

COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

LINDA DE ROGATIS, INDIVIDUALLY AND)
AS SUCCESSOR-IN-INTEREST TO TARA DE)
ROGATIS; PETER DE ROGATIS,)
INDIVIDUALLY AND AS)
SUCCESSOR-IN-INTEREST TO TARA DE)
ROGATIS,)

PLAINTIFFS-APPELLANTS,)

VS.)

NO. B254024

KAREN MICHELLE SHAINSKY, D.O.,)

DEFENDANT-RESPONDENT.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

OCTOBER 29, 2013; OCTOBER 30, 2013; OCTOBER 31, 2013;
NOVEMBER 1, 2013; NOVEMBER 4, 2013; NOVEMBER 5, 2013;
NOVEMBER 6, 2013; NOVEMBER 7, 2013; NOVEMBER 8, 2013

APPEARANCES:

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APPELLANTS:

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VOLUME 1 OF 9

KAREN E. KAY, CSR NO. 3862, RMR, CRR
COURT REPORTER PRO TEMPORE

M A S T E R I N D E X

OCTOBER 29, 2013; VOLUME 2

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

NONE

EXHIBITS

NONE OFFERED

M A S T E R I N D E X

OCTOBER 30, 2013; VOLUME 3

EXHIBITS (CONTINUED)

<u>JOINT</u> <u>EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN</u> <u>OR REJECTED</u>
129-5	PHOTO OF A PAINTING BY TARA DE ROGATIS	72	73	

M A S T E R I N D E X

OCTOBER 31, 2013; VOLUME 4

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
MAC EACHERN, DAVID	92 (CONT'D)	150	196	
SHAINSKY, KAREN, D.O.	202 (UNDER 776)			

EXHIBITS

<u>JOINT EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN OR REJECTED</u>
100-1 TO 100-26	KAREN SHAINSKY, D.O.'S MEDICAL CHART FOR TARA DE ROGATIS	215	216	
103-1 TO 103-24	4/11/2009 AND 4/12/2009 CEDARS-SINAI E.R. MEDICAL RECORD FOR TARA DE ROGATIS	246		
117-1 AND 117-2	4/12/09 EMERGENCY TREATMENT RECORD BY ZACHARY LUTSKY, M.D.	236	240	

M A S T E R I N D E X

NOVEMBER 1, 2013; VOLUME 5

CHRONOLOGICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SHAINSKY, KAREN, D.O. (CONT'D UNDER 776)	279	348	375	382
DE ROGATIS, LINDA	384	445		

ALPHABETICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
DE ROGATIS, LINDA	384	445		
SHAINSKY, KAREN, D.O. (CONT'D UNDER 776)	279	348	375	382

EXHIBITS

<u>JOINT EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN OR REJECTED</u>
100-10 AND 100-11	3/1/10 PROGRESS NOTE BY KAREN SHAINSKY, D.O.	286		
100-13 AND 100-14	3/22/10 PROGRESS NOTE BY KAREN SHAINSKY, D.O.	308		
101-1 and 101-2	BILLING RECORDS FROM KAREN SHAINSKY, D.O., TO TARA DE ROGATIS FOR THREE VISITS	298		

M A S T E R I N D E X

NOVEMBER 1, 2013; VOLUME 5

EXHIBITS (CONTINUED)

<u>JOINT EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN OR REJECTED</u>
112-1 TO 112-11	RITE-AID RECORDS	280		
115-35	3/22/10 VOICE MAIL MESSAGE BY PAUL BOHN, M.D.	332		
116-1	3/22/10 PRESCRIPTION FOR TARA DE ROGATIS BY KAREN SHAINSKY, D.O.	336		
120-1	AN ENTRY FROM TARA DE ROGATIS' JOURNAL	422	423	
120-3	HANDWRITTEN JOURNAL NOTES BY TARA DE ROGATIS	434	436	
120-5	HANDWRITTEN JOURNAL NOTES BY TARA DE ROGATIS	436		
121-1	PICTURE OF TARA DE ROGATIS AND P.J. DE ROGATIS	394	395	
121-2	PICTURE OF LINDA DE ROGATIS, TARA DE ROGATIS, AND P.J. DE ROGATIS	395	396	
121-7	HEADSHOT OF TARA DE ROGATIS	401	401	
121-9	HEADSHOT OF TARA DE ROGATIS	402		

M A S T E R I N D E X

NOVEMBER 1, 2013; VOLUME 5

EXHIBITS (CONTINUED)

<u>JOINT</u> <u>EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN</u> <u>OR REJECTED</u>
122	VOICE MESSAGE TO LINDA DE ROGATIS FROM TARA DE ROGATIS	444		
125-1 AND 125-2	CARD THAT TARA DE ROGATIS SENT TO LINDA DE ROGATIS	442	442	
129-3	PHOTO OF A PAINTING TITLED "MEADOW" BY TARA DE ROGATIS	406	407	

M A S T E R I N D E X

NOVEMBER 4, 2013; VOLUME 6

CHRONOLOGICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
LOPEZ, ANTHONY	483	490		
RAMIN, DAVID S., M.D.	494	516		
BOHN, PAUL, M.D.	524	578		
DE ROGATIS, PETER	588	619		

ALPHABETICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
BOHN, PAUL, M.D.	524	578		
DE ROGATIS, PETER	588	619		
LOPEZ, ANTHONY	483	490		
RAMIN, DAVID S., M.D.	494	516		

EXHIBITS

<u>JOINT</u> <u>EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN</u> <u>OR REJECTED</u>
102-7	1/11/10	476	476	
TO	CONSULTATION NOTE,			
102-11	HANDWRITTEN			
	PROGRESS NOTE, AND			
	A PRESCRIPTION FOR			
	NORCO BY BRADLEY			
	SPIEGEL, M.D.			

