





M A S T E R I N D E X

OCTOBER 31, 2013; VOLUME 4

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1 CASE NUMBER: BC457891  
2 CASE NAME: DE ROGATIS VS. SHAINSKY  
3 PASADENA, CALIFORNIA THURSDAY, OCTOBER 31, 2013  
4 DEPARTMENT P HON. JAN A. PLUIM, JUDGE  
5 REPORTER: KAREN E. KAY, CSR NO. 3862  
6 TIME: A.M. SESSION

7 APPEARANCES:

8 PLAINTIFFS LINDA DE ROGATIS AND PETER DE ROGATIS  
9 ARE PRESENT WITH THEIR COUNSEL, GEORGE B. NEWHOUSE,  
10 JR., AND KATHERINE C. MC BROOM, ATTORNEYS AT LAW  
11 DEFENDANT KAREN MICHELLE SHAINSKY, D.O., IS PRESENT  
12 WITH HER COUNSEL, RAYMOND L. BLESSEY, AND  
13 PATRICIA M. TAZZARA, ATTORNEYS AT LAW

14  
15 (THE FOLLOWING PROCEEDINGS WERE HELD  
16 IN OPEN COURT, OUTSIDE THE PRESENCE  
17 OF THE JURY:)

18  
19 THE COURT: ALL RIGHT.

20 MR. NEWHOUSE: THERE'S ONE MINOR DETAIL, AND I JUST  
21 WANT TO CLARIFY THE COURT'S ORDER. MY MEMORY OF THE  
22 MOTIONS IN LIMINE IS THAT WE -- THAT THE COURT ORDERED  
23 THERE WAS AN AGREEMENT THAT WE WOULD NOT CHARACTERIZE THIS  
24 PRIOR BOYFRIEND NIELS KANTOR, AS THAT HAVING BEEN AN  
25 ABUSIVE RELATIONSHIP, BECAUSE THE SUNDRY ALLEGATIONS ABOUT  
26 THAT ARE IRRELEVANT AND PREJUDICIAL.

27 DURING COUNSEL'S OPENING STATEMENT, HE USED  
28 THE WORD "ABUSIVE," NOT A BIG DEAL. BUT WE NOW HAVE

1 DAVID, WHO WILL BE CROSS-EXAMINED LATER THIS MORNING, AND  
2 I THINK CONSISTENT WITH THE COURT'S ORDER, COUNSEL SHOULD  
3 BE INSTRUCTED THAT THE ALLEGATIONS OF THE ABUSE, THE  
4 ASSAULT, ALLEGED RAPE, THE SUNDRY DETAILS NEED NOT BE GONE  
5 INTO.

6 THE COURT: I NEED TO LOOK AT THE MINUTE ORDER, TO  
7 BE QUITE FRANK WITH YOU. I KNOW THAT WE HAD TALKED ABOUT  
8 IT, AND I DO RECALL I HAD SAID SOMETHING ABOUT THE FACT  
9 THAT SHE HAD BEEN HOSPITALIZED AT U.C.L.A. FOR A PERIOD OF  
10 TIME WOULD BE PERMITTED TO COME IN.

11 MR. NEWHOUSE: THAT'S MY MEMORY.

12 THE COURT: WHAT ELSE BEYOND THAT, I DON'T RECALL  
13 EXACTLY.

14 THE CLERK: ON THE MINUTE ORDER, IT SAID ONLY THE  
15 HOSPITALIZATION, NOT THE ASSAULT, WOULD BE MENTIONED.

16 MR. NEWHOUSE: SO THE ASSAULT WAS MENTIONED. I  
17 DON'T THINK COUNSEL --

18 MR. BLESSEY: IT WAS NOT MENTIONED.

19 MR. NEWHOUSE: HE USED THE WORDS "ABUSIVE  
20 RELATIONSHIP."

21 THE COURT: I DON'T THINK HE USED THE WORD  
22 "ASSAULT," DID HE?

23 MR. BLESSEY: I DID NOT.

24 THE COURT: WAS IT AN ABUSIVE RELATIONSHIP?

25 MR. NEWHOUSE: YES, I MEAN AT LEAST ON THAT ONE  
26 OCCASION, YOUR HONOR.

27 IT'S NOT RELEVANT WHAT KIND OF RELATIONSHIP  
28 SHE HAD WITH MR. KANTOR. IT'S WELL IN THE PAST. I ONLY

1 RAISE IT, AGAIN, NOT BECAUSE THAT'S SO PREJUDICIAL BUT  
2 THAT LED ME TO BELIEVE --

3 THE COURT: YOU CAN CERTAINLY BRING UP THE FACT  
4 THAT SHE HAD THIS RELATIONSHIP WITH HIM, AND FROM THAT  
5 RELATIONSHIP, SHE WAS HOSPITALIZED.

6 MR. NEWHOUSE: YES.

7 MR. BLESSEY: THAT'S FINE, YOUR HONOR.

8 YOU KNOW, REALLY, THE ISSUE IS NOT THE  
9 HOSPITALIZATION. MR. NEWHOUSE'S MEMORY MAY BE A LITTLE  
10 BIT OFF, BUT THIS RELATIONSHIP, THIS ABUSIVE RELATIONSHIP,  
11 EMOTIONALLY AND OTHERWISE, CONTINUED RIGHT UP TO THE TIME  
12 OF HER SUICIDE.

13 THE COURT: YOU'RE TALKING ABOUT THAT AS BEING A  
14 FOCAL POINT IN HER SLIDE DOWNHILL.

15 MR. BLESSEY: PERHAPS. ALL I KNOW IS THAT THERE  
16 WILL BE EVIDENCE THAT HE WAS ABUSIVE AND CONTINUED TO  
17 COMMUNICATE. IN FACT, MR. MAC EACHERN WAS NOT VERY HAPPY  
18 THAT SHE WAS COMMUNICATING WITH HIM THROUGHOUT THEIR  
19 RELATIONSHIP.

20 SO I'M NOT SO CONCERNED ABOUT THE ASSAULT  
21 AND THE SORTED DETAILS OF HIS ABUSE, BUT THERE WAS A  
22 HISTORY OF AN ABUSIVE RELATIONSHIP WHICH IS RELEVANT TO  
23 THE TIME PERIOD THAT WE'RE GOING TO TALK ABOUT IN THIS  
24 CASE.

25 THE COURT: ARE WE GOING TO TALK ABOUT, AGAIN, THE  
26 FACT SHE WAS HOSPITALIZED OR IS THAT OUT?

27 MR. BLESSEY: I COULD CARE LESS ABOUT THE  
28 HOSPITALIZATION. I DON'T -- LET ME PUT IT THIS WAY: I

1 DON'T INTEND TO BRING IT UP.

2 THE COURT: I KNOW ONE THING, I DID NOT WANT TO GET  
3 INVOLVED IN THE ASSAULT ASPECT TO HAVE THAT  
4 HOSPITALIZATION, BUT I DON'T KNOW THAT I CAN FIND THAT  
5 MOTION IN LIMINE TO SAY YOU COULDN'T TALK ABOUT THE  
6 CHARACTER OF THAT RELATIONSHIP THAT THEY HAD. THAT'S MY  
7 RECOLLECTION.

8 MR. NEWHOUSE: THANK YOU.

9 THE COURT: ALL RIGHT.

10 MR. NEWHOUSE: YOUR HONOR, UNFORTUNATELY, OUR  
11 WITNESS IS RUNNING A FEW MINUTES LATE SO --

12 THE COURT: I GUESS WE CAN'T CALL THE JURY IN.

13 MR. NEWHOUSE: I THINK PROBABLY NOT.

14 THE COURT: ALL RIGHT.

15 MR. NEWHOUSE: I'M SORRY ABOUT THIS.

16 THE COURT: HAVE THEY CALLED?

17 MR. BLESSEY: I THINK WE HAVE AN ESTIMATE, YOUR  
18 HONOR.

19 MS. MC BROOM: HE TEXTED OUR PARALEGAL AT ABOUT --

20 MS. CHOW: 8:46.

21 THE COURT: I'M SORRY. I CAN'T HEAR YOU.

22 MS. MC BROOM: HE SAID HE WOULD BE 15 MINUTES LATE.

23 MR. NEWHOUSE: AT 8:46 HE THOUGHT HE MIGHT BE 15  
24 MINUTES LATE FOR COURT.

25 THE COURT: LET'S WAIT UNTIL HE GETS HERE.  
26 OBVIOUSLY, WE CAN'T GET STARTED UNTIL HE GETS HERE.

27 MR. NEWHOUSE: I APOLOGIZE TO THE COURT.  
28

1 (RECESS.)

2

3 (THE FOLLOWING PROCEEDINGS WERE HELD  
4 IN OPEN COURT, OUTSIDE THE PRESENCE  
5 OF THE JURY:)

6

7 THE COURT: LET'S BRING IN THE JURORS.

8

9 (THE FOLLOWING PROCEEDINGS WERE HELD  
10 IN OPEN COURT, IN THE PRESENCE OF  
11 THE JURY:)

12

13 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN. WE  
14 ARE BACK ON THE RECORD. ALL JURORS ARE PRESENT AND THE  
15 PARTIES ARE PRESENT. LAWYERS ARE PRESENT.

16 DAVID MAC EACHERN HAS RESUMED THE WITNESS  
17 STAND. SIR, IF YOU COULD RESTATE YOUR NAME FOR THE RECORD  
18 AND SPELL YOUR LAST NAME.

19 THE WITNESS: DAVID MAC EACHERN, M-A-C  
20 E-A-C-H-E-R-N.

21 THE COURT: THANK YOU VERY MUCH.

22 YOU MAY PROCEED, COUNSEL.

23 MS. MC BROOM: THANK YOU.

24

25 DAVID MAC EACHERN,  
26 CALLED AS A WITNESS BY THE PLAINTIFFS, WAS PREVIOUSLY DULY  
27 SWORN AND TESTIFIED AS FOLLOWS:

28



## 1 DIRECT EXAMINATION (CONTINUED)

2 BY MS. MC BROOM:

3 Q GOOD MORNING, MR. MAC EACHERN.

4 A GOOD MORNING.

5 Q LET'S BRING YOU BACK TO WHERE WE LEFT OFF  
6 YESTERDAY. I WANT TO BRING YOUR ATTENTION TO THE TYPES OF  
7 SYMPTOMS TARA WAS COMPLAINING OF IN 2008.8 YOU DESCRIBED SOME SYMPTOMS YESTERDAY. YOU  
9 RECAPPED AND STATED THAT THEY STARTED IN ABOUT 2007.

10 A THAT'S CORRECT.

11 Q SO IN 2008, WAS TARA CONTINUING TO COMPLAIN  
12 OF HEARING VOICES?

13 A THAT'S CORRECT, YES, SHE WAS.

14 Q WAS SHE COMPLAINING OF THE BURNING IN HER  
15 THROAT?

16 A THAT'S CORRECT.

17 Q WAS SHE COMPLAINING OF HER HEAD BURNING?

18 A YES.

19 Q ANY OTHER SYMPTOMS YOU CAN THINK OF THAT SHE  
20 WAS COMPLAINING TO YOU OF IN 2008?21 A UNABLE TO CONCENTRATE; DEPRESSION FROM THE  
22 SYMPTOMS; LOW ESTEEM, IF YOU COUNT THOSE AS SYMPTOMS; AND,  
23 YOU KNOW, JUST TRYING TO PULL IT TOGETHER.24 AND SO THE MEDICINE THAT SHE WAS PRESCRIBED  
25 WAS, IN HER EYES, GAINING WEIGHT, AND SHE DIDN'T LIKE  
26 THAT. SO IF SHE STARTED GAINING ANY WEIGHT AT ALL, SHE  
27 WAS -- IT WOULD UPSET HER TREMENDOUSLY. SO THAT KIND OF  
28 LOW SELF-ESTEEM AND SUCH, THAT TYPE OF THING.

1 Q OKAY. IN 2008 DID TARA EVER EXPRESS TO YOU  
2 A DESIRE TO DIE?

3 THE COURT: I'M SORRY. WHAT TIME ARE WE TALKING  
4 ABOUT NOW?

5 MS. MC BROOM: 2008.

6 THE COURT: SO ALL THESE QUESTIONS DEAL WITH 2008.

7 DO YOU HAVE A MEMORY OF 2008?

8 THE WITNESS: I THINK SO.

9 THE COURT: ALL RIGHT.

10 THE WITNESS: SHE WOULD SAY THINGS LIKE THAT A  
11 LITTLE BIT, BUT I NEVER TOOK ANYTHING LIKE THAT SERIOUSLY  
12 BECAUSE SHE -- SHE WAS ENJOYING LIFE A LOT, BUT SHE WAS  
13 STARTING TO REALLY PURSUE SPIRITUAL -- DIFFERENT SPIRITUAL  
14 AVENUES.

15 BY MS. MC BROOM:

16 Q WELL, WHEN YOU SAY THAT SHE SPOKE ABOUT IT A  
17 LITTLE BIT, CAN YOU BE MORE SPECIFIC?

18 HOW MANY TIMES DID SHE MAKE STATEMENTS LIKE  
19 THAT, IF YOU CAN BREAK IT DOWN, IN 2008?

20 A IT WAS -- IT WAS RARE. IT WOULD BE LIKE  
21 WHEN SHE WOULD GET DEPRESSED, SHE GOES, "I JUST DON'T WANT  
22 TO BE HERE ANYMORE." SHE'D SAY THINGS LIKE THAT.

23 AND I'D SAY, "WHAT, IN THE HOUSE?" YOU KNOW,  
24 OR "WHERE DON'T YOU WANT TO BE?"

25 "I DON'T WANT TO BE HERE ON THIS EARTH. I  
26 DON'T WANT TO GO" -- SHE WAS GOING AFTER THE STAR ALTERERS  
27 AT ONE POINT, YOU KNOW. THERE'S ALL THESE ALTERNATIVE  
28 THINGS. AND AT THAT TIME, SHE WAS PURSUING MANY DIFFERENT

1 AVENUES -- OR STUDYING, I SHOULD SAY, NOT PURSUING.

2 Q PURSUING AVENUES TO -- TO GET BETTER?

3 A YES, YES, TO GET BETTER. TO GET TO STOP THE  
4 VOICES.

5 Q ABOUT HOW MANY TIMES DID SHE MAKE THOSE  
6 STATEMENTS?

7 A A LOT. SHE WANTED TO STOP -- SHE WAS A  
8 FIGHTER, AND SHE WANTED TO STOP THE VOICES. SHE WANTED TO  
9 STOP THE ITCHING. SHE WANTED TO STOP THE THING IN HER  
10 THROAT, FROM YOGA TO RIDING DOLPHINS, THINGS LIKE THIS,  
11 AND SOME OF THESE SPIRITUAL HEALERS AND PEOPLE LIKE THIS.

12 Q DID YOU EVER CONTACT TARA'S PSYCHIATRIST,  
13 DR. PAUL BOHN, REGARDING HER STATEMENTS OF WANTING TO DIE?

14 A YES, I DID.

15 Q OKAY. DO YOU RECALL LEAVING HIM A MESSAGE,  
16 OR DID YOU SPEAK WITH HIM?

17 A I SPOKE WITH HIM ONCE. BECAUSE I WAS IN  
18 THE -- IN THE MEETINGS WITH HER AND HIM, I REALLY  
19 ENCOURAGED HER TO TELL HIM EVERYTHING THAT'S GOING ON IN  
20 HER LIFE.

21 AND WHEN SHE -- WHEN SHE WOULD MENTION THAT  
22 SHE WOULDN'T WANT TO BE HERE OR SO FORTH, ONE OF THE --  
23 FOR EXAMPLE, SHE SAID, "WILL YOU GO TO AMSTERDAM WITH ME?"

24 I SAID, "SO WHY?"

25 "BECAUSE THERE'S EUTHANASIA OVER THERE."

26 THE COURT: THERE'S WHAT?

27 THE WITNESS: THERE'S EUTHANASIA IN AMSTERDAM.

28 "CAN WE GO TO AMSTERDAM?"

