Q All right. You are not board certified in pain management, correct?

A I am not.

Q I'm sorry?

A I am not.

Q So let's go to the bottom of this area that discusses postgraduate training.

By the way, this material as it appears here appears where else?

MR. ISRAELYAN: Objection to the form.

Q Does it appear on your website?

A I believe it does.

Q You don't know if it does or not?

A I haven't checked it recently.

Q Did you put it on there?

A If it's on there, yes, then I put it on there many years ago.

Q All right. This internal medicine from

July 1, 1982, to June 30, 1983, the Veterans Administration, which has got a different name now, was not at that time a trauma facility, correct?

A Correct.

Q All right. And what was this -- what was this program, whether you finished it -- in it -- what was this program intended to be, whether you finished it or not, this internal medicine at Mt. Sinai beginning in July of '82; was that an internship?

A It's a residency. There's no longer internship. Residency is a prerequisite for getting into physical medicine and rehabilitation. The prerequisite is one or two years of prior training, one year of general surgery, and/or one year of internal medicine.

Q Yeah. I appreciate you volunteering all of that, but this is going to last a week if you do more than just answer the questions.

How long was this residency in internal medicine, not how long you spent?

A Yes.

Q How long was the residency?

A The residency, if you choose to follow internal medicine, is a three-year residency.

Q Either on your résumé or on your website do you indicate that this was a three-year program?

A No. I don't have to.

Q And your website advertises your practice, correct?

A When you say advertise what do you mean by advertise? It tells you --

Q Tells the world about your practice, right?

A Yes, correct.

Q And it tells the world about your credentials, correct?

A Yes.

Q Okay. And you say that you were at this three-year residency from July 1 of '82 to June 30th of '83, right?

A And then again July 1 of '84.

Q We're going to get to that. We're going to get to all of that.

MR. ISRAELYAN: Let him finish his answer. Let him finish his answer. Please do not interrupt.

Q Go ahead. Finish the answer.

A The question was, you were at this residency training program from July 1, '82 to

June 30, '82. The answer is, no, I was also there from July 1 of 1984 to December 31, 1984.

Q Another six months?

A Yes, correct.

Q Okay. So in total you did a year and a half on a three-year residency program, right?

A That is correct.

Q Is that stated anywhere on your website, that you did a year and a half of a three-year internal medicine program?

A I don't recall.

Q We'll get to it. I'll mark that later, your webpages.

When was the last time -- did you update the webpage since you updated -- you claim you updated your résumé two months ago?

MR. ISRAELYAN: Objection to form.

A I would have to check. It could be a yes. It could be a no. I'm not sure.

Q Who would know if you updated your webpage --

A My office manager.

Q -- other than you?

A My office manager.

Q What's your office manager's name?

A Navida.
Q Navida what?
A Navida Sheikh, S-H-E-I-K-H.
Q Is she authorized to change the content --
A With my --
Q Withdrawn.
On her own is she authorized to change the content on your webpage?
A No.
Q Who has to authorize that?
A Me.
Q Well, in the last two months have you authorized her to change the content of the webpage, sir?
A It is possible. I don't recall. I'm not sure.
Q I don't think I got your answer -- well, let me broaden the question at this point.
So during your participation in the residency program at the Veterans Administration in the Bronx in '82 to '83 and for the six months in '84, the Veterans Administration Medical Center in the Bronx did not have a trauma -- a trauma unit, correct?
A At the Veterans Hospital, no, but at

Mt. Sinai, yes.

Q I didn't ask you that.

A I'm explaining.

Q Where you did the residency at the Veterans Administration in the Bronx there was no trauma center, correct?

A The residency was rotating through different hospitals for Mt. Sinai both at the Bronx Veterans and also at Mt. Sinai Medical Center.

Q What -- what is the reason why you have the VA here in the Bronx written down as opposed to the myriad number of hospitals?

A That's where most of the training took place, but you --

Q Okay.

A I also rotated through Mt. Sinai.

Q Okay.

A As part of the Mt. Sinai program.

Q And how long -- what's most? Of the 18 months you spent in internal medicine what's most; how much of the program in internal medicine was at the VA in the Bronx?

A Most of it, most of it.

Q What is that, sir; is that seven months, 12 months?

A I would say -- I would say the vast majority, maybe 15 months out of 18 months.
Q Who was in charge of the residency program at that time?
A Dr. Herbert.
Q What's Dr. Herbert's first name?
A Mark. I believe it's Mark Herbert.
Q And -- in any event, during that period of time, the 18 months we're talking about, that you were involved with that residency program, the VA in the Bronx had no trauma facility, correct?
A That is correct.
Q Did you ever testify you are an expert in trauma?
A Yes.
Q Let's go to the -- this entry for surgery.
A Okay.
Q So that program at Cabrini Medical Center was five years, right?
A If you want to do general surgery, it's a five-year program, yes.
Q Sir, if you wanted to complete the residency it was five years, right?
A If --
MR. ISRAELYAN: Objection to form.

You may answer.

A If you wanted to proceed with general surgery, yes, it's a five-year program.

Q Who was in charge of that program?

A Dr. Raymond Laraja.

Q Spell Laraja, please.

A L-A-R-A-J-A.

Q And Cabrini closed when?

A Gosh, exactly when, I don't know. More than ten years now.

Q All right. So out of the five-year program you claim to have participated or attended for a year, right?

A That is correct.

Q Okay. Well, let's go next to your education.

This section entitled, Education, appears on your webpage, right?

A I believe it does.

Q Okay. You don't know if it does or not?

A I'm not sure. Haven't checked my webpage in long, long time ago.

Q All right. And you've often testified that in relation to your time at Queens College that patients don't ask you your GPA, right?

A That's correct.

MR. ISRAELYAN: Objection to form.

MR. McDONOUGH: What's wrong with the form?

MR. ISRAELYAN: He answered.

Objection to the form.

Q So -- so --

MR. ISRAELYAN: I'm not here to educate you what's wrong with your question.

Q Is there anything on either this résumé or the website that indicates you never finished your undergraduate college degree?

A No. I don't have to.

Q Well, if patients or potential patients knew that you never completed your undergraduate degree, do you think they would have more questions about your education?

A No.

MR. ISRAELYAN: Objection.

Q You don't think so?

A No.

MR. ISRAELYAN: You don't need to answer that question.

MR. McDONOUGH: All right. You can mark this -- mark this, please.

(Queens College Transcript was marked as Defendants' Exhibit W for identification, as of this date.)

Q All right. Take a look at that.

MR. ISRAELYAN: Let me see. All right. This has never been disclosed. I need to speak with the witness. We'll take a break, little break.

Anything else you are going to show him that hasn't been disclosed?

MR. McDONOUGH: There's a lot of things. I'm not obligated to show you anything.

MR. ISRAELYAN: Yes, you are.

MR. McDONOUGH: And I object to this procedure you are doing with running around with documents. You are the one that hired this fellow. You could have gotten whatever documents you want.

MR. ISRAELYAN: No. I'm going to take a break.

MR. McDONOUGH: No?

MR. ISRAELYAN: That's improper. You should have given anything you intend to show --

MR. McDONOUGH: I see.

MR. ISRAELYAN: You should give it to us.

(A discussion was held off the record.)

(A recess was taken.)

Q Doctor, you testified in a case -- so let's go back to the document I showed you before you went outside with your attorney and discussed the document with him. The document is Exhibit W.

Have you seen that document before?

A I have.

MR. ISRAELYAN: Objection to form.

Q All right. And you testified in a case called Zadra?

A Zadra, Joseph Zadra.

Q Zadra?

A Zadra.

Q Zadra?

A Yes.

Q That your GPA was 3.2?

A That's what I thought it was. I was never asked that question before, so, yes, that is correct.

Q Before you were asked in that case?

A Yes.

MR. McDONOUGH: Zadra is spelled Z-A-D-A-R-A.

THE WITNESS: No. Z-A-D-R-A.
Q You recall that, but you didn't recall your -- that's a long time ago.
You didn't recall what your GPA was?
MR. ISRAELYAN: Objection to form.
Q Z-A-D-R-A?
A Yes, Joseph Zadra.
Q All right. So you didn't know what it was, but you said 3.2?
A That's what I thought it was, yes.
Q All right. So what was your GPA when you left Queens College?
A Two point two two six.
Q All right. You've also testified under oath that it was one subject that brought your cumulative average or your GPA down.
Was it one subject that did it, or was it -- or was it several?
A The main one was organic chemistry. That was the main one.
Q But it wasn't one; was it -- wasn't one subject that brought your cume [sic] down, correct?
MR. McDONOUGH: Objection to form.
A No. The main one, again, was --
Q Can I have the document?

A Yes.

Q At Queens College -- well, you might want to -- I'll put this -- well, let's -- let's do it from memory first.

At Queens College where you were attempting to get your undergraduate college degree you withdrew from calculus, general biology, another calculus course, embryology, and general physics; is that correct?

MR. ISRAELYAN: Objection to form.

A I don't remember exactly, but sounds about right.

Q Good. Look at your transcript.

A Withdraw passing calculus, withdraw passing general biology, withdraw passing calculus, withdraw passing embryology. That is correct.

Q All right. And the name on the transcript is up on the -- I'm going to call it the upper left as I'm handing you the document.

What name was -- did you go to -- go to Queens College with?

A E-R-A-J.

Q Okay. Whose handwriting is that on that transcript; do you know?

A Where?

Q Up on the upper left above E-R-A-J.
A I don't know.
Q Okay. According to your transcript, general biology you got a D in.
What was the full name of the course called intro theory and practice; what was that an intro to?
A Let me see.
Q Fall of '75.
A Fall of '75, I don't remember.
Q Okay. In the spring of '76 you got an F in calculus and a D in general physics.
Do you recall that?
A I do.
Q In the fall of '76 you -- you got an F in organic chemistry.
Do you recall that?
A I do.
Q Okay. In the spring of 1977 you got a D in organic chemistry.
Do you recall that?
A That sounds right.
Q In the fall of '76 you took a course called -- what appears to me to be -- well, you tell me.

What is it you got an A minus in? I don't want to misstate what's -- the name of the course was.

A Elementary Arabic.

Q And was that spoken Arabic or written Arabic or both or something different?

A In -- in class, both.

Q Yeah.

A Written and -- written and --

Q Okay. Were you fluent in that before you took that subject?

A No, sir.

Q Was it spoken somewhere that you had experience with before you took it?

A No, sir.

Q What made you take Arabic?

MR. ISRAELYAN: Objection to this line of questions.

You may answer.

A I was -- I wanted to take languages. I took French. I took Spanish. I took Arabic.

Q There's no Spanish on there.

A But in the past I've taken Spanish.

Q Okay, all right. Now, as a result of -- I guess it's two and a half years?

A Three and a half years.
Q I don't get that. I don't see three -- is this a complete transcript, sir? Take a look at it.
A Okay. We start at spring of 1974 to spring of 1977, three years, fall of -- three years, three years.
Q Let me see that.
A Yeah.
Q You left Queens College after three years, right?
A Yes.
Q All right. And that included -- to be accurate, you took some courses over at least one summer, right?
A Yes.
Q Okay. You've testified previously that as a result of -- you have no college degree from anywhere, right?
A That is correct.
Q Okay. And that fact does not appear on your CV, correct, that you have no college degree?
A Correct. Doesn't have to.
Q Okay. And it does not appear in your advertisement for your practice --
MR. ISRAELYAN: Objection.

Q -- under Queens College, right?

MR. ISRAELYAN: Objection to the word advertisement.

A Doesn't have to.

Q All I'm interested in is yes or no.

A No.

Q Does it appear?

A Nope.

Q Okay. And you have testified that as a result of not getting a college education -- excuse me -- a college degree in the United States you did not apply to a single medical school in the United States?

A You have it incorrect. Because my grades were not good enough I did not apply to any school in the United States. There are programs in United States that only two years of college is required such as Sophie Davis, so my grades were not good enough. I did not apply. I applied to only one medical school in Dominican Republic. I was accepted. I went. I lived there for a few weeks. I fell in love with the country and the culture and the people. I went there. In retrospect it was one of the best decisions I ever made.

Q What medical schools in the United States

do you claim you can get into or could have gotten into in the late '70s with no college degree?

A Me, none. But there are programs. If your grades are good, you could get into Sophie Davis. It's a combined college and medical school.

Q Where is Sophie Davis?

A I believe it's in New York.

Q Okay.

A You have to have very good grades to get into that school.

Q All right. I can't -- take a look at your -- Exhibit V, your CV.

And what year did you go to the Dominican Republic?

A 1977.

Q Okay. How many years was the program in the Dominican Republic?

A Ten semesters. One school I went four semesters. The other one was six semesters. It was a much better school, so I transferred to a much better school.

Q All right. The question was, what year did you arrive in the Dominican Republic?

A I told you, 1977.

Q That's all I need.

A Okay.
Q Okay. Now, you attended one school?
A Four semesters.
Q Four semesters?
A Yes.
Q Was that two years?
A I did not take any breaks in between. I went to school all throughout, including the summer, so there was no break in between.
Q How long was the four semesters at the first school?
A Each semester?
Q Yeah.
Was it a month; was it six months?
A About -- I'm trying to remember.
Q Is it on your résumé?
A No. It doesn't have to be on the résumé.
Q I didn't ask you whether it has to be.
A It's not on the résumé.
Q Okay. How long -- what were the dates you attended the first school, '77 to what?
A To April of 1979.
Q You left the -- the first school with what; did you have a degree?
A You don't get a degree with four

semesters.

Q Sir, I'm asking you.

You left with credits from the first school?

A That is correct, yes.

Q And the first school you went to you were in a degree program that was what?

A MD degree.

Q Do you have a copy of your transcript from that first school?

A I imagine somewhere I do; I imagine.

Q What is your home address?

A Fourteen Thomas Street, Scarsdale, New York 10583.

Q So you left the first school in the Dominican Republic in -- in 1979 because you didn't like the program?

A No. I -- I went -- I transferred to a much better school. They let you do the rotations in the U.S. Some of the rotations were in the U.S.

Q The second school?

A That is correct, yes.

Q All right. Well, it's the second school -- is -- I'm going to -- you pronounce it.

What was the name of the second school?

A Universidad Nordestana, means University of Northeast.
Q When was that degree granted?
A July of 1981.
Q And does that school still exist there?
A It is.
Q Do you know the address -- withdrawn.
Do you know the city?
A Yes, San Francisco de Macorís.
Q Do you have a transcript from there?
A I may have.
Q Do you have a copy of a degree from that institution?
A I do.
Q Okay. Where did you keep that, your -- one of your offices?
A My office, yes.
Q Which office?
A Manhattan.
Q Okay.
A New York State Education Department has all these copies.
Q I know that.
A Okay.
(A discussion was held off the record.)

Q In many prior transcripts many times you've been either asked at trial or the few times that you have been to depositions -- you have been asked about your Queens College experience, and you have uniformly answered, quote, my undergraduate I went to Queens College.

MR. ISRAELYAN: Objection to the form of the question.

Do you have a specific --

MR. McDONOUGH: I didn't get to the question yet.

MR. ISRAELYAN: Do you have a specific reference?

MR. McDONOUGH: That's called background.

MR. ISRAELYAN: Ask a question.

Q For instance, in the Dovebird (phonetic) case as page 412, line two, that was the answer you gave to, where did you go to undergraduate?

Now, my question is this, did you ever indicate to people when asked a question about your undergraduate degree that you did not finish the program?

MR. ISRAELYAN: Objection to form.

You may answer.

A When asked -- when asked, yes.

Q I just told you the answer that you gave in Dovebird. I'll go on to other cases. Okay?

A If I was asked if I finished or not, yes. If I was not asked, I simply said I went to Queens College.

Q You didn't simply say that. You said -- what you said, sir, was what I -- exactly what I quoted, you did your undergraduate at Queens College.

MR. ISRAELYAN: Asked and answered.

You don't need to answer.

Q Do you recall that?

MR. ISRAELYAN: Asked and answered.

MR. McDONOUGH: I've never asked him that.

Q Go ahead.

MR. ISRAELYAN: You just asked and answered. You cannot instruct the witness to go ahead if I already asked and answered.

Move on. Next question.

Q In the Walker case at page two -- I'll do this.

A Lee Earnest Walker case, is that the case you are talking about?

Q Hold on a minute, hold on.

Walker versus Clock Metro North, Southern

District of New York, 1990, your response to the same question was the following -- and I'm going to quote it to you.

I did my undergraduate training at Queens College.

MR. ISRAELYAN: Counsel, the proper -- the proper way to ask the question is to read the question and the answer.

MR. McDONOUGH: You are going to -- you're -- you're going to instruct me on trail practice now?

Q Do you recall giving that answer in the Walker case --

MR. ISRAELYAN: Objection to the form.

Q -- when asked about your undergraduate degree?

MR. ISRAELYAN: Objection to the form, taken out of the context.

The question was not read.

MR. McDONOUGH: Yeah.

Q Go ahead.

A I was never asked -- to the best of my recollection I was never asked whether I finished or not. I believe I said I went to Queens College, yes.

Q I quoted you what you said.
A And -- and I answered you.
Q Quote, I did my undergraduate training in Queens College.
Now, were you attempting to avoid saying in Walker and in the Dovebird case that you never finished your undergraduate degree by saying, I did my undergraduate training at Queens College?
MR. ISRAELYAN: Objection.
You may answer.
A Okay. That question was asked and answered many times. I believe I was asked what college you went to, and I said Queens College. That was my intention, to indicate what college I went to. If I was asked whether you finished it or not, I have said the answer. I did not finish it. I did not -- I was not required to finish it.
Q You don't think the statement -- withdrawn.
The statement that you made in Walker is identical to the statement that you made in Dovebird about your undergraduate college attendance.
Do you see a pattern there?
MR. ISRAELYAN: Do not have to answer it.
MR. McDONOUGH: Why is that?

MR. ISRAELYAN: Because you haven't shown him the transcript. You have to show him the questions asked.

MR. McDONOUGH: Counselor, you are talking about cross-examination. This is discovery, and if you are going to keep up the -- these ridiculous objections -- I don't even -- I've never heard this objection before. This would be for trial if I was cross-examining him, which I'll do, with the prior transcript. I'm not involved in that right now. Wherever you -- wherever you got your trial or discovery tactics from, you're incorrect.

MR. ISRAELYAN: I'm -- I'm -- I'm sorry I have to -- I have to state something that is pretty obvious.

MR. McDONOUGH: What's obvious?

MR. ISRAELYAN: You have to show the witness or read exactly accurately the question posed as well as the answer given by the witness. Otherwise, you are talking it out of the context. If --

MR. McDONOUGH: I'm taking it out of the context?

MR. ISRAELYAN: If you allow that to be

happening, I'll be happy to allow him to answer the question; otherwise, that's an improper question out of the context. This is a discovery deposition.

MR. McDONOUGH: And you think I need to show him the transcript?

MR. ISRAELYAN: You have to either show him the transcript or accurately read the question.

MR. McDONOUGH: You don't know what you are doing. It's as simple as that. I'll go on to the next case.

MR. ISRAELYAN: Well, I -- I disagree with that.

MR. McDONOUGH: Yeah.

MR. ISRAELYAN: Apparently --

MR. McDONOUGH: We'll see what the judge has to say. It's like your representation the other day that there was a time limitation on the -- on the deposition on Friday, completely false.

MR. ISRAELYAN: We'll deal with that in -- in -- in -- with the court.

MR. McDONOUGH: You are right.

Q Here's the Archer versus Bowne, B-O-W-N-E,

case in Kings County in 2016.

In response to a question about your -- where did you go to college, you responded, quote, for my undergraduate I went to Queens College.

A That's correct.

Q If you didn't graduate, how is that your undergraduate school? Undergraduate means you graduated at some point, right?

A Not to me it doesn't.

Q What?

A Not to me it doesn't.

Q To you it doesn't?

A No. If I'm asked, did you finish, did you -- the answer is no. What school did you -- what undergraduate did you do? We have undergraduate. We have medical school. Queens College to me is an undergraduate school.

Q It's a college, right?

A Undergraduate, yes.

Q And if you don't graduate and if you leave halfway or three quarters of the way through, you are saying that that's still an undergraduate school?

A Yes, sir.

Q All right. What's the definition -- what

would be your definition of undergraduate?

MR. ISRAELYAN: This is completely improper.

THE WITNESS: Yeah.

MR. ISRAELYAN: Go ahead, over my objection.

A Undergraduate to me means --

MR. McDONOUGH: Stop making speaking objections.

MR. ISRAELYAN: I have a right to object when a question --

MR. McDONOUGH: You don't have a right to -- to make speaking objections. Okay?

MR. ISRAELYAN: All right. I object. I allow him to answer your question.

MR. McDONOUGH: Yeah, after your speaking objection.

Q Go ahead.

A My --

Q The definition of undergraduate.

A To me is -- undergraduate means a college before medical school.

MR. ISRAELYAN: Counsel, do not raise your voice at me.

Q Do you see any --

MR. McDONOUGH: Oh, god.

Q Do you see any deception by use of the word describing your college attendance as attending an undergraduate school?

A Not to me.

MR. ISRAELYAN: Objection.

Q Do you see any deception in using that on your educational portion of your CV that's on your website?

A No.

MR. ISRAELYAN: Objection.

Q What do you got over there? Is that the -- okay. That's your CV. Hold onto it. We might -- I think I'm done with that.

Do you remember the Archer case?

A No, I don't.

Q Okay. Now, we'll go onto something else here.

Now, earlier you told us -- you were kind enough to give us your -- I guess it's your recollection that you had never -- neither your opinions or reports were ever precluded in any court at any time.

A To my knowledge.

Q Yeah.

A No.
Q And you've testified to that --
A That's correct.
Q -- many times --
MR. ISRAELYAN: Objection to form.
Q -- right?
A Yes.
Q You were involved in the United States District Court for the Eastern District of New York in a case called Robinson Bermutez (phonetic) against the City of New York, and there's a number of other defendants.
A Refresh my memory. Was the plaintiff attorney John Tumelty?
Q It was a police brutality case.
A Was the plaintiff attorney John -- try to refresh my memory.
Q Let me put it this way.
How many cases of a police -- involving police brutality have you been involved in in the Eastern District of New York?
A I don't recall how many -- not that many.
Q This court order I'm holding doesn't have plaintiff's attorney's name -- Tumelty & Spier.
A Yes.

Q You recall the case?
A I spoke with Mr. Tumelty. He explained to me the facts. I never testified in that case. We were just recordkeeping, and after I spoke with Mr. Tumelty he explained to me the details, which I will be very happy to share with you.
Q I didn't -- there's no question, sir.
A I'm explaining.
Q I didn't ask you to, though.
A Okay. Fine.
Q Okay. We were talking about your repeated assertion that your opinions have never been precluded nor have your reports.
A To the best of my knowledge, yes, that's correct.
Q And after talking to Tumelty -- whatever his name is -- you are still of that opinion, right?
A That requires a long, detailed explanation.
Q Yeah.
A The answer is yes.
Q You can tell him afterwards, all right?
A Okay.
Q I'm going to read from the decision.
A I never testified in that case.

Q You've already said that.
A Yes.
Q And I didn't ask you that.
A I want to make sure the record shows that.
Q The record will show in a second --
A Oh, yes.
Q -- you were prevented from doing that.
A For very good reason.
Q So this is Judge Matsumoto, M-A-T-S-U-M-O-T-O, in an order of December 21, 2018.
MR. ISRAELYAN: Counsel, do you have a copy for that order --
MR. McDONOUGH: No.
MR. ISRAELYAN: -- for us?
Q Quote --
MR. ISRAELYAN: What's the date again? I'm sorry.
MR. McDONOUGH: You can get it off the record later.
Q Though the apparent, quote, analytical gap, quote, in Dr. Guy's opinion is sufficient to exclude it, there are other aspects of Dr. Guy's reports that undercut a finding of reliability.
I'm going to leave out the citation to another case at that point.

First and as discussed above, the Court has already concluded that Dr. Guy is not qualified to opine on at least some of Plaintiff's alleged injuries. Indeed, the more serious and persistent ones.

Then the opinion cites to a case called Jaquez, J-A-Q-U-E-Z.

A Jaquez.

Q And states in that case, mere possession of a medical degree does not qualify one to be an expert in all medically-related fields, quote -- end of quote, end of paren. The Court finds Dr. Guy's willingness to opine on these injuries troubling. This type of overreaching, drawing conclusions in a federal litigation without authority or necessary expertise calls into question Dr. Guy's judgment and ultimately the reliability of the opinions he might otherwise be qualified to make.

Now, did Mr. --

MR. ISRAELYAN: Objection to you reading that portion of the order.

Q Did Mr. Tumelty -- did Mr. Tumelty read that portion of the opinion to you?

A No. This is the first time I've heard this.

Q Did he give you a copy of the order?
A No, sir.
Q Did you ask for a copy of the order?
A I didn't need to. I did not.
Q When the judge called -- said that you -- you have poor judgment, you don't think you needed to read that?
A I never knew the judge said that. This is the first time I'm hearing it.
Q In any event, this is two months old.
This wasn't the first time you had an opinion excluded; was it?
A To my knowledge, this is the first time I'm hearing about this.
Q I didn't ask you that.
A This is the first time -- this case is the first time I'm hearing my opinion was excluded. I never testified in this case.
Q Your opinion and reports -- I know that. You were precluded from doing that because of this opinion.
A There's a --
Q Not an opinion, it's an order.
MR. ISRAELYAN: Objection to the statement.

Q Did you tell Tumelty to appeal the judge's order?

A I'm not going to tell an attorney what to do. I'm not a lawyer.

MR. ISRAELYAN: Is that an appealable order?

MR. McDONOUGH: I'll leave that to you since -- since you are so --

MR. ISRAELYAN: Don't make statements that you are to show --

MR. McDONOUGH: I'll leave that up to you. You seem to know everything there is to know about the law, trial practice, discovery, running out of the room with my documents with the witness.

MR. ISRAELYAN: Don't talk nonsense on the record.

Q By the way, did you ever give this attorney a copy of your transcript before today?

MR. ISRAELYAN: What transcript?

Q Your college transcript.

A No -- he never asked for it, no.

Q Okay, all right. So on the occasions when you've testified that you have never been precluded, your opinions or your reports have never been

precluded by any court, the bulk of those assertions have been after 2007, right?

MR. ISRAELYAN: Objection to form.

A Again, to the best of my knowledge I did not know any of my testimonies were stricken from the record. This is the first time I'm hearing about this.

Q You already said that.

A I'm saying it again.

Q I'm asking you a different question, sir.

A Okay.

Q The bulk of the times -- you -- you told us you testified earlier about 250 times, right, approximately, give or take?

A Correct.

Q Could be more, could be less, because you've used that same number now --

A That's because I'm not sure.

Q -- since 2016?

A Correct.

Q You are not -- in federal court you are -- you are obligated to produce a list of the cases you've testified in, the names of the cases.

What is it you're not sure about now?

MR. ISRAELYAN: Objection.

First of all, your statement is inaccurate, so --

MR. McDONOUGH: Is it? Oh, yeah?

MR. ISRAELYAN: And the question is improper. Yes, it is inaccurate. There's a time limit in the federal court as to the testimonial history that needs to be produced.

MR. McDONOUGH: What rule is that?

MR. ISRAELYAN: It's not unlimited. There's no such --

MR. McDONOUGH: What rule is that?

MR. ISRAELYAN: I do not know which rule it is. I don't remember off the top of my head which rule it is, but it's not accurate that you have to produce --

MR. McDONOUGH: It's rule 26. Okay?

MR. ISRAELYAN: -- everything from the beginning of time.

