

Nevyas, M.D.

1 Q. Were you ever able to determine the cause of
2 the visual disturbances that Cheryl complained of?
3 MS. POST: To him at the time that he
4 saw her.

5 BY MR. KAFRISSEN:

6 Q. Start with the right eye, then the left eye.
7 MS. NEWMAN: And other than to the
8 degree he's already said...
9 THE WITNESS: Well, the right eye had
10 halos and glare, I gather, at night. I never
11 found the cause for the various vague
12 complaints: the pain and the aching and so
13 forth, foreign body sensation, but anyone who
14 has Lasik, absolutely anyone will have some
15 degree of flare around lights at night when
16 the pupils are large. She was given drops to
17 make the pupils smaller. I do not understand
18 why that wasn't more of a help because usually
19 -- in almost all cases that fixes it. And it
20 did help her. She just didn't like being
21 dependent on a drop, but, again, I didn't
22 discuss it with her personally so much so I'm
23 not sure how much it did or didn't help her,
24 but from the notes, it looks like it did.
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1 There are certain amount of flare and
2 halos inherent in Lasik, period. I am not at
3 all convinced that her decentration had much
4 to do with it. I think just having Lasik is
5 part of it, although if her decentration was
6 small and within a large series which I have
7 done, I have found that less than eight-tenths
8 of a millimeter decentration doesn't seem to
9 cause problems. But, anyhow, that was done
10 later.

11 As far as her other eye goes, I could
12 not find a cause for her symptoms. I was very
13 surprised I learned later that someone had
14 diagnosed the lens as being decentered, and
15 perhaps it became decentered afterward or
16 gradually. I certainly see a number of
17 patients who had lenses which are significant-
18 ly clinically decentered, where the edge of
19 the lens is in the pupil, who have absolutely
20 no complaints and we leave it there because
21 I've offered to -- on occasion to recenter it
22 if the patient is having problems, and they
23 say no, and if it's not bothering them, I'm
24 not going to bother it. Therefore, I have
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1 trouble believing that she had any clinically
2 significant amount of decentration of the
3 lens. I didn't see her when she had her lens
4 exchange but I am very skeptical.
5 MR. KAFRISSEN: Okay. Do you have any
6 questions?
7 MS. NEWMAN: Yes.

8 BY MS. NEWMAN:

9 Q. Hi, Doctor Nevvas. Following up on your last
10 answer, can I take that to mean that a plate lens can
11 become decentered over time?
12 A. Oh, absolutely. It can happen.
13 Q. Going back to the Lasik procedure performed on
14 March 20, 1997, we discussed earlier that there was a
15 note written by a nurse that the keratome stopped three-
16 quarters of the way across, and you made some kind of
17 comment about how whoever wrote that was not looking
18 through the microscope at the time. Do you remember
19 that?
20 A. Sure.
21 Q. So then if the testimony by Doctor Wallace was
22 that she was looking through the microscope and it was
23 her recollection that the keratome stopped more like
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1 seven-eighths of the way across, would that be a more
2 accurate description?
3 A. That would be the only description you could
4 trust. Someone from across the room cannot possibly tell
5 where the keratome hesitates. She would have to be
6 looking through the microscope.
7 Q. Would I also be correct in assuming that if you
8 and Doctor Wallace were following a patient together or
9 you were together in any surgery where say you were
10 assisting her, that if you had any criticism of Doctor
11 Wallace, you would voice it to her?
12 A. That's another reason we're there, sure.
13 Q. And you would not be shy about voicing any
14 criticism to Doctor Wallace?
15 A. I'm not shy.
16 Q. And do you have any recollection of in any way
17 criticizing Doctor Wallace about any of the care and
18 treatment or surgical procedures that she performed on
19 the Plaintiff in this case?
20 A. No. The only thing I was amazed at the amount
21 of time and effort she devoted to it. I was gratified
22 that she was so dedicated to doing a good job and she
23 really had the patient's interest at heart and worked
24 hard.

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1 MS. NEWMAN: Thank you. That's all that
2 I have.
3 MR. KAFRISSEN: I do have a couple more
4 fast questions.
5 BY MR. KAFRISSEN:
6 Q. Do you have any information or reason to
7 suspect or believe that Cheryl Fiorelli's records may
8 have contained erroneous entries or misstatements of
9 fact?
10 MS. POST: Records from their office?
11 MR. KAFRISSEN: Right. Sure.
12 THE WITNESS: No. I have --
13 MS. POST: Only to the extent that he
14 participated in creating the records or are
15 you talking about what other people wrote and
16 what --
17 MR. KAFRISSEN: I'm asking from his
18 review of the record that was from his office
19 that he produced, did he have any reason to
20 suspect or believe or any information that
21 there were erroneous entries or misstatements
22 of fact in the records.
23 THE WITNESS: Absolutely not.
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1 BY MR. KAFRISSEN:
2 Q. Do you have any reason or information -- any
3 reason to suspect or believe that the records may have
4 been changed or altered in any way?
5 A. Absolutely not.
6 MR. KAFRISSEN: I think I'm finished.
7 That's it.
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9 (Witness excused.)
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11 (Deposition concluded at 1:20 p.m.)
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