1                   SO I BROUGHT THAT UP WITH PAUL BOHN ABOUT  
2 THAT, AND I SAID, "WHAT DO I DO WHEN SHE'S LIKE THIS?"

3                   HE SAYS, "JUST TAKE HER TO THE EMERGENCY  
4 ROOM."

5                   AND SO ONE NIGHT, IT WAS A REALLY BAD NIGHT,  
6 I CALLED HIM AGAIN, AND I SAID, "IT'S REALLY BAD. WHAT  
7 SHOULD I DO?"

8                   AND HE SAID, "TAKE HER TO THE EMERGENCY."

9                   MR. BLESSEY: I'M SORRY. THE STATEMENTS OF  
10 DR. BOHN ARE HEARSAY. OBJECT.

11                  THE COURT: SUSTAINED.

12 BY MS. MC BROOM:

13                  Q           SO SHE WANTED -- SHE MENTIONED TO YOU THAT  
14 SHE WANTED TO GO TO AMSTERDAM TO BE EUTHANIZED?

15                  A           YES.

16                  Q           AND YOU WERE CONCERNED AND CALLED DR. BOHN?

17                  A           I TALKED TO HIM --

18                  THE COURT: I'M SORRY. ON A FOUNDATIONAL BASIS, IS  
19 THIS 2008?

20                  THE WITNESS: RIGHT AROUND 2008, YES.

21                  THE COURT: DO YOU RECALL WHAT MONTH OR DAY OR --

22                  THE WITNESS: THE SPRINGTIME.

23 BY MS. MC BROOM:

24                  Q           DID YOU EVER TAKE TARA TO THE HOSPITAL FOR  
25 THE SYMPTOMS THAT SHE WAS DESCRIBING? AND THIS IS  
26 ANYTIME.

27                  MR. BLESSEY: I'M SORRY. THE QUESTION IS VAGUE,  
28 AMBIGUOUS, "SYMPTOMS."

1 THE COURT: SUSTAINED.

2 BY MS. MC BROOM:

3 Q YOU MENTIONED THAT TARA COMPLAINED OFTEN OF  
4 PAIN, VOICES, BURNING, CRAWLING, TINGLING.

5 DID YOU EVER -- AND MADE STATEMENTS TO YOU  
6 SUCH "AS I WANT TO GO TO AMSTERDAM TO BE EUTHANIZED."

7 DID YOU EVER TAKE TARA TO THE HOSPITAL  
8 BECAUSE OF COMPLAINTS OF SYMPTOMS LIKE I'VE JUST LAID OUT?

9 A YES, I DID.

10 Q DO YOU RECALL WHEN YOU DID THAT?

11 A I BELIEVE IT WAS EARLY 2009, IN 2009.

12 Q AND WHERE DID YOU BRING TARA?

13 A CEDARS-SINAI.

14 Q DID YOU BRING HER TO THE EMERGENCY ROOM?

15 A YES, I DID.

16 Q WHAT PRECIPITATED THAT? WHY DID YOU BRING  
17 HER TO THE EMERGENCY ROOM?

18 A SHE HAD REACHED A LOW THAT WAS SCARING  
19 HERSELF AND -- AND SCARING ME. AND I ALWAYS TOLD HER, YOU  
20 KNOW, "LET'S JUST GO TO THE HOSPITAL WHENEVER YOU NEED  
21 TO," AND SHE REACHED A POINT WHERE SHE SAID, "CAN YOU  
22 PLEASE TAKE ME?"

23 Q WHAT SYMPTOMS WAS SHE COMPLAINING TO YOU OF?

24 A THAT SHE -- SHE HAD PAIN ON HER HEAD. SHE  
25 HAD PAIN DOWN HER SIDE. AND SHE WOULD NEVER BE REALLY  
26 SPECIFIC. IT WAS GENERAL PAIN WITH A -- WITH A TENDENCY  
27 TO THE -- TO THE SIDE. I THINK IT WAS THE RIGHT SIDE, I  
28 BELIEVE.

1 Q WAS SHE ALSO COMPLAINING OF THE OTHER  
2 SYMPTOMS, SUCH AS VOICES AND BURNING?

3 A YES.

4 Q WHEN YOU SAY THAT SHE HIT A LOW, CAN YOU BE  
5 A LITTLE BIT MORE SPECIFIC? WHY WAS THIS DAY DIFFERENT  
6 THAN OTHERS?

7 A HER SPIRIT WAS -- WAS BROKEN. IT FELT  
8 LIKE -- YOU KNOW, IT WEARS ON YOU AFTER A WHILE WHEN YOU  
9 HAVE SYMPTOMS THAT KEEP RECURRING AND -- AND SOMETIMES  
10 THEY'RE WORSE THAN OTHERS. AND SHE FELT SHE WAS NOT  
11 GETTING BETTER, AND HER DEPRESSION BECAME THIS SPIRAL --  
12 BEGAN TO SPIRAL WITH HER DEPRESSION.

13 Q PRIOR TO TAKING HER TO THE HOSPITAL, DID SHE  
14 MAKE STATEMENTS TO YOU THAT SHE WANTED TO DIE?

15 A I CAN'T RECALL THAT AS MUCH AS SHE WAS AT  
16 THIS -- ONE OF THE LOWEST POINTS I'D SEEN HER AT THAT  
17 TIME.

18 Q DO YOU RECALL ABOUT WHAT TIME YOU TOOK HER  
19 TO THE HOSPITAL? WAS IT DURING THE DAY OR IN THE EVENING?

20 A IT WAS IN THE EVENING. APPROXIMATELY NINE  
21 O'CLOCK, I THINK.

22 Q AND HOW LONG WERE YOU AT THE EMERGENCY ROOM  
23 WITH TARA THAT EVENING?

24 A WE WERE THERE UNTIL ABOUT TEN O'CLOCK,  
25 ELEVEN O'CLOCK THE NEXT MORNING.

26 Q DID THEY PUT HER IN A BED?

27 A YES, THEY PUT HER IN A BED RIGHT AWAY.

28 Q DID THE DOCTORS PRESCRIBE -- OR PROVIDE HER

1 WITH MEDICATION?

2 A THEY GAVE HER AN INTRAVENOUS AND IT CALMED  
3 HER DOWN. I'M NOT EXACTLY SURE WHAT WAS IN THAT AND --

4 Q OKAY. DO YOU KNOW IF SHE WAS SEEN BY A  
5 PSYCHIATRIST DURING THAT VISIT?

6 A SOMEBODY FROM PSYCHOLOGY -- FROM THE  
7 PSYCHIATRIC DEPARTMENT.

8 Q WERE YOU PRESENT AT THE EMERGENCY ROOM WHEN  
9 SHE WAS REPORTING HER SYMPTOMS TO VARIOUS HOSPITAL STAFF?

10 A YES.

11 Q DO YOU RECALL WHAT COMPLAINTS SHE MADE TO  
12 THE HOSPITAL STAFF THAT EVENING?

13 A THE SAME COMPLAINTS AND --

14 Q THE BURNING?

15 A THE BURNING.

16 Q PAIN ON THE SIDE?

17 A PAIN ON THE SIDE.

18 Q VOICES?

19 A VOICES.

20 Q TINGLING?

21 A TINGLING.

22 MR. BLESSEY: YOUR HONOR, THIS IS -- THIS IS  
23 LEADING, MENTIONING SYMPTOMS OVER AND OVER AGAIN TO  
24 REFRESH HIS RECOLLECTION.

25 THE COURT: IT IS, COUNSEL. SUSTAINED.

26 BY MS. MC BROOM:

27 Q SO YOU LEFT -- WERE YOU WITH TARA IN THE  
28 E.R. FOR THE ENTIRE VISIT?

1           A           YES.

2           Q           AND YOU MENTIONED -- I'M SORRY -- IT WAS  
3 ABOUT 13 HOURS, IS THAT WHAT YOU SAID?

4           A           YES.

5           Q           AND WHEN TARA WAS RELEASED FROM THE  
6 EMERGENCY ROOM, WAS SHE PROVIDED WITH MEDICATIONS?

7           A           YES, SHE WAS.  ACTUALLY, I WAS ON HER  
8 BEHALF.

9           Q           SO THE DOCTORS PROVIDED THE MEDICATIONS TO  
10 YOU?

11          A           THAT'S CORRECT.

12          Q           ARE YOU AWARE OF WHAT MEDICATIONS -- CAN YOU  
13 RECALL WHAT MEDICATIONS YOU WERE GIVEN?

14          A           YES, I CAN, ACTUALLY.  IT WAS TYLENOL.

15          Q           WERE YOU PROVIDED WITH ANY PSYCHIATRIC  
16 MEDICATIONS?

17          A           NO.

18          Q           NOW, YOU MENTIONED THIS HOSPITAL -- THIS  
19 HOSPITAL VISIT OCCURRED IN 2009, CORRECT?

20          A           YES.

21          Q           FOLLOWING THAT VISIT IN 2009 TO THE CEDARS  
22 E.R., DID TARA MAKE STATEMENTS TO YOU THAT SHE WANTED TO  
23 DIE?

24          A           YES, SHE DID.

25          Q           ON HOW MANY OCCASIONS DID SHE MAKE THOSE  
26 STATEMENTS?

27          A           DOZENS.

28          Q           CAN YOU THINK OF ANY SPECIFIC INSTANCES



1 WHERE SHE MADE SUCH STATEMENTS FROM 2009 ON?

2 A YES. IT'S EASIER TO GO BACK, BUT --  
3 BEGINNING WITH -- WITH -- WITH MARCH 22ND, WHEN WE WENT TO  
4 THE DOCTOR OFFICE ON MARCH 22ND, SHE -- SHE -- SHE WANTED  
5 TO DIE EMPHATICALLY.

6 AND SO LEADING UP TO THAT -- IT -- IT -- IT  
7 WAS HARD BECAUSE WHEN SHE WOULD MENTION SHE WOULD WANT TO  
8 DIE, 2 HOURS LATER, SHE WOULD BE FIXING HER HAIR AND  
9 LOOKING FANTASTIC AND WELL-GROOMED. AND SOME OF THE  
10 THINGS I READ ABOUT PEOPLE WHO WANT TO KILL THEMSELVES IS  
11 GROOMING.

12 MR. BLESSEY: I MOVE TO STRIKE AS NONRESPONSIVE.  
13 IT'S WELL BEYOND THE QUESTION. AND ALSO IT IS VIOLATING  
14 THE MOTION IN LIMINE REGARDING IT.

15 THE COURT: OVERRULED.

16 BY MS. MC BROOM:

17 Q IN 2009 DO YOU THINK -- WAS TARA CONTINUING  
18 TO EXPERIENCE THE MULTIPLE SYMPTOMS WE'VE BEEN DISCUSSING  
19 THIS MORNING?

20 A IN 2009 SHE WAS EXPERIENCING THE THROAT, THE  
21 TINGLING, THE HEAD, THE VOICES.

22 Q AND WERE THOSE SYMPTOMS CONTINUING TO  
23 INTERFERE WITH HER DAILY ACTIVITIES?

24 A YES, SIGNIFICANTLY.

25 Q WHEN YOU SAY "SIGNIFICANTLY," HOW -- HOW SO?

26 A IT -- IT -- IT WAS WEARING HER OUT. THE  
27 SYMPTOMS WERE WEARING HER OUT. THE VOICES WERE WEARING  
28 HER OUT. AND EVEN THOUGH SHE WAS FIGHTING LIKE CRAZY,

1 THEY WERE WEARING HER OUT.

2 Q DID YOU NOTICE, YOU KNOW, HAVING OBSERVED  
3 HER, IF THE PAIN SYMPTOMS WERE COINCIDING WITH THE OTHER  
4 REMAINING SYMPTOMS, SUCH AS THE VOICES, TINGLING, BURNING?  
5 DID THEY SEEM TO GO TOGETHER?

6 A YES, THEY -- THEY SEEMED TO GO TOGETHER.

7 Q I JUST WANT TO JUMP BACK TO THAT E.R. VISIT  
8 FOR A SECOND.

9 WHEN TARA WAS RELEASED FROM THE EMERGENCY  
10 ROOM, WERE YOU PROVIDED ANY ADVICE BY THE HOSPITAL STAFF?

11 A YES.

12 Q AND WHAT ADVICE WERE YOU GIVEN?

13 A TO IMMEDIATELY GET AHOLD OF HER  
14 PSYCHIATRIST. THEY WERE GOING TO CALL HER PSYCHIATRIST,  
15 AND FOR ME TO GET AHOLD OF THE PSYCHIATRIST AND PLEASE  
16 EXPLAIN EVERYTHING THAT WENT ON AND TO WATCH HER  
17 CAREFULLY.

18 Q AND THEN THEY PROVIDED YOU WITH THE DRUGS,  
19 CORRECT?

20 A YES.

21 Q AND WAS IT UNDERSTOOD THAT YOU WERE TO  
22 DISPENSE THOSE DRUGS TO TARA?

23 A YES.

24 Q WERE YOU AWARE AT ANY POINT IN 2009 THAT  
25 TARA BEGAN USING OPIATES OR PAINKILLERS?

26 A YES.

27 Q DO YOU HAVE SOME IDEA ABOUT WHEN IN 2009  
28 THAT BEGAN?

1 A MAY OR JUNE.

2 Q AND HOW DID THAT COME ABOUT, USE OF OPIATES?

3 A WHEN SHE HAD SURGERY.

4 Q IS IT THAT SHE WAS PRESCRIBED THE OPIATES  
5 FOR PAIN FOLLOWING THE SURGERY?

6 A THAT'S CORRECT.

7 Q AND TO YOUR KNOWLEDGE, HOW -- HOW OFTEN  
8 FOLLOWING THAT SURGERY IN MAY OF 2009 WAS TARA TAKING  
9 OPIATES?

10 A IT SEEMED SINCE -- SINCE THAT POINT FORWARD,  
11 PRETTY MUCH CONTINUOUSLY.

12 Q ARE YOU AWARE OF WHERE SHE WAS GETTING HER  
13 PAIN MEDICATIONS FROM IN 2009?

14 A THEY WERE PRESCRIBED BY SEVERAL DIFFERENT  
15 DOCTORS, INCLUDING DR. BOHN.

16 MR. BLESSEY: I'M SORRY. I DIDN'T HEAR THE LAST  
17 PART.

18 THE WITNESS: INCLUDING DR. BOHN.  
19 BY MS. MC BROOM:

20 Q ARE YOU AWARE OF WHAT TYPE OF OPIATES SHE  
21 WAS TAKING?

22 A CALLED NORCO.

23 Q WHEN YOU SAY SHE WAS USING IT PRETTY  
24 CONSISTENTLY, WHAT DO YOU MEAN BY THAT?

25 DO YOU MEAN SHE WAS USING IT DAILY OR A  
26 COUPLE TIMES A WEEK OR ONCE A MONTH?

27 A FOUR TO FIVE DAYS A WEEK.

28 Q DID YOU NOTICE THE PILLS, THE OPIATES,

1 HAVING ANY EFFECT ON TARA?

2 A ABSOLUTELY.

3 Q HOW SO?

4 A DROWSINESS, LETHARGIC, SMOOTHED OUT, PER SE,  
5 OUT OF IT.

6 Q NOW, IN 2009 -- I WANT TO TURN TO A LITTLE  
7 BIT LATER IN 2009, AROUND THE HOLIDAYS.

8 IS IT YOUR UNDERSTANDING THAT TARA WAS ON A  
9 TRIP TO NEW JERSEY DURING THAT TIME PERIOD?

10 A YES.

11 THE COURT: I'M SORRY. I COULDN'T HEAR YOU.

12 MS. MC BROOM: IS IT HIS UNDERSTANDING THAT TARA  
13 WAS ON A TRIP TO NEW JERSEY DURING THAT TIME.

14 THE WITNESS: YES, SHE WAS.

15 BY MS. MC BROOM:

16 Q AND HOW OFTEN DID YOU SPEAK WITH HER DURING  
17 THAT TRIP?

18 A REGULARLY.

19 Q DAILY?

20 A DAILY, IF NOT EVERY OTHER DAY AT -- AT THE  
21 LONGEST.

22 Q HOW LONG WAS TARA AWAY?

23 A SHE LEFT AROUND THE 15TH OF NOVEMBER,  
24 RETURNED ON CHRISTMAS DAY.

25 Q NOW, WHILE SHE WAS AWAY AND YOU SPOKE  
26 OCCASIONALLY TO HER ON THE PHONE, WAS SHE COMPLAINING TO  
27 YOU OF THE SAME SYMPTOMS WE'VE BEEN DISCUSSING THIS  
28 MORNING?