So if you are so familiar with the rule, why don't you tell him -- tell us how many years back you have to -- an expert has to produce their testimonial?

MR. McDONOUGH: That's not what we're involved with here. You want to go off on a tangent --

MR. ISRAELYAN: I'm not --

MR. McDONOUGH: -- because of the nature of the questioning. I can understand why you would want to do that, but we ain't going to do that.

MR. ISRAELYAN: I don't want to go anywhere.

Q Dr. Guy --

MR. ISRAELYAN: You haven't asked a single relevant question so far. We're here about an hour -- close to two hours.

Go ahead.

Q All right. So, Dr. Guy, how many of the 250 times have you testified since approximately 2007?

A How many times I've testified?

Q Have you testified between -- I'll say it differently.

Of the 250 times you have testified in what you said was your roughly 30-year career how many of those occasions have occurred since 2007?

MR. ISRAELYAN: Objection to the form.

You may answer. Essentially he's asking how many times you testified 2017, 2018.

A To the present -- to the present

approximately 250 times, plus or minus. I don't have an exact number.

Q I'm not asking you that. I said -- when did you begin your career of -- hold on.

When did you begin your -- the medical/legal aspect of your career where you began testifying on behalf of patients and others like Mr. Abad --

A Right.

Q -- in what I'll call a medical/legal context; when did you begin doing that?

MR. ISRAELYAN: Objection to the form.

MR. McDONOUGH: You got an objection to every question. Okay? I'll save you oxygen.

Q Go ahead.

A I believe since 1990.

Q Right. So the question isn't what your attorney asked you. It's the question I asked you.

There were times you testified between '90 and '07 --

A Correct.

Q -- in court, correct?

A Right.

Q I'm not asking you about those.

A Okay.

Q What is the number of times you've testified from 2007 until today, approximately?

A Eight to ten times per year, 11 years -- I'm doing my math -- about -- about 100 times, plus or minus.

Q During any of those times how many times have you asserted that you've never -- your reports and opinions have never been precluded?

MR. ISRAELYAN: Objection.

That's an improper question. That has to assume how many times the question was asked.

MR. McDONOUGH: What? What are you talking about?

Read that back.

(Requested testimony was read.)

Q Go ahead and answer my question, please.

MR. ISRAELYAN: Over my objection.

A I believe that question was asked once, and I had no idea about this case. After this case I was asked --

Q That --

A Let me finish.

Q Go ahead.

A Let me finish. After I was asked that question I was given a -- plaintiff attorney. I

called Mr. Tumelty. That was recently. I asked him what was this case all about. I never knew that my -- the judge did not allow my report to go in. He goes, that was a technicality on my part; I didn't put certain things into proper format, so that was not your fault; that was my fault. And the judge -- this is Mr. Tumelty telling me, had you testified and explained your basis, the judge would have allowed you to testify. That's what Mr. Tumelty told me.

MR. McDONOUGH: Move to strike the entire answer as unresponsive to the question asked.

MR. ISRAELYAN: It's responsive.

Q What was the original question?

MR. ISRAELYAN: Improper motion.

A How many times have you been asked the question from 2007 --

Q No, that wasn't the question. Here's the question.

How many times have you said or asserted that you -- since 2007 that you've never -- your opinions or reports have never been precluded in court or by a court?

MR. ISRAELYAN: Objection to the form.

There has to be predicate foundation for

it. There's none.

You may answer over my objection --

A I believe I was --

MR. ISRAELYAN: -- for the the purpose of deposition.

A I believe I was asked -- I was asked that question once, recently, and I had no idea that my reports were precluded, so --

Q The answer is once since 2007?

MR. ISRAELYAN: Counsel, would you let him finish his answer, please?

Q Did you finish?

A Almost, not quite.

Q Go ahead.

A To the best of my recollection I believe I was asked that question once, recently, and I was surprised. I asked Mr. Tumelty to explain to me the details, and he did. He said, you never testified in that case. There was no way for you to know that your report was precluded. Had you testified --

Q Dr. Guy, you can sit here and recite that --

MR. ISRAELYAN: Could you, please --

Q -- as many times --

MR. ISRAELYAN: -- stop interrupting the

witness?

Q -- as you want.

MR. ISRAELYAN: The witness --

Q The question was how many --

MR. ISRAELYAN: Counsel --

Q -- times have you asserted that you've never been precluded --

A I was --

Q -- not what your conversation was with Tumelty.

MR. ISRAELYAN: Okay.

Q You've already recited that.

MR. ISRAELYAN: If you are going to keep interrupting the witness from --

MR. McDONOUGH: You are right. I'm trying to move it along, Counselor.

MR. ISRAELYAN: We're going to stop this deposition.

MR. McDONOUGH: He's being unresponsive, and I'm starting to get the feeling that he's obstructing the deposition.

MR. ISRAELYAN: He's not obstructing the deposition.

MR. McDONOUGH: I'm sure he's not trying to --

MR. ISRAELYAN: That's what you are --
(A discussion was held off the record.)
MR. McDONOUGH: You are not raising your voice? It sounds like you are getting kind of agitated.
MR. ISRAELYAN: I'm not agitated.
MR. McDONOUGH: Good.
MR. ISRAELYAN: I'm agitated by the fact that --
MR. McDONOUGH: You are agitated.
MR. ISRAELYAN: -- you haven't asked a single relevant question.
MR. McDONOUGH: What you call relevant.
MR. ISRAELYAN: And, Counsel, Counsel, do not interrupt the witness. He extended the courtesy to allow you to finish your -- your questions and extend the same civility.
MR. McDONOUGH: Yeah.
MR. ISRAELYAN: Apparently, you do not understand what the civility --
MR. McDONOUGH: Counselor, stop wasting everybody's time. You can fill me in on the civility later.
MR. ISRAELYAN: Okay.
Q How many times --

MR. ISRAELYAN: Hold on a second.

THE WITNESS: I need to put something on the record.

Q Go ahead.

A This is a very hostile environment right now. Everybody is arguing. I'm trying to answer my questions properly, but the hostility here doesn't allow me to answer the questions properly. I want everybody to calm down a little bit.

Q Are you agitated, Doctor?

A No.

MR. ISRAELYAN: Counsel, Counsel, Counsel.

A The fighting, you guys are fighting.

Q That's what you call fighting?

A Yes. This is fighting.

Q Doctor --

MR. ISRAELYAN: Let's take a couple of minutes' break.

MR. McDONOUGH: You are not going to tell me when to break.

MR. ISRAELYAN: Yes, yes.

MR. McDONOUGH: It's my examination.

MR. ISRAELYAN: Yes. We are going to take a couple of minutes' break for you to cool down because you, apparently, are out of control at

this point.

All right. Let's take a couple of minutes' break.

MR. McDONOUGH: We've got a long way to go here.

(A discussion was held off the record.)

(A recess was taken.)

MR. ISRAELYAN: Doctor wants to make a statement.

Go ahead.

THE WITNESS: I just want to make a -- a statement for the record that the way this deposition is going on is a very hostile environment. I'm getting stressed seeing the two attorneys argue back and forth. This will lead to me making a mistake, and we'll come back and be shown later on that I intentionally did something wrong. I want the record to show I'm asking both attorneys to, please, calm down. I'm not here to be badgered. I'm here to be spoken to with respect. I will answer the questions to the best of my ability in a respectful manner. I'm asking both attorneys to, please, calm down. I don't like the stressful situation. Thank you.

Q Litigation can be very stressful.
A I put my opinion on the record, so you can say whatever you want.
Q That's not my opinion.
A That's fine.
Q That's a factual statement.
Okay. And you do this regularly?
A Do what regularly?
Q Testify in medical/legal cases, right?
MR. ISRAELYAN: Okay. Objection, asked and answered.
MR. McDONOUGH: I didn't ask and answer that.
MR. ISRAELYAN: Yes, you did.
Q You do this regularly, correct?
A Do what regularly?
Q I just told you, testify in medical/legal cases, right?
A Eight to ten times per year. Is that regular?
Q Two hundred fifty times?
A Eight to ten times per year.
Q You've told us you've testified 250 times --
A Yes. But you just said regular. What do

you mean by regular?

Q Two hundred fifty times.

A That is not regular in my book.

Q Okay. We have different definitions.

A Obviously.

MR. ISRAELYAN: Counsel --

Q When a doctor is in court more than a trial attorney, that's regular.

MR. ISRAELYAN: Counsel --

Q Or irregular.

MR. ISRAELYAN: -- you are arguing -- are you arguing with the witness?

MR. McDONOUGH: What?

MR. ISRAELYAN: You are arguing with the witness.

MR. McDONOUGH: I'm not arguing at all.

MR. ISRAELYAN: Yes, you are arguing with the witness.

MR. McDONOUGH: This is a relaxation technique. I'm telling him that he's used to doing this. He's used to testifying and making a living doing it.

MR. ISRAELYAN: Objection.

Q How much money --

MR. ISRAELYAN: That's not a -- first of

all, that's not a correct statement.

MR. McDONOUGH: It's not -- it's not correct he's getting paid?

What did you do, take the check for him that we gave?

Q How much money have --

MR. ISRAELYAN: Counsel, that's such an improper statement.

MR. McDONOUGH: Good.

MR. ISRAELYAN: Do not make even -- statements like that.

Q How much money have you made in your career from working with attorneys, reviewing files in a medical/legal situation, appearing at deposition, appearing at court, charging money for when you've cleaned or cleared your schedule and then the court matter is resolved but you've cleared patients for that day -- in total how much income have you derived --

A I have no idea.

Q -- from testifying?

A I have no idea.

MR. ISRAELYAN: Objection to form.

Q Have you testified to a number in the past?

A I don't know. It's possible.
Q You have no idea.
Is it north of a million, sir?
MR. ISRAELYAN: Objection, asked and answered.
MR. McDONOUGH: I've never asked that, Counselor.
MR. ISRAELYAN: You asked him how much. He said he had no idea.
Q Go ahead and answer.
A I have no idea.
Q Is it more than 10 million?
A No. Stop. Ten million.
Q In Torres versus Keith, which was a case in Queens in 2016, do you recall being asked the question -- that question; how much revenue have you derived from your testifying?
A From my testifying, it's clear, eight to ten times per year, 250 times. In the past I used to --
Q Oh, clear.
A Yeah, it's clear.
Q How much; how much money?
MR. ISRAELYAN: Counsel, would you, please --

Q Not how many times.
A I'm trying to answer your question.
Q We don't need a -- a stream of consciousness on the record.
A Yes, yes, we do.
Q You need a calculator?
A No. Whenever I testify I lose from being in my office. It becoming a wash, so if you calculate eight to ten times per year times 4,000 for half a day and 2,000 for pretrial preparation, you arrive at your answer.
Q I didn't ask you any of that.
A But I answered your question.
Q What is the total?
A Okay.
Q That was the question --
A I'm trying to figure out in my head.
Q -- ten minutes ago.
A I'm trying to figure out in my head.
Q Are you -- are you angling to get a second day of pay from this deposition; is that why you are not answering the questions, sir?
A This is -- this is absurd.
Q I don't want you to volunteer.
A This is absurd.

Q I don't want -- it is.
A Yes.
Q Because you are not going to continue to volunteer. We'll hold this over in the counthouse in New Jersey in front of a judge. You are volunteering information I am not asking you. You keep repeating yourself. I asked you if you want a calculator --
A Okay.
MR. ISRAELYAN: Counsel --
Q What is the total?
MR. ISRAELYAN: Counsel, you are making inappropriate comments. You attack the witness.
MR. McDONOUGH: Good.
MR. ISRAELYAN: You badger the witness.
MR. McDONOUGH: I'm trying to --
MR. ISRAELYAN: You insult the witness.
MR. McDONOUGH: -- get this completed.
MR. ISRAELYAN: No, you are not.
MR. McDONOUGH: Look --
MR. ISRAELYAN: No, you are not.
MR. McDONOUGH: You think all of that?
MR. ISRAELYAN: Absolutely not.
MR. McDONOUGH: Put it in a motion with

the transcript.

MR. ISRAELYAN: There is nothing that you are doing to complete it. This is patently obvious, what you are doing.

MR. McDONOUGH: Patently obvious?

MR. ISRAELYAN: Yes. It's patently obvious. You are never going to finish this. You are going to drag this on. There is no way -- it's --

Q What's the amount?

MR. ISRAELYAN: It's obvious what you are doing, and if -- let me stop. For example --

You will answer.

The doctor will answer your question.

But if you do continue to do this, you apparently need a judicial supervision. You apparently do because there is no way in -- in the world that a -- a -- any witness or any attorney that is on opposite side of the aisle should tolerate the abuse that you imparting on the witness and on the attorneys in your presence. It's just absolute no reason. I'm tolerating this abuse because there's a court order. We're trying to do the depositions, but you have --

MR. McDONOUGH: We're trying to --
MR. ISRAELYAN: -- made it almost impossible to proceed.
MR. McDONOUGH: Almost, almost.
MR. ISRAELYAN: The doctor will continue answering these questions.
MR. McDONOUGH: Do me a favor; do me a favor. Put it in a motion. Take the transcript. Okay? Put it in a motion. Go get judicial intervention against me.
Q Go ahead, sir.
A In the past --
Q The question is the number.
A Yes.
Q That's what the question called for.
A I am going to answer you.
Q Not the answer you previously gave. Go ahead.
A I just did the math with a calculator. Approximately 1 million for the past 30 years, but that is offset by losing money from my practice from not being in the office.
Q So under oath in the case of Torres versus Keith --
MR. ISRAELYAN: How do you spell Keith?

MR. McDONOUGH: You can look up the case.
MR. ISRAELYAN: How do you spell --
MR. ISRAELYAN: The witness will give it to you.
A I don't know the case.
Q Did you ever testify in that case at page 431, line 14, that you have made approximately 1.5 million in the last 27 years from testifying?
A I don't recall.
Q Would that be false, if you -- if --
A No.
Q -- you made that statement?
MR. ISRAELYAN: Objection. Out of the context.
Q Would that be false; would that number be false?
A I don't remember the case. I don't know if it's false or not false. I don't recall the case.
Q All right. Let's go back to the different assertions you've made over the years that none of your opinions or reports have ever been precluded. We already went over the most recent example of that. Now let's go farther back.
Do you remember the Montas case versus

Abavel (phonetic)?

A When and where was that case?

Q Bronx County in '16.

MR. ISRAELYAN: Spell the names, Montas versus what?

MR. McDONOUGH: He can give it to you.

A Well --

MR. ISRAELYAN: It has to be spelled for the record as well.

MR. McDONOUGH: I'll spell it for the record. Stop interrupting me. Okay? You want this thing to -- to somehow get to 1:30. I'm conducting an examination. Stop interrupting me.

MR. ISRAELYAN: Counsel --

Q Did you testify --

MR. ISRAELYAN: -- don't make inappropriate comment.

Q Did you testify in the Montas case that, quote, at page 18, line eight, I've always been deemed as an expert in my field of physical medicine rehabilitation. I've never been turned down.

A That's correct, yes.

Q Did you -- do you recall testifying to that in that case?

A Yes.
Q Okay. That was in 2016, right?
A I don't remember the case or where it was, but I do remember testifying to that form, yes.
Q You don't -- you don't remember the case?
A I just told you. I do not remember the case.
Q This was a patient of yours; wasn't he?
MR. ISRAELYAN: Counsel, he already answered the question. You are --
MR. McDONOUGH: I'm trying to -- it's called refreshing the witness's recollection.
Q You don't remember your patient, Montas?
A I don't remember that case.
Q I didn't ask you that.
A I don't remember that case. I don't remember that patient. I have many patients with the last name Montas.
MR. McDONOUGH: M-O-N-T-A-S.
A I have many patients with a similar last name. I don't --
Q That you testified for the Bronx in 2016, you have many Montas' as patients you testified for in the Bronx of '16?
A I don't --

MR. ISRAELYAN: Objection.

A I don't recall.

Q How many excuses are you going to use?

MR. ISRAELYAN: Do not need to answer.

MR. McDONOUGH: Why not?

MR. ISRAELYAN: Because you are badgering the witness, and it's --

MR. McDONOUGH: How is that badgering him?

MR. ISRAELYAN: -- palpably improper question.

MR. McDONOUGH: It's what?

MR. ISRAELYAN: Palpably improper question, abusive question, hostile question. What other definition do you want me to use?

Q Do you recall a case Torres versus Keith in Queens in 2016?

MR. ISRAELYAN: You asked and answered. Do not need to answer it.

MR. McDONOUGH: I didn't ask him that.

MR. ISRAELYAN: Yes, you did. I'm sorry you didn't -- you forgot what you just asked a couple of minutes ago.

MR. McDONOUGH: No. That must have been before you took your break to calm yourself.

MR. ISRAELYAN: I didn't have to calm

myself.

MR. McDONOUGH: I see.

MR. ISRAELYAN: It's you who needs --

Q That was in '16.

Do you recall it?

A I do not. You asked me that question twice already.

Q Okay. Now, do you recall the case of Singh, S-I-N-G-H, versus Mohammed?

A What was the patient's first name?

Q J-A-S-V-I-R.

A Was that in Queens before Judge Esposito?

Q No.

A I don't recall that case.

Q The case of --

MR. McDONOUGH: For the record, the case of Jasvir, J-A-S-V-I-R, Singh, S-I-N-G-H, versus Mohammed and Avrius, A-V-R-I-U-S, Pierre, index number 31416 of 05. This is a decision and order from Judge Ruchelsman, R-U-C-H-E-L-S-M-A-N.

Did you testify in that case?

A Tell me more about the case.

Q Did you testify in the case?

A I don't remember. Tell me more about the

case, so I could refresh my memory.

Q You were precluded from testifying.

MR. ISRAELYAN: Objection.

Q Does that refresh your recollection --

A No.

Q -- by Judge Ruchelsman in 2007?

A How would I know if I was precluded from testifying? I would have no way of knowing that.

Q You would have --

THE WITNESS: The record shows --

Q You would have no way of knowing that?

THE WITNESS: The record shows Counsel is making faces at me. Unappreciated.

Q I'm not making faces.

A Yeah, you are.

MR. ISRAELYAN: Yes, you are, and you've done that throughout all the depositions.

Q I may be looking at you with the look of incredulity when you ask me how would you know that. How would you know that? Because you've been precluded before 2018, and that wasn't the first time, and you are aware of it. That's how you would know it.

MR. ISRAELYAN: Okay. Do not --

Q You have been doing this for 30 years.

MR. ISRAELYAN: Do not need to respond to such --

Q How would you know?

MR. ISRAELYAN: -- an attack -- inappropriate attacks by the defendants' counsel in a discovery deposition.

Q So reading from the decision for the record so that the record is complete so that the judge, when I show him the record, will have an idea of what it is the witness is talking about, this is Judge Ruchelsman.

However, notwithstanding that deficiency, the original report of Dr. Guy wholly fails to set forth objective tests which were performed to arrive at the conclusions that the plaintiff sustained a serious injury. The report contains the most conclusory references concerning the neck and the back without explaining how Dr. Guy arrived at those results and what tests were conducted to assert that, indeed, the plaintiff sustained serious injuries.

Do you recall that decision by Judge Ruchelsman in 2007?

A No. This is the first time I'm hearing about this.

Q Who hired you in that case?

MR. ISRAELYAN: By the way, since you are making references about a serious injury case, if you -- I'm sure the defense counsel is aware of -- that court of appeals has subsequently --

MR. McDONOUGH: What is this?

MR. ISRAELYAN: -- changed the standard on serious injury and what -- and I'm -- at this point that would have qualified as a proper opinion, but any event. *

MR. McDONOUGH: Can you mark that soliloquy somehow for the record, please? I want to come back to that at some point.

I'm warning you for about the 40th time here. You are making speaking objections, and you are speaking out of turn. What you said is a non sequitur. What I read has to do with this witness's assertions in 2016, 2014, and probably 20 or 30 other times after that that he's never been precluded. I don't know anything about -- and it's not an issue in this case about serious injury, so your ruling or your overruling Judge Ruchelsman 14 years later, it's not relevant.

MR. ISRAELYAN: Neither that decision is

relevant to anything at all. Okay?

MR. McDONOUGH: Oh, really?

MR. ISRAELYAN: Anything at all, yes.

MR. McDONOUGH: Somebody else might disagree with you. Could you imagine that, Counselor?

Q All right.

MR. ISRAELYAN: Do you have any questions to ask the witness? The witness is here now.

MR. McDONOUGH: No. I would rather hear you expound on the serious injury on threshold automobile cases.

Q Are there other examples that I haven't gone over yet that you are aware of where you have been told in one way, shape, or form or another that either your reports or opinions have been precluded by a judge?

A For the --

MR. ISRAELYAN: Objection, improper question.

Do not need to answer.

MR. McDONOUGH: What's -- you are directing him not to answer that question?

MR. ISRAELYAN: You want to answer that question?

THE WITNESS: Yes, I would like to answer that question.

MR. ISRAELYAN: Okay. Over my objection you may answer.

A For the record, every time that I've testified in supreme court I have always been deemed as an expert in my area of expertise, which is physical medicine, rehabilitation. If my reports were ever precluded, that is not something that I am aware of. I -- for the first time I heard about this on the John Tumelty case on another matter a few weeks ago, and I investigated through Mr. Tumelty and explained to me the details, so today -- I forgot your last name, sir.

Q Are you talking about the Judge Ruchelsman opinion --

A No, no, no. I'm talking about you, sir.

Q -- for 2007?

A I'm talking about you, sir.

Q You don't know my name?

A What is your --

Q You don't need it. Just put your statement on the record.

THE WITNESS: The questions the defense attorney is asking me are very deceptive

questions, has nothing to do with what I have said before in the past, and I stand by my testimony that I have never been turned down as an expert in my area of expertise, and as far as any other reports being precluded, I'm not aware of until brought to my attention today and a couple of weeks ago for the first time. That's it.

Q So when --

THE WITNESS: And Counsel is laughing at me again.

Q When you testified under oath earlier that today was the first time you heard about your being precluded in the Eastern District in December, that wasn't the truth; was it?

A No. I was never precluded from testifying on that case. I never testified on that case, period, so my understanding was, have I ever been precluded from testifying on the case? The answer is no. About my reports, that was not the question that I understood. So, once again, with Mr. Tumelty's explanation -- he explained to me why my report was not allowed to be admitted into the federal court, because it did not meet the standards of a federal court report. That's my answer.

Q I'll read from the opinion once again so you are clear on this, but that wasn't my question. Okay?

My question is this, you testified earlier under the penalties of perjury here, about an hour ago, that the first time you were aware of the December Eastern District preclusion of your opinions and reports was today when I read it to you --

MR. ISRAELYAN: Counsel --

Q -- correct?

MR. ISRAELYAN: Counsel --

Do not need to answer.

You are badgering the witness. The testimony is on the record. Move on.

Q Did your -- did your more recent statement that you knew about it two weeks ago that your opinions and reports were precluded in December, is that contrary to what you asserted earlier, that you found out about this for the first time today?

THE WITNESS: Do I answer or --

MR. ISRAELYAN: Do you need to answer?

A I don't think I need to answer. That's been asked and answered several times already.

Q It will get answered, believe me.

MR. McDONOUGH: Are you directing him not to answer?
MR. ISRAELYAN: He -- he -- he responded.
MR. McDONOUGH: Are you directing him not to answer?
MR. ISRAELYAN: He responded to it.
MR. McDONOUGH: It's unresponsive.
Are you directing him not to answer?
MR. ISRAELYAN: He responded to you, and he answered --
MR. McDONOUGH: Counselor, you ain't going to get a trial in this case for another year or two. You know why? Because you don't know how to conduct a deposition.
MR. ISRAELYAN: Counselor --
MR. McDONOUGH: That's why.
MR. ISRAELYAN: You do not know --
MR. McDONOUGH: You can go and tell your client --
MR. ISRAELYAN: -- how to conduct a deposition.
MR. McDONOUGH: -- that. What?
MR. ISRAELYAN: You do not know how to conduct --
MR. McDONOUGH: Apparently not. The

doctor is so agitated that I don't know how to conduct a deposition.

MR. ISRAELYAN: Counsel, do you have any more questions for the witness, who is here?

MR. McDONOUGH: Yeah. I want to know why he lied about finding out about the Eastern District opinion for the first time saying it was today where he just said he knew about it two weeks ago.

Are you directing him not to answer --

MR. ISRAELYAN: He answered.

MR. McDONOUGH: -- those questions?

MR. ISRAELYAN: He answered your question.

MR. McDONOUGH: Oh, he did?

MR. ISRAELYAN: And for your word that he lied, that's such an improper and unethical thing to say. I hope you recognize it.

MR. McDONOUGH: Is it?

MR. ISRAELYAN: I hope --

MR. McDONOUGH: If somebody doesn't tell the truth under oath, what is it? Give me another word.

MR. ISRAELYAN: Counsel, just because --

MR. McDONOUGH: Give me another word for it.

MR. ISRAELYAN: Just because -- just because you are an attorney, somehow got a license --

MR. McDONOUGH: Yeah.

MR. ISRAELYAN: -- does not give you an authority or permission to abuse a witness because the misrepresentation and the falsehoods that you --

MR. McDONOUGH: What is another word that you would use for testifying falsely?

MR. ISRAELYAN: -- use in this -- in these depositions is beyond any comprehension.

MR. McDONOUGH: Beyond your comprehension.

MR. ISRAELYAN: Beyond mine and we -- I'm not even talking about a civility because that's apparently something that you have never learned, but I'm not here to --

MR. McDONOUGH: Are you here to teach me it?

MR. ISRAELYAN: No, I'm not here to teach you.

MR. McDONOUGH: Good. Then why don't you stop obstructing the deposition?

MR. ISRAELYAN: I'm not.

MR. McDONOUGH: Okay.

MR. ISRAELYAN: All I'm asking -- I beg you --

MR. McDONOUGH: All you are asking?

MR. ISRAELYAN: -- to continue the deposition and ask questions.

MR. McDONOUGH: All you're asking is for things like leaving the room with the witness when a document is put in front of him.

MR. ISRAELYAN: There was --

MR. McDONOUGH: You want to lecture -- you want to lecture me about ethics?

MR. ISRAELYAN: There was no question pending.

MR. McDONOUGH: You want to lecture me about ethics?

MR. ISRAELYAN: There was no question pending. The document has never been disclosed, and the --

MR. McDONOUGH: He's your witness. That's his college --

MR. ISRAELYAN: -- document --

MR. McDONOUGH: -- his college, his undergraduate transcript, what he calls his -- he never graduated, but he calls it undergraduate transcript.

MR. ISRAELYAN: Counselor.

MR. McDONOUGH: You need a break to discuss that? Maybe you ought to go and take a break and discuss a few other things.

MR. ISRAELYAN: Counsel, it appears that you do not have any questions for this witness, and you are using this --

MR. McDONOUGH: Oh, really?

MR. ISRAELYAN: -- to engage in an unnecessary colloquy.

You have questions, please ask.

MR. McDONOUGH: Thank you. I appreciate you extending me that courtesy.

Q Now, does the acronym NSCDB -- does that mean anything to you?

A N-S --

Q NSCD, as in David, B, as in boy, does that mean anything to you, NSCDB?

A No.

Q Do you know what the National Spine Cord Database is?

A I've heard of it. I don't rely on it.

Q I didn't ask you that.

Do you know what it is?

