

[1] Herbert J. Nevyas, M.D.
 [2] patient had ghost images and she mentioned that in
 [3] her deposition at some date.
 [4] **MS. KRAMER:** Obviously he didn't have
 [5] her deposition when he was treating this patient, so
 [6] what I'm asking you for is can you find it for me in
 [7] the record so he can read it in context?
 [8] **MR. FRIEDMAN:** If you turn to the day of
 [9] 3/27/2000 —
 [10] **MS. KRAMER:** Are you looking at "No
 [11] change in ghost image with hard contact lenses"?
 [12] (Discussion off the record between the
 [13] witness and his attorney.)
 [14] **MS. KRAMER:** What's the question?
 [15] **Q:** Doctor, do you see that, "No change in ghost
 [16] image with hard contact lenses"?
 [17] **A:** Yes.
 [18] **Q:** Are you able to identify who wrote that note?
 [19] **A:** That is Dr. Anita Wallace. That is the first
 [20] mention I see of a ghost image. There is no
 [21] complaint of a ghost image. She just said that
 [22] there is no change in any. I don't even know that
 [23] there were any.
 [24] **Q:** Now, under "Adverse Events," that third from
 [25] the bottom, the ten lines — the ten letters rather,

[1] Herbert J. Nevyas, M.D.
 [2] That would be without the S, BCVA.
 [3] **Q:** Doctor, how —
 [4] **A:** This is not applicable.
 [5] **Q:** How do you determine what BSCVA means?
 [6] **A:** That's what I'm used to reading. If you have
 [7] an SC, it means without correction. All through
 [8] this we have CC, SC and B means best and VA means
 [9] visual acuity.
 [10] **Q:** You say all through this?
 [11] **A:** All through all of our charts. In all of
 [12] ophthalmology CC is with correction and SC is
 [13] without correction. That is the commonly accepted
 [14] shorthand.
 [15] That is best uncorrected visual acuity,
 [16] I think. That's what I would say that means. Maybe
 [17] it means something else, but that's what it looks
 [18] like to me.
 [19] **MS. KRAMER:** Best spectacle.
 [20] **Q:** Yes, your attorney has suggested that it may
 [21] mean best spectacle corrected visual acuity.
 [22] **A:** I don't know.
 [23] **MS. KRAMER:** But what is the difference
 [24] between best spectacle and best corrected?
 [25] **THE WITNESS:** It is the same. Best

[1] Herbert J. Nevyas, M.D.
 [2] you had said that was a loss of two lines?
 [3] **A:** That's what I would presume from the way it
 [4] is described here.
 [5] **Q:** Did Mr. Morgan have a decrease of best —
 [6] what is BSCVA?
 [7] **A:** Oh, I'm sorry. That is best uncorrected
 [8] visual acuity. SC is without correction.
 [9] Uncorrected visual acuity. I'm not sure.
 [10] **Q:** You are not sure of what, Doctor?
 [11] **A:** What his uncorrected visual acuity was. It
 [12] says it has been measured with correction. I've got
 [13] it. I'm sorry. I understand now. That seemed
 [14] strange to me. His uncorrected visual acuity before
 [15] surgery was absolutely awful. He is a minus five
 [16] minus six equivalent myo. So his uncorrected visual
 [17] acuity would have been finger counting in his case.
 [18] They are saying a decrease in best uncorrected
 [19] visual acuity of more than ten letters. I don't —
 [20] I think his uncorrected visual acuity is much better
 [21] now. It has to be. I'm sorry. I was not reading
 [22] that correctly. SCVA means uncorrected visual
 [23] acuity. A decrease in the uncorrected acuity of
 [24] more than ten lines is reported. Well, this is not.
 [25] This is a decrease in best corrected visual acuity.

[1] Herbert J. Nevyas, M.D.
 [2] corrected is best spectacle corrected. That is what
 [3] you correct with. Your best corrected would mean
 [4] with contact lenses, but I never used that term,
 [5] best spectacle corrected because we are not
 [6] interested in that. We are interested in best
 [7] corrected whether it is spectacle or not, and
 [8] uncorrected is SC. I don't know. Best spectacle?
 [9] It could be. Maybe that's what they meant there,
 [10] but I didn't write that.
 [11] **Q:** Let me understand. Are you saying that you
 [12] are not really sure what BSCVA means?
 [13] **A:** I'm not sure, no.
 [14] (Herbert Nevyas Exhibit 29 was marked
 [15] for identification.)
 [16] **Q:** Let me pass you what's been marked as Nevyas
 [17] 29, which was Bates Nos. 1375 and 1374, and ask you
 [18] to identify that.
 [19] **MS. NEWMAN:** For the record, it is dated
 [20] March 14, 2001.
 [21] **A:** Yes.
 [22] **Q:** My first question is what does PMA mean?
 [23] **A:** Premarket approval.
 [24] **Q:** Now, did Mr. Morgan fit the category of one
 [25] of the 346 at the bottom of the page, 346 eyes