1           A           YES, SHE HAS -- SHE WAS, I SHOULD SAY.

2           Q           AND WHILE SHE WAS AWAY, WAS SHE MAKING  
3 STATEMENTS TO YOU OVER THE PHONE THAT SHE DIDN'T WANT TO  
4 LIVE?

5           A           YES, SHE DID.

6           Q           HOW MANY TIMES WOULD YOU SAY DURING THAT  
7 TRIP TARA MADE SUCH STATEMENTS?

8           A           DIRECTLY WITH ME, PROBABLY FOUR TIMES.

9           Q           CAN YOU THINK OF ANY SPECIFIC EXAMPLES,  
10 SPECIFIC STATEMENTS SHE MADE TO YOU REGARDING WANTING TO  
11 DIE DURING THAT TIME THAT SHE WAS AWAY?

12          A           I RECEIVED A CALL ONE EVENING WHERE SHE WAS  
13 INCOHERENT AND IN HER MOTHER'S CAR, COULDN'T TELL ME WHERE  
14 SHE WAS AND BABBLING PRETTY MUCH.

15          Q           AT THAT TIME, SHE MADE A STATEMENT --

16          A           YES.

17          Q           -- ABOUT WANTING TO DIE?

18          A           YES.

19          Q           CAN YOU RECALL HER WORDS?

20          A           I CAN'T RECALL THE EXACT WORDS, NO.

21          Q           TO YOUR KNOWLEDGE, AT ANY POINT DID TARA  
22 BECOME HOSPITALIZED WHILE SHE WAS IN NEW JERSEY?

23          A           YES.

24          Q           HOW DID YOU BECOME AWARE OF THAT?

25          A           THE MOMENT IT HAPPENED, SHE WAS TAKEN  
26 AGAINST HER WILL TO THE PSYCHIATRIC WARD IN NEW JERSEY,  
27 THE HOSPITAL THERE.

28          Q           AND WHO INFORMED YOU OF THAT?

1           A           I BELIEVE IT WAS LINDA.

2           THE COURT:    MEANING HER MOTHER?

3           THE WITNESS:  YEAH, HER MOTHER, YES.

4 BY MS. MC BROOM:

5           Q           ARE YOU AWARE OF ABOUT HOW LONG TARA  
6 REMAINED AT THE HOSPITAL?

7           A           IT WAS APPROXIMATELY A WEEK.

8           Q           DID YOU SPEAK WITH TARA WHILE SHE WAS  
9 HOSPITALIZED?

10          A           YES, I DID.

11          Q           DID SHE CONTINUE TO COMPLAIN OF SYMPTOMS  
12 WHILE SHE WAS HOSPITALIZED?

13          A           YES, SHE DID.

14          Q           DID SHE COMPLAIN OF WANTING TO DIE WHEN SHE  
15 WAS HOSPITALIZED?

16          A           NOT SO MUCH, NO.  I THINK MAYBE ONCE.

17          Q           SO IS IT YOUR UNDERSTANDING SHE WAS THERE  
18 FOR ABOUT FIVE DAYS, AND THEN DID YOU HAVE ANY IDEA WHEN  
19 DURING THE HOLIDAYS SHE WAS HOSPITALIZED?

20          A           APPROXIMATELY TEN DAYS BEFORE CHRISTMAS.  
21 APPROXIMATELY.

22          Q           AND YOU MENTIONED SHE RETURNED HOME TO  
23 LOS ANGELES ON CHRISTMAS DAY?

24          A           THAT'S CORRECT.

25          Q           NOW, HOW DID -- DID TARA DESCRIBE TO YOU HOW  
26 SHE FELT ABOUT THE HOSPITALIZATION?

27          A           SHE WAS ANGRY.

28          Q           IS THAT BECAUSE SHE DIDN'T WANT TO BE TAKEN

1 TO THE HOSPITAL?

2 A THAT'S CORRECT.

3 Q DID THAT CHANGE HER APPROACH IN TERMS OF HER  
4 RELATIONSHIPS WITH HER DOCTORS?

5 MR. BLESSEY: WELL, THAT WOULD CALL FOR  
6 SPECULATION, YOUR HONOR.

7 THE COURT: SUSTAINED.

8 BY MS. MC BROOM:

9 Q DID TARA -- YOU MENTIONED YESTERDAY THAT  
10 TARA WAS PRETTY OPEN WITH YOU, THAT YOU ACCOMPANIED HER ON  
11 SEVERAL APPOINTMENTS -- DOCTORS' APPOINTMENTS, AND, YOU  
12 KNOW, GOT ABOUT 80 PERCENT OF HER PRESCRIPTIONS FOR HER?

13 A YES.

14 Q DID THAT CHANGE AFTER THIS HOSPITALIZATION?

15 A YES.

16 Q CAN YOU DESCRIBE FOR US HOW THAT CHANGED?

17 A YES. SHE HAD MENTIONED --

18 Q TAKE YOUR TIME. TAKE YOUR TIME.

19 A SHE FELT THAT BY BEING OPEN IS WHY SHE GOT  
20 TAKEN AWAY, AND SHE WASN'T GOING TO LET ANYONE KNOW FROM  
21 THAT POINT ON WHAT WAS GOING ON, INCLUDING ME. SHE  
22 SAID -- SHE WOULDN'T LET HER MOTHER VISIT HER. SHE  
23 ALLOWED HER FATHER TO VISIT HER.

24 BUT SHE SAYS, "NO ONE IS GOING TO KNOW ABOUT  
25 MY PERSONAL HEALTH FROM THIS POINT FORWARD BECAUSE IT'S  
26 USED AGAINST ME."

27 THAT'S WHAT HAPPENED.

28 Q WHEN -- WHEN TARA RETURNED TO LOS ANGELES,

1 HOW DID SHE APPEAR TO BE DOING TO YOU FOLLOWING HER  
2 RELEASE FROM THE HOSPITAL?

3 A SHE WAS REALLY GLAD TO BE BACK AND -- AND  
4 CALM AND -- I DON'T KNOW. I KIND OF -- I SENSED A  
5 DIFFERENT SENSE OF APPRECIATION FOR MYSELF, AND -- AND SHE  
6 SAID SHE NEVER WANTED TO GO BACK TO NEW JERSEY AGAIN.

7 Q WHAT -- I'M NOT GOING TO QUITE GET INTO THE  
8 DOCTORS' APPOINTMENTS YET, BUT WHAT TYPES OF THINGS WAS  
9 TARA DOING WHEN SHE RETURNED TO LOS ANGELES?

10 A SHE -- SHE LIKED TO PRAY. SHE -- SHE -- SHE  
11 FELL IN LOVE WITH JESUS AND SAID TO ME ONE DAY DURING THE  
12 WEEK, "GOSH, I WISH IT WAS SUNDAY BECAUSE I COULD GO PRAY  
13 AND TO CHURCH."

14 AND I SAID, "WELL, YOU KNOW, CATHOLIC  
15 CHURCHES, YOU CAN PRAY 18 TIMES A DAY IF YOU WANT."

16 AND, YOU KNOW, EUREKA. AND THERE WAS A  
17 CATHOLIC CHURCH DOWN THE HILL. I TOOK HER DOWN THERE.  
18 AND SHE JUST FELL IN LOVE WITH -- WITH THE CATHOLIC CHURCH  
19 AND MOTHER MARY.

20 Q DO YOU HAPPEN TO KNOW THE NAME OF THE  
21 CHURCH?

22 A OH, GOSH. YES, I DO. IT'S ON HOLLOWAY, BUT  
23 I JUST -- I'M SORRY -- I JUST CAN'T QUITE THINK OF THE  
24 NAME.

25 Q THAT'S OKAY.

26 DID SHE BECOME A PARISHIONER THERE?

27 A I BEG YOUR PARDON?

28 Q DID SHE ATTEND CHURCH REGULARLY THERE?



1           A           OH, YES, YES. SHE WOULD GO MORNING AND NOON  
2 AND OFTEN EVENING, ALMOST DAILY.

3           THE COURT:   WHEN WAS THIS NOW, EARLY 2010?

4           THE WITNESS:  2010.   JANUARY 2010, SHE BEGAN.

5                    AND SHE -- IT BROUGHT A LOT OF LIGHT TO  
6 HER -- TO HER.   IT WAS A GOOD THING.   SHE JOINED THE BIBLE  
7 STUDY THERE.

8 BY MS. MC BROOM:

9           Q           WAS SHE INVOLVED IN ANY OTHER ACTIVITIES IN  
10 THAT TIME PERIOD?

11          A           SHE WAS ENCOURAGED BY HER MOTHER AND MYSELF  
12 TO GO TO AN ACTING CLASS.   AND SHE WAS VERY HESITANT TO  
13 GO, AND HER MOTHER AND I CONVINCED HER TO GO.   AND SHE WAS  
14 AFRAID TO GO BECAUSE OF THE PROBLEMS WITH -- WITH HER  
15 CONCENTRATION AND SO FORTH.   SHE DIDN'T WANT TO BE  
16 EMBARRASSED.   AND SO SHE WENT.   THE FIGHTER SHE IS, SHE  
17 WENT.

18          Q           DID SHE -- DID SHE TELL YOU SHE WAS  
19 CONTINUING TO HAVE MEMORY PROBLEMS IN THE CLASSES THAT SHE  
20 -- YOU KNOW, THE ACTING CLASSES SHE WAS TAKING IN 2010?

21          A           YES.   SHE CONTINUED TO COMPLAIN ABOUT THE  
22 THROAT THING AND THE HEAD THING AND THE VOICES, BUT SHE  
23 WASN'T GOING TO LET THAT STOP HER.

24          Q           NOW, DURING -- DURING THIS TIME PERIOD --  
25 I'M TALKING ABOUT BETWEEN JANUARY 2010 AND, YOU KNOW, THE  
26 DAY PRIOR TO THE FINAL APPOINTMENT WITH DR. SHAINSKY, DID  
27 TARA COMPLAIN TO YOU THAT SHE WANTED TO DIE OR COULDN'T  
28 TAKE IT ANYMORE, THINGS OF THAT NATURE?

1           A           YES, SHE DID.

2           Q           OKAY. ABOUT HOW MANY TIMES DID SHE MAKE  
3 SUCH STATEMENTS TO YOU IN THAT TIME PERIOD?

4           A           TWICE A WEEK.

5           Q           CAN YOU THINK OF ANY SPECIFIC INSTANCES IN  
6 WHICH SHE MADE SUCH STATEMENTS?

7           A           THERE WAS A TIME IN EARLY MARCH WHEN WE WENT  
8 TO THE MALL, CENTURY CITY MALL, AND SHE GOT ANGRY, SHE  
9 BECAME FRUSTRATED. AND WHEN SHE BECAME FRUSTRATED, SHE  
10 WOULD BECOME ANGRY IF SHE COULDN'T THINK OF SOMETHING.  
11 AND THEN WHEN SHE BECAME ANGRY, SOMETIMES SHE WOULD GET --  
12 GO INTO A RAGE, JUST A RAGE.

13          Q           AND DURING THAT RAGE, DID SHE MAKE A  
14 STATEMENT TO THE EFFECT OF SHE DIDN'T WANT TO LIVE  
15 ANYMORE?

16          A           NOT DURING THE RAGE, NO.

17          Q           CAN YOU THINK OF ANY INSTANCES BETWEEN  
18 JANUARY 2010 AND PRIOR TO THAT LAST APPOINTMENT WITH  
19 DR. SHAINSKY WHERE SHE MADE STATEMENTS SUCH AS "I CAN'T  
20 TAKE THIS ANYMORE. I DON'T WANT TO LIVE ANYMORE"?

21          A           I WOULD SAY IT WOULD BE LATE FEBRUARY WHEN  
22 SHE GOES, "COULD WE BUY A GUN?"

23                       AND I SAID, "NO."

24                       AND SHE GOES, "WELL, I DON'T WANT TO LIVE  
25 ANYMORE."

26                       AND I SAID -- SHE GOES, "WILL YOU DIE WITH  
27 ME?"

28                       "NO."

1                   AND I SAID -- BUT I KIND OF TRIED TO MAKE  
2 LIGHT OF IT, AND I SAID, "SO WOULD YOU LIKE TO -- YOU  
3 COULD GO JUMP OFF A BUILDING."

4                   AND SHE THOUGHT, "NO."

5                   I SAID, "YOU COULD STAND IN FRONT OF A  
6 TRAIN."

7                   "NO."

8                   I SAID, "YOU COULD DROWN."

9                   "NO, NO."

10                  Q           SO --

11                  A           I TRIED TO MAKE LIGHT OF IT, THE OLD -- TRY  
12 TO BRING THE REALITY. "WHAT ABOUT YOUR -- WHAT ABOUT YOUR  
13 GRANDMOTHER? WHAT ABOUT -- WHAT ABOUT --"

14                  Q           WAS THAT YOUR WAY -- IS THAT YOUR WAY OF  
15 COPING WITH WHAT SHE WAS TELLING YOU?

16                  A           PERHAPS, AND -- AND THEN, AS SHE WOULD HAVE  
17 MOMENTS OF FEELING REALLY GOOD, IT SEEMED LIKE IT WAS --  
18 IT WAS REGULAR TO THE POINT WHERE IT'S JUST ANOTHER ONE OF  
19 HER -- YOU KNOW, SHE'S DOWN AND THEN SHE WOULD BE BACK.

20                  Q           ARE YOU TELLING ME THAT SHE WAS -- IN THIS  
21 PERIOD, SHE WAS HAVING HIGHS AND LOWS?

22                  A           YES, THAT'S CORRECT.

23                  Q           NOW, IN 2010, ARE YOU AWARE OF WHETHER TARA  
24 CONSULTED WITH ANY PAIN SPECIALIST OR ANY DOCTORS  
25 CONCERNING PAIN SYMPTOMS?

26                  A           YES.

27                  Q           OKAY. CAN YOU RECALL THE NAMES OF SOME OF  
28 THE DOCTORS SHE CONSULTED WITH?

1           A           I KNOW WHERE THEY ARE.  THERE'S A DOCTOR OUT  
2 IN THE VALLEY.  HER -- ONE OF HER GOOD FRIENDS HAD A  
3 PAIN -- A PROBLEM, WHO HAD A PAIN DOCTOR, AND SO SHE  
4 REFERRED THE PAIN DOCTOR TO TARA.  AND SO SHE MADE AN  
5 APPOINTMENT, AND WE WENT OUT THERE.

6           Q           IS THAT DR. BRADLEY SPIEGEL?

7           A           I BELIEVE THAT'S THE NAME, YES, THAT'S  
8 CORRECT.

9           Q           AND CAN YOU REMIND ME AGAIN, ABOUT WHEN DO  
10 YOU THINK THAT VISIT WAS?

11          A           I BELIEVE THAT WAS IN JANUARY.

12          Q           OKAY.  AND YOU ATTENDED THAT APPOINTMENT?

13          A           THAT'S CORRECT.

14          Q           ABOUT HOW LONG WAS THAT APPOINTMENT?

15          A           45 MINUTES.

16          Q           WERE YOU PRESENT DURING THE ENTIRE  
17 APPOINTMENT?

18          A           YES, I WAS.

19          Q           DID TARA PROVIDE HER PSYCHIATRIC HISTORY TO  
20 DR. SPIEGEL?

21          A           SHE MENTIONED THAT SHE HAD A PSYCHIATRIST.  
22 SHE WAS A BIT TIGHT-LIPPED, AS I MENTIONED.  AT THAT  
23 POINT, SHE WOULDN'T EXPLAIN EVERYTHING.  SHE SHARED WITH  
24 HIM HER SYMPTOMS MORE THAN ANYTHING.