A I do not know what it is. I've heard of

it. I do not know what it is.
Q That's obvious. How long has it been in existence?
A If I don't know what it is, I would not know how to answer that question either.
Q Do you know how long it's been in existence?
MR. ISRAELYAN: You just asked and answered the same question.
Q Where is it located?
A I have no idea.
Q What is the function of the NSCDB; do you know that?
A I know nothing about that entity. I don't know anything about its function. I don't know how long it's been in existence. I know nothing about it.
Q Do you know who funds it?
A I do not know.
Q What proportion of your medical/legal cases involves spinal injuries?
A A small percentage.
Q What percentage; what is small?
A When you say spinal injuries do you mean nerve root injuries; is that considered a spinal

injury by your criteria?

Q Spinal injuries.

A I'm answering your question. What do you mean by spinal injuries? Do you mean spinal cord injuries or spinal injuries? Big -- big difference between the two.

Q There's a difference between the cord and the spine?

A Spinal cord injury --

Q I didn't know that.

A -- and spinal injuries, yes.

Q Oh.

A There are two differences. Spinal injuries? You can have a spinal injury to a vertebra not affecting the cord. You can have a spinal cord injury not affecting the other portions around the cord, so both ways are possible, so what are you asking me, spinal cord injury or spinal injury?

Q Spine, let's start with spine, Doctor.

A Spine, okay, my definition of spine, not to be objected to and be critiqued against, spine to me means anything that covers the vertebral column, so based on that I've had many patients with those types of injuries.

Q What percentage of your practice covers that?

A I would say 80 percent, perhaps more.

Q So what has the NSCDB determined is the average lifetime cost for a paraplegic --

A I have no idea --

Q -- including -- excuse me. Including the first year -- first year cost for that paraplegic; what have they determined?

A I have no idea what that entity is. I have no idea what they've determined.

Q What is the NIDRR? That's the acronym.

A I have no idea what that entity is. I have no idea what their opinions are.

Q What is the name of the oldest -- what is the name of the entity which maintains the oldest database in the United States on spinal cord injuries?

A I have no idea what that entity is or anything about it.

Q Does Mt. Sinai, to your knowledge, have any special designation nationally in regard to its spinal injury treatment program?

A Nationally I don't know, but at a statewide, yes.

Q No. I didn't ask you that.
A I'm not aware of national level, no.
Q All right. Let's go back -- let's go back to your CV for a moment, beginning in '06.
A Okay.
Q Do you know what a trauma center or a trauma unit is?
A I do.
Q As designated by the State of New York?
A I do.
Q All right. And what are the levels of trauma centers as designated by the State of New York?
(Whereupon Ms. Matthews left the room.)
A To the best of my understanding and recollection we have trauma one, trauma two.
Q Please describe a trauma one -- level one entity for me.
A It can handle any type of trauma, gunshot wounds, spinal cord injuries, anything. Trauma two, they can only handle certain types of trauma, not every type of trauma.
Q All right. Through your -- including your participation at Cabrini Medical Center when you did one year of a five-year surgical residency,

including that and including any other experience you've had, have you ever worked at a level one trauma facility?

A I don't remember if Cabrini was classified as a trauma level at that time when I was doing my residency. I don't remember.

Q I asked you level one.

A I'm answering you. I don't remember if it was a level one at that time. I'm not sure. It's a long time ago. That was in --

Q How much -- well, was there a trauma facility at -- at Cabrini --

A Yes.

Q -- that you claim to have worked in?

A Yes.

Q And how long a period of time did you work there?

A As part of my rotation I believe four or six months.

Q What did you do at Cabrini in the trauma center?

A Participated in major traumas.

Q Doing what?

A Whatever residents supposed to be doing, taking the history, physical examination,

administrating bloods, monitoring the patients, intensive care units, the trauma team's unit following my instructions from my chief resident.

Q Who was the chief resident there? And I'm talking about --

A I'm trying to remember. It's a long time ago.

Q I'm talking about in the trauma unit.

A I'm trying to remember. Dr. Lobatto, Lobatto, L-O-B-A-T-T-O, and I believe Dr. Singh, S-I-N-G-H.

Q Any other experience in a level one, two, or three trauma center?

A I'm trying to think. At Mt. Sinai the Bronx VA post -- it was post trauma level, not immediate trauma level.

Q What?

A Post trauma rehabilitation, not immediate.

Q I'm not -- no.

A You are talking about acute trauma.

Q I'm talking about a level one, level two, or level three trauma facility.

Do you have any other experience?

A Mt. Sinai is considered trauma one and all levels of trauma.

Q Not at the VA, it isn't.
A At Mt. Sinai, at Mt. Sinai.
Q Are you -- so are you claiming that you had experience at Mt. Sinai in Manhattan in their level one trauma unit?
MR. ISRAELYAN: Objection to form.
A In their intensive care unit, yes.
Q Doctor, the -- the ICU unit has nothing to do with the trauma unit.
A It is --
Q The trauma unit is separate and apart.
A It is --
Q It may receive people after treatment in the trauma unit. I'm not talking about that. I'm not talking about whatever treatment after a patient was removed from the trauma center. Right now we're going over -- or trying to go over your experience in a level one, two, or three trauma unit, and where was it and when.
Go ahead.
MR. ISRAELYAN: Objection to the form.
You may answer.
A So some of the patients at Mt. Sinai intensive care unit come from trauma unit as well. It's combined, and so I would say a combination of

Cabrini and some Mt. Sinai.

(Whereupon Ms. Matthews returned.)

Q Your testimony under oath is that the ICU and the level one trauma facility at Mt. Sinai in Manhattan are combined?

A I'm saying --

MR. ISRAELYAN: Objection to the form.

A I'm saying, from my memory, that the -- both had intensive care unit patients and acute trauma as well. I don't remember the exact level, one, two, or three.

Q I didn't ask you that.

A But I don't remember, so I don't want to give a false testimony.

Q You used the word combined.

A Combined.

Q Is it your testimony that the ICU at Cabrini -- excuse me -- at Mt. Sinai was combined with the level one trauma facility at Mt. Sinai in Manhattan; is that your testimony?

A No, that is not my testimony. I'm saying the patients that were in intensive care units, some of those patients were acute trauma as well. I don't know if they were level one, two, or three.

Q I didn't ask you --

A But I'm answering you.
Q -- if you knew about one, two, or three.
A I don't remember. You go and ask me something about 30 years ago. I don't want to give you a false testimony. That's my recollection.
Q If that's -- if that's -- if that's when you had this trauma experience, all you have to do is say that. Okay?
Have you had any -- have you had any experience in a level one, two, or three -- there's three levels the State of New York designates, not two.
Have you had any experience in any one of those in 30 years?
A Cabrini.
Q And that was during your -- I don't know what to call it -- your one year that you participated in the five-year surgery residency program?
A Yes. It's called a -- it's called a --
Q That was in 1983 to '84, right?
MR. ISRAELYAN: Counsel, let him finish his answer.
A Yes, that is correct.
Q Have you had any --

MR. ISRAELYAN: Let the record reflect that the counsel repeatedly doesn't allow the witness to finish his questions.

MR. McDONOUGH: Yeah.

Q Have you had any --

MR. ISRAELYAN: His answers, his answers.

MR. McDONOUGH: What are you saying?

MR. ISRAELYAN: Go ahead. Ask a question.

MR. McDONOUGH: You pull this with everybody you do deps with?

MR. ISRAELYAN: I don't know what that means. I don't know what that means.

MR. McDONOUGH: You don't know. In other words, you are just a hardworking fellow.

MR. ISRAELYAN: I do not know how -- why -- why would anybody even tolerate you the way I'm tolerating you, but go ahead, ask your questions.

MR. McDONOUGH: I appreciate it.

Q Since Cabrini do you have any level one, two, or three trauma experience, yes or no?

MR. ISRAELYAN: Well, objection to the form, if it can be answered yes or no.

A At Mt. Sinai I don't remember what level of trauma experience I had, but I did have some

trauma experience. I don't remember the levels.

Q Mt. Sinai where?

A Mt. Sinai, Manhattan.

Q We've already --

A Mt. Sinai, Manhattan.

Q You are talking about what we've already gone over when you did some rotations as part of your --

A That's correct.

Q -- attendance at a residency? All right.

Other than back to '83 and '84, sir -- we're trying to ferret out the length and breath of your level one, level two, or level three trauma experience.

Tell us if there's anything else, other than what you've already spoken about, since Cabrini and Mt. Sinai in the early '80s.

MR. ISRAELYAN: Objection to form.

You may answer.

A Trauma does not have to be defined as simply level one, two, or three. Trauma is defined as any disruption in normal body function or normal integrity. A disc herniation from an accident is considered trauma. A fracture is considered trauma. We have many different levels of trauma, so if you

are asking me specifically about level one, two, and three, I answered your question. As specific experience with trauma, yes, I explained I have had many patients with different types of accidents which are traumatic injuries as well.

Q Are you finished?

A I am.

MR. McDONOUGH: Move to strike the entirety of the answer as unresponsive to the question asked.

Q My question is this --

MR. ISRAELYAN: Object to the motion. It was properly responsive.

Q I'm asking you what experience you've had in a level one, two, or three trauma facility since the early '80s, not your experience with trauma, not your definition of trauma, not the -- if somebody gets a hangnail, that might be a -- I'm not asking you that.

A Since after the '80s --

Q Have you --

A -- none.

Q All right. Now, do you have -- that's your CV that's in front of you, right?

A Yes.

Q What -- what exhibit is at the bottom right-hand corner of that?
A (No verbal response given.)
Q This is your -- Exhibit V. All right.
This is your updated, right?
A This is not the latest.
Q That's not the latest?
A No, this is not the latest.
Q All right. Go to page two, please.
A Okay.
Q And the changes that you've made or updated to your résumé -- now, before we get to that let me ask you this.
Now, do you keep different résumés, maintain different résumés, for different purposes?
A No.
Q Do you -- you don't use different résumés depending on if you're applying for a position somewhere?
A No. I'm not applying for any positions anywhere, so the answer to your question is no.
Q Do you have presently -- at present or for any time in the last five years did you have a number of résumés with different contents that you use for different purposes?

A The way you phrase that question is a no.
Q All right. Let's go to your résumé that was attached to your report to us, and let's see if we can update it manually here.
So were there any changes, updates to the first page, postgraduate -- what you call postgraduate -- postgraduate training or education and medical licenses and certifications, any changes on that?
A One second.
Q Take as much time as you want.
A Just to clarify, Queens College, I went there from January 1974 to October 1977. Universidad Nordestana, I went from January 1978 to April 1979. Universidad Nordestana I went from April 1979 to July 1981. There's a 1977 that stands there, belongs to nothing. That does not belong there. I'm pointing to this. This doesn't belong here.
Q I know what you're talking about.
Are you saying that the -- did you just change the dates on Queens?
A No.
MR. ISRAELYAN: No, he didn't.
A No. Queens College, it says, January 1974

to October of 1977.

Q All I want to know is changes, sir.

A No.

Q Have there been any updates or changes to anything on page one was my question.

A The -- I just answered your question. There is a typo over here in the middle. That does not belong here. Okay? That does not belong here.

Q Deal.

A So that's one on page one. And on page two --

Q We're going to get to page two.

A Okay. So that's the correction on page one.

Q With -- since you brought it up, let's go to your education once again, talk about what is on the printed page.

So you have -- on the left-hand side of the bottom of your education section you have Flushing, New York?

A Queens College, Flushing, New York.

Q And that's -- excuse me.

We are -- don't interrupt me, please. Let me get a statement on the record.

A Sorry. Go ahead.

Q Flushing, New York is double-spaced from Queens College, correct?
A It is.
Q Okay. And to the right of Flushing, New York appears January of 1974 to October of 1977, right?
A Yes.
Q Then in between the double space there's another date, January 1974 to October.
A It is.
Q Do you see that?
A I do.
Q And what is that supposed to be?
A It's supposed to be October 1977. 1977 was typed up in the upper space.
Q What do you mean by the upper space?
A I just -- I just showed it to you. I just showed it to you here. Okay. This is -- this is -- this is a typo.
Q Okay, all right. That's the -- the upper space.
So you are talking about one, two, three, four -- four lines up is 1977. That belongs after October of '77, right?
A That's correct. That's why this

curriculum vitae --

Q So then -- all right. Well, that entire line -- all right. I'm not going to go over this.

You've got -- you've got one date where you went to Flushing, New York, and then you've got a different date but no year with -- on a line that's empty. On the line that says Queens College, on that line, it says January of '78 to April of 1979.

That's not correct for Queens College, correct?

A No. Queens College is mentioned, January 1974 to October 1977.

Q All right, all right. Did you clean that up on your so-called updated --

A I did.

Q -- résumé?

A I did.

Q Well, all right. Second page, what updates, modifications, or supplements do you have on this --

A Under special membership I am no longer a member of the New York State Medical Society and New York County Medical Society. I'm still a captain with New York National Guard from 1/2017 to the

present. Under the hospital and other affiliations --

Q Hold on. Before we go there I want to be clear as to what you said.

You are no longer a member of New York County Medical Society?

A Nor New York State, that is correct.

Q Or -- you are no longer a member of the New York State Medical Society, correct?

A That is correct, yes.

Q All right. Were you asked to leave --

A No.

Q -- one or --

A No.

Q You've got to let me finish the question, sir.

Were you asked to leave one or both of those organizations?

A No, sir. I chose to -- not to pay those huge fees that they have every year.

Q So the answer to my question is what, no?

A I was never asked to leave.

Q Is it no -- okay. Go ahead.

Hospital affiliations?

A Okay. Under Med-Alliance it says director

of rehab medicine as of December of 2018. I'm the director of medical education and director of morbidity and mortality of that facility.

Q Is that -- is that a facility you own?

A No. It's an article 28 facility. It's like a mini hospital. It follows the same rules as hospitals. I have no financial --

Q Who -- who -- you have no --

A Financial stake in that facility.

Q So this entity, this Med-Alliance, appears on your webpage, correct?

A It does.

Q You have no financial stake whatsoever in either the entity that owns this Med-Alliance, the building that houses this Med-Alliance, or the business of the Med-Alliance?

A I do not -- I'm simply an employee of that facility.

Q Are you related to anybody --

A No, sir.

Q You've got to let me finish the question, sir.

Are you related to anyone who owns either the building or the entity Med-Alliance or otherwise has a financial stake in that business,

Med-Alliance; are you related to anyone?

MR. ISRAELYAN: Doctor, this is an improper line of questioning.

MR. McDONOUGH: Yeah, sure it is.

MR. ISRAELYAN: If you feel -- I can object to it.

A No, the answer is no. I have -- I have no such affiliation.

Q Do you receive a W-2 from them?

A I do.

Q Is your compensation at all tied to the revenue of this Med-Alliance Center?

A No, sir.

Q Or the Med-Alliance business?

A No, sir.

Q All right. What was the next change to your CV?

A I answered. I answered everything.

Q You didn't as to the -- to the -- to the page two above Med-Alliance.

Is there anything else that's changed there, yes or no?

A For the third time, the only changes are on page two --

Q We're going over page two.

A That's what I'm talking about.
Q Other than what you've already spoken of.
A No, there's no other changes.
Q So the only change is the title you have at Med-Alliance?
A Yes -- and the memberships that I'm no longer part of.
Q Right now we're going over the hospital affiliations, sir.
We finished the special memberships, right?
A We finished the affiliations as well.
Q We're now on -- all right.
So the only change is the the one at Med-Alliance in title?
A That's correct.
Q Do you have -- so this listing of New York University Medical Center NYU Hospital for Joint Disease clinical instructor, did that end in 2005?
A Yes. That was the director of the neuromuscular equipment clinic.
Q And you have it on your CV 14 years later for that purpose, to tell people that you are the former director of that clinic?
A That is correct.

Q Med-Alliance has -- is not an inpatient facility, correct?
A No, sir, it is not.
Q Was it ever?
A Never.
Q So the one current hospital affiliation you have is at NYU Medical Center, right?
A Yes, sir.
Q What's the address of that facility?
A First Avenue between 34th and 35th Street.
Q So what does that mean, clinical instructor; you are instructing what or who?
A The residents at the hospital from physical medicine and rehabilitation.
Q You are instructing them in physical medicine --
A Yes, sir.
Q -- and rehabilitation?
A That is correct.
Q How many hours a month, approximately?
A It's -- it varies. I give lectures when I'm asked to do so. The residents rotate through my office. They see patients with me, and when I -- see patients with me I discuss the medical aspects of the patients with the residents. Sometimes they

call me for questions, and we discuss the questions to the topics that they have, answer those questions.

Q Yeah.

How many hours a month do you spend in the hospital, approximately, five hours, a hundred hours?

A Trying to think. Currently it's on an as-needed basis in the hospital. Last month -- sorry -- month of February I would say about an hour and a half.

Q And when you say it's on an as-needed, as needed by who?

A By the department.

Q Do you have -- in February did you have any patients in that hospital?

A No, sir, I don't admit patients there. I have privileges of admitting there, but I don't. Most of my practice is outpatient.

Q Like, what percentage of your practice is outpatient?

A Right now?

Q Approximate.

A Hundred percent right now.

Q Okay. Are there any rules at NYU School

of Medicine in regard to the admission of patients to the hospital --

A The rules?

Q Let me finish the question.

A Sorry. I thought you were finished.

Q In order to retain admitting privileges at NYU Medical Center are there any rules of the hospital that require you to minimally admit patients to that facility?

A No, sir.

Q Are there any rules at NYU Medical Center that you must follow in order to retain your privileges to admit people into that facility?

A The basic standards that -- that I understand is you have to be in good medical standing. You have to know the criteria for admission to a facility like that, and you have to be able to monitor your patients properly once the patient is -- is admitted, and you have to follow the guidelines by the hospital for admitting criteria.

Q Okay.

MR. ISRAELYAN: This is a good time for us to take a couple of minutes' break?

MR. McDONOUGH: What time is it, please?

MR. ISRAELYAN: It's couple of minutes shy of 12:00 noon.

Q You want a break?

A Glass of water.

Q I don't know if he has that. Good luck.

MR. McDONOUGH: Yeah. We can take whatever time you want.

(A discussion was held off the record.)

(A recess was taken.)

Q Aside from the -- aside from the W-2 you received from Med-Alliance, do you receive income from any other businesses?

MR. ISRAELYAN: Objection.

Do you feel comfortable testifying? Because this is a completely private matter.

THE WITNESS: Absolutely not. It's a very private matter. I don't feel comfortable answering that question at all.

Q Okay. We'll bring you back to answer it.

A Okay. Same answer.

Q Not when the judge tells you you have to answer.

MR. McDONOUGH: Are you directing him not to answer?

MR. ISRAELYAN: He responded the way he

responded. I didn't direct him not to answer.

MR. McDONOUGH: Oh, you didn't do it?

What did the plaintiff's counsel say?

(Requested testimony was read.)

Q Doctor, all of the matters I'm going to -- about to ask you about are uncomfortable from here on out.

Okay?

MR. ISRAELYAN: Excuse me?

Q That doesn't mean that there's not an obligation because you are a witness in this case or an expert in this case -- that doesn't give you a license to tell me that you are uncomfortable or they are private or you don't have -- you think you don't have to answer them.

MR. ISRAELYAN: Counsel.

Q If you are telling me now --

MR. McDONOUGH: Stop interrupting me.

MR. ISRAELYAN: Okay. Finish your statement.

Q If you are telling me now that because you think something is private or you think that something is -- makes you uncomfortable you are not going to answer it, I'll go to the judge at the next opportunity. We'll break now, and I'll bring you

back for another day. It's not -- you don't get to decide what questions you are going to answer based on things like, well, that's private or that makes me uncomfortable.

MR. ISRAELYAN: Okay. No, don't have to respond. Let me respond.

MR. McDONOUGH: Yeah.

MR. ISRAELYAN: Counsel, you do not have a right to inquire about areas that are privileged or confidential or --

MR. McDONOUGH: You didn't assert any privilege.

MR. ISRAELYAN: -- palpably improper.

MR. McDONOUGH: You didn't say it was palpably improper.

MR. ISRAELYAN: Your statement and instructions to the witness now was completely improper.

MR. McDONOUGH: Oh, that was what was improper? I see.

MR. ISRAELYAN: Yes. It was completely improper. It is not your place to tell him what he should or shouldn't do, and you have no right to ask confidential or private information from the witness that -- and

information that palpably -- or questions that are palpably improper or seek to elicit information that are palpably improper.

Do you have any questions at this point? If you do not have any questions -- the witness is here. Please proceed.

Q How many times have you been sued for fraud?

MR. ISRAELYAN: Objection.

Do not need to answer.

MR. McDONOUGH: He doesn't need to answer? You are telling him he doesn't need to answer that? How about it goes to -- how about it goes to truth or credibility?

MR. ISRAELYAN: You want to answer?

MR. McDONOUGH: What is the basis of your direction not to answer?

MR. ISRAELYAN: You cannot ask --

MR. McDONOUGH: He's not your client. You haven't asserted a privilege. This is discovery of an expert whose credibility is an issue in the case.

MR. ISRAELYAN: How many times a witness has been sued is not relevant to anything unless --

MR. McDONOUGH: I'll rephrase it -- for fraud?

MR. ISRAELYAN: For -- correct, for fraud or malpractice.

And you -- if you do not know, I'm sorry I'm telling you this for the first time --

MR. McDONOUGH: Yeah.

MR. ISRAELYAN: -- that you are hearing, apparently --

MR. McDONOUGH: Yeah.

MR. ISRAELYAN: -- but how many times a witness got sued is palpably improper question.

MR. McDONOUGH: You are wrong. Okay? You are absolutely wrong.

MR. ISRAELYAN: That has nothing -- especially, that has nothing to do with the case.

Q Have you been sued for fraud?

MR. ISRAELYAN: Do not need to answer it.

Q Did Michael Cohen sue you for fraud?

MR. ISRAELYAN: Do not need to answer it.

Q Did you defend a case or pay an attorney to defend a case where Michael Cohen, the counsel or one-time counsel to President Trump, accused you of fraud in regard to the rental of your house out on

the east end of Long Island -- or one of your houses; did that happen, sir?

MR. ISRAELYAN: Do not need to answer it.

Q Do you think that fraud may impact your credibility?

MR. ISRAELYAN: There is --

THE WITNESS: I want to answer that question.

Q Oh, that question you want to answer?

A I'm going to answer that question too. Anybody can sue anybody for anything. Okay? I can sue you. You could sue me. I could sue him for anything. It doesn't mean that it was a conviction. I want to answer that Michael Cohen -- that case was dropped, completely dropped, did not continue.

Q I didn't ask you that.

A But I'm telling you.

Q So you don't need to tell me.

MR. ISRAELYAN: And he knows it. That's why that's an improper question to ask --

THE WITNESS: That's right.

MR. ISRAELYAN: -- because there's no finding of the fraud and because the -- it's -- somebody got sued is -- is improper line of inquiry.

THE WITNESS: That's right.
Q Anything else you want to tell me about the lawsuit --
A No.
Q -- with Michael Cohen?
A No.
Q And your -- so your statement under oath is that there was no resolution of the case, that Cohen dropped it unilaterally?
MR. ISRAELYAN: Objection to the form.
Q Did you get a release from Cohen?
A I did.
Q Did you pay him money for the release?
MR. ISRAELYAN: Objection.
Do not need to answer; do not need to answer it.
Q So the case was dropped after you settled the case with him, right?
MR. ISRAELYAN: Objection.
Do not need to answer it.
Q Let's go to another case, Merriam Mashatt, As Tustee of Hussain Mashatt, against Fadhel Alsahlani, Ali Guy and Al-Khoe Benevolent Foundation.
You have been sued in that case for fraud,

right?

MR. ISRAELYAN: Do not need to answer it.

MR. McDONOUGH: He doesn't need to answer it? What's the basis of instructing him not to answer?

MR. ISRAELYAN: I articulated before why inquiry about whether he was sued is improper, and that's a well --

MR. McDONOUGH: It's improper?

MR. ISRAELYAN: That's correct. It's improper. I'm sorry you do not know that. You can ask if there was ever finding in a court of law of fraud against --

MR. McDONOUGH: What you are stating, Counselor, incorrectly --

MR. ISRAELYAN: That's --

MR. McDONOUGH: Excuse me. Don't interrupt me.

MR. ISRAELYAN: Well, you interrupted me to finish -- before I was finishing my sentence.

MR. McDONOUGH: What you are trying to articulate -- what you are trying to articulate is use of criminal convictions to attack someone's credibility. I'm not trying to do

that.

MR. ISRAELYAN: What are you trying to do; what are you trying to do?

Q This case is still ongoing, the caption I read to you, correct?

MR. ISRAELYAN: Do not need to answer it.

Q And the allegations in the lawsuit are that you participated in the fraudulent conveyance of land -- you received a conveyance of land fraudulently, and you fraudulently conveyed it to avoid a judgment creditor; aren't those the allegations in the case?

MR. ISRAELYAN: Do not need to answer it.

It's -- it's -- it's --

MR. McDONOUGH: It's what?

MR. ISRAELYAN: According to you it's even a pending case, so there is no reason in the world that he should answer any of these questions.

MR. McDONOUGH: About what the allegations are? What's your authority for that?

MR. ISRAELYAN: There's nothing he can answer about anything about that case, period.

MR. McDONOUGH: We shall see.

MR. ISRAELYAN: Yeah, we shall see.

MR. McDONOUGH: We will see. Okay.
MR. ISRAELYAN: All right. And stop smirking and laughing and making faces here. You have something to say -- ask this witness, ask it.
MR. McDONOUGH: What I'm telling you is, when I make the motion to bring him back I'm going to seek costs against you for this obstructive behavior. That's what I have to tell you.
MR. ISRAELYAN: Well, before we get there, you've got to be -- you've got to show to the court that you --
MR. McDONOUGH: Now you are going to tell me the burden of proof?
MR. ISRAELYAN: That you are even fit to conduct the deposition.
MR. McDONOUGH: I'm fit.
Q You hired an attorney to defend you about these fraudulent conveyance transactions, correct?
MR. ISRAELYAN: The same objection.
Q In that lawsuit you are alleged -- in the Mashatt lawsuit one of the allegations against you on page nine of the complaint states, the conveyances of the property by Alsahlani to Guy and

Guy to the foundation were made with actual intent to hinder, delay, or defraud either present or future creditors, including the plaintiff.

Paragraph 64, the conveyances of the property by Alsahlani to Guy and Guy to the foundation were fraudulent as to both present and future creditors, including plaintiff, in violation of the New York debtor and creditor law.

Did you have your deposition held in this Mashatt case?

MR. ISRAELYAN: Do not need to answer anything about that pending case.

MR. McDONOUGH: Why is that?

MR. ISRAELYAN: It's a privileged -- it's confidential information, and it's pending case.

MR. McDONOUGH: Whether he was deposed in the case is privileged and confidential? It's a public lawsuit. It's been filed in the supreme court of the County of Queens.

MR. ISRAELYAN: I want to make sure that also -- I'm repeating myself -- at the risk of repeating myself --

MR. McDONOUGH: No. You said it's privileged and confidential.

What's privileged about it, whether he had a deposition taken?

MR. ISRAELYAN: Any -- any -- any of his information about that -- that lawsuit is any -- his knowledge, his understanding, anything about the facts of that lawsuit, underlying facts of it in a pending lawsuit, this is not a proper area of inquiry, and it's a privileged information.

MR. McDONOUGH: I see.

Q All right. Let's move on to --

MR. ISRAELYAN: I just want to note that Dr. Ali Guy's office just faxed me his updated CV.

Do you want to give me a minute? I'll print it and bring it here.

MR. McDONOUGH: You want to waste more time? That should have been done -- you've retained him over a year ago. Why didn't you have it then? Why didn't you get it last month?

