

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

CHERYL FIORELLI

vs.

NEVYAS EYE ASSOCIATES, P.C., : NEVYAS EYE ASSOCIATES and DELAWARE VALLEY LASER SURGERY : INSTITUTE HERBERT J. NEVYAS, : M.D., and ANITA NEVYAS-WALLACE, : M.D.

Oral deposition of HERBERT NEVYAS, M.D.,

taken at the law offices of Goldfein & Homer, 1600 Market Street, 33rd Floor, Philadelphia, PA, on Wednesday, December 13, 2000, beginning at approximately 10:30 a.m., before Donna M. Simpkins, Registered Professional Reporter, Notary Public.

APPEARANCES:

LAW OFFICES OF SAMUEL F. KAFRISSEN, P.C. BY: SAMUEL F. KAFRISSEN, ESQUIRE 1515 Market Street - Suite 616 Philadelphia, PA 19102 Counsel for Plaintiff

SIMPKINS COURT REPORTING 228 Hinton Way Somerdale, New Jersey 08083 (856) 783-6202 (215) 676-4921 Simpkins Court Reporting (215) 676-4921

Nevyas, M.D. (It is stipulated by and among counsel for the respective parties that sealing, certification and filing are waived, and that all objections, except as to the form of the question, are reserved to the time of trial.)

HERBERT NEVYAS, M.D., after having been duly sworn, was examined and testified as follows:

BY MR. KAFRISSEN: Q. Doctor Nevyas, we have just met a moment ago. My name's Sam Kafriszen and I represent the Plaintiff here, Cheryl Fiorelli, and we're here to take your deposition today. Have you ever had your deposition taken before?

A. Yes. Q. And on one occasion; more than one occasion? A. Yes, more. Q. More than one, okay. I want to, just to begin, just give you a few brief instructions that you've probably heard in the past in other depositions but that will hopefully make things go a little bit faster or smoother today. Simpkins Court Reporting (215) 676-4921

Nevyas, M.D.

Your testimony today is under oath so the court reporter administered the oath, same oath you would swear in a court of law. Everything that everyone says is being taken down by the court reporter so I'm going to ask you to keep your answers verbal because the court reporter can't take nonverbal responses down, and I'm going to ask that you wait until I finish my question until you begin your answer. I will try to wait for you to finish your answer before I begin my next question.

I'm going to ask that we speak one person at a time because the court reporter only takes down one voice at a time. And you're here with your attorney today so if you have any questions for your attorney, you would like to take a break or take a break for any reason, just say so and we'll take a break.

If you don't understand one of my questions, say so and I will try to clarify it for you. If -- with my questions, if it's a word, a phrase, the whole question, whatever it is that you don't understand, just say so, and especially here because we're dealing with medical terms, sometimes an attorney has a different understanding than the doctor does, and I just want to make sure for the record that we're on the same page when Simpkins Court Reporting (215) 676-4921

APPEARANCES: (Continued)

GOLDFEIN & HOMER BY: PAMELA POST, ESQUIRE 1600 Market Street, 33rd Floor Philadelphia, PA 19102 Counsel for Defendants Nevyas Eye Associates, P.C. and Delaware Valley Laser Surgery Institute and Herbert Nevyas, M.D.

POST & SCHELL BY: ABBIE R. NEWMAN, ESQUIRE 1800 J.F.K. Boulevard, 19th Floor Philadelphia, PA 19103 Counsel for Defendant Anita Nevyas-Wallace, M.D.

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I-N-D-E-X WITNESS HERBERT NEVYAS, M.D. Examined by Mr. Kafriszen Ms. Newman PAGE 111 113

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it comes to that. Do you understand those instructions? A. Yes. Q. Okay. MS. POST: Make sure you keep your voice up so the court reporter can hear you. THE WITNESS: Right.

BY MR. KAFRISSEN: Q. Now, we've been provided with your C.V. today, which I'd like to mark as Nevyas 1, and the C.V. that you've provided, Doctor, is this a current C.V.? A. I am not sure. I don't know how current it is. MS. POST: The C.V. would reflect your education and training. It's a question of whether the publications are current. THE WITNESS: Publications and hospital staff appointments and the academic appointments, I'm not sure that they're all current. MS. POST: Why don't we first look over -- I don't mean to take over. Why don't we first look at the hospital appointments and go in that order, and if there are any changes to hospital appointments, tell Mr. Kafriszen. Simpkins Court Reporting (215) 676-4921