

1 BY MR. KAFRISSEN:

2 Q. Is that the bill from Nevyas Eye Associates for
3 Cheryl Fiorelli?

4 A. Yes.

5 Q. Could I see it for a second. Now, the surgery
6 that was performed -- the initial visits, were they
7 paid for by Blue Cross and Blue Shield?

8 MS. NEWMAN: Off the record for a
9 second.)

10 (A discussion was held off the
11 record.)

12 BY MR. KAFRISSEN:

13 Q. Let me ask you this then, the bill, were all of
14 the services you rendered throughout the entire course
15 of treatment to Cheryl Fiorelli necessary services?

16 MS. NEWMAN: Did she need them? Were
17 they necessary?

18 THE WITNESS: Is elective surgery --
19 I don't know what elective surgery falls
20 under.

21 MS. NEWMAN: Off the record.

22 (A discussion was held off the
23 record.)

24 BY MR. KAFRISSEN:

1 in this letter it says she is not able to function in
2 her work wearing glasses and which one -- is that
3 right?

4 MS. NEWMAN: Well, they could both be
5 right. Your question isn't either/or, but
6 we can't rule out both.

7 BY MR. KAFRISSEN:

8 Q. Okay. Would you agree with me that Cheryl is not
9 able -- do you stand by your statement in your February
10 10 letter that Cheryl was not able to function at work
11 wearing her glasses?

12 A. I quote Cheryl Fiorelli in this letter.

13 Q. Okay.

14 A. I'm not her work supervisor; I can't assess her
15 function. I can only go by what she tells me.

16 Q. The statement that she is not likely to be able
17 to resume contact lens wear due to her intolerance, is
18 that her statement or your statement?

19 A. That is my statement.

20 Q. Was that your opinion at the time?

21 A. Based on the appearance of her eyes that was my
22 opinion at that time.

23 Q. Did you ever tell Cheryl Fiorelli that you don't
24 think she is going to be able to wear contact lenses in

1 Q. The February 10 letter, let me take you back to
2 that and move off of the billing.

3 A. Okay.

4 Q. Let me just confirm something with the billing.
5 What we were talking about was that Herbert Nevyas was
6 involved with the billing. Are you involved with the
7 patient's billing how much is going to be billed, that
8 type of thing?

9 A. No.

10 Q. Okay. Is Herbert the one?

11 A. Yes.

12 Q. In February 10, 1997, you wrote to Blue Cross
13 Personal Choice; is that right?

14 A. Yes.

15 Q. When we were talking about Cheryl before -- why
16 did you write this letter to Blue Cross?

17 A. At Cheryl Fiorelli's request.

18 Q. The information in this letter at the time you
19 wrote it, was it all accurate?

20 A. Yes.

21 Q. Now, in this letter and correct me if I'm wrong,
22 as I remember when you were talking about your
23 conversation you had with Cheryl on February 10, you
24 were saying Cheryl didn't want to wear her glasses and

1 the future?

2 A. I told her I couldn't predict whether she'd be
3 able to.

4 Q. Did you have an opinion as to whether she would
5 be able to or not?

6 MS. NEWMAN: As of February 10?

7 BY MR. KAFRISSEN:

8 Q. As of February 10?

9 A. As of February 10, my opinion was that it was
10 more likely that she would not be able to than that she
11 would be able to but that I couldn't predict.

12 Q. Did you express that opinion to Cheryl on
13 February 10?

14 A. Yes.

15 Q. Did you express that opinion to her before or
16 after you started to discuss surgery?

17 A. Before.

18 Q. Okay.

19 A. I told her that we would need to wait and see how
20 she healed.

21 Q. Were you able to determine in your examination
22 that Cheryl's functioning was considerably compromised
23 by wearing spectacles as of February 10, 1997?

24 A. I was not assessing her function at work.