MR. ISRAELYAN: Counsel, you can say --

MR. McDONOUGH: Why are you -- why --

MR. ISRAELYAN: You can say yes --

MR. McDONOUGH: -- are you trying to

obstruct?

MR. ISRAELYAN: -- or no.

MR. McDONOUGH: Don't interrupt me.

MR. ISRAELYAN: Yes or no or you can proceed. That's fine.

MR. McDONOUGH: You don't think I'll get it? Look at the documents -- look at the books of information I have on this gentleman. You don't think I already have it?

Q All right. Let's go. Next question.

Tell me the training you have received in life care planning and from who you received the training.

A I don't need training in life care planning. It's part of my expertise, part of my experience over 30 years. I -- I don't need training in life care planning.

Q I didn't ask you for your opinion about that. I asked if you received any training, so the answer is no?

A No.

Q How long have you been doing -- creating and submitting life care plans in a medical/legal context --

MR. ISRAELYAN: Objection to form.

Q -- approximately?
A Approximately 15 years, plus or minus.
Q Do you hold a certificate from anybody in regard to being a life care expert?
A No. I don't need one.
Q That's according to you.
MR. ISRAELYAN: Please do not argue with the witness.
Q Do you have a license in regard to doing life care plans anywhere in any state?
A I do not have a license in life care planning. And I don't need one.
Q Explain to us your methodology that you've employed over the 15 years in doing life care plans.
A My experience based on the patients --
Q I didn't ask about experience, your --
MR. ISRAELYAN: Do not interrupt him.
Q -- methodology.
MR. ISRAELYAN: He's explaining it. Do not interrupt him.
Q Go ahead.
A My experience of 30 years treating patients with these types of injuries, I am aware of their special needs that they have and what the cost of these procedures are, their frequency, et cetera.

Q And that's your methodology?
A That is my methodology; that is correct.
Q And let's deal with the cost factor.
What sources do you use -- or did you use in drawing up this plan for Mr. Abad for costs?
A A lot of the procedures I do myself, which is physical therapy, EMGs. I'm familiar with the cost of a psychiatrist. I'm familiar with the cost of a nutritionist. I'm familiar with the cost of physical therapy. I'm familiar with the cost of a plastic surgeon. I'm familiar with the cost of CT scans, various other radiological studies. I'm familiar with the cost of a urinalysis, blood test results. I'm familiar with the cost of psychotropic medications, the cost of a wheelchair. I was in charge of the neuromuscular equipment clinic at Hospital for Joint Diseases for 15 years, and federal law stipulates that when you prescribe an equipment you have to --
Q That was 15 years ago, right?
MR. ISRAELYAN: Counsel, please do not interrupt.
A Hasn't changed, hasn't changed. You have to be familiar with the cost of those procedures, and the costs have not increased that drastically.

I'm aware of the costs, and I am familiar with the cost of shower chairs, hospital beds, equipment. I'm familiar with the cost of transportation back and forth, so I am familiar with all of these things.

Q So in other words, because you are a doctor you know; that's your cost information?

A No.

MR. ISRAELYAN: That's not his answer. That's a mischaracterization of his answer.

Q And the -- the title that you referred to that you had 15 years ago and the position that you had 15 years ago, have costs gone up in the interim?

A They have.

Q But you are aware of all those costs in the marketplace, right?

A That is correct.

Q How many different databases are there to determine the cost of medical services and supplies?

MR. ISRAELYAN: Objection to form.

You may answer.

A A lot of those databases are -- are based on the western coast, California, Utah -- those areas.

Q Utah?

A On the west coast, on the west coast. And nobody relies on those things, per se, so they are not authoritative. There could be a lot of different guides out there, but none of them -- none of them are authoritative because they are simply the opinion of that author.

Q In other words --

A Excuse me. You can laugh all you want.

Q In other words --

A Let me finish.

Q In other words --

MR. ISRAELYAN: Counsel, please.

A You can laugh all you want.

Q Yeah.

A You can smirk all you want. It's not appreciated.

Q I'm sure you don't.

A Okay. It's not appreciated.

Q I don't appreciate, nor the others appreciate, their intelligence being insulted.

What author are you talking about?

A I'm talking about whenever there is a reference in the medical field is the opinion of that author. This is why in the medical field there is no such thing as the authoritative source. There

isn't.

Q The original question, sir, was, how many organizations maintain pricing information on medical services and medical goods in the United States presently?

A I have no idea, and I don't consider any one of them as authoritative.

Q Which ones did Dr. Kincaid consult with?

A I don't know.

Q You were given his report, correct?

A I was, yes.

Q So is it fair to say, then, that in regard to the pricing information that's here in your so-called life care plan, the frequency of either the modality or the services, you did not consult with anybody and develop those as a result of your own knowledge and experience, right?

MR. ISRAELYAN: Objection to form.

You can answer.

A That is correct. I did not consult with any source. Those are my own personal --

Q You answered.

A -- professional opinions.

Q Which national database has the most data about the cost of goods and services -- medical

goods and medical services in regard to spinal cord injuries?

A I have no idea. I don't consider any of those sources as authoritative.

Q When you say any of those, what's the largest, the largest such database?

A I have no idea.

Q And as -- as a result of that, the fact that you have no idea, is it fair to say, then, that you did not consult any of those entities, those databases, in regard to the preparation of your life care plan?

A That is correct, yes, sir.

Q Okay. In regard to Mr. Abad, at the time that you saw him in February of '18, had he at that time or before used any medications?

MR. ISRAELYAN: Objection to form.

You may answer.

A When I saw him he was not taking any medication.

Q For how long a period of time before your visit with him -- consultation with him, for how long a period of time was that the case, that he was not taking any medications?

A I have no idea.

Q At that time was he prescribed to be taking any medications?
A I have no idea.
Q Did you ask him if he had any prescriptions?
A I did. The answer was no.
Q Okay. And for how long a period of time was that the case, that he had no prescriptions for any medications?
A I have no idea.
Q Okay. And you saw him roughly six years post accident, right?
A That is correct.
Q What was Mr. Abad's height on the day of your examination?
A I don't have his height recorded.
Q All right. So you have your report in front of you, right?
A I do.
Q Okay. So when -- at the time you did the Abad examination do you dictate the report contemporaneously, or do you -- did you do notes of -- contemporaneous notes or notes the next day or -- or --
A Same --

Q Excuse me.
Or employ some other methodology that resulted in your report?
A I take some chicken notes, handwriting notes.
Q Chicken?
A I'll show you.
MR. ISRAELYAN: Chicken scratch.
A Chicken scratch.
Q Okay.
A I take some chicken scratch notes, review records. I dictate it contemporaneously with that visit.
Q All right. So you've got notes, and then you dictated something?
A Yes.
Q All right. What happened to the dictation?
A It goes through the internet. It gets dictated, sent back to my office for review and signature.
Q Do you review it before you signed it?
A Of course.
Q All right. We're going to have to mark your notes. Might as well do that now. Let me have

the notes -- the chicken scratch notes, please.

Are there any other notes in that file?

A No, that's it.

Q It's a two-page thing? All right.

A Is it two-page? Let me see.

Q Front and back.

A Yes, sir, that's correct.

(Handwritten Notes were marked as Defendants' Exhibit X for identification, as of this date.)

Q All right. Take a look at this. This is Exhibit X, Defendants' Exhibit X this date.

Describe the document, please, for the record.

A This is a chicken scratch note that I prepared when I first saw Mr. Abad.

Q Okay. Is there a date on one page or the other -- one side or the other -- of the notes?

A The date I saw him was on 2/23/18.

Q No, that's not the question.

A I'm sorry.

Q Was there a date on the piece of paper that you wrote on the piece of paper indicating the notes were made that day that you saw him, yes or no?

A Yes. I just said 2/23/18.
Q Where is the date on the paper?
A Right here.
Q All right.
A Right here.
Q So the -- that's 18 at the end?
A Right.
Q Okay.
A That's correct.
Q So read the first line at the top, please, above the date.
A Above the date, Kirl Abad.
Q Okay. What does it say to the right of that?
A LC done 2/25/18.
Q What's LC mean?
A Life care plan.
Q The life care plan was done on two --
A 25/18.
Q Thank you.
And you saw him on two -- what was the date of the examination?
A 2/23/18.
Q Why was there a delay between the examination and the life care plan?

A Trying to put it all together in proper perspective, lot of records to be reviewed. I wanted to make sure I don't make any mistakes.

Q When you say records, what records did you have at that time?

A Everything that's in front of me right now.

Q Well, I don't think -- rethink that a little. Okay? It wasn't everything that's in front of you right now.

Right now you have Kincaid's report in front of you, correct?

A I did have his report. It's in my report. I did.

Q Did you have his report before you did your life care report?

A Yes.

Q Did you read it?

A I did read it.

Q And to this day in the folder in front of you does not appear anything other than what you previously identified, so the contents of the folder was -- the contents at the time you did the life care report, it does not include Baron -- Dr. Baron's report, Dr. Jane Matson's report?

A Does not.
Q It does not or did not -- did not and does not include Winter, Dr. Winter's report, correct?
A Does not, does not.
Q Who is Dr. Winter; do you know?
A No idea.
Q Did -- you had read Rumbalm's report --
A Yes.
Q -- at that point?
A Yes.
Q Okay. And did you review -- withdrawn.
As part of your history that you developed on Mr. Abad during your examination of him did you develop who his primary care physician was?
A No, sir.
Q Did you ask him who the PCP was?
A There's no indication in my report, so the answer is no.
Q Did you send out any questionnaires or inquiries to Dr. Seati (phonetic) or Giati (phonetic) at Mt. Sinai or anybody else, such as his PCP?
A No, sir.
Q Do you employ a questionnaire at all in doing a life care plan?

A For the patient or for the doctors?
Q I'll break it down.
A Okay.
Q Did you in this case send out a questionnaire to any of the doctors involved in this case in regard to Mr. Abad before you completed your life care plan?
A No, sir.
Q Did you send out a questionnaire to Mr. -- Mr. --
Did you send out a questionnaire to Mr. Abad before you did your life care plan?
A No, sir.
Q Did you interview Mr. Abad's mother?
A No, sir.
Q Did you elicit any information about Mr. Abad's level of functioning pre-morbidly?
A Just by himself by history.
Q What did he tell you?
A Completely functional.
Q Did you ask him if he did -- ever did any illegal drugs?
A I did not.
Q And you did not ask him about any illnesses that he had pre-morbidly either; did you?

A I did. The answer is no, nothing significant, nothing to report.

Q So he didn't tell you about the hepatitis C, correct -- excuse me -- hepatitis B, correct?

A He did not.

Q What can be some of the sequela of hepatitis B if untreated?

A It's a contagious condition. It can cause hepatitis -- hepatic insufficiency, but his lab values were essentially normal at the time of admission to the hospital except for elevated alcohol level and one liver function test that was borderline slightly elevated. Other than that, everything else was fine. His PT, PTT were all normal. Those are parameters of normal liver function.

Q Did you note his liver enzymes were elevated in your report?

A I said one enzyme was elevated, yes.

Q In your report.

A Let me see what I have in my report. It says, numerous lab results were reviewed. Doesn't say anything about a liver enzyme being elevated.

Q But it was, right?

A Yes, correct.

Q And you looked at the lab report after the plaintiff's attorney told you he had hep B, right?

A I looked at them before, and I looked more carefully after he told me, yes.

Q What -- what do you mean by more carefully? The report indicates that it's elevated, right?

A Borderline elevated, correct.

Q The report indicates it's elevated --

MR. ISRAELYAN: Objection, asked and answered.

Q -- right?

MR. ISRAELYAN: Asked and answered.

Do not need to repeat yourself.

Q So you looked at it more carefully. You first looked at it carefully. Then you looked at it more carefully.

It's elevated, right?

MR. ISRAELYAN: Asked and answered.

Q What did Abad tell you when you asked him specifically about pre-accident illnesses, conditions, diseases?

A I already answered your question several times. He told me he had no significant medical problems.

Q That's right. And so hep B, if it's -- withdrawn.

Did you confirm that his PCP was treating the hepatitis B that he had?

A I did not.

Q So to go back, what are the sequela, particularly on the liver, or untreated hep B?

MR. ISRAELYAN: Didn't you just answer that question?

THE WITNESS: I did. I just answered that, yes.

MR. ISRAELYAN: Asked and answered.

Q You never answered it.

A I did. She can read it back.

Q We're not going to waste time with that.

What are the consequences of untreated hepatitis B?

MR. ISRAELYAN: Asked and answered.

Q You answered that question?

A I sure did. She can read it back. It's there.

Q I'm telling you you didn't.

A Let her --

Q You dissembled and went on and on about extraneous material. You never answered about

untreated hep B. It's enough that I elicited you never asked him.

Okay?

MR. ISRAELYAN: Objection.

Q Did you ever learn the identity of his PCP?

A No.

Q And do you consider him, Mr. Abad, your patient?

A No.

Q There is no doctor/patient relationship between you and Mr. Abad?

A Technically, no.

Q All right. And if there was, what would you have had to have done once you learned that the liver enzymes in a hepatitis B individual were elevated -- or enzyme?

A I would send him to a specialist, a gastroenterologist, for full consultation, evaluation, and treatment.

Q And the -- what the hell is that -- the -- where did you find mention of syncope in the records?

A The hospital records.

Q What -- he went to two hospitals, right?

A Elmhurst Hospital.
Q And your interpretation of that is he had one episode of syncope, and that was on the night of the incident?
MR. ISRAELYAN: Objection. That's asked and answered.
Do not need to answer that.
MR. McDONOUGH: I've never asked that question, Counselor.
MR. ISRAELYAN: Yes, you did. You went over this in the beginning of your deposition.
Q Did you have an obligation to tell him to go see a -- somebody like a cardiologist once you learned he had a bout of syncope?
A No, I'm not the treating physician here.
Q Does somebody who is having a bout of syncope know when they have it?
A Sometimes they do. Sometimes they don't.
Q What are the symptoms of syncope?
A Syncope has different levels. You have a mild one, vasovagal response. When you are sensitive to seeing your blood drawn, when you look at it, you begin to pass out, like it used to happen to me, and another episode is when you have a very frightful situation, and it causes temporary loss of

blood profusing to the brain. You can have a syncope. You can have it from a panic attack. You can have it from trauma. These are all the possibilities. You can have it from a problem stemming from the brain. There's many different possibilities, or you can have a cardiac dysfunction that could cause syncope.

Q What was Mr. Abad's blood pressure on the date of your examination?

A I didn't take his blood pressure.

Q How much did Mr. Abad weigh on the day of your examination?

A Did not weigh him.

Q I'm sorry?

A I did not weigh him.

Q Well, I didn't ask you that.

Do you know the weight, or you don't know the weight?

A I do not know the weight.

Q Okay. Did you ask him for his weight?

A I did not.

Q How did he appear to you in terms of weight?

A He appeared thin and frail with a body weight of approximately 130 to 140 pounds. That's

based on his appearance to me.

Q Did he exhibit wasting --

A Yes, sir, he did.

Q Hold on; hold on. You've got to --

Did he appear -- did he exhibit wasting from above -- from the waste and above?

A Yes. It's in my report, page three.

Q Read it into the record.

A It says --

Q The wasting from the waist or above.

A Motor, there is no power in the legs, and there is severe visible atrophy of both legs. Atrophy, the same as wasting.

Q Doctor, I just asked you three times where in your report does it indicate wasting from his waist and above.

A Oh, sorry. My mistake. I did not see any wasting from the waist and above.

Q Did he exhibit any decubitus ulcers on the day you examined him?

A None.

Q Did you ask him about his history with skin breakdown and things of that nature six years -- seeing that it was six years post accident?

A I did. Let me just review -- yes.

MR. ISRAELYAN: Objection to the form.

You may answer.

A In my first page he mentions that he suffers some occasional pressure sores and he has to be very careful about those things.

Q When did the one incident of decubitus ulcers occur with this gentleman?

A I was not asked nor addressed in my report.

Q It's in the medical records you reviewed.

A There's a lot of medical records. I don't know if all the records contain how many times he had a skin breakdown.

Q He had one.

A Maybe that's just on the record. There may have been more. I don't know exactly how many.

Q He had one. It's in the records you say you reviewed.

A Right. What I'm saying is --

Q Where did it occur -- that means it occurred at either Elmhurst or Mt. Sinai. I'll give you a clue.

Where did it occur?

MR. ISRAELYAN: Objection.

Q Do you know?

MR. ISRAELYAN: Objection.

You may answer.

A Let me review my records, so I don't guess.

Q Is it in your notes somewhere?

A It's not in my notes.

Q What is that -- can you --

A That's my telephone.

Q Can you --

A I have it on silence. I don't know why it keeps going off.

Q That's a silence I'm not familiar with.

A Yeah. I'm going to turn it off.

Q No need -- no. You are a doctor. I'm sure there's people -- maybe somebody wants to rent a place in the Hamptons or --

A There's no -- there's no call for that. That's --

Q I know. It's completely out of left field.

A Yeah.

MR. ISRAELYAN: Completely improper, disrespectful.

MR. McDONOUGH: Yeah.

A There's a lot of records here. If you

know exactly where it is, we could save some time.

Q Well, you've made recommendations, in fact, several of them, dealing with --

MR. ISRAELYAN: It's okay, Doctor.

Q Skin break -- potential skin breakdown, right?

A That is correct.

Q Was that informed by any of his history?

A Yes. It's -- he told me that he's had occasional pressure sores, so the answer is yes. He told me he's had occasional pressure sores.

Q Okay. You can stop looking for that. We're not going to waste time with that now.

A Okay, okay.

Q You had the time to review it.

A Okay.

Q All right. So where in your notes, if it appears at all in the chicken scratch notes that we've marked as Exhibit X, do you -- does he report to you about occasional pressure sores?

A That's why this is just chicken scratch. The full history is in this report. This is just some of it to help me refresh my memory. Not everything here is in this report.

Q I see.

So how many other patients did you -- excuse me.

How many other plaintiffs or -- or patients or referrals did you examine that day?

MR. ISRAELYAN: Objection to form.

Q Approximately.

A I have no idea. You are asking me to go back a year ago? I have no idea.

Q Yeah, 12 months ago.

A I have no idea.

Q Well, if it's like every other day, how many would it be, one?

A On the average, maybe 20 patients.

Q Do you create records on all of the folks that you see?

A Medical records, of course.

Q You are required to do that, correct?

A Of course.

Q By New York State licensing people?

A That's correct.

(Whereupon Ms. Matthews left the room.)

Q So the report was created, according to you, two days after the examination, right?

A Yes.

Q Okay. Did you elicit any information from

Mr. Abad on the date of your examination of him about his alcohol use?

A As of that date he told me he does not drink alcohol anymore.

Q On the date you saw him?

A That's correct.

Q All right. I'm talking about historically.

A I do not.

Q Did you elicit any information from him at all about his premorbid -- pre-accident use of alcohol?

A Did not.

Q How about his pre-accident use of cocaine?

A I did not.

Q How about his pre-accident use of -- let me ask the complete question.

Did you elicit any information from him about his pre-accident use of marijuana?

A I did not.

MR. ISRAELYAN: Objection to the form.

Q Did you elicit any information from him during your examination about his premorbid social history including his living circumstances?

A I did.

Q All right. What were his living circumstances before the accident?

A He lives in a basement with his mom, and he worked -- I believe he worked in a body shop.

Q Okay. So is that -- now, is that -- everything you just said in response to that question, is that in the report; is that in the notes; is it in both, or you are doing that from memory?

A No. It's here.

Q In the chicken scratch notes?

A Yes.

Q All right. Read the chicken scratch notes, please, Exhibit X.

A He was hit by a friend driver while he was intoxicated, knocked down to the ground, and they ran over his body, and he woke up in the morning in the basement apartment, found himself to be paralyzed. He lives in a basement apartment with his mom in Long Island City. Before the accident he worked in an auto body shop doing -- and also doing house cleaning.

Q Where are the notes about his pre-accident use of alcohol?

A Well, I -- I don't have it in that exact

fashion, but he -- he told me he used to drink before.

Q Read the note, please. That's what I asked you to do.

A Twenty-seven-year-old male, right-handed, no history of any known allergies. On 11/10/12 he was outside of his car.

Q Got to slow down a little bit, please.

A Sorry. He was outside his car, hit by a friend driver while he was intoxicated. He was knocked to the ground, and they ran over his body, and he was then taken to his home, apartment, basement. He woke up in the morning finding himself to be paralyzed.

Q Did you ask him or didn't you and make a note of his response in regard to pre-accident alcohol use, yes you did, or no you didn't?

A All I asked him was, does he currently drink now?

Q No.

A The answer is no.

Q We went over that.

A I did not ask about past.

Q I'm not asking you about that.

A No.

Q That's why I asked about premorbid use.
A The answer is no.
Q No, you did not ask him that?
A I did not ask him that.
Q Once again, you saw him about six years post accident, right?
MR. ISRAELYAN: Objection to the form.
Q Right?
A Yes, that's correct.
Q The living circumstances, how many -- how many -- how many bedrooms are in the basement apartment?
A I have no idea.
Q Did you ask him?
A Let me see. I did not ask him that question, no. All I have is he lives in a basement apartment with his mom in Long Island City.
Q You've read to us what you have three or four times.
A Yes. And --
Q So how many bedrooms in that basement apartment?
A I have no idea.
Q Okay. Because you didn't ask him?
A I did not ask him.

Q Okay.

MR. ISRAELYAN: Objection to the form of the question also. It assumes --

Q Did you determine --

MR. ISRAELYAN: -- facts not in evidence.

MR. McDONOUGH: What is it you are mumbling about?

MR. ISRAELYAN: It assumes facts not in evidence or inaccurate facts.

MR. McDONOUGH: Evidence? Did the trial start somewhere at this point, Mr. Israelyan? That's what evidence is.

MR. ISRAELYAN: Ask questions. Do not have to -- do not have to --

MR. McDONOUGH: Then stop making -- stop making objections that are not grounded in the CPLR. Okay? Do everybody a favor.

MR. ISRAELYAN: It's --

Q Did you --

MR. ISRAELYAN: It's not your role to tell me what to do and what not to do. I'm making a record.

MR. McDONOUGH: That's what you are doing with me.

MR. ISRAELYAN: I'm making a record.

MR. McDONOUGH: You're making your record, yeah, talking about evidence.

MR. ISRAELYAN: I'm making a record.

MR. McDONOUGH: Keep on making it. Just talk over there.

Okay?

MR. ISRAELYAN: Stop telling me to talk to the wall.

Q Did you make any attempt to determine Mr. Abad's premorbid level of psychological function?

A Psychological function, no.

Q What was -- did you determine Mr. Abad's IQ?

A I did not, no.

Q That's funny?

A I did not.

Q Well, the real life care planner did here.

A Well --

Q Did you see that --

MR. ISRAELYAN: Objection.

Q -- Dr. Kincaid determined Abad's IQ?

A I did not -- I don't remember what he -- what his IQ was.

Q I'm not asking you that.

A I don't recall.
Q Did you see that Dr. Kincaid determined Mr. Abad's IQ?
A His IQ was low.
Q Oh, his IQ was low?
A Yes.
Q Is that right?
A (No verbal response given.)
Q What do you call low?
A I did not test it to see --
Q You already said that.
What do you call a low IQ?
A If I'm talking to him, I have an idea that he has a low IQ.
Q What's low?
A I did not test it.
Q What's the IQ -- you've already said that now four times. You said he has a low IQ. I want you to define low.
A Below average.
Q Really?
A Okay. Really.
Q And did you look at the testing that Dr. Kincaid did of Mr. Abad?
A Take a look at it right now.

Q I'll give you a hint, okay, to save time.
A Okay. Go ahead.
Q Sir, I'll give you a hint.
A Go ahead.
Q He was told to leave that out of his report. It exists, but it's in his records.
Were you given -- he was told to leave it out of his report by your friend here, the plaintiff's attorney, so it's not in his report.
MR. ISRAELYAN: That's -- that's --
Q Did you look at Dr. Kincaid's record?
MR. ISRAELYAN: -- inappropriate statement.
MR. McDONOUGH: It's inappropriate, but that's what he testified to.
MR. ISRAELYAN: That's not what he testified to.
MR. McDONOUGH: It's exactly what he -- he -- he testified here two days ago you told him to leave it out.
MR. ISRAELYAN: No, no.
MR. McDONOUGH: No, no, no. Yes, yes. We'll find out. Believe me, you'll get your opportunity --
MR. ISRAELYAN: Do not interrupt me.

MR. McDONOUGH: You'll get your opportunity to tell the judge. Okay?
MR. ISRAELYAN: Do not interrupt me.
Q Do you have Dr. Kincaid's --
MR. ISRAELYAN: Listen to me.
Q -- testing material?
MR. ISRAELYAN: Hey. You cannot --
MR. McDONOUGH: Hey?
MR. ISRAELYAN: Yes, absolutely.
MR. McDONOUGH: Hey. Go over there, and talk over there.
MR. ISRAELYAN: You cannot make a --
MR. McDONOUGH: I'm trying to finish --
MR. ISRAELYAN: -- statement like that.
MR. McDONOUGH: -- the deposition.
MR. ISRAELYAN: You cannot --
MR. McDONOUGH: What, that you told him to leave it out? I didn't. Dr. Kincaid did.
MR. ISRAELYAN: You are making a false and an accurate and inappropriate statement, and do not --
MR. McDONOUGH: Yeah.
MR. ISRAELYAN: -- attack me.
MR. McDONOUGH: That's not attacking you. He said it.

Why did you tell the witness to leave it out?

MR. ISRAELYAN: You have -- first of all, that is a false statement. You are making a false statement.

MR. McDONOUGH: I wish I was.

MR. ISRAELYAN: Well, you are because --

MR. McDONOUGH: I wish I was.

MR. ISRAELYAN: Here's the point. You have a question to ask the witness in a proper format --

MR. McDONOUGH: I've already done that. You are interrupting his answer.

MR. ISRAELYAN: No. Because it's not in a proper format.

MR. McDONOUGH: Oh, yeah?

MR. ISRAELYAN: It's not in a proper format, and, therefore, will not be answered.

MR. McDONOUGH: I see.

MR. ISRAELYAN: Okay. So --

MR. McDONOUGH: What?

MR. ISRAELYAN: I'm just asking you to -- if you have a question, ask a question.

MR. McDONOUGH: I thought that's why I was here.

Q Do you have Dr. Kincaid's testing material?

MR. ISRAELYAN: You here to berage [sic] the people, to insult the people.

MR. McDONOUGH: Berage the people?

MR. ISRAELYAN: Yes.

MR. McDONOUGH: What does that mean?

MR. ISRAELYAN: All you are doing -- all you are doing is attacking the witness for no reason.

MR. McDONOUGH: I thought you said I was attacking you.

MR. ISRAELYAN: You are attacking me. You are attacking anybody that's in any way opposite of you, so --

MR. McDONOUGH: Opposite of me?

MR. ISRAELYAN: In an -- in an inappropriate manner, so go ahead, ask a question in a proper format.

MR. McDONOUGH: There's been a pending question for five minutes.

Q Do you have any of those records?

MR. ISRAELYAN: It hasn't been five minutes. Five minutes were your questions being --

MR. McDONOUGH: This guy.
MR. ISRAELYAN: -- asked, and you take extensive pauses between the questions. You take extensive pauses --
MR. McDONOUGH: Yeah?
MR. ISRAELYAN: -- within the questions.
MR. McDONOUGH: I wasn't aware of that, but if I do do that, that's because I think before I speak.
Q Can you answer the question, please?
A What was the question?
Q Were you supplied with Dr. Kincaid's testing data?
A This is all I have. I don't know what testing data is.
Q That's not the answer to my question.
A I don't know.
Q Okay. So you weren't -- do you know a test called the WRAT, wide range achievement test? It's known as the WRAT.
A No.
Q Do you know --
A I'm not familiar with that definition.
Q Have you heard of the WRAT?
A I have not.