25          Q           OKAY.  WHAT SYMPTOMS DID SHE SHARE WITH  
26 DR. SPIEGEL?

27          A           THE -- THE -- THE BURNING OF THE -- OF THE  
28 HEAD, THE ITCHING OF THE HEAD, THE THROAT THING, THE ACHES

1 ALL DOWN ONE SIDE OF HER BODY, AND -- AND -- AND JUST  
2 THIS -- THIS GENERAL, OVERALL, MISERABLE, PAINFUL STATE  
3 THAT SHE WOULD FALL INTO.

4 Q DO YOU RECALL WHETHER SHE DISCLOSED THAT SHE  
5 WAS ON PSYCHIATRIC MEDICATION?

6 A I CAN'T REMEMBER THAT.

7 Q OKAY. DO YOU RECALL DR. SPIEGEL MAKING ANY  
8 INQUIRIES INTO TARA'S PSYCHIATRIC HISTORY?

9 A I CAN'T RECALL THAT.

10 Q DO YOU RECALL WHETHER DR. SPIEGEL DIAGNOSED  
11 TARA?

12 A I DO RECALL WHAT WAS -- WHAT WAS DISCUSSED  
13 VERY CLEARLY, WHICH WAS -- I'M --

14 MR. BLESSEY: OBJECT. HE'S TALKING ABOUT THE  
15 DOCTOR'S STATEMENTS, YOUR HONOR.

16 THE COURT: SUSTAINED.

17 MS. MC BROOM: THAT'S OKAY.

18 Q NOW, DID DR. SPIEGEL PROVIDE TARA WITH ANY  
19 PRESCRIPTIONS?

20 A YES, HE DID.

21 Q ARE YOU AWARE OF WHAT PRESCRIPTIONS HE  
22 PRESCRIBED TO HER?

23 A YES.

24 Q AND WHAT WERE THOSE?

25 A NORCO.

26 Q DO YOU KNOW HOW MANY HE PROVIDED TO HER?

27 A I BELIEVE IT WAS EIGHT -- EIGHT -- EIGHT  
28 TABLETS.

1 THE COURT: NOW, THIS NORCO, SHE'D BEEN ON THAT FOR  
2 QUITE SOME TIME?

3 THE WITNESS: YES, THAT'S CORRECT.

4 BY MS. MC BROOM:

5 Q SO HOW DID TARA REACT WHEN SHE RECEIVED THAT  
6 PRESCRIPTION?

7 A SHE GOT THE -- WENT -- I WENT AND FILLED  
8 THAT PRESCRIPTION AND -- AND HE SAID, "THIS SHOULD LAST  
9 YOU A WEEK OR SO," AND RECOMMEND -- RECOMMENDED THAT SHE  
10 GO GET DIAGNOSED PROPERLY.

11 Q SATISFIED WITH THE PRESCRIPTION?

12 A WHEN SHE FIRST RECEIVED IT.

13 Q AT ANY POINT WAS SHE UNSATISFIED WITH THE  
14 PRESCRIPTION?

15 MR. BLESSEY: AGAIN, YOUR HONOR, THIS WOULD CALL  
16 FOR SPECULATION, THE WAY IT'S PHRASED.

17 THE COURT: SUSTAINED.

18 BY MS. MC BROOM:

19 Q DID -- DID TARA EVER COMPLAIN TO YOU THAT  
20 SHE WAS -- TO YOU OR TO THE DOCTOR IN HER PRESENCE THAT  
21 SHE WAS UNSATISFIED WITH THE PRESCRIPTION SHE HAD BEEN  
22 PROVIDED?

23 A YES, SHE COMPLAINED TO ME.

24 Q AND WHAT DID SHE TELL YOU?

25 A SHE SAID THAT THE PRESCRIPTION RAN OUT, AND  
26 SHE NEEDED IT REFILLED.

27 Q DO YOU RECALL HER BECOMING UPSET AT THE  
28 DOCTOR'S OFFICE?

1           A           NO. SHE WAS NOT UPSET AT THE DOCTOR'S  
2 OFFICE. SHE WAS UPSET AT HOME.

3           Q           DID TARA CONSULT WITH ANY OTHER PHYSICIANS,  
4 OTHER THAN DR. SHAINSKY, REGARDING HER PAIN SYMPTOMS?

5           A           YES, SHE DID.

6           Q           CAN YOU RECALL ANY OTHER DOCTORS?

7           A           DR. SPIEGEL REFERRED A NEUROLOGIST, AND HE  
8 REFERRED A GENERAL PHYSICIAN, SO THAT SHE COULD BE  
9 DIAGNOSED EXACTLY WHAT THESE PAINS WERE, SO THAT HE COULD  
10 TREAT HER.

11          Q           NOW, THE GENERAL PRACTITIONER, DID SHE END  
12 UP GOING TO A GENERAL PRACTITIONER, TO YOUR UNDERSTANDING?

13          A           YES, SHE DID.

14          Q           DID YOU ACCOMPANY HER ON THAT VISIT?

15          A           YES, I DID.

16          Q           DID YOU RECALL THE NAME OF THE DOCTOR?

17          A           NO. I COULD TELL YOU EXACTLY WHERE HIS  
18 OFFICE IS, WHAT IT WAS LIKE. I FORGET --

19          Q           WHERE IS HIS OFFICE?

20          A           BEVERLY HILLS.

21          Q           DR. DAVID RAMIN?

22          A           THAT IS CORRECT, DR. DAVID RAMIN.

23          Q           HOW MANY APPOINTMENTS DID TARA HAVE WITH  
24 DR. RAMIN?

25          A           I BELIEVE TWO OR THREE.

26          Q           AND YOU ATTENDED THOSE APPOINTMENTS?

27          A           YES, I DID.

28          THE COURT: CAN YOU GIVE US A TIMELINE NOW? ARE WE

1 TALKING FEBRUARY OF 2010?

2 THE WITNESS: THAT WOULD BE LATE JANUARY, EARLY  
3 FEBRUARY.

4 BY MS. MC BROOM:

5 Q NOW LET'S GO TO THE FIRST APPOINTMENT WITH  
6 DR. RAMIN, LATE JANUARY.

7 ABOUT HOW LONG WAS THAT APPOINTMENT?

8 A 45 MINUTES.

9 Q OKAY. AND DID TARA PROVIDE DR. RAMIN WITH A  
10 DESCRIPTION OF HER PSYCHIATRIC HISTORY?

11 A YES, SHE DID.

12 Q DID SHE TELL DR. RAMIN ABOUT HER PSYCHIATRIC  
13 MEDICATIONS?

14 A YES, SHE DID.

15 Q DID SHE DESCRIBE PAIN SYMPTOMS TO DR. RAMIN?

16 A YES, SHE DID, BUT SHE WAS VAGUE.

17 Q CAN YOU RECALL SPECIFICALLY WHAT SHE  
18 COMPLAINED OF TO DR. RAMIN?

19 A THE SYMPTOMS OF THE THROAT THING CLOSING UP,  
20 THE BURNING, THE ITCHING, THE PAIN ON HER SIDE, THE  
21 CONFUSION THAT IT CAUSED, THE DEPRESSION THAT IT CAUSED.

22 Q NOW, AT THE CONCLUSION OF THAT APPOINTMENT,  
23 DID DR. RAMIN PROVIDE TARA WITH ANY PRESCRIPTIONS?

24 A YES, HE DID.

25 Q ARE YOU AWARE OF WHAT HE PROVIDED TO HER?

26 A YES. NORCO.

27 Q NORCO.

28 ARE YOU AWARE OF HOW MANY PILLS HE PROVIDED



1 TO HER ON THAT --

2 A I BELIEVE IT WAS -- I BELIEVE IT WAS ABOUT  
3 14 TABLETS.

4 Q NOW, DID TARA REQUEST THOSE PAINKILLERS FROM  
5 DR. RAMIN?

6 A YES, SHE DID.

7 Q AND WITH DR. SPIEGEL, DID TARA REQUEST THOSE  
8 PAINKILLERS FROM DR. SPIEGEL?

9 A YES, SHE DID.

10 Q THERE WAS A SECOND APPOINTMENT WITH  
11 DR. RAMIN?

12 A YES.

13 Q AND YOU ATTENDED THAT APPOINTMENT AS WELL?

14 A YES. HOWEVER, HOW IT CHANGED WAS, I WOULD  
15 BE IN THE EXAMINATION ROOM FOR A WHILE, AND HE ASKED ME TO  
16 LEAVE AT ONE POINT, AND SHE SAID, "PLEASE LEAVE." HE  
17 WANTED TO TALK TO HER ALONE.

18 Q CAN YOU RECALL ANY OTHER PRESCRIPTIONS  
19 DR. RAMIN PROVIDED TO TARA ON THAT FIRST VISIT?

20 A NO.

21 Q IT'S OKAY.

22 WHAT ABOUT THE SECOND VISIT; DID HE PROVIDE  
23 HER WITH A PRESCRIPTION?

24 A YES, HE DID. I WAS IN THE ROOM THAT TIME.

25 Q OKAY. AND WHAT DID HE GIVE HER?

26 A NORCO.

27 Q ARE YOU AWARE OF HOW MANY NORCO HE PROVIDED?

28 A IT WAS A SMALLER PRESCRIPTION THAN THE FIRST

1 TIME. HE EXPRESSED THAT HE CAN'T DO THIS.

2 MR. BLESSEY: I MOVE TO STRIKE THE LAST STATEMENT.

3 THE COURT: STRICKEN AS TO WHAT HE SAID.

4 MS. MC BROOM: EXCUSE ME, YOUR HONOR. YOUR HONOR,  
5 WE'RE NOT OFFERING EVIDENCE OF WHAT DR. RAMIN ADVISED TARA  
6 AS PROOF OF THE MATTER ASSERTED, BUT RATHER WHETHER TARA  
7 AND DAVID TOOK ACTION IN RESPONSE.

8 THE COURT: SO IT'S NOT BEING OFFERED FOR A HEARSAY  
9 REASON?

10 MS. MC BROOM: YES.

11 THE COURT: WELL, ALL RIGHT. WHY DON'T YOU ASK  
12 HIM, THE WITNESS, WHAT HE DID IN REGARDS TO WHAT THE  
13 DOCTOR SAID WITHOUT DESCRIBING WHAT HE SAID.

14 BY MS. MC BROOM:

15 Q GIVEN WHAT DR. RAMIN SAID WITHOUT, YOU KNOW,  
16 QUOTING HIM, HOW DID YOU AND TARA -- AND/OR TARA RESPOND  
17 TO HIS WORDS CONCERNING THE PRESCRIPTION?

18 A HE BELIEVED AND SHE BELIEVED THAT HER  
19 CONDITION --

20 MR. BLESSEY: I'M SORRY TO INTERRUPT THE WITNESS,  
21 BUT STARTED WITH "HE BELIEVED."

22 THE COURT: YOU CAN TELL US WHAT YOU AND SHE DID.

23 THE WITNESS: WE -- WE FELT THAT SHE HAD  
24 FIBROMYALGIA, BASED ON LIKE WHAT EVERY -- ALL THE DOCTORS.  
25 WE HAD AN M.R.I. OF HER BRAIN. WE HAD A NEUROLOGIST. AND  
26 IT APPEARED -- AND -- AND IT SEEMED SHE HAD THIS CONDITION  
27 CALLED FIBROMYALGIA.

28 AND WE -- WE WANTED -- SHE SAID -- WE SAID,

1 "HOW DOES SHE DEAL WITH THIS PAIN OF FIBROMYALGIA IF HE  
2 CAN'T PRESCRIBE PAIN PILLS ON A CONSISTENT BASIS?"

3 AND HE SAID, "YOU NEED TO SEE A  
4 RHEUMATOLOGIST."

5 MR. BLESSEY: OBJECTION. HEARSAY.

6 THE COURT: SUSTAINED. STRICKEN AS TO WHAT HE  
7 SAID.

8 THE WITNESS: SO WE SAID -- WE SOUGHT OUT THE  
9 RECOMMENDATIONS, A DOCTOR THAT COULD PRESCRIBE PAIN PILLS  
10 ON A REGULAR BASIS. THAT'S WHAT WE DECIDED WOULD BE THE  
11 THING TO DO.

12 MS. MC BROOM: OKAY.

13 Q AND DID HE REFER -- DID DR. RAMIN REFER TARA  
14 TO A PARTICULAR DOCTOR?

15 A YES, HE DID.

16 Q AND WHO DID HE REFER HER TO?

17 A DR. SHAINSKY.

18 Q WE'LL GET TO THOSE VISITS IN JUST A SECOND.

19 I WANT TO ASK YOU WHETHER YOU'RE AWARE OF  
20 WHETHER TARA CONSULTED WITH HER PSYCHIATRIST AT ANY POINT  
21 IN THE YEAR 2010 PRIOR TO HER DEATH.

22 A I WAS UNAWARE.

23 Q DID SHE SPECIFICALLY TELL YOU THAT SHE  
24 DIDN'T WANT YOU TO COME TO THE PSYCHIATRIST APPOINTMENT?

25 A YES.

26 Q SO WAS THERE AN APPOINTMENT YOU DIDN'T  
27 ATTEND, OR YOU'RE NOT AWARE IF SHE ATTENDED THE  
28 APPOINTMENT OR NOT?

1 A I WASN'T AWARE SHE WENT ON AN APPOINTMENT.

2 Q ARE YOU AWARE OF HOW MANY VISITS TARA HAD  
3 WITH DR. SHAINSKY?

4 A I BELIEVE THREE.

5 Q DID YOU ATTEND ALL THREE VISITS?

6 A NO.

7 Q HOW MANY DID YOU ATTEND?

8 A I WAS THERE ON THE INITIAL CONSULTATION, AND  
9 I WAS THERE ON THE LAST VISIT SHE HAD.

10 Q LET'S TALK ABOUT THE FIRST VISIT.

11 CAN YOU RECALL THE DATE OF THAT VISIT OR THE  
12 APPROXIMATE DATE?

13 A IT WAS FEBRUARY, I BELIEVE.

14 Q NOW, HOW LONG DID THIS FIRST APPOINTMENT  
15 WITH DR. SHAINSKY LAST?

16 A I WOULD SAY 45 MINUTES, PERHAPS A LITTLE  
17 LONGER.

18 Q WAS THERE AN INITIAL CONSULTATION, OR WAS  
19 THERE AN EXAM INITIALLY?

20 A I WAS -- I WAS PRESENT AT THE INITIAL  
21 CONSULTATION IN HER OFFICE --

22 Q OKAY.

23 A -- AND THEN THEY WENT INTO THE EXAMINATION  
24 ROOM ALONE.

25 Q OKAY. LET'S TALK ABOUT THE CONSULTATION.  
26 DURING THAT TIME, DID TARA DISCLOSE TO  
27 DR. SHAINSKY HER PSYCHIATRIC HISTORY?

28 A SHE DID IN A VAGUE WAY.

1 Q OKAY. SO YOU FELT THAT -- DID YOU THE FEEL  
2 THAT SHE WAS HOLDING BACK?

3 A YES.

4 Q OKAY. DID SHE DISCLOSE TO DR. SHAINSKY  
5 WHETHER OR NOT SHE WAS TAKING ANY PSYCHIATRIC MEDICATIONS?

6 A I BELIEVE SHE DID. I -- I CAN'T RECALL  
7 EXACTLY. THE CRUX OF IT WAS THE PAIN, THE TINGLING, THE  
8 THROAT CONDITIONS.

