

1 Q. But it's not documented in the chart, it's what
2 you remember having looked at the chart?

3 A. And the evidence of that --

4 MS. NEWMAN: And the evidence of that
is --

0 THE WITNESS: Is that at the outset I
7 wrote reevaluate four weeks, no swimming.
8 And at the end of the note I wrote, return
9 2/18/97, topography and refraction on
10 arrival.

11 BY MR. KAFRISSEN:

12 Q. Okay.

13 A. To document that we had a conversation in which
14 she said, I can't stand to go without my contact lenses
15 and isn't there anything else we can do? And I said,
16 you must go without your contact lenses at least for
17 the week. We can take a look in a week, but sooner
18 than that, would definitely be too soon to put them
back in again, it wouldn't be safe for your eyes.

19 Q. What was your plan as of March 3rd?

20 A. To reduce the Flarex to three times a day in both
21 eyes, to continue the Aqua Sight tears four times a day
22 in both eyes, and to schedule lasik for the left eye
23 and then tentatively for the right.
24

1 Q. Am I correct then, as of March 3rd you were going
to do lasik on both eyes?

3 A. Actually, you asked what other documentation
4 there is of what we discussed, there's my letters to
5 Dr. Scenerino.

6 Q. Okay.

7 A. Why don't we refer to those.

8 Q. Okay.

9 A. Because I dictated those the day I saw the
10 patient and went into greater detail.

11 Q. What is your first letter to Dr. Scenerino?

12 A. May 19, '91, there's one from Dr. Joanne Nevyas,
13 but that's not mine.

14 Q. Right.

15 MS. NEWMAN: What is your first?

16 THE WITNESS: Let me put these in
17 order.

18 MR. KAFRISSEN: Sure. Let's go off
19 the record.

20 (A discussion was held off the
21 record.)

22 MS. NEWMAN: Is there a question
23 pending?

24 MR. KAFRISSEN: Well, I think that

1 the doctor said she felt the discussions
2 were documented in her letters.

3 MS. NEWMAN: Okay.

4 MR. KAFRISSEN: So she wanted to show
5 me the letters.

6 MS. NEWMAN: Could you ask the
7 question again?

8 MR. KAFRISSEN: I can.

9 MS. NEWMAN: Thank you.

10 BY MR. KAFRISSEN:

11 Q. Before I reach that, doctor, I want to hit one
12 other thing that I had a question about. Now, you just
13 mentioned that in a conversation with you, Cheryl told
14 you that she had glare and halos with her contacts
15 before this surgery that you performed?

16 A. Yes.

17 Q. You had said, I think, that was the March 3rd
18 conversation?

19 A. Yes.

20 Q. Did you document that on March 3rd --

21 A. She documented that in her office questionnaire.
22 The patient wrote that down, here we are, in 1991.

23 Q. Now, you're referring to a questionnaire, patient
24 named Cheryl Fiorelli, date 5/10/91?

1 A. That's right, difficulty with headlights at
2 night.

3 Q. Okay.

4 A. Are you comfortable in bright light, no.

5 Q. Okay. And that to you means glare and halos?

6 A. That to me means glare. That is glare symptoms
7 right there.

8 Q. Okay.

9 A. The halos I asked her about and she said, yeah,
10 she gets that with her contacts and she's always had
11 that and that she didn't expect that to improve, that
12 it could be worse.

13 Q. Okay. Did you, my question was, document it when
14 she said it?

15 A. No.

16 Q. What we have is your independent recollection of
17 that conversation?

18 A. Yes.

19 Q. And your interpretation of a questionnaire filled
20 out in May 1991; is that accurate?

21 A. My recollection, yes.

22 Q. Now, was Cheryl seen prior to 1997 at Nevyas Eye
23 Associates?

24 A. Yes. She was seen at the beginning of 1991.