Q Okay. But you weren't -- you were not supplied by this plaintiff's attorney with any testing material from Dr. Kincaid, right?

A I was not.

Q Okay. And so you mentioned that you could tell Mr. Abad had -- had a below-average IQ because of the way he spoke to you.

What about the way he spoke to you indicated to you he had a below-average IQ?

A What about it?

Q That's what I -- I just asked you.

A It's based on my professional experience having seen many different patients the way he responds to certain questions --

Q Yeah.

A -- and the way he requires certain verbal cues to focus him on the questions that I'm asking him. That's how I made my determination.

Q Have you ever, ever actually known the IQ of any of the people that you have evaluated or treated or written life care plans for?

A I've never tested him for them, no.

Q No, no. That's not what I'm asking.

A No. The answer to your question is no. I do not know.

Q I'm not confining it to testing. I don't want you to think that question is confined. I'll ask you again.

Have you ever known ahead of time the IQ of anybody that you've done a life care plan for, that you've treated, that you've consulted with, that you've evaluated?

A No.

MR. ISRAELYAN: Objection to the form of the question.

I know.

Q In regard to the syncope did you determine that anybody -- any -- whether it was his PCP or anybody else ever referred Mr. Abad to a -- for instance, a cardiologist or a pulmonary expert to determine where this syncope -- what the etiology of the syncope is?

A No.

Q Okay. And if this gentleman suffers from syncope, what -- and continues to suffer from syncope, what are some of the sequela of that, what could happen if left untreated?

A If left untreated, he could fall down, hurt himself.

Q Did you see a referral by anybody -- by

anybody, any of the doctors that Mr. Israelyan has hired, any -- his -- his PCP, anybody, did you see any of the doctors involved in this matter refer him to a pulmonologist or a cardiologist for further evaluation with regard to the syncope?

A Nope.

Q Is syncope out of your area of expertise?

MR. ISRAELYAN: Objection to the form.

A I'm not an expert in syncope, no.

Q So yes, it is out of your area of expertise?

MR. ISRAELYAN: Objection to the form.

A Yes.

MR. ISRAELYAN: It's not properly defined what you are talking about, Counsel.

MR. McDONOUGH: I'll stand by my form. I've got a few years of doing this.

Q All right. You did not, yourself, make any independent evaluations, sir, of -- aside from his level of intellect, about Mr. Abad's psychological state, correct?

A I did not.

Q Okay. In that regard, you say in your report the findings of Dr. Rumbalm, right?

A Yes.

Q Okay. Do you know if Dr. Rumbalm -- do you know if Dr. Rumbalm administered Mr. Abad any tests?

A I can look at his report and answer your question.

Q We don't need to do that now.

A Okay.

Q But off the top of your head you don't know?

A Without looking, I don't know.

Q Right, okay.

Now, there's a portion of your report on page two, the second line at -- from the top, which is a portion of the sentence which runs to -- one, two, three -- the fourth line.

Now, is that a -- an independent evaluation of the films that you made that were taken at Elmhurst, or are you getting that information -- particularly as regards to subluxation at T12 -- are you getting that from, for instance, the report of the radiologist at Elmhurst?

A I'm getting this from the medical records from Elmhurst.

Q Okay. So you did not look at those films and come to that conclusion --

A No, sir.
Q -- on your own? Okay.
And I want you to look at the last sentence in that same paragraph.
A Okay.
Q Okay. Was that your own conclusion, or was that the conclusion of a radiologist somewhere?
A Which sentence, this sentence?
Q The last -- yeah, the last sentence in the first paragraph on page two.
A Which says he was found to be a paraplegic? Yes. That was from the medical records.
Q Okay. But my question is -- you say you looked at films.
A I looked at the films this morning, not then, not when I did this report.
Q Okay, all right. And now having looked at the -- what films did you look at?
A This morning?
Q Yeah.
A The films showing the -- it was a CAT scan. There was an MRI. There was an x-ray. There was a postsurgical x-ray showing medical hardware.
Q Okay. So can you break that down by

hospitals; did you look at Elmhurst stuff and Mt. Sinai stuff?

A I believe it was all Elmhurst.

Q Where did he have his surgery?

A He had his surgery at Mt. Sinai, so that was Mt. Sinai.

Q How much did you look at -- you looked at this last night, right, and this morning?

A This morning I looked at the films, this morning.

Q I'm not talking about the films. I'm talking about the -- all right. Let me move on.

So that last sentence in that paragraph on page two, sir, is that your opinion after looking at the films?

A No. This is from the medical records.

Q Well, do you concur with that opinion --

A I do.

Q -- after looking at the films?

A I do.

MR. McDONOUGH: All right. It's 1:22. I've got another area to go into, which is not going to take eight minutes, so it's probably a good area to break. We'll be in touch as far as another day. I -- I have to go into another

area, and I can't --

MR. ISRAELYAN: What's the other area that you --

MR. McDONOUGH: -- cover it in eight minutes.

MR. ISRAELYAN: -- cannot cover in eight minutes?

MR. McDONOUGH: Counselor, fortunately, I'm not here to be the subject of your deposition. I said I can't finish it.

MR. ISRAELYAN: How many minutes -- how many minutes do you need?

MR. McDONOUGH: I need a while.

MR. ISRAELYAN: What's a while?

MR. McDONOUGH: Longer than an hour. So we'll have to discuss that.

(A discussion was held off the record.)

MR. ISRAELYAN: No. Let's put it on the record. Don't talk to this guy without any records.

Go ahead.

MR. McDONOUGH: Are you going to pay for it?

MR. ISRAELYAN: In terms of you asking a question.

MR. McDONOUGH: I'm asking a question about his availability. Look, you know what? You are so ridiculous that -- the next time you want a courtesy from my office I'm going to start to keep a list of these things that you come out with. You are going to tell me what I'm going to pay for on the record when I'm trying to find out his -- I'm trying to be a nice guy to the guy.

MR. ISRAELYAN: There's nothing about you throughout this deposition from the start to now that shows that you wanted to be -- forget about being a nice guy -- that you want to be a professional.

MR. McDONOUGH: If you think that, I invite you --

MR. ISRAELYAN: There's nothing about that --

MR. McDONOUGH: If you think that, I invite you --

MR. ISRAELYAN: I will; I will.

MR. McDONOUGH: -- to make a motion to the judge.

MR. ISRAELYAN: I will.

MR. McDONOUGH: I invite you.

MR. ISRAELYAN: Do you have a question for our witness now?

MR. McDONOUGH: No. Here's my statement for the record.

The witness has previously advised me, at least, at the outset and days before. We heard numerous assertions from the plaintiff's attorney that Dr. Guy had a hard stop at 1:30 today. I confirmed that first thing when I walked in. It's now 1:24, and the next segment of material I have is going to last considerably longer than the four or five minutes, so out of -- out of a courtesy to Dr. Guy I'm suspending the deposition, not terminating it and adjourning it. Thanks.

MR. ISRAELYAN: Okay.

(Time Noted: 1:25 p.m.)

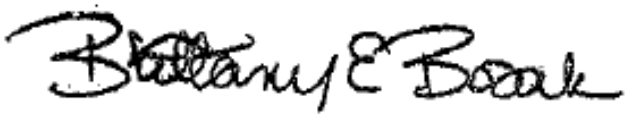
C E R T I F I C A T E

I, Brittany E. Bosak, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth, was duly sworn, and that such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of February, 2019.



Brittany E. Bosak

&

& 2:4 3:11 54:24

0

05 83:19
06 99:4
0679-16 1:2
07 63:20
07068-1693 3:12

1

1 25:1 26:15,17,25 27:2 78:20
1.5 79:8
1/2017 112:25
10 74:12
100 64:4
10003 5:9
10006 3:2,7
10583 43:14
10978 178:18
11 64:3
11/10/12 15:21 159:6
12 6:21 29:25 156:9
12:00 120:2
130 151:25
14 79:7 86:23 116:22
140 151:25
141 4:11
15 30:2 133:2,14 134:17,20 135:12 135:13
16 7:10 80:3 81:24 83:4
18 1:24 8:4 20:5 21:16 23:15 29:19 30:2,9 80:20 138:15 142:6
1970s 5:21
1974 39:4 109:13 109:25 111:5,9 112:13
1977 37:19 39:5 41:15,24 109:13 109:16 110:1 111:5,14,14,23 112:13
1978 109:14
1979 42:22 43:16 109:15,16 112:9
1981 44:4 109:16
1982 25:1
1983 25:1 104:21
1984 27:2,2
1990 47:1 63:16
1:22 174:21
1:24 177:10
1:25 177:18

2

2 115:9 120:10
2,000 75:10
2/23/18 141:19 142:1,23
2/25/18 142:15
20 86:19 156:13
2005 116:19
2007 60:2 62:15,21 64:2 65:17,21 66:9 84:6 85:23 88:18
2012 14:24
2014 86:18
2016 51:1 60:19 74:15 81:2,22 82:16 86:18
2017 62:24
2018 7:22 8:22 16:6 19:21 20:13 23:4 56:10 62:24 84:21 114:1
2019 1:24 178:14
21 56:10
22 4:9
24 7:22 8:22 16:6 20:13
240 7:6,10
24th 8:3
25/18 142:19
250 60:13 62:14,19 63:1 71:23 74:19
25th 178:14
26 61:16
27 79:8
28 114:5

3

3 8:11
3.2 34:18 35:9
30 6:19 7:5 25:1 27:1 62:20 78:20 84:25 86:19 104:4 104:14 132:16 133:22
30th 26:15
31 2:4 27:2
31416 83:19
33 4:10
34th 117:10
35th 117:10
39 1:23 3:2

4

4,000 75:9
40th 86:14
412 45:17
431 79:7
45 3:7

5

5 4:2

6

64 130:4

7

7 5:9
70s 41:2
75 3:11 37:9,10
76 37:11,15,23
77 42:21 111:24
78 112:8

8

80 98:3
80s 106:17 107:16 107:20
82 25:9 26:15,25 27:1 28:21
83 26:16 28:21 106:11
84 26:17 28:22 104:21 106:11
86 4:5

9

90 63:19
950 3:2
9:32 1:25

a

a.m. 1:25
abad 1:3 14:13,19 15:7 21:18,23 63:8 134:5 138:14 139:21 141:16 142:12 144:13 145:6,12 147:20 149:8,12 151:11 157:1 163:24 169:6 170:14 172:2
abad's 16:20 139:14 145:14,17 151:8 162:10,13

162:22 163:3 171:20
abavel 80:1
ability 70:22
able 18:15,15 119:18
absolute 77:22
absolutely 76:24 120:16 124:14 165:9
absurd 75:23,25
abuse 77:20,23 93:6
abusive 82:13
accepted 40:21
accident 15:10,12 15:12,13,15 22:1,9 106:23 139:12 147:21 152:24 157:11,14,16,19 158:2,20,23 159:16 160:6
accidents 107:4
accurate 39:13 61:14 165:20
accurately 49:19 50:8
accused 124:24
achievement 168:19
acronym 95:14 98:12
action 178:10
actual 16:8,25 130:1
acute 101:20 103:9,23
address 5:7 43:12 44:7 117:9
addressed 153:8
adjourning 177:15
administered 172:2
administrating 101:1
administration 25:2 28:20,22 29:5
admission 119:1 119:17 146:11
admit 118:17 119:8,13
admitted 89:23 119:19
admitting 118:18 119:6,20
adrienne 3:12
advertise 26:6,7
advertisement 39:24 40:3
advertises 26:4
advised 21:24 177:5
affiliation 115:8 117:6
affiliations 113:2 113:24 116:9,12
agitated 68:5,6,8 68:10 69:10 92:1
ago 7:10,10 18:17 19:21 20:12 24:24 27:16 31:22 35:3 75:18 82:22 88:12 89:7 90:6,17 92:9 100:10 101:7 104:4 131:19 134:20 135:12,13 156:8,9 164:19
ahead 14:15 26:23 46:15,18 47:21 52:5,18 62:12 63:15 64:16,23 66:14 69:4 70:10 74:10 78:11,18 102:20 105:8,17 110:25 113:23 133:21 164:2,4 167:18 170:4 175:21
ain't 62:4 91:11
aisle 77:19
al 126:23
alcohol 22:2,8 146:12 157:2,4,12 158:24 159:17
ali 2:2 4:2 5:6,16 5:19,22 126:23 131:13
allegations 128:7 128:12,20 129:23
alleged 57:3 129:22
allergies 159:6
alliance 113:25 114:10,14,15,16 114:24 115:1,12 115:14,20 116:5 116:15 117:1 120:11
allow 49:25 50:1 52:15 65:3 68:16 69:8 105:2
allowed 65:9 89:23
alsahlani 126:23 129:25 130:5
american 24:5
amikle 1:8,13 3:5
amount 77:10
analytical 56:20
anatomic 17:14
angling 75:20
answer 7:3,3 11:17 22:4 25:19 26:20,21,23 27:1 28:17 31:1 32:22 38:19 45:17,24 46:1,11 47:8,12 48:10,16,24 49:20 50:1 51:14 52:15 55:21 62:23 64:16 65:12 66:2,9,11 69:6,8 70:21 71:12 74:10 75:2 75:11 77:13,14 78:16,17 82:4,18 87:21,23,24 88:1,4 89:19,25 90:13,21 90:22,23 91:2,5,8 92:10 96:5 102:22 104:23 106:19 107:9 108:21 113:21 115:7 118:2 120:19,20 120:22,24 121:1 121:15,24 122:2 123:10,11,12,15 123:17 124:19,21 125:3,7,9,10,14 126:15,16,20 127:2,3,5 128:6,13 128:18,23 130:11 132:20 135:9,10 135:21 137:19 138:18 139:6 144:18 146:1 148:8 150:7 153:2 154:2 155:10 159:21 160:2 166:13 168:10,16 169:24 172:4

answered 11:21 32:5 45:5 46:10 46:13,17,18 48:2 48:12 71:11 74:5 75:13 81:10 82:17 90:24,25 91:10 92:11,13 96:9 105:23 107:2 110:6 115:18,18 137:22 147:11,13 147:19,23 148:10 148:12,13,18,19 148:25 150:6 166:18
answering 75:22 78:6 97:3 100:8 104:1 120:18
answers 105:6,6
anterlisthesis 9:7 11:25
anterolisthesis 9:13
anybody 105:16 114:19 125:11,11 133:3 137:16 144:21 167:14 170:5,13,14,25 171:1,2
anymore 157:4
apart 102:11
apartment 158:18 158:19 159:12 160:12,17,22
apparent 56:20
apparently 50:16 68:19 69:25 77:16 77:17 91:25 93:16 124:9
appeal 59:1
appealable 59:5
appeals 86:5
appear 24:18 39:20,23 40:7 143:21 151:22 152:5
appearance 152:1
appeared 16:19 151:24
appearing 73:14 73:15
appears 24:15,16 31:17 37:24 95:5 111:5 114:10 155:18
applied 40:19
applies 17:23
apply 40:12,15,19
applying 108:18 108:20
appreciate 25:17 95:12 105:19 136:19,20
appreciated 136:16,18
approximate 118:23
approximately 6:18 7:5 16:6 60:14 62:14 63:1 64:2 78:20 79:7 117:20 118:6 133:1,2 151:25 156:6
april 42:22 109:15 109:16 112:8
arabic 38:4,5,6,16 38:21
archer 50:25 53:15
area 19:2 24:13 88:7 89:4 131:8 171:7,10 174:22 174:24 175:1,2
areas 122:9 135:24
argue 70:15 133:7
arguing 69:6 72:11,12,14,16,17
arrive 18:8,9 41:23 75:11 85:14
arrived 85:18
article 2:4 114:5
articulate 18:16 127:23,23
articulated 127:6
asia 10:24,25 11:1
aside 120:10,10 171:19
asked 7:21 21:15 23:24 34:20,22 45:2,4,20,25,25 46:3,4,10,13,14,16 46:18 47:15,22,23 48:11,12,15 49:3 51:13 59:22 62:9 63:18,18 64:11,18 64:20,24 65:1,12 65:16 66:6,6,16,17 68:11 71:10 74:4 74:6,8,15 76:7 82:17,21 83:6 90:24 96:8 100:7 107:10 113:11,17 113:22 117:22 132:19 147:10,13 147:19,20 148:12 148:18 149:2 150:5,8 152:14 153:8 159:4,18 160:1 168:2 169:11
asking 9:10 43:2 60:10 62:23 63:3 63:24 70:19,23 76:6 88:25 94:1,3 94:6 97:18 107:1 107:14,18 156:7 159:24 162:25 166:22 169:17,23 175:24 176:1
aspect 63:6
aspects 56:22 117:24
assert 85:19 122:11
asserted 64:7 65:20 67:6 90:19 123:20
assertion 55:12
assertions 60:1 79:21 86:18 177:7
assume 64:11
assumes 161:3,8
atrophy 152:12,13
attached 11:14 109:3
attack 15:3 76:13 85:4 127:24 151:2 165:23
attacking 165:24 167:9,12,13,14
attacks 85:5
attempt 6:4 162:9
attempting 36:6 48:5
attendance 48:22 53:3 106:10
attended 31:12 42:2,21
attending 53:3
attention 19:23,25 89:6

attorney 23:17 34:6 54:14,16 59:3,19 63:18 64:25 72:8 77:19 88:25 93:2 124:22 129:19 147:2 164:9 169:2 177:8
attorney's 54:24
attorneys 70:15,19 70:23 73:13 77:21
author 136:6,21 136:24
authoritative 136:3,5,25 137:7 138:4
authority 57:15 93:6 128:21
authorize 23:22 28:10
authorized 28:4,7 28:13
auto 158:21
automobile 87:12
availability 176:2
avenue 117:10
average 7:7 35:16 98:5 156:13 163:20 169:6,9
avoid 48:5 128:11
avrius 83:18
aware 15:11 19:6 21:10 22:5,9 84:22 86:4 87:14 88:10 89:6 90:6 99:2 133:23 135:1 135:15 168:7

b

b 19:7,9,10 20:23 20:24 21:11 50:25 95:17 101:10 146:4,7 147:2 148:1,4,7,17 149:1 149:16
back 5:20 16:20 20:5 34:5 61:21 64:14 70:15,17 79:20,24 85:18 86:13 99:3,3 106:11 120:19 122:1 129:7 135:3 140:20 141:6 148:6,14,20 156:8
background 45:14
badger 76:16
badgered 70:20
badgering 82:6,8 90:14
bar 1:9,14 3:6
baron 14:9 143:24
baron's 143:25
based 21:7 97:24 122:2 133:15 135:22 152:1 169:12
basement 158:3 158:18,19 159:13 160:11,16,21
basic 119:14
basis 21:4 65:8 118:9 123:16 127:4
becoming 75:8
bedrooms 160:11 160:21
beds 135:2
beg 94:1
began 63:6
beginning 25:9 61:18 99:4 150:11
behalf 63:7
behavior 129:9
believe 5:25 11:21 13:8 15:12 24:19 30:7 31:19 41:7 47:24 48:12 63:16 64:18 66:3,6,15 90:25 100:18 101:10 158:4 164:23 174:3
belong 109:17,18 110:8,8
belongs 109:17 111:23
benevolent 126:23
berage 167:3,5
bermutez 54:10
best 6:20,20 40:24 47:22 55:14 60:4 66:15 70:22 99:15
better 41:20,21 43:19
beyond 93:12,13 93:14
biehl 3:11
big 12:7 97:5,5
binder 8:11
biology 36:7,15 37:4
bit 69:9 159:8
blood 15:4 134:13 150:22 151:1,8,10 178:10
bloods 101:1
board 24:6,8
bodies 17:6 18:1,9
body 13:22 16:19 17:17,21 18:5 106:22 151:24 158:4,17,21 159:11
bony 17:23
book 72:3
books 132:7
borderline 146:13 147:8
bosak 2:7 178:2,19
bottom 24:13 108:1 110:19
bout 150:14,16
bowne 50:25
boy 19:10 95:17
brain 15:4 151:1,5
break 6:11,12 33:7 33:8,20 42:9 69:18,20,24 70:3 82:24 95:2,4 119:24 120:3 121:25 145:2 155:5 173:25 174:24
breakdown 152:23 153:13 155:5
breaks 17:16,16 42:7
breath 106:12
bring 19:24 120:19 121:25 129:7 131:16
brittany 2:6 178:2 178:19
broaden 28:18
broadway 1:23 3:2,7
broken 17:13
bronx 28:21,23 29:5,8,11,22 30:11 80:3 81:22,24 101:15
brought 19:22,24 35:15,22 89:6 110:15

brutality 54:15,20
building 114:15 114:24
bulk 60:1,12
burden 129:15
burst 9:18 16:15 16:19,23 17:3,7,10 17:16,20,23,25
business 5:7 114:16,25 115:14
businesses 120:12

c

c 3:1 83:21 146:4 178:1,1
cabrini 30:18 31:8 99:24 100:4,12,20 103:1,18 104:15 105:20 106:16
calculate 75:9
calculator 75:6 76:8 78:19
calculus 36:7,8,14 36:15 37:12
california 135:23
call 36:18 63:10 68:13 69:14 104:17 109:6 118:1 154:17 163:9,12
called 34:12 37:6 37:24 45:14 54:10 57:6 58:5 65:1 78:15 81:12 104:20,20 112:15 137:14 168:19
calls 57:16 94:23 94:24
calm 69:9 70:19 70:24 82:24,25
captain 112:24
caption 128:4
car 159:7,9
cardiac 151:6
cardiologist 150:13 170:15 171:4
care 13:11 21:2 101:2 102:7,24 103:9,22 132:12 132:14,17,23 133:4,10,11,14 137:14 138:12 142:17,18,25 143:16,24 144:14 144:25 145:7,12 162:18 169:21 170:5
career 62:20 63:4 63:6 73:13
careful 153:5
carefully 147:4,6 147:15,16,17
case 8:9 9:1,7 10:17 11:18 12:11 14:2,5 18:3 23:17 34:4,11,22 45:17 46:20,22,22 47:13 48:6 50:12 51:1 53:15 54:10,15 55:1,3,25 56:25 57:6,9 58:16,18 64:19,19 65:2 66:19 74:14 78:23 79:1,5,6,17,19,25 80:2,19,25 81:3,5 81:7,14,16 82:15 83:8,14,15,16,22 83:23,24 84:1 86:1,3,22 88:11 89:17,17,19 91:12 121:11,12 123:22 124:17,22,23 125:14 126:8,17 126:18,21,25 128:4,12,17,23 130:10,12,16,18 138:23 139:8 145:4,6
cases 12:15 46:2 54:19 60:22,23 71:9,18 87:12 96:21
cat 173:22
cause 146:8 151:7
causes 9:19 150:25
center 22:10 28:22 29:6,9 30:18 99:6 99:24 100:21 101:13 102:16 115:12 116:18 117:7 119:7,11
centers 99:12
central 1:8,13 3:6
certain 65:5 99:21 169:14,16
certainly 6:12
certificate 133:3
certifications 109:8
certified 24:8
certify 178:4,9
cetera 133:25
chairs 135:2
change 28:4,7,13 109:22 115:16 116:4,14
changed 5:21 86:7 115:21 134:23,23
changes 108:11 109:5,8 110:2,4 115:23 116:3
charge 30:3 31:4 134:16
charging 73:15
charles 8:16
check 27:18 73:4
checked 24:21 31:21
chemistry 35:19 37:16,20
chicken 140:4,6,8 140:9,11 141:1,15 155:18,21 158:11 158:13
chief 101:3,4
chime 13:18
choose 25:24
chose 113:19
circumstances 157:24 158:2 160:10
citation 56:24
cites 57:6
city 44:8 54:11 158:20 160:17
civil 2:4
civility 68:17,20 68:23 93:15
claim 27:15 31:12 41:1 100:14
claiming 102:3
clarify 6:4 109:12
class 38:7
classified 100:4
clean 112:14
cleaned 73:16
cleaning 158:22
clear 74:18,21,22 90:2 113:4
cleared 73:16,17
client 91:19 123:19

clinic 116:21,24 134:16
clinical 116:19 117:11
clock 46:25
close 62:11
closed 31:8
clue 153:22
coast 135:23 136:1 136:1
cocaine 22:2,8 157:14
cohen 124:20,23 125:14 126:5,9,11
college 4:10 5:24 31:24 32:12 33:1 35:12 36:2,5,6,21 39:9,17,21 40:1,10 40:11,17 41:2,5 45:4,6 46:5,9 47:5 47:24 48:4,8,13,13 48:14,22 51:3,4,17 51:18 52:21 53:3 59:21 94:20,22 109:12,25 110:21 111:2 112:7,10,12
colloquy 4:5 95:10
column 97:23
combination 102:25
combined 41:5 102:25 103:5,15 103:16,18
come 70:16 86:13 102:24 172:25 176:6
comfortable 120:14,17
comment 80:18
comments 76:13
compensation 115:11
complaint 129:24
complete 9:19 10:2 11:6 12:21 12:24 30:22 39:3 77:3 85:8 157:17
completed 32:15 76:19 145:6
completely 17:12 50:20 52:2 120:15 122:17,21 125:15 145:20 154:19,22
comprehension 93:12,13
compromise 11:4 11:5
concerning 85:17
concluded 57:2
conclusion 18:10 172:25 173:6,7
conclusions 23:16 57:14 85:15
conclusory 85:17
concur 174:17
condition 15:9 146:8
conditions 19:6 20:21 21:15 147:22
conduct 91:14,20 91:24 92:2 129:17
conducted 85:19
conducting 80:13
confidential 122:10,24 130:15 130:18,25
confined 170:2
confining 170:1
confirm 148:3
confirmed 177:9
consciousness 75:4
consequences 148:16
consider 137:6 138:3 149:8
considerably 177:12
considered 96:25 101:24 106:24,24
consult 137:8,15 137:20 138:10
consultation 138:22 149:19
consulted 170:6
contagious 146:8
contain 153:12
contains 85:16
contemporaneous 139:23
contemporaneou... 139:22 140:12
content 28:4,8,13
contents 22:7 108:24 143:22,23
context 10:11,16 47:18 49:22,24 50:3 63:11 79:14 132:24
continue 76:3 77:15 78:5 94:4 125:15
continues 170:20
contract 8:1
contrary 90:19
control 69:25
conversation 67:9
conveyance 128:8 128:9 129:20
conveyances 129:25 130:4
conveyed 128:10
conviction 125:13
convictions 127:24
cool 69:24
copies 44:22
copy 22:15 23:2 23:17,19,20 43:9 44:12 56:12 58:1 58:3 59:19
cord 9:20 10:3 12:2,2,6 16:16 17:1,15 95:20 97:4,7,9,15,16,17 97:18 98:17 99:20 138:1
corner 108:2
correct 5:25 8:25 14:20 17:7,18,18 18:1 19:11 21:17 24:9 25:3,4 26:5 26:10,12 27:4,7 28:24 29:6 30:11 30:12 31:14 32:1 34:21 35:22 36:9 36:16 39:19,21,22 43:5,22 51:5 54:3 55:15 60:15,20 63:21,22 71:15 73:1,3 80:23 90:11 104:24 106:9 111:2,25 112:10,11 113:7,9 113:10 114:11 116:16,25 117:2 117:19 124:3 127:10 128:5 129:20 134:2 135:17 137:10,20 138:13 139:13