9 Q LET'S EXPLORE THAT, THEN.

10 DURING THAT CONSULTATION, WHAT SYMPTOMS WAS  
11 TARA COMPLAINING OF TO DR. SHAINSKY?

12 A SHE WAS COMPLAINING OF THIS OVERALL PAIN,  
13 THE BURNING, THE ITCHING OF THE HEAD, THE -- THE THROAT  
14 THING.

15 Q CAN YOU BE A LITTLE BIT MORE SPECIFIC?

16 I THINK YOU TALKED ABOUT IT YESTERDAY, BUT  
17 JUST REMIND US WHAT YOU MEAN WHEN YOU SAY, "THE THROAT  
18 THING."

19 A THE THROAT THING WAS -- FELT LIKE HER THROAT  
20 WAS CLOSING UP. SHE FELT LIKE THERE WAS SOMETHING IN  
21 THERE AND IT -- IT CAUSED HER PAIN. AND THEN THE TINGLING  
22 WOULD ALL COME AND ITCHING ON THE HEAD AND THEN THE PAIN  
23 DOWN THE SIDE AND SO FORTH.

24 Q NOW, DID DR. SHAINSKY MAKE ANY INQUIRIES  
25 DURING THAT CONSULTATION -- I DON'T NEED A DIRECT QUOTE,  
26 I'M JUST INTERESTED TO KNOW IF SHE MADE ANY INQUIRIES  
27 REGARDING TARA'S PSYCHIATRIC HISTORY?

28 A I RECALL HER BEING VERY THOROUGH. AND --

1 AND BECAUSE OF THE RELATIONSHIP I HAD WITH HER REGARDING  
2 HER MEDICAL SITUATION, IF I WAS GOING TO COME ALONG AND  
3 SIT THERE WITH HER, AND WHAT HAD HAPPENED IN NEW JERSEY,  
4 SHE SAID, "I DON'T WANT YOU TO OPEN YOUR MOUTH."

5 Q WELL, LET'S -- SO ARE YOU TELLING -- OKAY.  
6 ARE YOU TELLING ME THAT BEFORE THE  
7 APPOINTMENT, TARA ADVISED YOU NOT TO DISCLOSE ANYTHING?

8 A "DO NOT MENTION WHAT HAPPENED IN NEW JERSEY"  
9 AND SO FORTH.

10 Q DID DR. SHAINSKY ASK, TO YOUR RECOLLECTION,  
11 WHETHER OR NOT TARA WAS HEARING VOICES?

12 A I CAN'T RECALL. I CAN'T RECALL.

13 Q DID SHE ASK WHETHER TARA WAS EXPERIENCING,  
14 QUOTE, UNQUOTE, "TACTILE HALLUCINATIONS"?

15 A YES. THAT'S -- I DON'T KNOW IF IT WAS  
16 HALLUCINATIONS, BUT TACTILE FEELINGS, THE TINGLING, THE  
17 PAIN, THE ITCHING.

18 Q DID DR. SHAINSKY ASK IF TARA HAD EVER BEEN  
19 ADMITTED TO A HOSPITAL RELATED TO PAIN SYMPTOMS?

20 A I BELIEVE SHE DID, YES.

21 Q AND WHAT WAS TARA'S RESPONSE?

22 A YES. I THINK WE MENTIONED THE CEDARS-SINAI  
23 EPISODE.

24 Q SO AFTER THE CONSULTATION, YOU WENT BACK  
25 INTO THE WAITING ROOM --

26 A YES.

27 Q -- IS THAT WHAT HAPPENED?

28 A THAT'S CORRECT.

1 Q DID TARA TELL YOU WHAT OCCURRED IN THE  
2 EXAMINATION ROOM?

3 A YES. AND I BELIEVE DR. SHAINSKY MENTIONED  
4 SOMETHING, TOO.

5 Q OKAY. WHAT DID TARA TELL YOU?

6 A THAT SHE WAS -- SHE GOT SOME CORTISONE SHOTS  
7 AND THEY MADE HER FEEL BETTER.

8 Q THEY MADE THE PAIN FEEL BETTER?

9 A YES.

10 Q WERE YOU -- ARE YOU AWARE OF WHETHER OR NOT  
11 DR. SHAINSKY PROVIDED ANY PRESCRIPTIONS TO TARA ON THAT  
12 FIRST VISIT?

13 A YES.

14 Q WERE YOU PRESENT WHEN DR. SHAINSKY GAVE TARA  
15 THE PRESCRIPTIONS?

16 A NO.

17 Q OKAY. SO DID TARA TELL YOU WHAT THE  
18 PRESCRIPTIONS WERE?

19 A YES.

20 Q AND WHAT DID YOU LEARN?

21 A SHE GOT MORE NORCO, AND THEN I BELIEVE THERE  
22 WAS SOMETHING ELSE. I CAN'T REMEMBER. I ONLY REMEMBER  
23 THE NORCO.

24 Q DID TARA TELL YOU HOW MANY NORCO,  
25 HYDROCODONE, PILLS SHAINSKY PRESCRIBED?

26 A NO.

27 Q DID SHE TELL YOU WHAT DOSE WAS PRESCRIBED,  
28 MEANING HOW MUCH PER DAY?

1           A           NO.

2           Q           DID YOU FILL THAT PRESCRIPTION, OR DID TARA  
3 FILL THAT PRESCRIPTION?

4           A           TARA DID.

5           Q           NOW, AT ANY POINT DURING THIS APPOINTMENT,  
6 DID DR. SHAINSKY ADVISE TARA OR DISCOURAGE HER FROM THE  
7 USE OF PAIN PILLS?

8           A           I DON'T RECALL THAT, NO.

9           Q           DID TARA EVER TELL YOU THAT DR. SHAINSKY HAD  
10 ADVISED HER NOT TO?

11          A           NO.

12          Q           DO YOU RECALL DR. SHAINSKY RECOMMENDING POOL  
13 THERAPY, SWIMMING POOL THERAPY?

14          A           YES, I BELIEVE SHE DID, YES.

15          Q           AT ANY POINT DID DR. SHAINSKY RECOMMEND  
16 COGNITIVE THERAPY WITH A PSYCHOLOGIST?

17          A           NO.

18          Q           WHAT WAS TARA'S DEemeanOR LIKE, IF YOU CAN  
19 REMEMBER, DURING THAT FIRST APPOINTMENT?

20          A           QUITE -- QUITE EVEN, QUITE CALM.

21          Q           NOW, ARE YOU AWARE OF WHETHER OR NOT  
22 DR. SHAINSKY PROVIDED TARA WITH AN ADDITIONAL PRESCRIPTION  
23 IN BETWEEN THE FIRST AND SECOND VISIT?

24          A           I WAS AWARE AFTER -- AFTER SHE HAD RECEIVED  
25 IT. I -- I SPOKE WITH PETER AND I SPOKE WITH LINDA OFTEN  
26 ABOUT WHAT WAS GOING ON. WE SPOKE -- WE WERE ALL  
27 CONCERNED, AND WE SPOKE OFTEN. EVERY DOCTOR'S  
28 APPOINTMENT, I WOULD TALK TO LINDA PRETTY MUCH, AND WE



1 WOULD DISCUSS IT AFTERWARDS.

2 Q WAS THERE A CONCERN IN PARTICULAR ABOUT THE  
3 PAINKILLERS?

4 A THE CONCERN WAS FOR -- FOR HER WELL-BEING,  
5 AND IS SHE TAKING HER MEDICINE PROPERLY? IS -- SHOULD SHE  
6 GET COGNITIVE THERAPY? YOU KNOW, WHY HASN'T BOHN  
7 RECOMMENDED THIS HARDER, YOU KNOW? WHERE CAN WE GET HER  
8 THIS? WE DISCUSSED IT IN DEPTH ALMOST DAILY.

9 Q NOW, DURING THIS TIME BETWEEN -- SPANNING  
10 OVER THE FIRST, SECOND AND THIRD VISIT -- LET'S -- LET'S  
11 ACTUALLY FOCUS BETWEEN THE FIRST AND SECOND VISIT.

12 DO YOU RECALL WHEN THE SECOND VISIT WAS?

13 A I WAS PROBABLY EARLY MARCH.

14 Q OKAY. AND YOU DIDN'T -- YOU DID NOT  
15 ACCOMPANY TARA?

16 A DID NOT, NO.

17 Q DURING THAT TIME PERIOD BETWEEN, YOU KNOW,  
18 LATE FEBRUARY, MARCH, EARLY MARCH, WAS TARA COMPLAINING TO  
19 YOU OF THE SYMPTOMS -- THE LITANY OF SYMPTOMS THAT -- THAT  
20 YOU'VE DISCUSSED THIS MORNING?

21 A YES, SHE WOULD.

22 Q WAS SHE STILL COMPLAINING OF THE AUDITORY  
23 HALLUCINATIONS?

24 A YES, SHE WAS.

25 Q AND AS YOU CALL IT, THE THROAT THING?

26 A YES.

27 Q DID YOU DISCUSS WITH TARA THAT SECOND VISIT  
28 WITH DR. SHAINSKY?

1           A           IN -- IN -- IN BRIEF, "HOW DID IT GO?"

2                        AND SHE WAS VERY SHORT WITH ME ABOUT HER --  
3 HER MEDICAL MEETINGS IF I WASN'T THERE. SO IT WAS VERY  
4 SHORT, "OH, IT WENT FINE."

5           Q           DID SHE TYPICALLY SHARE MORE INFORMATION  
6 WITH YOU?

7           A           BEFORE THE NEW JERSEY INCIDENT, YES, A LOT  
8 MORE.

9           Q           WERE YOU -- DID YOU BECOME AWARE AT THE TIME  
10 THAT -- WHETHER DR. SHAINSKY HAD PRESCRIBED ANY  
11 MEDICATIONS DURING THAT SECOND VISIT?

12           A           I -- I BECAME AWARE AFTER, AFTER SHE SAID,  
13 "I JUST GOT MY PRESCRIPTION FILLED."

14           Q           DID YOU HAVE ANY KNOWLEDGE OF HOW MANY PILLS  
15 HAD BEEN PRESCRIBED AT THAT VISIT?

16           A           NO, I DID NOT. I WAS -- AS LONG AS SHE  
17 COULD BE IN COMFORT.

18           Q           NOW, WAS ANYTHING GOING ON IN YOUR LIVES  
19 DURING THIS TIME PERIOD THAT WAS PARTICULARLY STRESSFUL?

20           A           YES.

21           Q           WHAT WAS HAPPENING?

22           A           WE MOVED FROM OUR HOUSE THAT WE'D BEEN IN  
23 FOR FIVE YEARS. OUR FINANCES HAD CHANGED SIGNIFICANTLY,  
24 AND -- AND -- AND WE NEEDED TO MOVE INTO AN APARTMENT.

25           Q           DID YOU -- DID YOU JUST SAY YOUR FINANCIAL  
26 CIRCUMSTANCES HAD CHANGED?

27           A           YES.

28           Q           OKAY. I'M SORRY.

1 YOU WERE HAVING FINANCIAL DIFFICULTY?

2 A YES.

3 Q AND HOW LONG HAD YOU BEEN PLANNING THIS  
4 MOVE?

5 A SINCE ABOUT JANUARY.

6 Q JANUARY OF 2010?

7 A 2010.

8 Q OKAY. DO YOU RECALL WHAT DAY YOU MOVED?

9 A MARCH 15TH.

10 Q YOU WERE MOVING FROM A HOUSE, DID YOU SAY,  
11 TO AN APARTMENT?

12 A THAT'S CORRECT.

13 Q WHERE WAS YOUR APPOINTMENT LOCATED?

14 A SUNSET AND VINE.

15 Q AND WAS THAT A SOURCE OF STRESS FOR YOU AND  
16 TARA?

17 A IT WAS MORE STRESS FOR ME. FOR HER, IT WAS  
18 MORE LIKE "I'M NOT MOVING INTO THAT PRISON."

19 AND IT'S ACTUALLY A FAIRLY NICE APARTMENT,  
20 BUT SHE -- SHE LIKED THE HOUSE. AND SO AT FIRST, SHE WAS,  
21 YOU KNOW, AGAINST IT. SHE WAS GOING TO KEEP THE HOUSE,  
22 AND I WAS GOING TO --

23 Q YOU ARE TELLING ME SHE LIKED THE HOUSE?

24 A SHE LIKED THE HOUSE.

25 Q AND THAT SHE WAS NOT INITIALLY VERY PLEASED  
26 ABOUT THE --

27 A NO.

28 Q OKAY. I WANT TO JUMP TO THE THIRD VISIT

1 WITH DR. SHAINSKY.

2 DO YOU RECALL THAT VISIT?

3 A YES, VERY WELL.

4 Q TAKE YOUR TIME. I WANT TO TAKE YOU BACK TO  
5 THAT -- TO THAT DAY PRIOR TO THE APPOINTMENT.

6 HOW WAS -- HOW WAS TARA DOING THAT DAY?

7 A TERRIBLE.

8 Q CAN YOU -- AS DIFFICULT AS IT IS, CAN YOU  
9 EXPLAIN TO ME WHAT SHE WAS TELLING YOU AND WHAT YOU  
10 OBSERVED?

11 A SHE FELT HER SOUL HAD BEEN TAKEN. SHE  
12 WANTED TO DIE.

13 Q DID SHE MAKE THAT STATEMENT TO YOU?

14 A YES.

15 Q TELL ME WHAT SHE DID THAT DAY.

16 THE COURT: I'M SORRY. WHAT DAY WAS THIS?

17 THE WITNESS: MARCH 22ND.

18 THE COURT: OKAY.

19 THE WITNESS: MONDAY.

20 BY MS. MC BROOM:

21 Q DO YOU NEED ME TO REMIND YOU -- I'M TRYING  
22 TO GET AN IDEA OF WHAT SHE DID THAT DAY AFTER SHE WOKE UP.

23 A SHE DIDN'T GET OUT OF BED. SHE HAD A  
24 CONVERSATION WITH HER MOTHER.

25 Q HOW LONG WAS SHE IN BED THAT DAY?

26 A UNTIL I GOT HER OUT OF BED TO GO SEE THE  
27 DOCTOR.

28 Q DID SHE COMPLAIN TO YOU OF ANY SPECIFIC

1 SYMPTOMS THAT DAY?

2 A YES.

3 Q WHAT DID SHE TELL YOU?

4 A THE PAIN, BEYOND MANAGE -- SHE COULD NOT  
5 MANAGE THE PAIN ANY FURTHER, AND SHE WANTED TO DIE. SHE'S  
6 HAD IT.

7 Q DID SHE MENTION ANY OTHER SYMPTOMS TO YOU?

8 A THE SAME SYMPTOMS WE'RE DISCUSSING BUT JUST  
9 BEYOND MANAGEABILITY AT THIS TIME.

10 Q WHEN YOU SAY "THE SAME SYMPTOMS," YOU MEAN  
11 THE AUDITORY HALLUCINATIONS?

12 A YES.

13 Q THE BURNING?

14 A BURNING.

15 MR. BLESSEY: YOUR HONOR, SHE'S LEADING THIS  
16 WITNESS THROUGH A LITANY OF SYMPTOMS.

17 THE COURT: SUSTAINED. SHE WAS DESCRIBING THE SAME  
18 SYMPTOMS THAT SHE'D PREVIOUSLY DESCRIBED?

19 THE WITNESS: YES, SIR, THAT'S CORRECT.

20 BY MS. MC BROOM:

21 Q WHAT DID YOU DO WHEN YOU DISCOVERED TARA  
22 LIKE THIS THAT DAY?

23 A IMMEDIATELY -- IMMEDIATELY CALLED -- I FELT  
24 IT WOULD BE BETTER TO GO SEE DR. SHAINSKY THAN GO TO THE  
25 EMERGENCY ROOM, BECAUSE DR. SHAINSKY KNOWS WHAT'S GOING ON  
26 SOMEWHAT.

