

[1] Herbert J. Nevyas, M.D.  
 [2] **Q:** Is the purpose of showing the MDTV video to  
 [3] inform patients as to what they can expect from  
 [4] LASIK surgery?  
 [5] **MR. LAPAT:** Objection. He just  
 [6] testified it has only been shown in the last few  
 [7] months, which is after March of 2000. That should  
 [8] be the last possible date it could have any possible  
 [9] relevance to Mr. Morgan.  
 [10] **MS. NEWMAN:** And if it was after the  
 [11] surgery, which the testimony is that it was, it  
 [12] cannot be claimed for lack of consent. I join in  
 [13] the objection.  
 [14] **MS. KRAMER:** I don't know if he can tell  
 [15] you what the purpose is. I don't think you have any  
 [16] foundation that he himself requested that it be  
 [17] shown to anybody.  
 [18] **MR. LAPAT:** These questions can't  
 [19] possibly be calculated to lead to the discovery of  
 [20] evidence.  
 [21] **MS. KRAMER:** If you can show me that  
 [22] this doctor specifically requested a patient to see  
 [23] it, I think he can testify to the purpose of him  
 [24] requesting that patient to see it; otherwise, I  
 [25] don't see it.

[1] Herbert J. Nevyas, M.D.  
 [2] **Q:** All right. Doctor, how do —  
 [3] (Discussion off the record.)  
 [4] (Luncheon recess.)  
 [5] **BY MR. FRIEDMAN:**  
 [6] **Q:** Doctor, I hope we can end the topic that we  
 [7] have been on, the MDTV. I just wanted to ask you  
 [8] was there anything said on the MDTV recording that  
 [9] would not be said to patients that were going to  
 [10] have LASIK surgery?  
 [11] **A:** Sure.  
 [12] **MR. LAPAT:** Objection.  
 [13] **A:** The point of the MDTV was not to have us on  
 [14] it. We didn't say much. It was to have patients  
 [15] talk about their procedure, what they had gone  
 [16] through, to try to allay anxiety and so forth, and  
 [17] patients who would come to see it would get a chance  
 [18] to talk to other patients who have been through the  
 [19] same thing.  
 [20] **Q:** By "same thing" —  
 [21] **A:** Refractive surgery.  
 [22] **Q:** — are you referring to the preoperative and  
 [23] postoperative experiences of the other patients? Is  
 [24] that what you are —  
 [25] **A:** Yes.

[1] Herbert J. Nevyas, M.D.  
 [2] **Q:** Doctor, are you familiar with the  
 [3] requirements for driving a car —  
 [4] **A:** I didn't hear you, sir.  
 [5] **Q:** Are you familiar with the requirements for  
 [6] driving a car, the requirements I am talking as far  
 [7] as vision for driving a car in Pennsylvania, what  
 [8] they are?  
 [9] **A:** Pretty much.  
 [10] **Q:** Or what they were? Are they any different  
 [11] now than they were in 1998?  
 [12] **A:** I don't know if the law has changed. I have  
 [13] a general idea. I keep a list in the office of what  
 [14] the requirements are because they vary. Some people  
 [15] get a license just for daytime. Some people can  
 [16] drive at night. Some people have only one eye. So  
 [17] they have special requirements, et cetera, but I  
 [18] have a pretty good idea of it.  
 [19] **Q:** And I don't want to pin you down to exact  
 [20] law, but what is your understanding of the  
 [21] requirements for driving? You mentioned daytime,  
 [22] nighttime and everything.  
 [23] **A:** I think it's 20/70 or something like that for  
 [24] daytime and possibly more for night. I'm not sure.  
 [25] I would have to look it up. I don't want to guess,

[1] Herbert J. Nevyas, M.D.  
 [2] but they are pretty liberal. And if one wears a  
 [3] telescope, you can have much less vision without the  
 [4] telescope than when you drive with the telescope.  
 [5] **Q:** What's a telescope?  
 [6] **A:** It's a little accessory that is placed on the  
 [7] glass to bring things into a sharp focus such as  
 [8] road signs and speed limits and so on because most  
 [9] driving is done with pretty gross recognition of big  
 [10] things like cars.  
 [11] **Q:** Did you ever tell Mr. Morgan that he should  
 [12] not drive?  
 [13] **A:** I don't think so. I don't recall that.  
 [14] **Q:** Again, I don't want to pin you down on a  
 [15] specific law, but is it your understanding there is  
 [16] any difference in the visual requirements for  
 [17] driving in New Jersey as opposed to Pennsylvania?  
 [18] **A:** I don't know the difference. I'm sure each  
 [19] state has its own laws.  
 [20] **Q:** How about for New York State; if you are  
 [21] aware of any difference?  
 [22] **A:** As I said, I don't know. I think each state  
 [23] has its own rules. I would have to look it up.  
 [24] **Q:** Doctor, you had mentioned earlier about where  
 [25] you had learned about LASIK including the lectures