

Nevyas, M.D.

1 MR. KAFRISSEN: Well, we haven't got to
2 that yet.

3 MS. POST: He just said that, so I think
4 the --

5 MR. KAFRISSEN: What I'm asking is his
6 general knowledge.

7 MS. POST: That wasn't your question.
8 Your question was do people or -- I'm
9 paraphrasing, but does one, in evaluating a
10 patient for Lasik, measure corneal thickness,
11 and I think that is venturing into the expert
12 issue. If you want to know whether Doctor
13 Nevyas, in 1997, whether that was his practice
14 to do so, I'll allow him to answer that, but
15 whether it's should someone else do it is not
16 an appropriate question, again, considering
17 the fact that he's already testified that he
18 wasn't involved.

19 MS. NEWMAN: And I would object to the
20 question was it his practice in 1997 because
21 it's irrelevant to this case.

22 MR. KAFRISSEN: Okay.

23 BY MR. KAFRISSEN:

24 Q. As of January of 1997, when you were planning a
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1 BY MR. KAFRISSEN:

2 Q. What's the number?

3 A. The right eye was 447 microns and the left eye
4 was 580 microns. And I might add for clarity that the
5 two eyes are almost always very similar so that we can
6 pretty well assume the right eye prior to any surgery had
7 about 580, and that would just about be what we would
8 expect for the amount of correction.

9 MS. NEWMAN: Sorry to interrupt.

10 BY MR. KAFRISSEN:

11 Q. I want to clarify one thing. That was in July
12 that measurement was made?

13 A. Of '97.

14 Q. Of '97. Would the thickness of the measurement
15 change at all by virtue of the fact that she had already
16 had a lens replacement at that point in the left eye?

17 A. No.

18 Q. Now, prior to March 20th of 1997, which is,
19 from my review of the records, the first Lasik procedure
20 on Cheryl Fiorelli's right eye, had you ever examined or
21 evaluated Cheryl?

22 A. I don't recall ever examining her before then,
23 no. According to the records, I have not.

24 Q. Okay. Do you have any independent recollection
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1 Lasik procedure, how, if at all, did you consider corneal
2 thickness?

3 MS. NEWMAN: Objection.

4 MS. POST: You can answer.

5 THE WITNESS: I don't recall

6 specifically in January of 1997 what we did,
7 but, obviously, we examined the patient and if
8 the cornea looked adequately thick, we weren't
9 overly concerned about it. As soon as we had
10 the means to measure ultrasonically, we did
11 since that's the more accurate way to measure
12 corneal thickness, but optically with a
13 slitlamp beam we could gauge thickness, and we
14 did gauge it always. If a cornea looked quite
15 thin, we would be concerned, but it was only
16 after that time that cases became reported
17 that established one should leave 200 to 250
18 microns.

19 BY MR. KAFRISSEN:

20 Q. Now, when you say it was only after that time,
21 what do you mean?

22 A. There have been reports over the past few years
23 urging us to leave more than 200 or 250 microns in order
24 to avoid the possibility, not probability but the
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1 of Cheryl?

2 A. I remember her, yes.

3 Q. What do you remember about her?

4 A. She was a thin, young woman, very anxious.

5 Q. Okay. When do you first see in the records
6 that you had contact with Cheryl Fiorelli?

7 A. I'd have to look in the records to tell that.

8 Q. Okay.

9 A. According to the record, I first saw her on
10 March 21st of '97, the day after her Lasik procedure.

11 Q. Okay. Now, the Lasik procedure that was
12 performed, we have the records from the Delaware Valley
13 Laser Surgery Eye Institute, or actually Laser Surgery
14 Institute, and in the records you were listed as the
15 assistant in the March 20, 1997 Lasik procedure, and I'm
16 looking at the operative form.

17 A. Yes.

18 Q. Okay.

19 A. May I look at it. I can't find it in my pile.

20 MS. NEWMAN: Off the record.
21 (Discussion held off the record.)

22 BY MR. KAFRISSEN:

23 Q. Now, before I get to that, do you have any
24 recollection of ever discussing Cheryl Fiorelli with
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1 possibility of ectasia where one could have iatrogenic
2 keratoconus where the cornea might not have its normal
3 sphericity but rather be somewhat cone-shaped, and there
4 have been a few cases reported of iatrogenic -- that is,
5 physician caused -- keratoconus from leaving too little
6 cornea. These cases I've seen in the literature have
7 been mostly over the past few years, and I cannot
8 remember exactly whether I had seen cases reported or
9 whether there had been editorials on it in '97 or whether
10 it was '98. I'm not sure, '99.

11 Q. Okay.

12 MS. NEWMAN: Sam, can I go over
13 something that he just said because I missed
14 the answer.

15 MR. KAFRISSEN: Sure.

16 MS. NEWMAN: You said that in looking at
17 the records in July of 1997, the corneas were
18 measured postoperatively, and did you give a
19 number for how many microns they were post-
20 operatively?

21 THE WITNESS: Yes.

22 MS. POST: He did not give a number.

23 THE WITNESS: The record had a number.

24 MS. NEWMAN: Then I won't interject.

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1 Doctor Nevyas-Wallace prior to March 20th of 1997?

2 A. No.

3 Q. Do you have any recollection, prior to March
4 20th of 1997, of having any contact with Cheryl Fiorelli?

5 A. I have no recollection.

6 Q. Okay. Is there anything in your records that
7 you've seen that indicates that you had any contact or
8 dis -- any contact with Cheryl Fiorelli or any
9 discussions with anyone about her prior to the surgery in
10 March 20, 1997?

11 A. No.

12 Q. Did you ever, prior to the March 20 -- the
13 performance of the procedure on March 20, did you ever
14 make an independent evaluation of Cheryl as a surgical
15 candidate?

16 A. No.

17 Q. Did you, prior to the March 20 performance of
18 the procedure, ever aid Doctor Nevyas-Wallace in making
19 an evaluation of Cheryl as a surgical candidate?

20 A. I have no recollection of such.

21 Q. Okay.

22 A. We practice in the same office. I guess,
23 theoretically, it's possible I could have seen her at
24 some point in the office, but I've never actually seen
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