

1 A. No.

2 Q. Well, let me give you some instructions then to
3 begin with. You've been sworn in by the court reporter
4 and that's the same oath you take in a court of law.
5 So your testimony here today is going to be all under
6 oath. Everything that everyone says is being taken
7 down by the court reporter. So because of that I'm
8 going to ask that we speak one person at a time because
9 the court reporter takes only one voice at a time. I'm
10 going to ask you to keep your responses verbal because
11 the court reporter can't take none verbal, uh-huh
12 huh-huh, nodding, smiling, anything like that.

13 You're here with your attorney. If
14 you have any questions you need no ask your attorney
15 during the course of this deposition, just say so and
16 we'll take a break, you can talk to your attorney. If
17 you need a break for any reason, if you're getting
18 tired, you don't feel like you're following my
19 questions anymore, whatever it is, just say so and
20 we'll take a break at that point. We'll do whatever we
21 need to do.

22 Now, are you under the influence
23 today of any alcohol, medication, or other drugs which
24 would impair your ability to understand and truthfully

1 they were produced, what's the difference between the
2 two?

3 A. These are the office records; these are the
4 surgery center records.

5 Q. Okay. The ones in the folder, that are the
6 originals, are the office records. And the copies that
7 you brought are the surgery center records?

8 A. Correct.

9 Q. Okay. Have you seen with regard to the office
10 records, the progress notes, is what I'm referring to,
11 have you seen the typewritten version of those?

12 A. Yes.

13 Q. Had you had a chance to review the typewritten
14 version of those?

15 A. Yes.

16 Q. Can you tell me in reviewing the typewritten
17 version of those do they differ at all from the
18 handwritten version other than the fact that one's
19 typewritten and one's handwritten?

20 A. They spell out things that were abbreviated.

21 Q. Okay. Is there anything in your review of the
22 typewritten progress notes that you felt was incorrect,
23 inaccurate, incomplete, that was, otherwise, in the
24 handwritten notes?

1 answer any questions here today?

2 A. No.

3 Q. Do you have your file here today?

4 A. Yes.

5 MS. NEWMAN: By that you mean the
6 medical records on Ms. Fiorelli?

7 MR. KAFRISSEN: Right, can I take a
8 look at that.

9 (Witness complies.)

10 BY MR. KAFRISSEN.

11 Q. Are these the notes that you gave your attorney
12 to produce in the course of this lawsuit?

13 MS. NEWMAN: I asked for a copy of
14 the records, the records that he's looking
15 at, they're the ones you copied for me.

16 THE WITNESS: Yes.

17 BY MR. KAFRISSEN:

18 Q. The records that were copied, have there been any
19 changes or alterations to those records since they were
20 copied?

21 A. No.

22 Q. Now, you have the records in two piles, I guess,
23 there's one that's a folder and one that is a clipped
24 file. Mine were actually broken up like that too when

1 A. No.

2 Q. So I would be justified in relying on what's in
3 the typewritten notes rather than going through with
4 you each handwritten note and try to decipher it today?

5 A. The typewritten notes of our office visits?

6 Q. Yes. Of the progress?

7 A. Of the progress. They contain what's in the
8 progress notes.

9 Q. Okay. Now has anything been extracted or
10 destroyed or removed from the file that you have with
11 you?

12 A. No.

13 Q. Is there anything not in the file that you have
14 with you that is stored electronically on a computer?

15 A. No. I don't know if all the billing records are
16 in there.

17 Q. Other than the billing records?

18 A. No.

19 Q. Have you ever been involved in a medical
20 malpractice suit before?

21 A. No.

22 Q. Have you ever been involved, not as a defendant
23 but as an expert witness, in a malpractice suit?

24 MS. NEWMAN: Do you know what he