

1 Q. Okay. This says functioning is considerably  
2 compromised by wearing spectacles because of the  
3 considerable distortion induced by such thick spectacle  
4 lenses, how did you come to make that statement?

MS. NEWMAN: And she said she got it  
from Ms. Fiorelli.

MR. KAFRISSEN: The second, the next  
sentence down, I believe, she said she got  
from Ms. Fiorelli, I didn't ask about that  
statement.

MS. NEWMAN: You're right, I'm sorry.

THE WITNESS: I got it from Ms.  
Fiorelli.

BY MR. KAFRISSEN:

Q. When you presented it to Blue Cross, did you tell  
Blue Cross that these are Ms. Fiorelli's opinions not  
your own?

A. I described her history and my findings and  
opinions.

Q. Why did you write to Blue Cross at all?

A. Because Ms. Fiorelli asked whether in her case  
they might make an exception and cover the refractive  
surgery.

Q. Okay.

1 A. It doesn't.

2 Q. Does this letter mention any visual effects that  
3 Cheryl Fiorelli had or mentioned to you, and by visual  
4 effects I'll just define my terms, glare, halos star  
5 burst, double vision?

6 A. No.

7 Q. The next letter you wrote to Dr. Scenerino was  
8 when?

9 A. March 3rd.

10 Q. And the March 3rd letter, that's a one page  
11 letter, March 3, 1997?

12 A. Yes.

13 Q. Does that letter document any of the substances  
14 of the conversation that you had with Cheryl Fiorelli?

15 A. Part of it, yes.

16 Q. Tell me what part of it is documented here?

17 A. I have discussed matters in detail with Ms.  
18 Fiorelli. Discussed in detail means that in itself, in  
19 detail.

MS. NEWMAN: Just tell him what you  
said.

THE WITNESS: She is interested in  
having refractive surgery, and we discussed  
the lasik procedure. She understands that

1 A. If I were to present to them why she should  
qualify.

2 Q. Okay. Did you indicate with regard to that  
3 functioning and functioning at work that those were her  
4 statements and were not your own opinion?

MS. NEWMAN: Did you make any  
statements other than what is in this  
letter to Blue Cross?

THE WITNESS: Did I make any  
statements to Blue Cross other than what's  
in this letter?

MS. NEWMAN: Correct.

THE WITNESS: No.

MS. NEWMAN: It says what it says.

BY MR. KAFRISSEN:

Q. 18th of February, the letter you wrote to Dr.  
Scenerino, you had referenced this letter because you  
wanted -- when we were discussing your discussion with  
Cheryl Fiorelli and the documentation of that  
discussion, do you remember that?

A. Yes.

Q. And tell me how does this letter document your  
discussions on February 10 and February 18 with Cheryl  
Fiorelli?

her best spectacle corrected acuity is in  
the 20/60 to 20/70 range and that is the  
expected postoperative best corrected  
acuity as well.

BY MR. KAFRISSEN:

Q. Anywhere in your letter does it's mention that  
Cheryl told you that she had halos or glare or any of  
the other visual effects that we discussed?

A. No.

Q. Now, the next time you saw, I think, that the  
next time you had any contact concerning Cheryl was not  
an actual visit; is that right?

A. After the 3rd of March?

Q. After the 3rd, right.

A. That is right.

Q. And what was that?

A. Response to a telephone message.

Q. Tell me what you did?

A. I left a message on the patient's answering  
machine to continue the Flarex three times a day until  
the day of surgery.

Q. There's a notation go for OD, do you see that?

A. Yes.

Q. What's that notation about?