

(1) Herbert J. Nevyas, M.D.  
(2) going to be here a week.  
(3) **MR. FRIEDMAN:** I said I'm not going to  
(4) ask him everything, but I am going to ask him some  
(5) things.  
(6) **MS. KRAMER:** Let's see what you have.  
(7) **MR. LAPAT:** I want to state my  
(8) objection. I don't believe that you should be  
(9) asking any of these things because it constitutes  
(10) nothing more than a waste of time.  
(11) **MS. NEWMAN:** I want to place a  
(12) continuing objection on the record so I don't  
(13) continue to interrupt you that I believe that a  
(14) relevancy objection is totally valid. There is no  
(15) evidence that any of this is going to lead to the  
(16) discovery of admissible evidence since it was after  
(17) the surgery was done and your client stated in the  
(18) deposition that he never saw the video, but with  
(19) that objection on the record, please go ahead.  
(20) **BY MR. FRIEDMAN:**  
(21) **Q:** Did you ever work with MDTV prior to March 27  
(22) of 2000?  
(23) **A:** I think so. I don't remember the actual  
(24) dates that we filmed that. I would have to look  
(25) that up, but I believe so.

(1) Herbert J. Nevyas, M.D.  
(2) **Q:** What was the purpose of working with MDTV?  
(3) **A:** They were going to make a video which we  
(4) could use to show our patients, give them some idea  
(5) of the refractive surgery we do, and they were going  
(6) to put it on some public access channels to show  
(7) people what we were doing.  
(8) **Q:** Do you know what public access channels the  
(9) video was shown on?  
(10) **MS. KRAMER:** If any.  
(11) **Q:** If any, yes.  
(12) **A:** There were some. They sent me a list at some  
(13) point, and it was not shown very much because we  
(14) didn't think there was too much point in it and I  
(15) told them not to, but they showed it on a few public  
(16) access channels in this area.  
(17) **Q:** Where else was the video shown?  
(18) **A:** In the Delaware Valley area, in New Jersey,  
(19) and in the Philadelphia area. As far as I know,  
(20) that's it.  
(21) **MS. KRAMER:** You mean aside from public  
(22) access channels?  
(23) **MR. FRIEDMAN:** Yes, aside from public  
(24) access television.  
(25) **A:** Oh, nowhere.

(1) Herbert J. Nevyas, M.D.  
(2) **Q:** You said it was designed to give — I'm  
(3) sorry. I don't want to be putting words in your  
(4) mouth.  
(5) **A:** In our office.  
(6) **Q:** Oh, it was shown in your office?  
(7) **A:** Yes.  
(8) **Q:** How would it be shown in your office?  
(9) **MS. KRAMER:** Wait. Is your client  
(10) saying he saw it in the office?  
(11) **MR. LAPAT:** Your client testified he  
(12) never saw this.  
(13) **MS. KRAMER:** Is he going to come in now  
(14) and say he saw it in the office?  
(15) **MR. FRIEDMAN:** I don't think he will say  
(16) that he saw it in the office. I think he will say  
(17) he saw it on television.  
(18) **MS. KRAMER:** Then he knows where it was  
(19) shown. I don't understand how their showing it to  
(20) people in the office is in any way relevant to  
(21) Mr. Morgan. Tell me how. So they showed it to  
(22) another patient. And is that somehow relevant to  
(23) Mr. Morgan?  
(24) **Q:** When you showed it in the office, Doctor, was  
(25) it shown to patients preoperatively —

(1) Herbert J. Nevyas, M.D.  
(2) **MR. LAPAT:** Objection.  
(3) **Q:** — or postoperatively or both?  
(4) **MS. KRAMER:** I'm going to object and  
(5) instruct him not to answer.  
(6) **THE WITNESS:** Should I answer that?  
(7) **MS. KRAMER:** No, you don't have to  
(8) answer that. If it was shown to Mr. Morgan, that is  
(9) fine. We will talk about it. Unless you can tell  
(10) me that it was shown to him in the office, then he  
(11) is not answering that question.  
(12) **Q:** Doctor, do you know if Mr. Morgan was ever  
(13) shown the MDTV video while he was at Nevyas Eye  
(14) Associates?  
(15) **A:** He couldn't have been because it is only  
(16) recently. We have just shown it a few times to  
(17) people that were bored waiting. We have a  
(18) television with a VCR and it has just been within  
(19) the last few months that the girls put it on a few  
(20) times. So he could not have seen it in the office.  
(21) It was not shown in the office at that time.  
(22) **Q:** So let me be sure I understand. The MDTV  
(23) video is something that has only been shown in the  
(24) past few months in your office; is that right?  
(25) **A:** As far as I know, yes.