141:7 142:9 143:12 144:3 146:4,4,25 147:8 155:7 156:17,20 157:6 160:9 171:21
correction 110:13
cost 98:5,8 133:24 134:3,8,8,9,10,11 134:13,14,15,24 135:2,3,7,19 137:25
costs 129:8 134:5 134:25 135:1,13 135:15
counsel 6:9 8:4,7 20:3 47:6 52:23 56:11 66:10 67:5 68:14,14 69:12,12 69:12 72:6,9 73:7 74:24 76:10,12 80:15 81:9 84:12 85:6 86:4 89:10 90:10,12 92:3,23 95:5 104:22 105:2 121:3,16 122:8 124:23,24 131:22 134:21 136:12 171:15
counselor 49:4 67:16 68:21 74:7 87:6 91:11,15 95:1 127:15 150:9 175:8
count 18:20
counted 18:8,9
counthouse 76:4
country 40:22
county 1:1 23:6 51:1 80:3 112:24 113:6 130:20
couple 69:17,24 70:2 82:22 89:7 119:24 120:1
course 36:8 37:5 37:23 38:2 140:23 156:16,18
courses 39:13
court 1:1 2:5 4:13 5:4 6:16,25 7:15 9:3 10:12 50:23 53:22 54:9,23 57:1,12 60:1,21 61:6 63:22 65:23 65:23 72:7 73:15 73:17 77:23 86:5 88:6 89:24,25 127:12 129:13 130:20
courtesy 68:16 95:13 176:4 177:13
courts 7:1,5
cover 175:4,6
covers 97:23 98:1
cozen 3:6 5:14
cplr 161:17
create 156:14
created 156:22
creating 132:22
credentials 26:12
credibility 123:14 123:21 125:5 127:25
creditor 128:11 130:8
creditors 130:3,7
credits 43:3
criminal 127:24
criteria 97:1 119:16,21
critiqued 97:22
cross 49:5,9
ct 134:11
cues 169:17
culture 40:22
cume 35:22
cumulative 35:16
current 117:6
currently 21:13 118:8 159:18
curriculum 23:3 112:1
custom 8:23
cv 4:9 22:18 23:9 39:21 41:12 53:8 53:13 99:4 107:24 115:17 116:22 131:14

d

d 4:1 5:1 34:25 35:1,6 37:4,12,19
data 137:24 168:13,15
database 95:21 98:17 137:24 138:6
databases 135:18 135:22 138:11
date 8:6 15:15,19 22:19,21 33:3 56:16 111:9 112:4 112:6 141:10,12 141:17,19,22 142:2,11,12,22 151:9 157:1,3,5
dates 42:20 109:22
david 95:17
davis 40:18 41:5,6
day 50:19 73:18 75:10,21 122:1 139:14,23 141:24 143:20 151:11 152:20 156:4,11 174:25 178:14
days 156:23 164:19 177:6
de 44:9
deal 50:22 110:9 134:3
dealing 155:3
debtor 130:8
december 23:4 27:2 56:10 89:14 90:7,18 114:1
deception 53:2,7
deceptive 88:25
decide 122:2
decision 55:24 83:20 85:7,22 86:25
decisions 40:24
decubitus 152:19 153:6
deemed 80:21 88:6
defend 124:22,23 129:19
defendants 1:11 1:20 2:3 3:5,10 4:7 22:18,21 33:2 54:12 85:5 141:9 141:12
defense 86:4 88:24
deficiency 85:12
define 163:19
defined 106:20,21 171:14
definition 17:10 51:25 52:1,20 82:14 97:21 107:17 168:23

definitions 11:14 72:4
defraud 130:2
degree 32:12,16 36:6 39:17,21 40:11 41:2 42:24 42:25 43:7,8 44:3 44:12 45:21 47:16 48:7 57:10
delay 130:2 142:24
department 44:21 118:14
depending 9:14 108:18
depends 9:16
deposed 6:16 130:17
deposition 6:18 8:14 9:4 50:4,20 66:5 67:18,21,23 70:13 73:15 75:21 85:6 91:14,21 92:2 93:23 94:5 129:17 130:9 131:2 150:11 165:15 175:10 176:11 177:14
depositions 8:24 9:1 45:3 77:24 84:17 93:12
deps 105:10
derived 73:19 74:17
describe 19:1 24:1 99:17 141:13
described 12:18 15:25
describing 53:3
description 4:8
designated 99:9 99:12
designates 104:11
designation 98:22
detailed 55:18
details 55:5 66:18 88:13
determination 169:18
determine 135:19 161:4 162:9,13 170:12,16
determined 98:4,9 98:11 162:22 163:2
develop 137:16 144:14
developed 144:12
dictate 139:21 140:12
dictated 140:15,20
dictation 140:18
difference 12:7 97:5,7
differences 97:13
different 7:4 25:2 29:8 38:6 60:10 72:4 79:20 106:25 107:4 108:14,15 108:15,17,24,25 112:6 135:18 136:4 150:20 151:5 169:13
differently 62:18
diplomate 24:5
direct 121:1
directing 87:23 91:1,4,8 92:10 120:23
direction 123:17
director 113:25 114:2,2 116:20,24
disagree 50:13 87:5
disc 17:21 19:4 106:23
disclosed 33:6,10 94:18
discovery 49:5,12 50:4 59:13 85:6 123:21
discuss 95:3,4 117:24 118:1 175:16
discussed 21:3 34:6 57:1
discusses 24:14
discussion 22:17 34:2 44:25 68:2 70:6 120:8 175:17
disease 116:19
diseases 134:17 147:22
disrespectful 154:23
disruption 106:22
dissembled 148:24
district 47:1 54:9 54:9,21 89:14 90:7 92:7
division 1:1
docket 1:2
doctor 19:13 34:4 69:10,16 70:8 72:7 77:14 78:5 92:1 97:20 102:8 115:2 121:5 135:7 149:11 152:14 154:14 155:4
doctors 145:1,5 171:1,3
document 22:24 34:5,7,7,8 35:25 36:19 94:8,17,21 141:13
documents 33:16 33:18 59:14 132:7
doing 9:5 33:15 50:11 56:7 58:20 63:11 64:4 72:21 72:22 77:3,4,12 84:25 100:5,23,24 132:22 133:9,14 144:25 158:8,21 158:21 161:23 167:8,9 171:17
dominican 40:20 41:13,17,23 43:16
double 111:1,8
dovebird 45:16 46:2 48:6,21
dr 5:12 8:16,17,19 13:4 22:20 30:5,6 31:5 56:21,22 57:2,12,16 62:8,13 66:21 85:13,18 101:9,10 131:13 137:8 143:25,25 144:3,5,20 162:22 163:2,24 164:11 165:4,18 167:1 168:12 169:3 171:24 172:1,2 177:8,14
drag 77:8
drastically 134:25
drawing 57:14 134:5
drawn 150:22
drink 157:4 159:1 159:19

driver 158:15 159:10
drop 15:5,5
dropped 125:15 125:15 126:9,17
drops 15:4
drugs 145:22
due 19:3
duly 5:1 178:6
dysfunction 151:6

e

e 1:9,19 2:6 3:1,1 3:10 4:1 5:17,21 28:3 36:22 37:1 50:25 57:7 83:21 178:1,1,2,19
earlier 53:19 60:13 89:12 90:4 90:19
early 106:17 107:16
earnest 46:22
east 1:8,13 3:5 125:1
eastern 54:9,21 89:14 90:7 92:6
educate 32:8
education 31:16 31:17 32:17 40:10 44:21 109:7 110:16,19 114:2
educational 53:8
eight 7:7 64:3 71:19,22 74:18 75:9 80:20 174:23 175:4,6
eisenhower 3:11
either 6:10 7:13 12:1,17,17 17:14 26:1 32:10 45:2 50:7 87:16 96:5 114:14,23 130:2 137:14 145:25 153:21
elementary 38:4
elevated 146:11,13 146:18,19,23 147:6,8,9,18 149:17
eli 14:9
elicit 123:2 145:16 156:25 157:10,18 157:22
elicited 149:1
elmhurst 8:15 15:6,25 16:9 150:1 153:21 172:18,21,23 174:1,3
embryology 36:8 36:16
emelita 1:9,19 3:10
emgs 134:7
employ 140:2 144:24
employed 133:14
employee 114:17
empty 112:7
ems 8:18
ended 18:19
engage 95:9
entire 9:19 65:11 112:2
entirety 107:9
entities 138:10
entitled 31:17
entity 96:14 98:10 98:13,16,19 99:18 114:10,14,24
entry 30:16
environment 69:5 70:14
enzyme 146:19,23 149:17
enzymes 146:17 149:16
episode 150:3,24
equipment 116:21 134:16,19 135:2
eraj 5:22
especially 124:16
esposito 83:12
esq 3:3,8,12
essentially 8:18 62:23 146:10
establish 14:12
estimation 6:23
et 133:25
ethics 94:11,15
etiology 170:16
evaluated 169:20 170:7
evaluation 10:1 149:20 171:5 172:17
evaluations 171:19
evening 21:21,25 21:25 22:8
event 12:17 30:8 58:10 86:10
everybody 69:6,9 105:10 161:17
everybody's 68:22
evidence 161:5,9 161:10,12 162:2
exact 63:2 103:10 158:25
exactly 13:20 31:9 36:11 46:7 49:19 153:16 155:1 164:18
exam 23:15
examination 2:2 4:1 5:10 49:5 69:22 80:13 100:25 139:15,21 142:22,25 144:13 151:9,12 156:23 157:1,23 178:5,7
examine 156:4
examined 5:3 19:17 152:20
examining 49:9
example 77:12 79:23
examples 87:13
exclude 56:22
excluded 58:12,17
excuse 14:19 21:21 40:10 98:7 103:18 110:22 121:9 127:17 136:8 140:1 146:4 156:2
excuses 82:3
exhibit 4:8,9,10,11 22:18,22 33:2 34:7 41:12 108:1 108:4 141:9,12,12 152:2,5,19 155:19 158:14
exhibits 4:7,13
exist 44:5
existence 96:3,7 96:16
exists 164:6
experience 6:19 7:5 38:14 45:4 100:1 101:12,23 102:4,17 104:7,10 104:13 105:21,25

106:1,14 107:3,14 107:16 132:16 133:15,16,22 137:17 169:12
expert 2:3 13:8 30:13 57:11 61:21 80:21 88:7 89:4 121:12 123:21 133:4 170:15 171:9
expertise 10:7 57:16 88:7 89:4 132:15 171:7,11
explain 66:17 133:13
explained 55:2,5 65:8 88:13 89:22 107:3
explaining 29:3 55:8 85:18 133:19
explanation 55:19 89:22
expound 87:11
extend 68:17
extended 68:15
extending 95:13
extensive 168:3,4
extraneous 148:25

f

f 37:11,15 178:1
faces 84:13,14 129:3
facility 25:3 30:11 100:3,12 101:22 103:4,19 107:15 114:3,4,5,9,18 117:2,9 119:9,13 119:17
fact 39:20 68:8 138:8 155:3
factor 134:3
facts 55:3 131:6,7 161:5,8,9
factual 71:6
fadhel 126:22
fails 85:13
fair 23:8 137:12 138:9
fall 18:2 37:9,10 37:15,23 39:5 170:23
false 50:21 79:10 79:15,16,18,18 103:14 104:5 165:19 166:4,5
falsehoods 93:8
falsely 93:10
familiar 10:25 61:19 134:7,8,9,10 134:11,13,14,24 135:1,3,4 154:12 168:23
far 62:10 89:4 174:24
farther 79:24
fashion 159:1
fault 65:6,6
favor 78:7,8 161:17
faxed 131:13
february 1:24 7:22 8:3,22,22 16:6 19:19,21 20:5,13 21:16 23:15 118:10,15 138:15 178:14
federal 57:15 60:21 61:6 89:24 89:25 134:18
feel 115:5 120:14 120:17
feeling 67:20
fees 113:20
fell 40:22
fellow 33:17 105:14
ferret 106:12
field 11:10 80:21 136:23,24 154:20
fields 57:11
fifty 71:21 72:2
fighting 69:13,13 69:14,15
figure 75:17,19
file 141:2
filed 130:19
files 73:13
fill 68:22
films 10:7 16:8 172:17,24 173:15 173:16,19,22 174:9,11,15,19
financial 114:7,9 114:13,25
find 149:22 164:23 176:8
finding 56:23 92:6 125:23 127:12 159:13
findings 171:24
finds 57:12
fine 55:10 71:5 132:5 146:14
finish 19:19 26:20 26:21,23 45:21 48:16,17 51:13 64:22,24 66:11,12 68:16 77:7 104:22 105:3 113:15 114:21 119:4 121:19 127:20 136:10 165:13 175:10
finished 25:6,8 32:11 46:3 47:23 48:7,15 107:6 116:10,12 119:5
finishing 127:20
firm 5:14
first 5:1 7:17 8:9 8:20 30:6 36:4 42:11,21,23 43:3,6 43:10,15 57:1,24 58:9,11,13,16,17 60:6 61:1 72:25 83:10 84:21 85:24 88:10 89:7,13 90:6,20 92:7 98:8 98:8 109:6 117:10 124:6 141:16 142:10 147:16 153:3 166:3 173:10 177:9
fit 129:16,18
five 13:19 30:19 30:21,23 31:3,11 99:25 104:18 108:23 118:6 167:21,23,24 177:12
flow 15:4
fluent 38:10
flushing 110:20,21 111:1,4 112:5
focus 13:21,24 169:17
folder 143:20,22
folks 156:14
follow 25:24 119:12,19
following 47:2 101:3

follows 5:3 114:6
forget 176:12
forgot 82:21 88:14
form 7:2 12:20 14:14 15:17 22:3 22:12 24:17 27:17 30:25 32:2,4,6 34:10 35:5,23 36:10 45:7,23 47:14,17 54:5 60:3 62:22 63:12 65:24 73:23 81:4 87:15 102:6,21 103:7 105:23 106:18 126:10 132:25 135:20 137:18 138:17 153:1 156:5 157:21 160:7 161:2 170:9 171:8 171:12,16
format 65:5 166:11,15,18 167:19
former 116:24
forth 70:15 85:14 135:4 178:6
fortunately 175:8
found 90:20 158:18 173:11
foundation 65:25 126:24 130:1,6
four 20:4 41:18 42:3,4,10,25 100:18 111:23,23 160:19 163:18 177:12
fourteen 43:13
fourth 172:15
fracture 9:18 16:15,19,23 17:3,7 17:9,11,20,23,25 106:24
frail 151:24
francisco 44:9
fraud 123:8 124:2 124:3,18,20,25 125:4,23 126:25 127:13
fraudulent 128:8 129:20 130:6
fraudulently 128:10,10
free 6:12
french 38:21
frequency 133:25 137:14
friday 50:20
friend 158:15 159:10 164:8
frightful 150:25
front 8:12 76:5 94:8 107:24 139:18 141:6 143:6,9,12,20
full 37:5 149:19 155:22
function 96:12,15 106:22 146:12,16 162:11,12
functional 145:20
functioning 14:12 145:17
funds 96:18
funny 162:16
further 171:4 178:9
future 130:3,7

g

g 5:1 83:9,17 101:11
gap 56:21
gastroenterologist 149:19
general 25:15 30:20 31:2 36:7,8 36:15 37:4,12
generally 12:22
gentleman 18:22 19:5 20:20 132:8 153:7 170:19
geriatric 13:1 22:10
getting 25:12 40:10 68:4 70:14 73:3 172:18,20,22
giati 144:20
give 17:10 23:2,19 23:23 34:1 53:20 58:1 59:18 60:14 79:3 80:6 92:21 92:24 93:5 103:14 104:4 117:21 121:12 131:15 153:21 164:1,3
given 8:21 15:18 23:20 33:23 49:20 64:25 108:3 137:10 163:8 164:7 178:8
giving 47:12
glass 120:4
go 14:15 24:1,13 26:23 30:16 31:15 34:5 36:20,20 41:13 45:18 46:2 46:15,18 47:21 50:11 51:3 52:5 52:18 53:17 61:24 62:6,12 63:15 64:16,23 65:3 66:14 69:4 70:4 70:10 74:10 78:9 78:11,17 79:20,24 91:18 95:3 99:3,3 102:17,20 104:3 105:8,17 108:9 109:2 110:15,25 112:3 113:3,23 121:24 126:21 132:10 133:21 148:6 150:13 156:7 164:2,4 165:10 167:18 174:22,25 175:21
god 53:1
goes 20:5 65:4 123:13,14 140:19
going 5:20 6:1 25:18 26:18,18 33:9,19 36:18 43:24 47:2,9,10 49:6 55:24 56:24 59:3 62:4 67:13 67:17 69:19,23 70:13 76:3 77:7,8 78:16 82:3 91:11 102:17 110:12 112:3 115:25 116:8 121:5,24 122:2 125:10 129:8,14 140:24 148:15 154:11,13 155:13 174:23 175:22 176:4,6,7 177:11
good 5:12,13 6:23 36:13 40:15,18 41:4,9 56:8 68:7 73:9 76:15 93:22 119:15,23 120:5 174:24

goods 137:4,25 138:1
gosh 5:20 31:9
gotten 33:17 41:1
gpa 31:25 34:18 35:4,11,16
grade 9:14,14,15 9:15 10:19,20 11:3,4,5
grades 11:15 40:14,18 41:4,9
grading 10:23
graduate 51:6,20
graduated 51:8 94:24
gramercy 5:9
granted 44:3
ground 158:16 159:11
grounded 161:16
guard 112:25
guess 19:13 38:25 53:20 154:4
guidelines 119:20
guides 136:4
gunshot 99:19
guy 2:2 4:2 5:6,12 5:16,17,21,22 22:20 57:2 62:8 62:13 66:21 85:13 85:18 126:23 129:25 130:1,5,5 168:1 175:19 176:9,9,13 177:8 177:14
guy's 56:21,22 57:12,16 131:13
guys 13:9 69:13

h

h 28:3,3 83:9,17 83:21 101:11
half 20:18 27:6,9 38:25 39:1 75:10 118:11
halfway 51:21
hamptons 154:16
hand 108:2 110:18 178:13
handed 23:14 159:5
handing 22:20 36:19
handle 99:19,21
handwriting 36:23 140:4
handwritten 4:11 141:8
hangnail 107:18
happen 125:2 150:23 170:22
happened 15:12 15:18,24 18:4 140:17
happening 15:10 50:1
happy 50:1 55:6
hard 177:8
hardware 173:24
hardworking 105:14
head 61:13 75:17 75:19 172:8
health 19:6
hear 87:10
heard 49:8 57:24 88:10 89:13 95:22 95:25 168:24 177:6
hearing 58:9,14,17 60:6 85:24 124:8
height 139:14,16
held 2:5 22:17 34:2 44:25 68:2 70:6 120:8 130:9 175:17
hell 149:21
help 155:23
henkel 3:11
hep 20:23 147:2 148:1,7 149:1
hepatic 146:9
hepatitis 19:7,8 20:24 21:11 146:3 146:4,7,9 148:4,17 149:16
herbert 30:5,7
herbert's 30:6
hereinbefore 178:6
hereunto 178:13
herniation 18:23 18:25 19:1,4 106:23
hey 165:7,8,10
hinder 130:2
hint 164:1,3
hired 7:20 13:9 33:16 86:1 129:19 171:2
historically 157:8
history 14:16,17 15:18,21,22,24 19:16 20:19 21:10 61:7 100:25 144:12 145:18 152:22 155:8,22 157:24 159:6
hit 158:15 159:9
hold 46:24,24 53:13 63:4 69:1 76:4 113:3 133:3 152:4,4
holding 54:23
home 43:12 159:12
hope 92:17,19
hospital 8:15,16 15:25 28:25 113:1 113:24 114:6 116:8,18 117:6,13 118:6,9,16 119:2,8 119:20 134:17 135:2 146:11 149:24 150:1
hospitals 29:8,12 114:7 149:25 174:1
hostile 69:5 70:13 82:13
hostility 69:7
hour 20:15,18 62:11 90:5 118:10 175:15
hours 16:1,6,7 62:11 117:20 118:5,6,7
house 124:25 158:22
houses 114:15 125:2
huge 113:20
hundred 71:21 72:2 118:6,24
hurt 170:24
hussain 126:22

i

icu 102:8 103:3,17
idea 13:23 14:1,7 64:19 66:7 73:20

73:22 74:2,9,11 85:9 96:11 98:6 98:10,11,13,14,19 137:6 138:3,7,9,25 139:3,10 144:6 156:7,8,10 160:13 160:23 163:13
identical 48:21
identification 22:19 33:2 141:9
identified 16:3 143:22
identity 149:5
illegal 145:22
illnesses 145:25 147:21
imagine 43:11,11 87:5
immediate 101:16 101:18
impact 125:4
impaction 12:1
imparting 77:20
impossible 78:3
improper 33:22 50:2 52:3 61:5 64:10 65:15 73:8 82:9,12 87:19 92:16 115:3 122:13,15,18,20 122:22 123:2,3 124:12 125:20,24 127:7,9,11 154:22
inaccurate 61:2,5 161:9
inappropriate 76:13 80:18 85:5 164:12,14 165:20 167:18
inch 8:11
incident 14:22 150:4 153:6
include 143:24 144:3
included 4:14 39:12
including 42:8 98:7,7 99:23 100:1,1 130:3,7 157:24
inclusively 16:2
income 73:18 120:11
incorrect 40:14 49:13
incorrectly 127:15
increased 134:25
incredulity 84:19
independent 171:19 172:16
index 83:19
indicate 26:2 45:20 48:14 152:15
indicated 169:9
indicates 32:11 147:6,9
indicating 141:23
indication 144:17
individual 19:2 149:16
information 76:6 122:25 123:1,3 130:15 131:4,9 132:8 135:7 137:3 137:13 145:16 156:25 157:10,18 157:22 172:19
informed 155:8
injuries 9:16 11:19 57:4,13 85:21 96:21,24,25 97:2,4,5,5,11,14 97:25 98:18 99:20 107:5 133:23 138:2
injury 9:12 12:3,8 12:18 13:25 85:16 86:3,8,22 87:11 97:1,9,14,16,18,19 98:23
inpatient 117:1
inquire 122:9
inquiries 144:20
inquiry 125:25 127:7 131:8
instance 17:19 45:16 170:15 172:21
institution 44:13
instruct 46:17 47:10
instructing 117:12 117:15 127:4
instructions 101:3 122:17
instructor 116:19 117:12
instrumentation 16:17 17:2
insufficiency 146:9
insult 76:18 167:4
insulted 136:20
integrity 106:23
intellect 171:20
intelligence 136:20
intend 33:23
intended 25:7
intensive 101:2 102:7,24 103:9,22
intent 130:1
intention 48:14
intentionally 70:17
interested 40:5 178:11
interim 135:13
internal 24:25 25:8,16,20,25 27:10 29:20,21
internet 140:19
internship 25:10 25:12
interpretation 150:2
interrupt 26:22 68:15 110:23 127:18 132:3 133:17,20 134:22 164:25 165:3
interrupted 127:19
interrupting 66:25 67:14 80:11,13 121:18 166:13
interspace 18:24
intervention 78:10
interview 21:19 23:15 145:14
intoxicated 158:16 159:10
intro 37:6,7
investigated 88:12
invite 176:16,20 176:25
involved 30:10 49:11 54:8,20 61:24 145:5 171:3
involves 96:21
involving 10:17 54:19

iq 162:14,22,24 163:3,4,5,12,14,17 163:18 169:6,9,19 170:4
irregular 72:10
isabella 13:1 22:10
ischemic 15:3
island 125:1 158:20 160:17
israelyan 3:1,3 7:2 12:20 13:15 14:14 15:17 16:13 22:3 22:12 24:17 26:20 27:17 30:25 32:2 32:5,8,19,22 33:5 33:13,19,22 34:1 34:10 35:5 36:10 38:17 39:25 40:2 45:7,12,15,23 46:10,13,16 47:6 47:14,17 48:9,24 49:1,14,18,25 50:7 50:13,16,22 52:2,5 52:10,14,23 53:6 53:11 54:5 56:11 56:14,16 57:20 58:24 59:5,9,16,20 60:3,25 61:4,9,12 61:17 62:1,6,9,22 63:12 64:9,17 65:13,15,24 66:4 66:10,23,25 67:3,5 67:11,13,17,22 68:1,6,8,11,14,19 68:24 69:1,12,17 69:21,23 70:8 71:10,14 72:6,9,11 72:14,17,23,25 73:7,10,23 74:4,8 74:24 76:10,12,16 76:18,20,22,24 77:2,6,11 78:2,5 78:25 79:2,3,13 80:4,8,15,17 81:9 82:1,4,6,9,12,17 82:20,25 83:3 84:3,16,24 85:1,4 86:2,7,25 87:3,8 87:19,24 88:3 90:10,12,22 91:3,6 91:9,15,17,20,23 92:3,11,13,15,19 92:23 93:1,5,11,14 93:20,24 94:1,4,9 94:12,16,21 95:1,5 95:9 96:8 102:6 102:21 103:7 104:22 105:1,6,8 105:11,15,22 106:18 107:12 109:24 115:2,5 119:23 120:1,13 120:25 121:9,16 121:19 122:5,8,13 122:16,21 123:9 123:15,18,23 124:3,8,11,15,19 124:21 125:3,6,19 125:22 126:10,14 126:19 127:2,6,10 127:16,19 128:2,6 128:13,16,22,25 129:2,11,16,21 130:11,14,21 131:3,12,22,24 132:2,4,25 133:7 133:17,19 134:21 135:9,20 136:12 137:18 138:17 140:8 147:10,13 147:19 148:8,12 148:18 149:4 150:5,10 153:1,24 154:1,22 155:4 156:5 157:21 160:7 161:2,5,8,11 161:13,18,20,25 162:3,7,21 164:10 164:12,16,21,25 165:3,5,7,9,12,14 165:16,19,23 166:3,7,9,14,17,20 166:22 167:3,6,8 167:13,17,23 168:2,6 170:9 171:1,8,12,14 175:2,6,11,14,18 175:24 176:10,17 176:21,24 177:1 177:16
issue 86:21 123:22

j

j 4:2 5:17,21 31:7 36:22 37:1 57:7 83:11,17
jane 13:7 143:25
january 109:13,14 109:25 111:5,9 112:8,13
jaquez 57:7,8
jasvir 83:17
jersey 1:1 3:12 76:5
john 3:8 4:2 5:13 54:14,16 88:11
joint 116:18 134:17
joseph 34:13 35:7
judge 50:17 56:9 58:5,8 65:3,7,8 76:5 83:12,20 84:6 85:9,11,22 86:23 87:17 88:15 120:21 121:24 165:2 176:23
judge's 59:1
judgment 57:16 58:6 128:11
judicial 77:16 78:10
july 25:1,9 26:15 26:17,25 27:2 44:4 109:16
june 25:1 26:15 27:1

k

k 28:3
keep 12:14 44:15 49:6 67:13 76:7 108:14 162:4 176:5
keeps 154:11
keith 74:14 78:24 78:25 82:15
khoe 126:23
kincaid 8:17 137:8 162:22 163:2,24 165:18 169:3
kincaid's 8:19 143:11 164:11 165:4 167:1 168:12
kind 53:19 68:4
kinds 12:14
kings 51:1
kirl 1:3 142:12
knew 32:15 58:8 65:2 90:17 92:8 104:2
knocked 158:16 159:11
know 6:3 11:7,13 11:16 13:16,18,20 14:1,4 19:15