27 AND I SAID, "SO LET'S MAKE AN APPOINTMENT AT  
28 DR. SHAINSKY'S" -- OR -- OR LINDA AND I HAD -- "LET'S JUST

1 GET AN APPOINTMENT WITH DR. SHAINSKY," MADE MORE SENSE  
2 THAN THE EMERGENCY ROOM. AND WE COULDN'T GET IN UNTIL  
3 ABOUT FOUR O'CLOCK, AND THIS WAS ABOUT 11:00 IN THE  
4 MORNING.

5 Q DID YOU CONTACT DR. BOHN?

6 A NO. YOU COULD NEVER CONTACT HIM.

7 Q WHAT DO YOU THE MEAN BY THAT?

8 A HE WOULD NEVER ANSWER HIS PHONE, EVER.

9 Q DO YOU RECALL ABOUT WHAT TIME OF DAY YOU  
10 WENT TO DR. SHAINSKY'S OFFICE?

11 A YES. IT WAS ABOUT FOUR O'CLOCK IN THE  
12 AFTERNOON.

13 Q DID YOU AND TARA HAVE ANY TYPE OF DISCUSSION  
14 ON THE CAR RIDE, AFTER SHE GOT OUT OF BED, TO THE  
15 DR. SHAINSKY'S OFFICE?

16 A WE WERE DISCUSSING HER -- HER -- HER MENTAL  
17 CONDITION AT THE TIME. SHE -- SHE WANTED TO KILL HERSELF.  
18 SHE WANTED TO DIE. AND I REMEMBER HOLDING HER HAND AND --  
19 "IT GETS BETTER."

20 Q SO WHEN YOU GOT TO DR. SHAINSKY'S OFFICE,  
21 HOW LONG DID YOU WAIT BEFORE YOU WENT INTO AN EXAMINATION  
22 ROOM?

23 A VERY SHORT TIME. 5 -- 5 MINUTES OR SO.

24 Q DID YOU AND TARA HAVE ANY TYPE OF DISCUSSION  
25 IN THE ROOM BEFORE DR. SHAINSKY CAME IN?

26 A NO.

27 Q I TAKE IT YOU WERE PRESENT IN THE  
28 EXAMINATION ROOM WHEN DR. SHAINSKY CAME IN?

1           A           YES.

2           Q           WHAT DID DR. SHAINSKY DO UPON ENTERING THE  
3 ROOM?

4           A           WHEN DR. SHAINSKY ENTERED THE ROOM, I WAS  
5 SITTING -- THE DOORWAY IS HERE. I'M SITTING HERE. TARA  
6 WAS ON THE LITTLE TABLE THING YOU SIT ON.

7                       DR. SHAINSKY STOPPED IN HER TRACKS IN THE  
8 DOORWAY, LOOKED AT TARA AND SAID, "OH, MY GOD. WHAT IS  
9 THE MATTER?"

10           MR. BLESSEY: YOUR HONOR, I WOULD MOVE TO STRIKE AS  
11 A HEARSAY OBJECTION.

12           MR. NEWHOUSE: A STATEMENT BY THE DEFENDANT?

13           THE COURT: OVERRULED.

14           MS. MC BROOM: OKAY.

15           THE WITNESS: SHE WAS TAKEN ABACK BY TARA'S  
16 PHYSICAL APPEARANCE AND CONDITION.

17 BY MS. MC BROOM:

18           Q           AND HOW DID TARA RESPOND TO DR. SHAINSKY'S  
19 STATEMENT?

20           A           TO THE EFFECT "I -- I JUST -- I CAN'T TAKE  
21 IT ANYMORE. I DON'T WANT TO LIVE."

22           Q           AND HOW DID DR. SHAINSKY RESPOND TO THAT  
23 STATEMENT?

24           A           "TARA, YOU CAN'T SAY THAT. THAT'S VERY,  
25 VERY SERIOUS. THIS IS -- THIS IS -- YOU CAN'T SAY THESE  
26 THINGS."

27           Q           AND THEN WHAT HAPPENED?

28           A           "I THINK I NEED TO TALK TO YOUR

1 PSYCHIATRIST."

2 AND I SAID, "I HAVE HIS NUMBER, AND I'LL  
3 GIVE YOU HIS NUMBER, BUT HE WON'T ANSWER THE PHONE."

4 SHE GOES, "I'LL GO GIVE IT A TRY ANYWAYS."

5 SO I GAVE HER THE NUMBER, AND SHE LEFT THE  
6 ROOM.

7 Q ABOUT HOW LONG WAS DR. SHAINSKY OUT OF THE  
8 ROOM?

9 A SEVERAL MINUTES.

10 Q DID YOU HAVE ANY TYPE OF CONVERSATION WITH  
11 TARA WHILE DR. SHAINSKY WAS OUT OF THE ROOM?

12 A I WAS TELLING HER TO -- TO -- "TELL HER  
13 ABOUT THESE SUICIDAL TENDENCIES AND THINGS, CONTINUE ON  
14 WITH THAT."

15 Q AND WHEN DR. SHAINSKY ENTERED THE ROOM, DID  
16 YOU MAKE THAT STATEMENT AGAIN?

17 A I -- UNDER MY BREATH TO TARA. I WAS LOOKING  
18 AT DR. SHAINSKY. TARA TURNED AT ME AND GAVE ME THE EVIL  
19 EYE TO SHUT UP.

20 Q SO YOU MADE THE STATEMENT WHEN  
21 DR. SHAINSKY --

22 A "TELL HER ABOUT YOUR FEELINGS. TELL HER  
23 ABOUT YOUR FEELINGS."

24 Q I JUST WANT TO UNDERSTAND.

25 SO WHEN DR. SHAINSKY IS IN THE ROOM, YOU  
26 MAKE THE STATEMENT TO TARA --

27 A YES.

28 Q -- AND THE STATEMENT BEING WHAT?



1           A           "TELL HER HOW -- HOW SERIOUS THIS IS."

2                    I ASKED DR. SHAINSKY, "DID YOU GET AHOLD OF  
3 HIM?

4                    "NO."

5                    BUT SHE LEFT HIM, YOU KNOW, FORWARDING  
6 NUMBERS AND STUFF.

7           Q           DID YOU USE THE TERM "SUICIDAL TENDENCIES"?

8           A           GOSH, I CAN'T RECALL THE EXACT WORDS. I'M  
9 SORRY.

10           MS. MC BROOM: ONE MOMENT, YOUR HONOR.

11           THE WITNESS: I REMEMBER SOMETHING.

12           MS. MC BROOM: OKAY.

13           Q           SO AFTER TARA SHOT YOU A LOOK, WHAT  
14 HAPPENED?

15           A           HER DEMEANOR HAD SOMEWHAT COME UP, AND SHE  
16 WAS SAYING -- DR. SHAINSKY WAS VERY CONCERNED ABOUT THESE  
17 STATEMENTS. TARA SAID SOMETHING TO THE EFFECT OF "IT'S  
18 JUST A MANNER OF SPEECH," THIS TYPE OF A THING.

19                    AND DR. SHAINSKY SAID, "WELL, YOU CAN'T DO  
20 THIS BECAUSE IT'S A VERY SERIOUS CONVERSATION. AND SO  
21 WHAT'S REALLY GOING ON HERE? LET'S SEE IF WE CAN GET YOU  
22 FEELING BETTER" --

23           Q           OKAY.

24           A           -- AND THEY BEGAN TO DISCUSS THAT.

25           Q           OKAY. SO THERE WAS NO -- AT THAT POINT, WAS  
26 THERE ANY FURTHER DISCUSSION BETWEEN TARA AND DR. SHAINSKY  
27 ABOUT WANTING TO DIE OR SPEAKING OF NOT WANTING TO LIVE  
28 ANYMORE?

1           A           TARA ACTUALLY MADE AN OPPOSITE STATEMENT, "I  
2 -- I WOULD NEVER DO THAT. I -- I -- I WANT TO LIVE," THAT  
3 TYPE OF A THING.

4           Q           AND AFTER TARA MADE THAT STATEMENT, THE  
5 CONVERSATION SWITCHED GEARS INTO A DIFFERENT SUBJECT?

6           A           IT SWITCHED INTO THE CONDITION AND THE PAIN  
7 THAT SHE WAS FEELING --

8           Q           OKAY.

9           A           -- AND HOW TO HANDLE THAT.

10          Q           DO YOU -- DO YOU RECALL A CONVERSATION  
11 BETWEEN DR. SHAINSKY AND TARA REGARDING HER CURRENT NORCO  
12 PRESCRIPTION --

13          A           YES.

14          Q           -- MEDICATION?

15          A           YES, I DO.

16          Q           WHAT DID TARA TELL DR. SHAINSKY REGARDING  
17 THE NORCO?

18          A           TARA HAD SOME SURGERY SCHEDULED FOR LATER  
19 THAT WEEK, COSMETIC SURGERY, AND THAT SHE HAD BEEN ON  
20 NORCO SO LONG SHE WAS AFRAID THAT IT WOULDN'T BE  
21 EFFECTIVE.

22                       AND DR. SHAINSKY SAID, "THAT'S BETWEEN YOU  
23 AND YOUR PAIN DOCTOR."

24          Q           OKAY. AND HOW DID TARA RESPOND TO THAT?

25          A           TARA WAS VERY FORCEFUL. SHE WAS LIKE "NO,  
26 HELP ME. THIS -- THIS -- THE NORCO ISN'T WORKING LIKE IT  
27 USED TO, AND I REALLY NEED SOMETHING THAT'S GOING TO, YOU  
28 KNOW, MAKE ME FEEL BETTER."

1 Q DID SHE ASK FOR SOMETHING STRONGER?

2 A YES, SHE ASKED FOR SOMETHING STRONGER.

3 SHE SAID, "I WANT SOMETHING STRONGER THAN  
4 THIS." SHE WAS TELLING THE DOCTOR WHAT SHE WANTED.

5 Q DID -- DO YOU RECALL DURING THIS APPOINTMENT  
6 DR. SHAINSKY EVER DISCOURAGING TARA FROM THE USE OF  
7 OPIATES, ALSO KNOWN AS NARCOTICS?

8 A I RECALL HER SAYING, "I'M NOT GIVING YOU  
9 ANYTHING STRONGER. I WILL GIVE YOU SOMETHING ELSE BUT NOT  
10 STRONGER, A DIFFERENT -- A DIFFERENT PAIN PILL. I'M NOT  
11 GIVING YOU ANYTHING STRONGER."

12 MS. MC BROOM: ONE SECOND, YOUR HONOR.

13 Q AND DID DR. SHAINSKY PROVIDE TARA WITH A  
14 PRESCRIPTION THAT AFTERNOON?

15 A YES.

16 Q DID SHE GIVE THE PRESCRIPTION TO YOU OR TO  
17 TARA?

18 A SHE GAVE IT TO TARA DIRECTLY.

19 Q WERE YOU AWARE OF THE TYPE OF MEDICATION SHE  
20 WAS PROVIDING TO TARA?

21 A I RECALL IT BEING PERCOCET.

22 Q OKAY.

23 A SHE SAID, "YOU'RE NOT GOING TO GET THE SAME  
24 EUPHORIC FEELING FROM THIS AS YOU DO FROM NORCO."

25 Q SO SHE DISCUSSED A LITTLE BIT HOW TARA MIGHT  
26 REACT TO THE MEDICATION?

27 A YES.

28 Q OKAY. DID SHE SAY ANYTHING OTHER THAN WHAT

1 YOU JUST SAID, "YOU MAY NOT GET THE EUPHORIA AS YOU DO  
2 WITH NORCO"?

3 A THAT'S -- WHEN SHE HANDED HER THE  
4 PRESCRIPTION, SHE GAVE IT TO TARA LIKE THIS.

5 MR. BLESSEY: YOUR HONOR, I THINK THIS IS  
6 NONRESPONSIVE TO THE QUESTION.

7 THE COURT: SUSTAINED.

8 MS. MC BROOM: IT'S OKAY.

9 Q WERE YOU AWARE OF HOW MANY PILLS  
10 DR. SHAINSKY HAD PRESCRIBED TO TARA?

11 A NO.

12 Q WERE YOU PRESENT WHEN DR. SHAINSKY HANDED  
13 THE PRESCRIPTION TO TARA?

14 A YES.

15 Q DID DR. SHAINSKY SAY ANYTHING TO TARA WHEN  
16 SHE HANDED OVER THAT PRESCRIPTION?

17 A YES, SHE DID.

18 Q WHAT DID SHE SAY?

19 A BEFORE SHE RELEASED IT, SHE SAID, "NOW,  
20 YOU'RE NOT GOING TO HURT YOURSELF WITH THIS."

21 AND TARA SAID, "NO, I WON'T HURT MYSELF WITH  
22 THIS."

23 Q DID DR. SHAINSKY RELEASE THE PRESCRIPTION?

24 A THEN SHE RELEASED THE PRESCRIPTION. TARA  
25 WAS TUGGING.

26 Q DID YOU EVER SEE THAT PRESCRIPTION?

27 A NO.

28 Q SO ONCE YOU LEFT DR. SHAINSKY'S OFFICE,

1 WHERE DID YOU GO?

2 A WE DROVE TO C.V.S., WHICH IS AROUND THE  
3 CORNER FROM OUR NEW APARTMENT --

4 Q OKAY.

5 A -- SIX OR SEVEN BLOCKS.

6 Q CAN YOU RECALL ABOUT WHAT TIME THAT WAS?

7 A ABOUT 5:30-ISH.

8 Q AND DID THE PHARMACIST FILL THE  
9 PRESCRIPTION?

10 A NO.

11 Q WHAT HAPPENED?

12 A THE PHARMACIST LOOKED AT THE PRESCRIPTION  
13 AND SAID, "I CAN'T FILL THIS."

14 AND I WAS TALKING WITH LINDA AT THE TIME.

15 AND TARA WENT INTO A RAGE DEMANDING -- LINDA  
16 THOUGHT I WAS HAVING A FIGHT WITH TARA. TARA WAS HAVING A  
17 FIGHT WITH THE PHARMACIST.

18 Q OKAY. DID YOU LEAVE THE PHARMACY, OR DID  
19 YOU STAY AND WAIT?

20 A WE LEFT.

21 Q WHERE DID YOU GO FROM THERE?

22 A BACK TO THE APARTMENT.

23 Q SO WHAT TIME IS IT NOW THAT YOU'RE BACK IN  
24 THE APARTMENT, TO THE BEST OF YOUR RECOLLECTION?

25 A AROUND SIX O'CLOCK.

26 Q OKAY. AND WAS IT JUST THE TWO OF YOU IN THE  
27 APARTMENT?

28 A THAT'S CORRECT, YES, AND OUR CAT.

1 Q OKAY. AND WHAT DID THE TWO OF YOU DO WHEN  
2 YOU RETURNED TO THE APARTMENT?

3 A WE WENT FROM A THREE-STORY HOUSE TO A  
4 TWO-BEDROOM APARTMENT. THERE WERE BOXES EVERYWHERE. IT  
5 WAS JUST -- I'D BEEN OUT OF TOWN. IT WAS JUST --

6 Q LET ME STOP YOU THERE.  
7 YOU'D BEEN OUT OF TOWN WHEN?

8 A THE WEEK PRIOR.

9 Q OKAY. SO THERE WERE STILL BOXES SITTING  
10 AROUND, HADN'T QUITE MOVED IN?

11 A EVERYWHERE EXCEPT THE BEDROOM FOR WHICH --  
12 WE MADE IT REALLY NICE FOR HER AT THE VERY BEGINNING. ONE  
13 ROOM WAS REALLY BEAUTIFUL, SET UP.