M A S T E R I N D E X

NOVEMBER 4, 2013; VOLUME 6

EXHIBITS (CONTINUED)

<u>JOINT EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN OR REJECTED</u>
104-1 TO 104-21	MEDICAL CHART OF DAVID S. RAMIN, M.D.	495	496	
114-27 TO 114-31	INVESTIGATIVE REPORT BY ANTHONY LOPEZ, DEPUTY CORONER INVESTIGATOR	484	485	
115-1 TO 115-106	MEDICAL CHART OF PAUL BOHN, M.D.	526	544	
119	SUICIDE NOTE	488	489	
121-3	PHOTO OF MR. DE ROGATIS, TARA DE ROGATIS, AND P.J. DE ROGATIS	591	591	
121-5	PHOTO OF MR. DE ROGATIS, MS. LINDA B. DE ROGATIS, SAMANTHA, AND TARA DE ROGATIS	598	599	
125-3 AND 125-4	BIRTHDAY CARD TO PETER DE ROGATIS FROM TARA DE ROGATIS	604	605	
135	PAINTING BY TARA DE ROGATIS TITLED "LADY LIBERTY"	604		

M A S T E R I N D E X

NOVEMBER 5, 2013; VOLUME 7

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
BLUESTONE, RODNEY, M.D.	639	669	707 714	711
DJABOURIAN, RAFFI, M.D.	717	733	741	
WOLFF, MANFRED, M.D.	744	783	796	

EXHIBITS

<u>JOINT EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN OR REJECTED</u>
102-1 TO 102-6	1/11/10 MEDICAL RECORDS OF BRADLEY SPIEGEL, M.D.	709	716	
114-1 TO 114-26	AUTOPSY REPORT	719	720	
136	CURRICULUM VITAE OF RODNEY BLUESTONE, M.D.	672		
137	BILLING RECORDS OF RODNEY BLUESTONE, M.D., THROUGH AUGUST 2012	679		

M A S T E R I N D E X

NOVEMBER 6, 2013; VOLUME 8

CHRONOLOGICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
RUDNICK, FRANKLIN, M.D.	781	807	837	844
<u>DEFENDANT'S</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
WEINBERGER, ALAN, M.D.	851	892		
AUDELL, LAURA, M.D.	930	938		

ALPHABETICAL INDEX OF WITNESSES

<u>PLAINTIFFS'</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
RUDNICK, FRANKLIN, M.D.	781	807	837	844
<u>DEFENDANT'S</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
AUDELL, LAURA, M.D.	930	938		
WEINBERGER, ALAN, M.D.	851	892		

EXHIBITS

<u>JOINT</u>			<u>WITHDRAWN</u>
<u>EXHIBIT</u>	<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>OR REJECTED</u>
103-1 TO 103-24	4/11/2009 AND 4/12/2009 CEDARS-SINAI E.R. MEDICAL RECORD FOR TARA DE ROGATIS	813	

M A S T E R I N D E X

NOVEMBER 7, 2013; VOLUME 9

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

<u>DEFENDANT'S</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ALEXANIAN, LUKAS, M.D.	951	973		
SAFANI, MICHAEL, PHARM.D.	1008	1034		

EXHIBITS

<u>JOINT EXHIBIT</u>		<u>FOR I.D.</u>	<u>IN EVD.</u>	<u>WITHDRAWN OR REJECTED</u>
123-1	TRANSCRIPTION OF THE VOICE MAIL MARKED JOINT EXHIBIT 122	1088	1088	
138-1 AND 138-2	CORONER'S TOXICOLOGY REPORT	1016	1016	
139	CHART BY MICHAEL SAFANI, PHARM.D., ILLUSTRATING HIS OPINIONS	1029		
140	CHART BY MICHAEL SAFANI, PHARM.D., ILLUSTRATING HIS OPINIONS	1031		

PREVIOUSLY IDENTIFIED JOINT EXHIBITS 101-1 AND 101-2,
112-10, 116, 120-5, AND 121-9 WERE RECEIVED INTO EVIDENCE
ON PAGE 1087

M A S T E R I N D E X

NOVEMBER 8, 2013; VOLUME 9

INDEX OF WITNESSES

(NONE)

EXHIBITS

(NONE)

COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

LINDA DE ROGATIS, INDIVIDUALLY AND)
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ROGATIS; PETER DE ROGATIS,)
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ROGATIS,)

PLAINTIFFS-APPELLANTS,)

VS.)

NO. B254024

KAREN MICHELLE SHAINSKY, D.O.,)

DEFENDANT-RESPONDENT.)

I, KAREN E. KAY, COURT REPORTER PRO TEMPORE
OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE PAGES
A-1 THROUGH A-231, B-1 THROUGH B-116, AND PAGES 1 THROUGH
1216 COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE
PROCEEDINGS AND TESTIMONY TAKEN IN THE ABOVE-ENTITLED
CAUSE ON OCTOBER 29, 2013; OCTOBER 30, 2013; OCTOBER 31,
2013; NOVEMBER 1, 2013; NOVEMBER 4, 2013; NOVEMBER 5,
2013; NOVEMBER 6, 2013; NOVEMBER 7, 2013; NOVEMBER 8,
2013.

DATED THIS 21ST DAY OF APRIL 2014.

KAREN E. KAY, CSR NO. 3862, RMR, CRR
COURT REPORTER PRO TEMPORE