21:11 24:20 27:20 31:9,20 35:8 36:24 37:2 44:7,8 44:23 50:10 58:19 59:12,12 60:5 61:12 66:19 74:1 79:5,17 84:7,19,20 84:23 85:3 86:20 88:20 91:13,13,17 91:23 92:1,5 95:20,24,25 96:1,4 96:5,6,13,14,15,15 96:16,18,19 97:10 98:24 99:6 103:24 104:16 105:11,12 105:13,15 109:20 110:2 119:16 120:5 124:5 127:11 135:7 137:9 144:5 150:17 151:17,17 151:19 153:12,16 153:25 154:10,19 155:1 168:14,17 168:18,22 169:25 170:11 172:1,2,9 172:10 176:2
knowing 84:8,11
knowledge 7:16 8:8 15:20 53:24 55:14 58:13 60:4 98:21 131:5 137:17
known 5:15 159:6 168:20 169:19 170:4
knows 125:19
koo 1:19

l

l 1:2 5:1 31:7 83:21 101:10
l1 10:6 17:5,8,20 17:20 18:3,20
l2 11:20 17:8,20 17:21 18:3,20
l3 18:20
l4 18:20
l5 18:20,22,25
lab 146:9,22 147:1
land 128:9,9
languages 38:20
laraja 31:5,6
largest 138:6,6
late 41:2
latest 108:6,7,8
laugh 136:8,13
laughing 89:10 129:3
law 1:1 2:4 3:1 5:14 59:13 127:13 130:8 134:18
lawsuit 126:3 128:7 129:22,23 130:19 131:4,6,7
lawyer 59:4
lc 142:15,16
lead 70:16
learn 149:5
learned 93:17 149:15 150:14
leave 51:20 56:24 59:7,11 113:11,17 113:22 164:5,7,20 165:18 166:1
leaving 94:7
lecture 94:10,11 94:14
lectures 117:21
lee 46:22
left 35:12 36:18 37:1 39:9 42:23 43:3,15 99:14 110:18 154:19 156:21 170:22,23
legal 9:5 10:11,16 63:6,10 71:9,17 73:14 96:20 132:23
legs 152:11,12
length 106:12
level 10:5 12:1 14:12 99:2,17 100:2,5,7,9 101:12 101:15,16,21,21 101:22 102:5,18 103:4,10,19,24 104:10 105:20,24 106:13,13,13,21 107:1,15 145:17 146:12 162:10 171:20
levels 99:11 101:25 104:11 106:1,25 150:20
license 93:3 121:13 133:9,11
licenses 109:8
licensing 156:19
lied 92:6,16
life 13:11 132:12 132:14,17,23 133:4,10,11,14 137:14 138:11 142:17,18,25 143:16,23 144:25 145:7,12 162:18 169:21 170:5
lifetime 98:5
limit 61:6
limitation 50:19
line 38:17 45:17 79:7 80:20 112:3 112:6,7,8 115:3 125:24 142:10 172:13,15
lines 111:23
list 60:22 176:5
listen 165:5
listing 116:17
litigation 57:15 71:1
little 33:7 69:9 143:9 159:8
lived 40:21
liver 146:12,15,17 146:23 148:7 149:16
lives 158:3,19 160:16
living 72:22 157:24 158:1 160:10
lobatto 101:9,10
located 96:10
location 17:14,15
lodges 17:14
long 15:9 20:14,16 25:20,21,23 29:19 31:22,22 35:3 42:10,20 55:18 70:4 96:2,6,16 100:10,16 101:6 125:1 132:22 138:21,23 139:7 158:20 160:17
longer 23:7 25:11 112:22 113:5,8 116:7 175:15 177:12

look 14:21 16:8 18:11 33:4 36:13 39:3 41:11 76:21 79:1 84:18 132:7 132:7 141:11 150:22 163:23,25 164:11 172:4,24 173:3,19 174:1,7 176:2
looked 147:1,3,3 147:15,16,16 173:15,16,18 174:7,9
looking 84:18 155:12 172:10 174:14,19
lorenzo 1:9,10,19 1:19 3:10,10
lose 75:7
losing 78:21
loss 150:25
lot 33:11 134:6 135:22 136:3 143:2 153:11 154:25
love 40:22
low 163:4,5,9,12 163:14,15,18,19
luck 120:5
lumbar 10:17 11:19

m

m 5:1 56:10,10 81:19 83:21
macorís 44:9
main 17:8 35:19 35:20,24
maintain 108:15 137:3
maintains 98:16
major 100:22
majority 30:2
making 52:8 70:16 72:21 76:12 84:13 84:14 86:3,15 129:3 161:15,16 161:21,25 162:1,3 162:4 165:19 166:4
male 159:5
malpractice 124:4
management 24:9
manager 27:22,24
manager's 27:25
manhattan 44:19 102:4 103:5,20 106:3,5
manner 70:23 167:18
manually 109:4
marijuana 157:19
mark 27:12 30:7,7 32:24,25 86:11 140:24
marked 4:4 22:18 22:21 33:1 141:8 155:19
marketplace 135:16
marriage 178:11
mashatt 126:21,22 129:23 130:10
material 24:15 148:25 165:6 167:2 169:3 177:11
math 64:4 78:19
matson 13:7
matson's 13:4 143:25
matsumoto 56:9
matter 7:18 9:5 73:17 88:11 120:15,17 171:3 178:12
matters 9:4 121:5
matthews 3:11,12 99:14 103:2 156:21
mcdonough 3:8 4:2 5:11,13 32:3 32:24 33:11,14,21 33:25 34:24 35:23 45:10,14 46:14 47:9,20 48:25 49:4,17,23 50:5,10 50:15,17,24 52:8 52:12,16 53:1 56:13,18 59:7,11 61:3,8,11,16,23 62:2 63:13 64:12 65:11 67:15,19,24 68:3,7,10,13,18,21 69:19,22 70:4 71:12 72:13,16,19 73:2,9 74:6 76:15 76:17,19,21,23,25 77:5 78:1,4,7 79:1 80:6,10 81:11,19 82:5,8,11,19,23 83:2,16 86:6,11 87:2,4,10,22 91:1 91:4,7,11,16,18,22 91:25 92:5,12,14 92:18,20,24 93:4,9 93:13,18,22,25 94:3,6,10,14,19,22 95:2,8,12 105:4,7 105:9,13,19 107:8 115:4 119:25 120:6,23 121:2,18 122:7,11,14,19 123:11,16,19 124:1,7,10,13 127:3,9,14,17,22 128:15,20,24 129:1,6,14,18 130:13,17,24 131:10,17,23,25 132:3,6 150:8 154:24 161:6,10 161:15,23 162:1,4 164:14,18,22 165:1,8,10,13,15 165:17,22,24 166:6,8,12,16,19 166:21,24 167:5,7 167:11,16,20 168:1,5,7 171:16 174:21 175:4,8,13 175:15,22 176:1 176:15,19,22,25 177:3
md 2:2 4:2 5:6 43:8
mean 7:19 16:3 26:6 72:1 95:15 95:18 96:24 97:4 97:4 111:16 117:11 121:10 125:13 142:16 147:5 167:7
means 15:2 17:16 44:1 51:7 52:7,21 97:23 105:12,12 153:20
med 113:25 114:10,14,15,16 114:24 115:1,12 115:14,20 116:5 116:15 117:1 120:11

medical 9:5 10:11 10:16 11:10 19:13 21:9,15 23:5,6 28:22 29:9 30:18 40:12,20,25 41:5 51:16 52:22 57:10 63:6,10 71:9,17 73:14 96:20 99:24 109:8 112:23,24 113:6,9 114:2 116:18 117:7,24 119:7,11,15 132:23 135:19 136:23,24 137:4,4 137:25 138:1 147:24 153:10,11 156:16 172:22 173:12,24 174:16
medically 57:11
medication 138:20
medications 134:15 138:16,24 139:2,9
medicine 24:6,25 25:8,13,16,21,25 27:10 29:20,21 80:21 88:8 114:1 117:14,16 119:1
meet 89:24
member 112:23 113:5,8
membership 23:5 23:7 112:22
memberships 116:6,10
memory 36:4 54:13,17 84:1 103:8 155:23 158:9
mention 149:22
mentioned 2:6 112:12 169:5
mentions 153:3
mere 57:9
merriam 126:21
methodology 133:13,18 134:1,2 140:2
metro 46:25
michael 124:20,23 125:14 126:5
middle 5:17 110:7
mild 150:21
million 74:3,12,13 78:20 79:8
mind 21:14
mine 93:14
mini 114:6
minimally 119:8
minus 38:1 63:1 64:5 133:2
minute 46:24 131:15
minutes 13:19 69:18,24 70:3 75:18 82:22 119:24 120:1 167:21,24,24 174:23 175:5,7,11 175:12 177:13
mischaracterizat... 135:10
misrepresentation 93:7
missing 23:4
misstate 38:2
mistake 70:16 152:17
mistakes 143:3
mister 1:8,13 3:5
modality 137:15
modifications 112:20
mohammed 83:9 83:18
mom 158:3,20 160:17
moment 15:14 99:4
money 72:24 73:6 73:12,15 74:23 78:21 126:13
monitor 119:18
monitoring 101:1
montas 79:25 80:4 80:19 81:13,18,23
month 42:14 117:20 118:5,9,10 131:21
months 27:3,16 28:12,21 29:20,24 29:25 30:2,2,9 42:14 58:10 100:19 156:9
morbidity 114:3
morbidly 145:17 145:25
morning 5:12,13 16:12 20:1,12,17 158:17 159:13 173:16,20 174:8,9 174:10
mortality 114:3
mother 145:14
motion 65:15 76:25 78:8,9 107:12 129:7 176:22
motor 152:11
move 17:13 46:19 65:11 67:16 90:15 107:8 131:11 174:12
mri 173:23
mt 8:16 16:9 25:9 29:1,8,9,16,18 98:21 101:14,24 102:2,2,4,23 103:1 103:4,18,19 105:24 106:2,3,5 106:17 144:21 153:21 174:2,5,6
mumbling 161:7
myriad 29:12

n

n 3:1 4:1 50:25 81:19 83:9,17,21 95:16 101:11
name 5:5,13,17 11:7,13 14:9 19:15 25:2 27:25 30:6 36:17,20 37:5 38:2 43:25 54:24 55:17 81:18 81:21 83:10 88:14 88:20 98:15,16
names 5:16,16 60:23 80:4
narrowing 19:3
national 95:20 99:2 112:25 137:24
nationally 98:22 98:24
nature 62:2 152:23
navida 28:1,2,3
necessary 57:15
neck 85:17
need 12:23 32:22 33:6 41:25 46:11 50:5 58:4 69:2

75:3,6 77:16 82:4 82:18 85:1 87:21 88:22 90:13,22,23 95:2 123:10,11,12 124:19,21 125:3 125:18 126:15,15 126:20 127:2,3 128:6,13 130:11 132:14,16 133:5 133:12 147:14 150:7 154:14 172:6 175:12,13
needed 58:6 118:9 118:12,13
needs 61:7 83:3 133:24
neither 53:21 86:25
nerve 96:25
neurological 11:3 11:5
neuromuscular 116:21 134:16
neurosurgeon 14:9
never 7:16 8:5 32:11,15 33:6 34:19 46:14 47:22 47:23 48:6 49:8 53:21 55:3,12,25 58:8,18 59:22,24 59:25 64:7,8 65:2 65:21,22 66:18 67:7 74:6 77:7 80:22 86:20 89:3 89:16,17 93:16 94:17,24 113:22 117:5 148:13,25 149:2 150:8 169:22
new 1:1,23,23 2:7 3:2,2,7,7,12 5:2,9 5:9 23:5,6 41:7 43:13 44:21 47:1 54:9,11,21 76:5 99:9,12 104:11 110:20,21 111:1,4 112:5,23,23,25 113:5,7,9 116:17 130:8 156:19 178:3
nice 176:9,13
nidrr 98:12
night 20:1,12,14 150:3 174:8
nine 129:24
non 86:17
nonsense 59:16
noon 120:2
nope 40:8 171:6
nordestana 44:1 109:14,15
normal 106:22,22 146:10,15,15
north 46:25 74:3
northeast 44:2
notary 2:7 5:2 178:3
note 131:12 141:15 146:17 159:3,16
noted 177:18
notes 4:11 139:22 139:23,23 140:4,5 140:11,14,25 141:1,1,2,8,18,24 154:5,6 155:17,18 158:8,11,14,23
notwithstanding 85:12
november 14:24
nscd 95:17
nscdb 95:14,18 96:12 98:4
number 6:24 7:9 9:3 29:12 54:11 60:17 63:2 64:1 73:24 78:13 79:15 83:19 108:24
numerous 146:22 177:7
nutritionist 134:9
nyu 116:18 117:7 118:25 119:7,11

o

o 50:25 56:10,10 81:19 101:10,10
o'connor 3:6 5:14
oath 6:16 35:15 78:23 89:12 92:21 103:3 126:7
object 33:14 52:10 52:14 107:12 115:6
objected 97:22
objection 7:2 12:20 13:15 14:14 15:17 22:3,12 24:17 27:17 30:25 32:2,6,19 34:10 35:5,23 36:10 38:17 39:25 40:2 45:7,23 47:14,17 48:9 49:8 52:6,17 53:6,11 54:5 57:20 58:24 60:3 60:25 62:22 63:12 63:13 64:9,17 65:24 66:2 71:10 72:23 73:23 74:4 79:13 82:1 84:3 87:19 88:3 102:6 102:21 103:7 105:22 106:18 120:13 123:9 126:10,14,19 129:21 132:25 135:20 137:18 138:17 147:10 149:4 150:5 153:1 153:24 154:1 156:5 157:21 160:7 161:2 162:21 170:9 171:8,12
objections 49:7 52:9,13 86:15 161:16
objective 85:14
obligated 33:12 60:22
obligation 121:11 150:12
obstruct 132:1
obstructing 67:21 67:22 93:23
obstructive 129:9
obvious 49:16,17 77:4,5,7,11 96:2
obviously 72:5
occasional 153:4 155:10,11,20
occasions 59:23 62:21
occur 153:7,20,23
occurred 62:21 153:21
october 109:13 110:1 111:5,9,14 111:24 112:13
office 3:1 23:20,23 27:22,24,25 44:17

44:18 75:8 78:22 117:23 131:13 140:20 176:4
offices 44:16
offset 78:21
oh 11:10 53:1 56:6 61:3 74:21 87:2 92:14 95:8 97:12 121:2 122:19 125:9 152:17 163:5 166:16
okay 5:23 6:5,15 7:17,25 8:19 11:23 12:14 13:21 14:2,8 15:23 19:5 20:10 21:1,18 22:5,23 23:1,25 24:3 26:14 27:5 29:15,17 30:17 31:15,20 36:23 37:3,11,19 38:10 38:24 39:4,16,20 39:23 40:9 41:8 41:16 42:1,2,20 44:15,20,24 46:2 48:11 52:13 53:13 53:17 55:10,11,23 59:23 60:11 61:16 63:14,25 67:11 68:24 71:7,10 72:4 75:15 76:9 78:9 80:11 81:2 83:8 84:24 87:1 88:3 90:3 93:25 97:21 99:5 104:8 108:10 110:8,13 111:4,18,20 113:23,25 118:25 119:22 120:19,20 121:8,19 122:5 124:13 125:11 129:1 136:18 138:14 139:7,11 139:20 140:10 141:17 142:8,13 143:9 144:11 145:3 149:3 151:20 155:4,12 155:14,14,16 156:25 158:5 160:24 161:1,17 162:6 163:22 164:1,2 165:2 166:20 168:18 169:1,5 170:19 171:23 172:1,7,11 172:24 173:2,5,6 173:14,18,25 177:16
old 23:2 58:10 159:5
oldest 98:15,16
once 64:18 66:7,9 66:16 89:21 90:1 110:16 119:18 149:15 150:13 160:5
ones 57:5 137:8
ongoing 128:4
opine 57:3,13
opinion 16:18 55:17 56:21 57:6 57:23 58:12,17,19 58:21,23 71:2,4 86:10 88:16 90:1 92:7 132:18 136:6 136:23 174:14,17
opinions 23:16 53:22 55:12 57:17 59:25 64:8 65:22 79:22 87:16 90:8 90:18 98:14 137:23
opportunity 121:25 164:24 165:2
opposed 29:11
opposite 14:6 77:19 167:15,16
oral 14:17
order 2:5 54:23 56:10,12 57:21 58:1,3,23 59:2,6 77:24 83:20 119:6 119:12
organic 35:19 37:16,20
organizations 113:18 137:3
original 17:13,15 65:14 85:13 137:2
originally 5:21
ought 95:3
outcome 178:12
outpatient 118:19 118:21
outset 177:6
outside 34:6 159:7 159:9
overreaching 57:14
overruling 86:23
owns 114:14,23
oxygen 63:14

p

p 3:1,1
p.m. 177:18
page 4:1,4,8 45:17 46:20 79:6 80:20 108:9 109:6 110:5 110:10,10,12,13 110:17 112:19 115:20,24,25 129:24 141:4,5,17 152:7 153:3 172:13 173:10 174:14
paid 7:23 73:3
pain 24:9
palpably 82:9,12 122:13,15 123:1,2 123:3 124:12
panic 151:2
paper 141:22,23 142:2
paragraph 130:4 173:4,10 174:13
paralysis 11:6 12:19,24
paralyzed 158:19 159:14
parameters 146:15
paraplegic 98:5,8 173:12
paren 57:12
park 1:8,14 3:6 5:9
parkway 3:11
part 13:21 16:21 16:22,24 20:19 29:18 65:4 100:18 106:7 116:7 132:15,15 144:12
partial 16:23 17:9
participated 31:12 100:22 104:18 128:8
participation 28:19 99:24
particularly 148:7 172:19
parties 178:10

party 1:15,20
pass 15:2,5 150:23
passing 36:14,15 36:15,16
patently 77:3,5,6
patient 7:21 10:1 14:17 81:8,13,17 102:15 119:19 145:1 149:9,11
patient's 83:10
patients 31:25 32:14,14 63:7 73:18 81:17,20,23 97:24 101:1 102:23 103:9,22 103:23 107:4 117:23,24,25 118:16,17 119:1,9 119:18 133:15,23 156:1,4,13 169:13
pattern 48:23
pauses 168:3,4
pay 75:21 113:19 124:22 126:13 175:22 176:7
pcp 144:16,22 148:3 149:6 170:13 171:2
penalties 90:5
pending 6:10 94:13,17 128:17 130:12,15 131:7 167:20
people 40:23 45:20 102:13 116:23 119:13 154:15 156:19 167:4,4,5 169:20
percent 98:3 118:24
percentage 96:22 96:23 98:1 118:20
performed 85:14
period 15:14 30:8 89:18 100:16 128:23 138:21,23 139:7
perjury 90:5
permission 93:6
persistent 57:4
personal 137:21
perspective 143:2
phonetic 8:17 13:4 45:16 54:10 80:1 144:20,21
phrase 109:1
physical 24:6 25:13 80:21 88:8 100:25 117:14,15 134:7,10
physician 21:2 144:14 150:15
physics 36:8 37:12
picture 16:24,25
pictures 16:15
piece 18:2,5 141:22,23
pieces 17:13
pierre 83:19
place 2:6 29:14 122:22 154:16
plaintiff 1:4 3:1 54:13,16 64:25 85:15,20 130:3,7
plaintiff's 6:9 8:4 8:7 20:3 23:16 54:24 57:3 121:3 147:2 164:9 169:2 177:7
plaintiffs 1:15 156:3
plan 134:5 137:14 138:12 142:17,18 142:25 144:25 145:7,12 170:5
planner 162:18
planning 13:12 132:12,15,17 133:12
plans 132:23 133:10,14 169:21
plastic 134:11
please 5:5,7 6:3 10:14 17:11 26:21 31:6 32:25 64:16 66:11,23 70:19,24 74:25 86:12 95:11 99:17 108:9 110:23 119:25 123:6 133:7 134:21 136:12 141:1,13 142:10 158:14 159:3,8 168:10
plus 63:1 64:4 133:2
point 5:19 6:25 28:18 35:13 51:8 56:25 70:1 86:9 86:13 123:4 144:9 161:11 166:9
pointing 109:18
police 54:15,19,20
poor 58:6
portion 53:8 57:21 57:23 172:12,14
portions 97:16
posed 49:20
position 108:18 135:12
positions 108:20
positive 22:1
possession 57:9
possibilities 151:4 151:6
possible 9:9,10 10:22 11:22 12:12 28:15 74:1 97:17
post 101:15,15,18 139:12 152:24 160:6
postgraduate 24:2 24:14 109:6,7,7
postsurgical 173:24
potential 32:14 155:5
pounds 151:25
power 152:11
practice 2:4 8:23 26:4,8 37:6 39:24 47:11 59:13 78:21 98:1 118:19,20
pre 145:17,25 147:21 157:11,14 157:16,19 158:23 159:16
precluded 7:15 53:22 55:13 58:20 59:24 60:1 64:8 65:22 66:8,20 67:7 79:22 84:2,7 84:21 86:20 87:16 88:9 89:5,14,16,19 90:18
preclusion 90:7
predate 15:9
predated 14:22
predating 15:11
predicate 65:25
preexisting 19:6 20:20 21:15

premorbid 14:12 157:11,23 160:1 162:10
preparation 75:10 138:11
prepare 8:13
prepared 141:16
prerequisite 25:12 25:14
prescribe 134:18
prescribed 139:1
prescriptions 139:5,8
presence 77:22
present 62:25,25 108:22 113:1 130:2,6
presently 108:22 137:5
president 124:24
pressure 151:8,10 153:4 155:10,11 155:20
pretrial 75:10
pretty 6:23 49:16
prevented 56:7
previously 39:16 78:17 143:22 177:5
pricing 137:3,13
primary 19:13 21:1 144:14
print 131:16
printed 110:17
prior 25:14 45:1 49:10
private 120:15,17 121:14,22 122:3 122:24
privilege 122:12 123:20
privileged 122:10 130:14,18,25 131:1,9
privileges 118:18 119:6,13
probably 86:19 174:23
problem 151:4
problems 21:10 147:25
procedure 33:15
procedures 133:25 134:6,24
proceed 31:2 78:3 123:6 132:5
produce 60:22 61:15,22
produced 61:7
professional 137:23 169:12 176:14
profusing 151:1
program 25:6,7 26:2,25 27:6,10 28:20 29:18,21 30:3,10,18,21 31:3 31:4,12 41:16 43:7,17 45:22 98:23 104:19
programs 40:16 41:3
pronounce 43:24
proof 129:15
proper 47:6,7 65:5 86:9 131:8 143:1 166:10,15,17 167:19
properly 69:7,8 107:13 119:18 171:14
property 129:25 130:5
proportion 96:20
psychiatrist 134:8
psychological 162:10,12 171:21
psychologist 22:10
psychotropic 134:14
pt 146:14
ptt 146:14
public 2:7 5:2 130:19 178:3
pull 105:9
pulmonary 170:15
pulmonologist 171:4
purpose 66:4 116:23
purposes 108:15 108:25
pursuant 2:4
put 24:22,23 36:3 54:18 65:5 69:2 71:2 76:25 78:8,9 88:22 94:8 143:1 175:18

q

qualified 57:2,18 86:9
qualify 57:10
quarters 51:21
queens 4:10 5:24 31:24 33:1 35:12 36:2,5,21 39:9 40:1 45:4,6 46:4,8 47:4,24 48:4,8,13 51:4,16 74:15 82:16 83:12 109:12,22,25 110:21 111:2 112:7,10,12 130:20
question 6:10 11:17,21 17:4 19:20 21:14 26:24 28:18 32:9,23 34:20 41:22 45:8 45:11,15,19,20 46:19 47:2,7,8,19 48:11 49:19 50:2 50:3,9 51:2 52:11 52:15 55:7 57:16 60:10 61:4 62:10 63:14,17,18 64:10 64:11,16,18,25 65:12,14,17,18,19 66:7,16 67:4 68:12 74:16,16 75:2,13,16 77:14 78:13,15 81:10 82:10,13,13,13 83:6 87:20,23,25 88:2 89:20 90:2,4 92:13 94:12,16 96:5,9 97:3 105:8 107:2,10,11 108:21 109:1 110:5,6 113:15,21 114:21 119:4 120:18 124:12 125:8,9,10,20 132:10 137:2 141:20 147:23 148:9,19 150:9 157:17 158:7 160:16 161:3 166:10,23,23 167:19,21 168:10 168:11,16 169:24 170:2,10 172:5 173:14 175:25

176:1 177:1
questioning 62:3 115:3
questionnaire 144:24 145:5,9,11
questionnaires 144:19
questions 6:2,3 25:19 32:16 38:18 49:3 68:17 69:7,8 70:22 75:22 78:6 87:8 88:24 89:1 92:4,12 94:5 95:6 95:11 105:3,18 118:1,1,3 122:2 123:1,4,5 128:19 161:13 167:24 168:3,6 169:14,17
quite 66:13
quote 45:5 47:3 48:3 51:3 56:15 56:20,21 57:11,12 80:20
quoted 46:8 48:1

r

r 3:1 5:17,21 31:7 34:25 35:1,6 36:22 37:1 83:11 83:17,18,21 178:1
radiological 134:12
radiologist 172:21 173:7
raise 52:23
raising 68:3
ran 158:17 159:11
range 168:19
ray 17:1 173:23,24
raymond 31:5
rays 18:11,16
read 8:24 9:1 47:7 47:19 49:19 50:8 55:24 57:22 58:7 64:14,15 86:17 90:1,8 121:4 128:5 142:10 143:18,19 144:7 148:14,20 152:8 158:13 159:3 160:18
reading 10:7 57:20 85:7
real 162:18
really 87:2 95:8 163:21,22
reason 6:11 29:10 56:8 77:22 128:17 167:10
recall 9:11 10:21 12:10,12 27:11 28:15 35:2,2,4 37:13,17,21 46:12 47:12 54:22 55:1 74:15 79:9,18 80:24 82:2,15 83:5,8,14 85:22 163:1
receive 102:13 115:9 120:11
received 120:11 128:9 132:11,12 132:19
recess 34:3 70:7 120:9
recite 66:21
recited 67:12
recognize 22:24 92:17
recollect 11:22
recollection 6:20 6:21 8:8 47:23 53:21 66:15 81:12 84:4 99:16 104:5
recommendations 155:2
record 5:5,8 8:11 16:2 22:17 34:2 44:25 56:4,5,19 59:17 60:6 68:2 69:3 70:6,12,18 71:2 75:4 80:9,11 83:16 84:10,12 85:8,8,9 86:12 88:5,23 90:15 105:1 110:24 120:8 141:14 152:8 153:15 161:22,25 162:1,3 164:11 175:17,19 176:7 177:4 178:7
recorded 139:16
recordkeeping 55:4
records 8:15,16,17 8:21 9:25 13:2,5 14:21 15:6,25 16:3,3 140:12 143:2,4,4 149:23 149:24 153:10,11 153:12,17 154:3 154:25 156:14,16 164:6 167:22 172:22 173:13 174:16 175:20
refer 171:3
reference 45:13 136:23
references 85:17 86:3
referral 170:25
referrals 156:4
referred 135:11 170:14
reflect 105:1
refresh 54:13,17 84:1,4 155:23
refreshing 81:12
regard 18:24 98:22 119:1 124:25 133:4,9 137:12 138:1,11 138:14 145:6 159:16 170:12 171:5,23
regards 172:19
regular 71:20,25 72:1,3,8
regularly 71:7,8 71:15,16
rehab 114:1
rehabilitation 13:11 24:6 25:13 80:22 88:8 101:18 117:14,18
related 9:4 57:11 114:19,23 115:1 178:9
relation 31:24
relationship 149:11
relaxation 72:19
release 126:11,13
relevant 62:10 68:12,13 86:24 87:1 123:24
reliability 56:23 57:17
relies 136:2
rely 95:22
remember 19:4 36:11 37:10 42:15 53:15 61:13 79:17