14 Q SO CONTINUE TELLING ME WHAT THE TWO OF YOU  
15 WERE DOING AT THAT TIME WHEN YOU ARRIVED HOME.

16 A SHE WENT INTO HER ROOM TO PRAY, WHICH SHE  
17 DID OFTEN.

18 Q WHILE SHE WAS IN HER ROOM PRAYING, WHAT WERE  
19 YOU DOING?

20 A I SAT ON A LAWN CHAIR AND TURNED ON THE  
21 TELEVISION.

22 Q WHY WERE YOU IN A LAWN CHAIR?

23 A I WAS TIRED. THERE WAS NO FURNITURE.

24 Q AT SOME POINT DID YOU AND TARA GO BACK TO  
25 THE PHARMACY TO PICK UP THE PRESCRIPTION?

26 A TARA DID NOT WANT ME TO GO.

27 Q TARA WENT BY HERSELF?

28 A YES. WHEN TARA WENT INTO A RAGE, I SAT DOWN

1 AND JUST (INDICATING) -- WITH THE -- WITH THE PHARMACIST,  
2 AND SHE FELT I DIDN'T SUPPORT HER, AND SHE DIDN'T WANT ME  
3 TO GO WITH HER TO PICK UP THE PRESCRIPTION.

4 Q SO SHE WAS UPSET WITH YOU BECAUSE YOU DIDN'T  
5 INVOLVE YOURSELF?

6 A IN DEMANDING THE PRESCRIPTION TO BE FILLED.

7 Q DO YOU KNOW ABOUT WHAT TIME TARA WENT TO  
8 PICK UP THE PRESCRIPTION?

9 A IT WAS ABOUT EIGHT O'CLOCK-ISH.

10 Q LET ME ASK YOU, ARE YOU AWARE OF WHETHER OR  
11 NOT TARA IS COMMUNICATING WITH ANYBODY, MAKING ANY PHONE  
12 CALLS IN ANY WAY DURING THIS TIME PERIOD?

13 A ARE YOU TALKING ABOUT THE MONDAY AFTERNOON?

14 Q I'M TALKING ABOUT THE EVENING.

15 A I WAS UNAWARE. I BELIEVE SHE SPOKE WITH HER  
16 MOTHER.

17 Q AT ANY POINT IN THAT -- DURING THAT DAY, HAD  
18 TARA TOLD YOU THAT SHE HAD BEEN COMMUNICATING WITH AN  
19 EX-BOYFRIEND?

20 A I WAS WELL AWARE OF THAT.

21 Q OKAY. IS THAT SOMETHING YOU HAD DISCUSSED  
22 EARLIER IN THE DAY?

23 A WE DISCUSSED THAT A LITTLE BIT, YES.

24 Q OKAY. WHY DON'T YOU TELL US ABOUT THAT.  
25 WHAT WAS TARA TELLING YOU ABOUT THOSE  
26 COMMUNICATIONS WITH AN EX-BOYFRIEND?

27 WELL, FIRST, LET ME ASK YOU, DO YOU KNOW THE  
28 NAME OF THE EX-BOYFRIEND?

1           A           NIELS KANTOR.

2           Q           NIELS KANTOR.

3                        AND WHAT DID YOU LEARN ABOUT THE  
4 COMMUNICATIONS BETWEEN THE TWO THAT DAY?

5           A           HE HAD PROMISED HER A PAYMENT FOR A COUPLE  
6 OF PAINTINGS THAT SHE HAD -- ANDY WARHOL PAINTINGS THAT  
7 SHE HAD NEGOTIATED A SALE WITH HIM.

8           Q           OKAY.

9           A           AND HE HAD RENEGED ON PAYMENT THREE TIMES  
10 ALREADY, AND HE WAS -- SHE WAS UPSET THAT HE'S RENEGING  
11 AGAIN ON PAYMENT.

12          Q           SO WAS IT YOUR UNDERSTANDING THAT NIELS  
13 KANTOR, YOU KNOW, BY THE MORNING OF MARCH 22ND, HAD  
14 ALREADY RENEGED A COUPLE TIMES ON THIS -- ON A DEAL SHE  
15 HAD TO SELL THE PAINTINGS?

16          A           YES, YES, I WAS AWARE OF THAT.

17          Q           WERE YOU HAPPY ABOUT THIS?

18          A           NO, I WAS NOT HAPPY ABOUT IT AT ALL.

19          Q           WHAT DID YOU TELL HER?

20          A           I THOUGHT SHE WAS OUT OF HER MIND FOR  
21 DEALING WITH THIS PERSON IN ANY WAY, SHAPE, OR FORM. AND  
22 I DIDN'T -- I DIDN'T -- I DIDN'T CONDONE IT. I THOUGHT IT  
23 WAS SILLY, JUST TO DROP IT, FORGET THE DEAL. JUST FORGET  
24 IT.

25          Q           DID YOU HAVE THAT KIND OF CONVERSATION WITH  
26 HER IN THE MORNING PRIOR TO DR. SHAINSKY'S VISIT?

27          A           IT WAS THE WEEK PRIOR THAT WE HAD THAT TYPE  
28 OF DISCUSSION. THE DISCUSSION IN THE MORNING, MONDAY,



1 WAS -- IT WAS JUST THAT HE HAD RENEGED AGAIN. IT WAS --  
2 IT WAS MORE OF A BRUSH-OVER, BUT IT UPSET HER. SHE REALLY  
3 THOUGHT HE WAS GOING TO COME THROUGH, BUT HE DIDN'T.

4 Q SO TARA TOLD YOU THAT MORNING HE RENEGED  
5 AGAIN?

6 A IT -- IT WAS IN THE CAR ON THE WAY TO THE  
7 C.V.S.

8 Q OKAY. HOW WERE THEY COMMUNICATING? WERE  
9 THEY COMMUNICATING ON THE PHONE?

10 A PHONE, TEXT.

11 Q DID YOU HAVE ANY KNOWLEDGE AT THE TIME OF  
12 WHETHER OR NOT SHE WAS TEXTING WITH NIELS KANTOR  
13 THROUGHOUT THE DAY?

14 A I WAS UNAWARE THAT SHE WAS COMMUNICATING  
15 WITH HIM THAT DAY OR THAT EVENING.

16 Q IS THAT SOMETHING YOU DISCOVERED LATER?

17 A YES.

18 Q OKAY. SO ABOUT -- REMIND ME ABOUT WHAT TIME  
19 TARA LEFT THE HOUSE TO PICK UP HER PRESCRIPTION.

20 A IT WAS APPROXIMATELY EIGHT O'CLOCK, 8:15,  
21 PERHAPS.

22 Q AND ABOUT HOW LONG WAS SHE GONE?

23 A IT FELT LIKE ABOUT A HALF AN HOUR OR SO.

24 Q DID SHE HAVE THE PRESCRIPTION --

25 A YES.

26 Q -- FILLED WHEN SHE CAME IN?

27 A YES.

28 Q DID YOU DISCUSS THE PRESCRIPTION WITH HER?

1 A I SAID, "DID YOU GET YOUR PRESCRIPTION?"

2 AND SHE SAID, "YES."

3 Q DID YOU SEE THE BOTTLE?

4 A NO.

5 Q AND THEN WHAT HAPPENED?

6 WHAT DID THE TWO OF YOU DO ONCE SHE ARRIVED  
7 HOME?

8 A I ASKED IF SHE WAS HUNGRY, WE COULD GO GET  
9 SOMETHING TO EAT DOWNSTAIRS. THERE'S RESTAURANTS  
10 DOWNSTAIRS AND SO FORTH. NO, SHE WAS NOT HUNGRY. SHE  
11 WANTED TO JUST RELAX AND -- AND -- AND PRAY.

12 AND I WAS -- I WAS REALLY TIRED MYSELF. AND  
13 I SAT AND I Poured MYSELF A DRINK. AND SHE WENT INTO HER  
14 ROOM. BUT BEFORE SHE DID, SHE WAS ASKING ME IF SHE SHOULD  
15 WASH HER HAIR TONIGHT OR SHOULD SHE WASH HER HAIR IN THE  
16 MORNING BECAUSE SHE HAD ACTING CLASS AT STELLA ADLER.

17 I SAID, "YOU'RE LOUSY IN THE MORNING. YOU  
18 SHOULD WASH YOUR HAIR TONIGHT, YOU KNOW.

19 "OKAY." THAT WAS THE LAST THING.

20 Q THAT WAS THE LAST CONVERSATION?

21 A (NO AUDIBLE RESPONSE.)

22 MR. NEWHOUSE: YOU'RE NODDING.

23 THE WITNESS: YES, IT WAS THE LAST THING.

24 BY MS. MC BROOM:

25 Q DID TARA THEN GO INTO HER ROOM?

26 A YES.

27 Q DID SHE CLOSE THE DOOR?

28 A YES, SHE DID.

1 Q YOU SAID YOU Poured YOURSELF A DRINK AND --  
2 THE COURT: I'M SORRY. I COULDN'T HEAR YOU.

3 MS. MC BROOM: I'M SORRY.

4 Q YOU SAID YOU Poured YOURSELF A DRINK AND SAT  
5 DOWN IN THE LAWN CHAIR?

6 A YES.

7 Q WHAT DID YOU DO? WERE YOU READING OR  
8 WATCHING T.V.?

9 A I JUST -- I JUST FELL ASLEEP.

10 MS. MC BROOM: GIVE ME ONE SECOND.

11 Q WHAT TIME -- WELL, AT ANY POINT DID YOU MOVE  
12 TO A BED, OR DID YOU SLEEP THE WHOLE NIGHT IN THE CHAIR?

13 A NO, I WOKE UP ABOUT 2:00 A.M. THE LAWN  
14 CHAIR WASN'T VERY -- I HAD ANOTHER BED RIGHT THERE, AND I  
15 JUST GOT UP AND FELL ON THE BED.

16 Q WHEN YOU SAY YOU HAD ANOTHER BED, YOU HAD A  
17 SPARE BED THAT WAS --

18 A YEAH, IT WAS RIGHT -- LAWN CHAIR WAS HERE,  
19 AND THERE WAS A BEDROOM THIS SIDE, THERE WAS A BEDROOM  
20 THIS SIDE, AND THERE WAS A BED RIGHT THERE. AND I JUST  
21 GOT UP AND FELL ON THE BED.

22 AND I NORMALLY CHECK ON HER, BUT I JUST --

23 Q WHAT TIME DID YOU WAKE UP IN THE MORNING?

24 A I WOKE UP AT ABOUT 5:30 A.M. TO A PHONE  
25 CALL.

26 Q AND WHO WAS IT?

27 A IT WAS LINDA CALLING.

28 Q AND TELL ME ABOUT THAT CONVERSATION.

1           A           SHE APOLOGIZED FOR CALLING. SHE DIDN'T KNOW  
2 WHY SHE CALLED. IT WAS KIND OF A FLUKE.

3                   "OH, I'M SORRY, DAVID. I DIDN'T MEAN TO  
4 CALL YOU."

5                   WE HAD ANOTHER DISCUSSION, A TARA  
6 DISCUSSION. AND I TALKED ABOUT HOW PROUD I WAS OF HER  
7 BECAUSE WHEN WE WENT TO SEE DR. SHAINSKY, I SAID, "PLEASE  
8 BRING ALL YOUR MEDICINE, MOTHER SUGGESTED YOU BRING ALL  
9 YOUR MEDICINE," AND SHE PUT IT IN A BIG BAG.

10                   AND I REMEMBER AT SHAINSKY'S OFFICE, SHE  
11 TOOK -- SHE VOLUNTARILY TOOK THE MEDICINE, PUT IT ALL ON  
12 THE BENCH.

13           Q           LET ME STOP YOU THERE.

14                   SO DURING THE THIRD APPOINTMENT, ARE YOU  
15 SAYING THAT TARA BROUGHT A BAG OF MEDICATIONS --

16           A           YES.

17           Q           -- TO THAT APPOINTMENT?

18           A           YES.

19           Q           OKAY. AND WHAT IS IT SHE DID WITH THE  
20 MEDICATIONS?

21           A           I WAS -- I WAS CONCERNED OF ALL THESE  
22 MEDICATIONS THAT SHE WAS ON THAT THERE WAS SOMETHING  
23 CAUSING THIS -- THESE PAINS AND SO FORTH.

24                   AND I SAID, "YOU'VE GOT TO SHOW -- YOU'VE  
25 GOT TO SHOW EVERYTHING YOU'RE TAKING SO THAT -- IS THERE  
26 SOMETHING MESSING UP WITH SOMETHING HERE?"

27                   AND THAT'S WHAT LINDA AND I HAD DISCUSSED.  
28 AND I -- I REMEMBER WHEN I -- WHEN I LEFT THE EXAMINATION

1 ROOM, I CALLED LINDA TO SAY, "YOU'RE GOING TO BE REALLY  
2 PROUD, TARA VOLUNTARILY LAID THE MEDICINES OUT TO SEE IF  
3 THERE'S ANY CONFLICTS WITH THESE MEDICINES."

4 Q DID SHE BRING THE PILL BOTTLES?

5 A YEAH. ALL OF THE PILL BOTTLES WAS IN THE  
6 BAG.

7 Q AND HOW MANY, GIVE OR TAKE, WOULD YOU SAY  
8 SHE HAD?

9 A 15 OR 20 BOTTLES IN THERE.

10 Q DID SHE LINE THEM UP?

11 A YEAH.

12 Q DID DR. SHAINSKY LOOK AT EACH ONE?

13 A YES.

14 Q DID DR. SHAINSKY MAKE ANY INQUIRIES ABOUT  
15 ANY OF THE MEDICATIONS?

16 A SHE SEEMED TO UNDERSTAND WHAT THESE  
17 MEDICATIONS WERE AND THAT THEY -- SHE DIDN'T SEE  
18 CONFLICTS, IN HER MIND, IN HER OPINION, AT THE TIME.

19 Q WAS TARA ASKING IF THERE WAS A PROBLEM WITH  
20 THE COMBINATION?

21 A YES.

22 Q OKAY. AND DR. -- YOU'RE TELLING ME  
23 DR. SHAINSKY DIDN'T SEEM TO FIND ANY ISSUES WITH THE  
24 COMBINATION?

25 A THAT'S CORRECT.

26 Q BUT DID SHE MAKE ANY FURTHER INQUIRIES ABOUT  
27 ANY OF THE PARTICULAR MEDICATIONS; FOR EXAMPLE, "WHAT'S  
28 THIS FOR?" OR "WHY ARE YOU ON THIS?"

1           A           I DON'T RECALL THAT.

2                       TARA, WITH THE SURGERY COMING UP, SHE WAS  
3 "SHOULD I BE CONCERNED ABOUT ANY OF THIS?" AND IT WAS  
4 KIND OF THAT TYPE OF THING.

5           Q           I'M ASKING YOU SOMETHING DIFFERENT, AND  
6 THAT'S WHETHER DR. SHAINSKY MADE ANY FURTHER INQUIRIES  
7 UPON SEEING CERTAIN PILL BOTTLES.

8           A           CAN YOU REPEAT THAT ONE MORE TIME, PLEASE?

9           Q           RIGHT.

10                      WHAT I'M TRYING TO GET AT IS WHETHER WHEN  
11 DR. SHAINSKY WAS EXAMINING THE MULTIPLE PILL BOTTLES,  
12 WHETHER UPON PICKING UP ONE OR TWO SAID SOMETHING TO THE  
13 EFFECT OF, YOU KNOW, "WHAT'S THIS FOR? WHY ARE YOU TAKING  
14 THIS?"

15           A           I DON'T RECALL THAT.

16                      I DO RECALL DR. SHAINSKY THINKING THAT  
17 "MAYBE THIS ISN'T FIBROMYALGIA. MAYBE THIS IS ANXIETY  
18 THAT YOU'RE SUFFERING FROM." IF I REMEMBER SOME  
19 DISCUSSION OF THAT NATURE.

20           Q           SHE MADE THAT STATEMENT DURING THE THIRD  
21 VISIT?

22           A           YES.

23           Q           AND WAS THAT WHILE SHE WAS LOOKING AT THE  
24 PAIN -- NOT PAIN MEDICATIONS, IS THAT WHILE SHE WAS  
25 LOOKING AT THE ARRAY OF PILL BOTTLES?

