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- 1 Q. Doctor, if it's considered 20/40, why do they  
2 write it as 20/40 with a minus?
- 3 A. **To indicate that there was some equivocation  
4 on one character.**
- 5 Q. What do you mean by "equivocation"?
- 6 A. **That the patient had some unsureness about a  
7 single character on the line. That's still  
8 considered achieving that line.**
- 9 Q. Doctor, were you aware that Mr. Morgan also  
10 had the measurements of 20/40 minus 2 and 20/50?
- 11 A. **The 20/40 -- the 20/50 was not a refraction.**
- 12 Q. And what about the 20/40 minus 2?
- 13 A. **Yes.**
- 14 Q. And is 20/40 minus 2 also considered the same  
15 as 20/40?
- 16 A. **It doesn't matter.**
- 17 Q. Why doesn't it matter?
- 18 A. **Because he was on repeat refraction refracted  
19 to 20/40 minus and that's 20/40.**
- 20 Q. Doctor, do you see in this inclusion criteria  
21 Number 9, and does that say, "Stable manifest  
22 refraction defined as less than one-half diopter  
23 change in cylinder during year prior to the  
24 screening examination"?

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- 1 A. **Yes.**
- 2 Q. Did Mr. Morgan meet that criteria?
- 3 A. **Yes.**
- 4 Q. Doctor, you've told me when he came to see you  
5 he had the best vision that he had ever reported in  
6 his life. Is that stable?
- 7 MS. NEWMAN: I don't think that she  
8 said that, so she can't answer as phrased. The  
9 record will speak for itself, what she said. You  
10 have taken her words out of context. Ask the  
11 information that you want in a different question.  
12 She's not answering that one.
- 13 Q. Doctor, how did you determine that his vision  
14 had been stable for one year prior to the screening  
15 examination?
- 16 A. **By history.**
- 17 Q. Doctor, I want to call your attention to  
18 exclusion criteria number 6, which says, "History or  
19 current evidence of any other physical condition or  
20 illness which would contraindicate outpatient  
21 refractive surgery or preclude the patient's  
22 participation in this study." Do you see that?
- 23 A. **Yes.**
- 24 Q. Did I read that correctly?

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- 1 A. **Yes.**
- 2 Q. Did Mr. Morgan meet that exclusion criteria?
- 3 A. **Yes.**
- 4 Q. Doctor, are you aware that Mr. Morgan had a  
5 prior history of retinopathy of prematurity?
- 6 A. **Yes.**
- 7 Q. And that he had prior strabismus surgery?
- 8 A. **Yes.**
- 9 Q. Are you saying that a history of retinopathy  
10 of prematurity is not a contraindication to LASIK  
11 surgery?
- 12 A. **That is correct.**
- 13 Q. Are you saying that prior strabismus surgery  
14 is not a contraindication to LASIK surgery?
- 15 A. **That is correct.**
- 16 Q. Doctor, I want you to look at pages 1108 and  
17 1109. I'll read this and ask you if I've read it  
18 correctly. "Informed consent was obtained from all  
19 patients prior to the surgical procedure. Patients  
20 were considered eligible for LASIK treatment if they  
21 were at least 18 years of age and not more than 64  
22 years of age, generally had a preoperative best  
23 spectacle corrected visual acuity, parenthesis,  
24 BSCVA, end parenthesis, of 20/40 in the operated

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- 1 eye, had a stable refraction with the refracted area  
2 consisting of myopia between minus 0.0 and minus  
3 25.00 diopters with or without astigmatism."
- 4 MS. NEWMAN: What are you reading  
5 from? Is that part of the protocol?
- 6 DR. FRIEDMAN: That's the bottom.
- 7 Q. Did I read that correctly?
- 8 MS. NEWMAN: No, no, no. Is that part  
9 of the protocol that you're reading or is it from a  
10 different document?
- 11 DR. FRIEDMAN: That's part of the  
12 protocol.
- 13 MS. NEWMAN: Thank you.
- 14 Q. Doctor, is that part of the protocol?
- 15 A. **(Examines document.) You read that  
16 correctly.**
- 17 Q. And continuing on it says, "Patients had no  
18 current or significant previous history of ocular  
19 diseases or conditions or other systemic disease  
20 that prohibited the patients from having refractive  
21 surgery and were taking no medications that would  
22 interfere with postoperative wound healing." Did I  
23 read the next sentence correctly?
- 24 A. **(Examines document.) Yes.**