79:25 81:3,4,5,6 81:13,14,16,17 83:25 100:4,6,8 101:6,9 103:10,13 104:3 105:24 106:1 162:23
removed 102:16
rent 154:15
rental 124:25
repeat 147:14
repeated 55:11
repeatedly 105:2
repeating 76:7 130:22,23
rephrase 124:1
report 8:18,20 14:8 16:5 21:20 21:25 22:1,7 23:15 65:3 66:20 85:13,16 89:23,25 109:3 137:10 139:17,21 140:3 143:11,13,13,15 143:16,24,25,25 144:3,7,17 146:2 146:18,20,21 147:1,6,9 152:7,15 153:9 155:19,22 155:24 156:22 158:7 164:6,8,9 171:24 172:4,12 172:21 173:17
reporter 4:13 5:4 178:2
reports 7:14 53:22 55:13 56:23 58:19 59:25 64:7 65:22 66:8 79:22 87:16 88:8 89:5,20 90:8 90:18
representation 50:18
republic 40:20 41:14,17,23 43:16
requested 64:15 121:4
require 119:8
required 40:17 48:17 156:17
requires 55:18 169:16
resection 12:2,4
residency 25:11 25:12,20,23,24,25 26:15,25 27:6 28:20 29:4,7 30:3 30:10,23 99:25 100:6 104:18 106:10
resident 101:3,4
residents 100:24 117:13,22,25
resolution 126:8
resolved 73:17
respect 70:21
respectful 70:23
respond 85:1 122:6,6
responded 51:3 91:3,6,9 120:25 121:1
responds 169:14
response 47:1 51:2 108:3 150:21 158:6 159:16 163:8
responsive 65:13 107:13
restaurant 1:8,9 1:13,14 3:5,6
result 38:24 39:17 40:10 137:16 138:8
resulted 140:3
results 21:24 85:19 134:14 146:22
retain 119:6,12
retained 4:13 7:17 7:19 131:19
rethink 143:8
retrolisthesis 10:17 11:19 12:1
retrospect 40:23
returned 103:2
revenue 74:16 115:12
review 140:11,20 140:22 144:11 152:25 154:3 155:15
reviewed 8:10,13 8:15 143:2 146:22 153:10,18
reviewing 16:1 73:13
ridiculous 49:7 176:3
right 5:24 6:1,8 11:12,25 12:3,8,9 12:19 14:19,21 15:1 17:17,22 18:13 20:6,23 21:16 22:14,20 23:8,12,18,25 24:4 24:8,25 25:5 26:9 26:16 27:6 30:19 30:23 31:11,13,18 31:23,25 32:24 33:4,5 34:11 35:8 35:11,14 36:12,17 37:22 38:24 39:10 39:12,14,18 40:1 41:11,22 43:23 49:11 50:24 51:8 51:18,25 52:10,12 52:14 54:6 55:17 55:22 59:23 60:2 60:13 62:13 63:9 63:17,23 67:15 69:5 70:2 71:9,18 79:20 81:2 87:7 99:3,11,23 102:16 104:21 106:10 107:23,24 108:2,4 108:5,9 109:2 111:4,6,20,24 112:2,3,14,14,19 113:11 115:16 116:8,11,13 117:7 118:22,24 122:9 122:24 125:21 126:1,18 127:1 129:2 131:11 132:10 134:20 135:16 137:17 139:12,17,18 140:14,17,24 141:4,11 142:3,4,5 142:7,13 143:6,10 143:11 146:24 147:2,7,12,18 148:1 149:14,25 153:19 155:6,17 156:23 157:7 158:1,13 159:5 160:6,8 163:7,25 169:3 171:18,24 172:11 173:18 174:8,12,21
risk 130:22

robinson 54:10
role 161:20
room 59:14 94:7 99:14 156:21
root 96:25
roseland 3:12
rotate 117:22
rotated 29:16
rotating 29:7
rotation 100:18
rotations 43:19,20 106:7
roughly 62:20 139:11
ruchelsman 83:20 84:6 85:11,23 86:23 88:15
rule 61:8,11,12,14 61:16,19
rules 2:5 114:6 118:25 119:3,7,11
ruling 4:4 86:22
rumbalm 8:17 171:24 172:1,2
rumbalm's 144:7
running 33:15 59:14
runs 172:14
résumé 22:15 23:9 23:18,19,20,24 26:1 27:16 32:10 42:16,17,19 108:12 109:2 112:17
résumés 108:14,15 108:17,24

s

s 3:1 28:3 56:10 81:19 83:9,11,17 83:17,18,21 95:16 101:11
s1 18:22,25
san 44:9
save 63:14 155:1 164:1
saw 18:21 21:16 22:6 138:15,19 139:11 141:16,19 141:24 142:21 157:5 160:5
saying 48:5,7 51:22 60:9 92:7 103:6,8,21 105:7 109:21 153:19
says 109:25 112:7 112:8 113:25 146:22 152:9 173:11
scale 10:24,25 11:1,2,7,9,11,13
scan 173:23
scans 10:8 16:9 134:12
scarsdale 43:13
schedule 73:16
school 40:12,15,20 41:5,10,18,20,21 42:2,8,11,21,23 43:4,6,10,15,19,21 43:24,25 44:5 51:7,14,16,17,23 52:22 53:4 118:25
schools 40:25
scratch 140:8,9,11 141:1,15 155:18 155:21 158:11,13
se 136:2
seati 144:20
second 23:2 43:21 43:23,25 56:5 69:1 75:20 109:10 112:19 172:13
section 23:4 31:17 110:19
see 7:21 8:11,19 13:1,4 14:8 15:6 23:22 33:5,25 37:8 39:2,7 48:23 50:17 52:25 53:2 53:7 83:2 109:3 111:11 117:23,24 122:20 128:24,25 129:1 131:10 141:5 146:21 150:13 152:17 155:25 156:15 160:15 162:20 163:2,10 166:19 170:25 171:2
seeing 70:14 150:22 152:24
seek 123:2 129:8
seen 18:16 21:20 34:8 169:13
segment 177:10
semester 42:12
semesters 41:18 41:19,19 42:3,4,10 43:1
send 144:19 145:4 145:9,11 149:18
sensitive 150:22
sent 140:20
sentence 127:21 172:14 173:4,8,8,9 174:13
separate 102:11
sequela 146:6 148:6 170:21
sequitur 86:17
serious 12:3,8 57:4 85:16,20 86:3,8,22 87:11
services 8:1 135:19 137:4,15 137:25 138:1
set 85:13 178:6,13
setting 6:17
settled 126:17
seven 29:24 159:5
severe 9:17 152:12
shape 87:15
share 55:6
sheikh 28:3
shop 158:4,21
short 18:17
shorthand 178:2
show 33:9,12,24 49:2,18 50:6,7 56:5 59:10 70:18 85:9 129:12 140:7
showed 17:6 34:5 111:17,18
shower 135:2
showing 173:22,24
shown 16:12,14,18 16:23,25 49:1 70:17
shows 56:4 84:10 84:12 176:12
shy 120:1
sic 35:22 167:3
side 14:3 77:19 110:18 141:18
signature 140:21 178:18
signed 7:25 140:22
significant 9:12 146:2 147:24
silence 154:10,12
similar 81:20
simple 50:11
simply 46:4,6 106:21 114:17

136:5
sinai 8:16 16:9 25:9 29:1,8,9,16 29:18 98:21 101:14,24 102:2,2 102:4,23 103:1,4 103:18,19 105:24 106:2,3,5,17 144:21 153:21 174:2,5,6
singh 83:9,17 101:10
single 40:12 62:9 68:12
sir 6:13 8:14 10:9 14:18 17:4 24:7 28:14 29:24 30:22 38:12,15 39:3 43:2 46:7 51:24 55:7 58:2 60:10 74:3 75:22 78:11 88:14,17,19 106:11 110:2 113:16,19 114:20 114:22 115:13,15 116:9 117:3,8,17 118:17 119:10 125:2 137:2 138:13 141:7 144:15,23 145:8 145:13,15 152:3 164:3 171:19 173:1 174:14
sit 66:21
situation 70:25 73:14 150:25
situations 12:18
six 27:3 28:21 35:13 41:19 42:14 100:19 139:11 152:23,24 160:5
skin 152:23 153:13 155:5,5
slightly 6:22,22 7:6,7,11,12 146:13
slow 15:4 159:8
small 96:22,23
smirk 136:15
smirking 129:3
social 157:23
society 23:6,6 112:23,24 113:6,9
soliloquy 86:12
somebody 9:23 87:4 92:20 107:17 125:24 150:13,16 154:15
someone's 127:25
sophie 40:18 41:4 41:6
sores 153:4 155:10 155:11,20
soriano 3:11
sorry 24:11 49:14 56:17 82:20 110:25 118:10 119:5 124:5 127:11 141:21 151:14 152:17 159:9
sounds 36:11 37:22 68:4
source 136:25 137:21
sources 134:4 138:4
souren 3:1,3 19:22 21:7
southern 46:25
space 111:8,15,16 111:21
spaced 111:1
spanish 38:21,22 38:23
speak 6:8 20:2,14 20:16 33:6 168:9
speaking 12:22 52:8,13,16 86:15 86:16
special 23:5 98:22 112:22 116:10 133:24
specialist 149:18
specific 45:9,12 107:2
specifically 10:21 11:24 12:13 107:1 147:21
spell 31:6 78:25 79:2 80:4,10
spelled 34:24 80:8
spend 16:1 118:5
spent 25:21 29:20
spice 9:13
spier 54:24
spinal 9:20 16:16 17:14 19:3 96:21 96:24,25 97:2,4,4 97:5,9,11,13,14,16 97:18,18 98:17,23 99:20 138:1
spine 9:8 10:18 11:19 95:20 97:8 97:20,20,21,21,22
spoke 55:2,4 169:7 169:8
spoken 20:10 38:5 38:13 70:21 106:16 116:2
spring 37:11,19 39:4,5
stake 114:9,13,25
stand 89:2 171:16
standard 86:7
standards 89:24 119:14
standing 119:16
stands 109:16
start 10:13 21:22 24:4 39:4 97:20 161:11 176:5,11
starting 23:25 67:20
state 2:7 5:2,5,7 23:5 44:21 49:15 99:9,12 104:11 112:23 113:7,9 133:10 156:19 171:21 178:3
stated 27:8
statement 21:5 23:8 48:18,20,21 58:25 61:1 70:9 70:12 71:6 73:1,8 79:12 88:23 90:16 110:24 121:20 122:16 126:7 164:13 165:14,20 166:4,5 177:3
statements 59:9 73:11
states 7:4 40:11,13 40:16,17,25 54:8 57:9 98:17 129:24 137:5
statewide 98:25
stating 127:14
stemming 151:5
stephen 1:9,19,19 3:10
stipulates 134:18

stop 52:8 66:25 67:17 68:21 74:13 77:12 80:11,13 93:23 121:18 129:2 155:12 161:15,15 162:7 177:8
stream 75:3
street 43:13 117:10
stressed 70:14
stressful 70:25 71:1
stricken 60:5
strike 65:11 107:8
studies 134:12
stuff 174:1,2
subject 35:15,17 35:22 38:11 175:9
subluxation 172:20
submitting 132:23
subsequently 86:5
sudden 15:5
sue 124:20 125:11 125:12,12,12
sued 123:7,24 124:12,18 125:24 126:25 127:7
suffer 170:20
suffers 153:4 170:19
sufficient 56:21
suite 3:2
summer 39:14 42:8
superior 1:1
supervision 77:16
supplements 112:20
supplied 168:12 169:2
supplies 135:19
supposed 100:24 111:13,14
supreme 7:1,4 88:6 130:20
sure 27:19 28:16 31:21 56:4 60:18 60:24 67:24 86:4 100:9 115:4 130:21 136:17 143:3 148:20 154:15
surgeon 134:11
surgery 25:15 30:16,20 31:3 104:18 174:4,5
surgical 16:16 17:2 99:25
surprised 66:17
surroundings 9:16
sushi 1:9,14 3:6
suspending 177:14
sustained 85:15,20
sworn 5:2 178:6
symptoms 150:19
syncope 15:1,2,15 149:22 150:3,14 150:17,19,20 151:2,7 170:12,16 170:17,20,21 171:5,7,9
system 22:8

t

t 56:10,10 81:19 101:10,10 178:1,1
t12 17:5,8 172:20
tactics 49:13
take 6:11,11 33:4 33:7,19 38:16,20 39:3 41:11 42:7 60:14 69:17,23 70:2 73:4 78:8 95:3 109:11 119:24 120:6 140:4,11 141:11 151:10 163:25 168:2,4 174:23
taken 2:3 16:9 34:3 38:23 47:18 70:7 120:9 131:2 159:12 172:18
talk 6:12 10:23 59:16 110:16 162:5,7 165:11 175:19
talking 30:9 46:23 49:4,21 55:11,16 64:13 85:10 88:15 88:17,19 93:15 101:5,8,20,21 102:14,15 106:6 109:20 111:22 116:1 136:21,22 157:7 162:2 163:13 171:15 174:11,12
tangent 61:25
teach 93:18,20
team's 101:2
technicality 65:4
technically 149:13
technique 72:20
telephone 154:8
tell 18:8,8 20:23 21:1,8,18,19,23 37:24 55:22 59:1 59:3 61:20,20 69:19 83:23,25 91:18 92:20 106:15 116:23 121:13 122:22 125:18 126:2 129:10,14 132:11 145:19 146:3 147:20 150:12 161:20 165:2 166:1 169:6 176:6
telling 65:7 72:20 121:17,21 123:12 124:6 125:17 129:6 148:22 162:7
tells 26:7,8,11 120:21
temporary 150:25
ten 7:8 31:10 41:18 64:3 71:19 71:22 74:13,19 75:9,18
terminating 177:15
terms 151:22 175:24
test 134:13 146:12 163:10,16 168:19 168:19
tested 169:22
testified 5:3 6:16 6:25 9:3,4,7 10:10 10:12,15,16 11:18 12:10 14:2,5 31:23 34:4,11 35:14 39:16 40:9 54:2 55:3,25 58:18 59:24 60:13 60:23 62:14,16,17 62:19,24 63:19 64:2 65:8 66:18 66:20 71:23 73:24 81:22,23 88:6 89:12,17 90:4

164:15,17,19
testify 7:7 12:15 30:13 65:9 71:9 71:17 75:7 79:6 80:16,19 83:22,24
testifying 63:7 72:21 73:21 74:17 74:18 79:8 80:24 81:4 84:2,8 89:16 89:19 93:10 120:14
testimonial 61:7 61:22
testimonies 60:5
testimony 2:5 7:14 8:14 64:15 89:3 90:15 103:3,14,17 103:20,21 104:5 121:4 178:8
testing 163:23 165:6 167:1 168:13,15 169:3 170:1
tests 85:14,19 172:3
thank 70:25 95:12 142:20
thanks 177:15
theory 37:6
therapy 134:7,10
thin 151:24
thing 80:12 92:17 136:25 141:4 177:9
things 13:13 33:11 65:5 94:7 95:4 122:3 135:5 136:2 152:23 153:5 176:5
think 28:17 32:16 32:20 48:18 50:5 53:14 58:6 76:23 90:23 101:14 118:8 121:14,22 121:22 125:4 132:6,9 143:8 168:8 170:2 176:15,19
third 1:15,20 115:23
thomas 43:13
thoracic 9:8,13
thought 34:19 35:10 119:5 166:24 167:11
three 7:10 9:15 11:5 20:4,4,10 25:25 26:2,15 27:6,9 39:1,2,5,5,6 39:9 51:21 101:13 101:22 102:18 103:11,24 104:2 104:10,11 105:21 106:13,21 107:2 107:15 111:22 152:7,14 160:18 172:15
threshold 87:11
tied 115:11
time 2:6 7:24 8:20 15:15 18:12,13,17 21:19,19,23 25:3 27:14 30:4,9 31:22,24 35:3 50:19 53:23 57:24 58:9,11,13,16,17 60:6 61:6,18 68:22 84:22 85:24 86:14 88:5,10 89:7,13 90:6,20 92:7 100:5,9,10,16 101:6 108:23 109:11 115:23 119:23,25 120:7 124:6,24 131:18 138:14,16,21,23 139:1,7,20 143:5 143:23 146:10 148:15 155:1,13 155:15 164:1 170:4 176:3 177:18
times 6:15,17,21 6:25 7:6,8,13 8:3 8:6 9:3,6 10:10,15 20:2,4,10 45:1,2 48:12 54:4 60:12 60:13 62:14,16,19 62:24 63:1,19 64:1,3,4,6,6,11 65:16,20 66:24 67:6 68:25 71:19 71:21,22,24 72:2 74:19,19 75:1,9,9 86:19 90:24 123:7 123:23 124:11 147:24 152:14 153:12 160:19 163:18
title 116:4,15 135:11
today 6:2 8:14 9:5 10:11 16:2,7 59:19 64:2 88:14 89:6,13 90:8,20 92:8 177:9
today's 22:21
told 21:7 22:5,6,9 41:24 46:1 53:19 60:12 65:10 71:17 71:23 81:6 87:15 147:2,4,24 155:9 155:11 157:3 159:1 164:5,7,19 165:17
tolerate 77:20 105:16
tolerating 77:23 105:17
top 23:25 61:13 142:10 172:8,13
topics 118:2
torres 74:14 78:23 82:15
total 16:4 27:5 73:18 75:14 76:11
touch 174:24
toxicology 21:20 21:24 22:1
track 12:14
trail 47:10
training 24:2,14 25:14 26:25 29:13 47:4 48:3,8 109:7 132:11,13,14,17 132:19
transaction 9:21
transactions 129:20
transcript 4:10,14 5:24 33:1 36:13 36:17,24 37:3 39:3 43:9 44:10 49:2,10 50:6,8 59:19,20,21 77:1 78:9 94:23,25
transcripts 45:1
transection 9:19 10:2 12:4,6,21,23 16:16 17:1
transferred 41:20 43:18
transient 15:3

transportation 135:3
trauma 25:3 28:23 28:23 29:6 30:11 30:14 99:6,7,12,16 99:16,17,19,20,21 99:22 100:3,5,11 100:20 101:2,8,13 101:15,16,18,20 101:22,24,25 102:5,9,11,14,16 102:18,24 103:4 103:10,19,23 104:7 105:21,25 106:1,13,20,21,24 106:24,25 107:3 107:15,16,17 151:3
traumas 100:22
traumatic 107:5
treated 19:12 21:13 169:21 170:6
treating 133:22 148:3 150:15
treatment 19:11 21:6,12 98:23 102:13,15 149:20
trial 2:2 45:2 49:9 49:12 59:13 72:8 91:12 161:10
troubling 57:13
true 178:7
trump 124:24
truth 89:15 92:21 123:14
try 54:16
trying 42:15 67:15 67:24 69:6 75:2 75:17,19 76:17 77:24 78:1 81:11 101:6,9,14 102:17 106:12 118:8 127:22,23,25 128:2,3 131:25 143:1 165:13 176:8,8
tumelty 54:14,24 55:2,5,16 57:22,22 59:1 65:1,7,10 66:17 67:10 88:11 88:13
tumelty's 89:22
turn 86:16 154:13
turned 80:22 89:3
tustee 126:22
twenty 159:5
twice 83:7
two 7:9 9:15 11:4 16:6,7 18:1,6 25:14 27:16 28:12 35:13,13,13 38:25 40:17 42:6 45:17 46:20 58:10 62:11 70:15 71:21 72:2 90:17 91:13 92:9 97:6,13 99:16,20 101:12,21 102:18 103:11,24 104:2 104:10,12 105:21 106:13,21 107:1 107:15 108:9 110:11,12 111:22 115:20,24,25 141:4,5 142:18,21 149:25 156:23 164:19 172:13,15 173:10 174:14
type 13:24 19:7,8 57:14 99:19,22
typed 111:15
types 97:25 99:21 107:4 133:23
typo 110:7 111:19

u

u 5:1 56:10 57:7 83:18,21
u.s. 43:20,20
ulcers 152:19 153:7
ultimately 57:17
unappreciated 84:13
uncomfortable 121:6,13,23 122:4
undercut 56:23
undergraduate 32:12,15 36:6 45:5,18,21 46:8 47:4,15 48:3,7,8 48:22 51:4,7,7,15 51:16,17,19,22 52:1,7,20,21 53:4 94:23,25
underlying 131:7
understand 6:2 62:3 68:20 119:15
understanding 89:18 99:15 131:5
understood 6:6,13 89:21
unethical 92:16
uniformly 45:5
unilaterally 126:9
union 1:1
unique 18:21 19:2
unit 28:23 99:7 101:2,8 102:5,7,8 102:9,11,14,18,24 102:24 103:9
united 40:11,12,16 40:16,25 54:8 98:17 137:4
units 101:2 103:22
universidad 44:1 109:14,15
university 44:1 116:18
unlimited 61:9
unn 1:2
unnecessary 95:10
unresponsive 65:12 67:19 91:7 107:9
untreated 146:7 148:7,16 149:1 170:22,23
update 27:14 109:4
updated 23:3,10 27:15,16,20 108:5 108:12 112:15 131:13
updates 109:5 110:4 112:20
upper 36:18 37:1 111:15,16,20
urinalysis 134:13
use 11:1,2 53:2 82:3,14 93:10,11 108:17,25 127:24 134:4,4 157:2,11 157:14,16,19 158:24 159:17 160:1
usual 8:23
utah 135:23,25

v

v 4:9 22:18,22 41:12 83:11,17,18 108:4
va 29:11,22 30:10 101:15 102:1

values 146:10
varies 117:21
various 134:12
vasovagal 150:21
vast 30:1
verbal 108:3 163:8 169:16
versus 46:25 50:25 74:14 78:23 79:25 80:5 82:15 83:9 83:18
vertebra 9:19 17:24 97:15
vertebrae 17:12
vertebral 16:19 17:6,17,21 18:1,5 18:9 97:23
veterans 25:1 28:20,22,25 29:5,9
victory 22:22
violation 130:7
visible 152:12
visit 138:22 140:13
vitae 23:3 112:1
vocational 13:8,11
voice 52:24 68:4
volunteer 75:24 76:4
volunteering 25:17 76:6

w

w 4:10 33:2 34:7 50:25 115:9 120:10
waist 152:10,16,18
walked 177:10
walker 46:20,22 46:25 47:13 48:6 48:20
wall 162:8
want 6:11 30:20 33:18 36:2 38:2 56:4 61:24 62:4,6 67:2 69:8 70:11 70:18 71:3 75:24 76:1,7 80:11 82:14 86:13 87:24 92:5 94:10,11,14 103:13 104:4 109:11 110:2 113:3 120:3,7 123:15 125:7,9,14 126:2 130:21 131:12,15,17 136:8,13,15 163:18 170:2 173:3 176:4,13
wanted 30:22 31:2 38:20 143:3 176:12
wants 70:8 154:15
warning 86:14
wash 75:8
waste 131:17 148:15 152:6 155:13
wasting 68:21 152:2,5,10,13,15 152:18
water 120:4
way 15:24 24:15 47:7 51:21 54:18 59:18 66:19 70:4 70:12 77:9,17 84:8,11 86:2 87:15 105:17 109:1 120:25 167:14 169:7,8,13 169:16 178:11
ways 97:17
we've 70:4 106:4,6 155:19
webpage 27:15,21 28:8,13 31:18,21 114:11
webpages 27:13
website 24:18 26:1 26:4 27:8 32:11 53:9
week 20:12 25:18
weeks 40:21 88:12 89:7 90:17 92:9
weigh 151:11,13 151:15
weight 151:17,18 151:19,20,23,25
went 34:6 40:21 40:23 41:18 42:8 43:6,18 45:6 46:4 47:24 48:13,15 51:4 79:23 109:12 109:14,15 112:5 148:24 149:25 150:10 159:22
west 136:1,1
western 135:23
whatsoever 114:13
wheelchair 134:15
whereof 178:13
wholly 85:13
wide 168:19
willingness 57:13
wind 18:3
winter 144:3,5
winter's 144:3
wish 6:8 166:6,8
withdraw 36:14 36:14,15,16
withdrawn 21:21 28:6 44:7 48:19 144:11 148:2
withdrew 36:7
witness 2:3 4:1 18:11 33:7 35:1 46:17 49:19,21 52:4 59:15 67:1,3 67:14 68:15 69:2 70:11 72:12,15,18 76:14,16,18 77:18 77:21 79:3 82:7 84:10,12 85:10 87:9,9 88:1,24 89:10 90:14,21 92:4 93:6 94:7,19 95:6 105:3 120:16 121:11 122:17,25 123:5,23 124:12 125:7,21 126:1 129:4 133:8 148:10 166:1,10 167:9 177:2,5 178:5,8,13
witness's 81:12 86:18
woke 158:17 159:13
word 40:2 53:3 92:15,22,24 93:9 103:15
words 105:14 135:6 136:7,9,11
work 100:16
worked 8:4,7 100:2,14 158:4,4 158:21
working 73:13
world 26:8,11 77:18 128:18

wounds 99:20
wrat 168:19,20,24
written 29:11 38:5 38:9,9 169:21
wrong 32:3,9 70:18 124:13,14
wrote 141:23

x

x 1:2,12,21 4:1,11 17:1 18:11,16 141:9,12,12 155:19 158:14 173:23,24

y

y 5:1
yeah 11:10 13:17 23:7 25:17 38:8 39:8 42:13 47:20 50:15 52:4,16 53:25 55:20 61:3 68:18 74:22 84:15 92:5 93:4 105:4 115:4 118:4 120:6 122:7 124:7,10 128:25 136:14 154:13,21,24 156:9 162:2 165:22 166:16 168:5 169:15 173:9,21
year 6:19 7:5,8 19:21 25:15,15,25 26:2,15 27:5,6,9,9 30:21 31:3,11,13 41:13,22 62:20 64:3 71:19,22 74:19 75:9 91:12 98:8,8 99:25,25 104:17,18 112:6 113:20 131:19 156:8 159:5
years 5:20 7:9,10 24:24 25:14 30:19 30:23 31:10 38:25 39:1,5,5,6,9 40:17 41:16 42:6 61:21 64:3 78:20 79:8 79:21 84:25 86:23 104:4,14 108:23 116:22 132:16 133:2,14,22 134:17,20 135:12 135:13 139:11 152:24,24 160:5 171:17
york 1:23,23 2:7 3:2,2,7,7 5:2,9,9 23:5,6 41:7 43:14 44:21 47:1 54:9 54:11,21 99:9,13 104:11 110:20,21 111:1,5 112:5,23 112:24,25 113:5,7 113:9 116:17 130:8 156:19 178:3

z

z 34:25 35:1,6 57:7
zadra 34:12,13,13 34:14,15,16,24 35:7

New Jersey Rules Governing Civil Practice

Part IV, Rule 4:14

Depositions Upon Oral Examination

4:14-5. Submission to Witness; Changes; Signing

If the officer at the taking of the deposition is a certified shorthand reporter, the witness shall not sign the deposition. If the officer is not a certified shorthand reporter, then unless reading and signing of the deposition are waived by stipulation of the parties, the officer shall request the deponent to appear at a stated time for the purpose of reading and signing it. At that time or at such later time as the officer and witness agree upon, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, and any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness. If the witness fails to appear at the time stated or if the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the witness' failure or

refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under R. 4:16-4(d) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.