26           A           I DON'T THINK IT WAS -- I CAN'T SPECIFICALLY  
27 SAY, BUT I REMEMBER IT WAS -- IT WAS SOMETHING THAT SHE  
28 BROUGHT UP, AND I THOUGHT IT MADE SENSE TO ME. THIS

1 FIBROMYALGIA, I DON'T KNOW. SHE HAD THE SAME CONCERN,  
2 DR. SHAINSKY.

3 Q I'M SORRY TO INTERRUPT YOU.

4 SO YOU WERE -- YOU WERE TELLING ME THAT YOU  
5 WERE AWAKENED ABOUT 5:00, 5:30 BY A PHONE CALL?

6 A THAT'S CORRECT.

7 Q AND IT WAS LINDA?

8 A IT WAS LINDA.

9 Q AND I'M SORRY. I INTERRUPTED YOU.

10 A THAT'S OKAY.

11 Q YOU WERE TALKING ABOUT YOU WERE PROUD OF  
12 HER, THAT SHE'D GONE AND DISPLAYED ALL OF HER MEDICATIONS  
13 TO DR. SHAINSKY?

14 A YES.

15 Q AND WHAT -- WHAT ELSE DID YOU DISCUSS DURING  
16 THAT CALL?

17 A LINDA AND I FOUND TARA HUMOROUS IN MANY  
18 WAYS, TOO, AND WE WERE ACTUALLY -- WE ACTUALLY HAD A -- AN  
19 ENJOYABLE CONVERSATION FOR A WHILE, FOR 10 MINUTES. WE  
20 WERE ON THE PHONE 10 MINUTES, AND -- AND, YOU KNOW, WE  
21 WERE TALKING ABOUT TARA'S BEHAVIOR BECAUSE SHE -- SHE --  
22 SHE WAS VERY UNIQUE AND -- AND VERY ENJOYABLE.

23 Q HOW DID YOU END THE CALL?

24 A "WILL YOU PLEASE CHECK -- WILL YOU PLEASE  
25 CHECK ON MY BABY?"

26 THE COURT: DO YOU NEED TO TAKE A BREAK AT THIS  
27 TIME?

28 THE WITNESS: I'M SORRY.

1 THE COURT: LET'S TAKE OUR MORNING RECESS FOR 15  
2 MINUTES, LADIES AND GENTLEMEN.

3 AGAIN, PLEASE REMEMBER THE ADMONITION OF  
4 THIS COURT. DO NOT DISCUSS THE FACTS OF THIS CASE WITH  
5 YOURSELVES OR ANYBODY ELSE. DO NOT FORM ANY OPINIONS OR  
6 CONCLUSIONS ON THIS MATTER UNTIL IT'S FINALLY SUBMITTED TO  
7 YOU.

8 COURT'S IN RECESS.

9  
10 (RECESS.)

11  
12 (THE FOLLOWING PROCEEDINGS WERE HELD  
13 IN OPEN COURT, IN THE PRESENCE OF  
14 THE JURY:)

15  
16 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN.  
17 WE'RE BACK ON THE RECORD. ALL THE JURORS ARE PRESENT IN  
18 PLACE. PARTIES ARE PRESENT. LAWYERS ARE PRESENT.  
19 MR. DAVID MAC EACHERN HAS RESUMED THE WITNESS STAND.

20 COUNSEL, YOU MAY PROCEED.

21 MS. MC BROOM: THANK YOU, YOUR HONOR.

22 Q SO LAST WE SPOKE, YOU WERE TELLING US ABOUT  
23 A PHONE CALL THAT YOU HAD WITH LINDA DE ROGATIS ON THE  
24 MORNING OF -- EARLY MORNING OF MARCH 23RD, 2010, AND AT  
25 THE CONCLUSION OF THAT CALL, YOU TOLD US THAT LINDA ASKED  
26 YOU TO CHECK ON HER DAUGHTER?

27 A YES, THAT'S CORRECT.

28 AND I'D LIKE TO, FIRST, SAY I APOLOGIZE FOR



1 MY EMOTIONS GETTING THE BETTER OF ME.

2 THE COURT: THAT'S ALL RIGHT. WE UNDERSTAND.

3 MS. MC BROOM: WE UNDERSTAND.

4 Q WHAT HAPPENED AFTER THE PHONE CALL ENDED?

5 A I -- I WENT TO THE DOOR, AND IT'S A LATCH  
6 DOOR, LOCKED -- IT WAS LOCKED.

7 Q THE BEDROOM DOOR?

8 A THE BEDROOM DOOR.

9 IT'S NOT A KNOB. IT'S A LATCH. AND I  
10 RECALL IT WAS LOCKED, AND I WAS VERY -- I BECAME VERY  
11 CONCERNED, JUST --

12 Q SO WHAT DID YOU DO?

13 A I SOMEHOW GRABBED A SCREWDRIVER AND OPENED  
14 THE DOOR IMMEDIATELY.

15 Q WERE YOU ABLE TO GET IN THE ROOM?

16 A YES.

17 Q AND WHAT DID YOU SEE WHEN YOU GOT IN THE  
18 ROOM?

19 A TARA WAS SITTING ON THE SIDE OF THE BED  
20 COMPLETELY BENT OVER WITH HER HANDS ON THE FLOOR, AND SHE  
21 WAS VERY, VERY LIMBER. SHE'S AN ATHLETE. AND I THOUGHT  
22 SHE WAS DOING SOME NEW KIND OF PRAYER.

23 SO I SAID, "TARA, WHAT ARE YOU DOING?" YOU  
24 KNOW.

25 AND I -- I IMMEDIATELY KNEW THERE WAS A  
26 PROBLEM. I RAN OVER TO HER, AND I PULLED HER UP, AND  
27 THERE WAS A LITTLE BIT OF THROW-UP ON HER. AND SHE FELL.

28 AND THERE WAS MAJOR ISSUES, SO I GRABBED THE

1 PHONE AND GOT 911, PULLED HER DOWN ON THE FLOOR, STARTED  
2 C.P.R. ON HER.

3 Q HOW LONG -- HOW LONG DID YOU PERFORM C.P.R.  
4 BEFORE THE --

5 A ABOUT 20 YEARS. IT WAS 11 MINUTES.

6 Q IT FELT LIKE 20 YEARS?

7 A YES.

8 AND SHE WAS -- THE COLOR WAS STILL IN HER  
9 LIPS, YOU KNOW, AND BREATHING SLIGHTLY.

10 Q WHAT HAPPENED WHEN THE PARAMEDICS GOT THERE?

11 A THEY -- THERE WAS FOUR POLICEMEN WITH THEM.  
12 THEY RAN IN THE ROOM AND -- AND I HAD TO STOP C.P.R. TO  
13 UNLOCK THE DOOR. AND THEY CAME RUNNING IN. AND  
14 POLICEMEN -- TWO POLICEMEN ON THIS ARM, TWO POLICEMEN, SO  
15 THEY GRABBED ME AND JUST HAULED ME AWAY. AND THEN THEY --  
16 THEY STARTED WORKING ON HER.

17 AND THE ONE FIRE CHIEF OR SOMETHING SAID TO  
18 ME, "NO PULSE. CALL THE FAMILY. THIS IS SERIOUS." SO  
19 I --

20 Q DID YOU CALL THE FAMILY AT THAT TIME OR --

21 A I SOMEHOW HAD THE WHEREWITHAL TO MAKE A  
22 CONFERENCE CALL ON MY PHONE. AND I GOT LINDA ON FIRST,  
23 AND I GOT PETER.

24 AND PETER AND I DISCUSSED WEEKS EARLIER THAT  
25 "I CERTAINLY HOPE I NEVER HAVE TO GIVE YOU ONE OF THOSE  
26 NIGHTMARE CALLS, PETER."

27 AND THE FIRST THING I SAID, "PETER, THIS IS  
28 A NIGHTMARE CALL."

1                   AND THEY WERE ON THE PHONE WHILE THEY WERE  
2 WORKING ON HER FOR ABOUT 40 MINUTES. AND THEY WERE BOTH  
3 ON THE PHONE. AND WE WERE STANDING THERE -- I WAS  
4 STANDING THERE -- RIGHT THERE AND THEY THEN CALLED IT.

5           MS. MC BROOM: THANK YOU. I'M THROUGH WITH MY  
6 DIRECT.

7           THE COURT: YOU'RE DONE?

8           MS. MC BROOM: YES.

9           THE COURT: CROSS?

10          MR. BLESSEY: YES, YOUR HONOR, THANK YOU.

11  
12   CROSS-EXAMINATION

13 BY MR. BLESSEY:

14          Q           GOOD MORNING, MR. MAC EACHERN.

15          A           GOOD MORNING, SIR.

16          Q           WE'VE NOT MET BEFORE, HAVE WE?

17          A           NO, WE HAVE NOT, SIR.

18          Q           NOW, YOU HAD YOUR DEPOSITION TAKEN IN THIS  
19 CASE, DID YOU NOT?

20          A           YES, I DID, SIR.

21          Q           AND JUST FOR THE JURY'S SAKE, THAT WAS --  
22 YOU WERE UNDER OATH?

23          A           YES.

24          Q           YOU TOOK AN OATH TO TELL THE TRUTH; IS THAT  
25 CORRECT?

26          A           THAT'S CORRECT.

27          Q           AND WHEN WAS THAT DEPOSITION TAKEN?

28          A           I BELIEVE DECEMBER.

1 Q DECEMBER OF 2011; IS THAT CORRECT?

2 A THAT'S CORRECT.

3 Q AND, IN FACT, DURING THAT, YOU HAD -- WHAT?  
4 -- THREE SESSIONS OF YOUR DEPOSITION; IS THAT RIGHT?

5 A I BELIEVE SO, YES.

6 Q AND DO YOU RECOGNIZE MS. TAZZARA THAT'S  
7 SITTING AT COUNSEL TABLE -- DEFENSE COUNSEL TABLE, THE  
8 WOMAN THERE SITTING BETWEEN MY SEAT AND THE END SEAT? DO  
9 YOU RECOGNIZE HER FROM THE DEPOSITION?

10 A NO, I DON'T.

11 Q OKAY. SHE RECOGNIZES YOU BECAUSE SHE WAS  
12 THERE EACH TIME.

13 A OKAY.

14 Q AND SO HOW MANY HOURS WOULD YOU ESTIMATE YOU  
15 WERE DEPOSED, HOW MANY HOURS TOTAL?

16 A 30.

17 Q AND THE DATE OF THE SUICIDE WAS WHAT, MARCH  
18 22ND?

19 A MARCH 23RD.

20 Q -- 23RD, 2010, CORRECT?

21 A YES.

22 Q AND, SIR, DURING THE DEPOSITION, WAS LINDA  
23 DE ROGATIS THERE DURING ANY OF THE SESSIONS?

24 A YES.

25 Q AND YOU TOLD US DURING DEPOSITION -- WELL,  
26 LET ME BACK UP. STRIKE THAT.

27 YOU HAVE -- WOULD YOU AGREE YOU HAVE A --  
28 YOU HAVE A CLOSE RELATIONSHIP WITH BOTH THE PLAINTIFFS IN

1 THIS CASE, MRS. DE ROGATIS AND MR. DE ROGATIS, TRUE?

2 A THAT'S CORRECT, YES.

3 Q UP TO THE PRESENT DAY, YOU HAVE A CLOSE  
4 RELATIONSHIP?

5 A NO.

6 Q "NO."

7 YOU TOLD US IN DEPOSITION BACK IN DECEMBER  
8 OF 2011 THAT YOU WOULD DO ANYTHING YOU COULD TO HELP THEM,  
9 CORRECT?

10 A HELP WHO?

11 Q THE DE ROGATISES.

12 ISN'T THAT WHAT YOU SAID, SIR?

13 A I CAN'T REMEMBER.

14 Q YOU CAN'T REMEMBER?

15 A I DON'T KNOW THE CONTEXT, AND I CAN'T  
16 REMEMBER.

17 Q YOU SAID IN YOUR DEPOSITION THAT YOU WOULD  
18 DO ANYTHING YOU COULD TO HELP THEM OUT IN HIS CASE, TRUE?

19 A I DON'T KNOW THE CONTEXT OF THAT. I DON'T  
20 UNDERSTAND.

21 Q SIR, PLEASE ANSWER MY QUESTION: DID YOU OR  
22 DID YOU NOT --

23 MS. MC BROOM: OBJECTION, YOUR HONOR,  
24 ARGUMENTATIVE, BADGERING THE WITNESS.

25 MR. BLESSEY: THIS IS CROSS-EXAMINATION.

26 THE COURT: IF YOU DON'T REMEMBER, SAY YOU DON'T  
27 REMEMBER. ALL RIGHT.

28 THE WITNESS: I DON'T REMEMBER.

1 BY MR. BLESSEY:

2 Q ALL RIGHT. SO YOU DON'T RECALL EITHER WAY,  
3 CORRECT?

4 MS. MC BROOM: YOUR HONOR, ASKED AND ANSWERED.

5 THE COURT: SUSTAINED.

6 MR. BLESSEY: ALL RIGHT.

7 Q SO, SIR, DURING THIS 30 HOURS OF DEPOSITION  
8 WHEN YOU WERE TALKING ABOUT FINDING THE DECEDENT AND THE  
9 THINGS YOU JUST DESCRIBED TO THE JURY, YOU DID NOT SHED  
10 ONE TEAR; ISN'T THAT TRUE?

11 A WHEN'S THAT?

12 Q I'M SORRY?

13 A WHEN? AT THE DEPOSITION?

14 Q YES, AT THE DEPOSITION.

15 A I -- I STARTED CRYING, SIR, THE MINUTE THE  
16 DEPOSITION STARTED.

17 Q YOU DID? DID YOU CRY FOR ALL 30 HOURS?

18 A NO, I DIDN'T, SIR. I'M NOT CRYING NOW  
19 EITHER.

20 Q YOU STARTED CRYING THE MINUTE THEY ASKED YOU  
21 YOUR NAME AND THEY SWORE YOU IN?

22 A NO.

23 Q YOU'RE A MUSICIAN, CORRECT?

24 A USED TO BE.

25 Q AND HAVE YOU EVER TAKEN ANY ACTING LESSONS  
26 YOURSELF?

27 A NO.

28 Q ALL RIGHT. SO LET'S TALK A LITTLE BIT ABOUT

1 SOME OF THE TESTIMONY THAT WE HEARD YESTERDAY.

2 YOU WERE REFERRING TO THE YEAR 2007, TO THE  
3 BEST OF YOUR RECOLLECTION, WHEN MS. DE ROGATIS BEGAN  
4 COMPLAINING ABOUT THE PAIN SYMPTOMS.

5 DO YOU REMEMBER TELLING THE JURY ABOUT THAT  
6 YESTERDAY?

7 A YES, SIR.

8 Q AND HER PAIN SYMPTOMS IN 2007 WERE BASICALLY  
9 TOTAL BODY PAIN, CORRECT, THAT'S WHAT YOU TOLD US  
10 YESTERDAY?

11 MS. MC BROOM: OBJECTION. MISSTATES THE TESTIMONY.

12 THE COURT: OVERRULED.

13 THE WITNESS: I BELIEVE THAT WAS PART OF IT, YES.

14 BY MR. BLESSEY:

15 Q YES, YOU DID.

16 AND YOU ALSO TOLD US THAT THEY WERE  
17 PROVOKED, THESE SYMPTOMS AS TOTAL BODY PAIN, PROVOKED BY  
18 ANXIETY OR DEPRESSION, RIGHT?

19 A YES.

20 MS. MC BROOM: OBJECTION. MISSTATES THE TESTIMONY.

21 THE COURT: OVERRULED. PLEASE, THIS IS CROSS.

22 DID YOU SAY THAT?

23 THE WITNESS: YES.

24 BY MR. BLESSEY:

25 Q DID YOU EVER LEARN FROM ANY OF THE  
26 PHYSICIANS THAT MS. DE ROGATIS WAS SEEING THAT TOTAL BODY  
27 PAIN IN THE ABSENCE OF ANY OTHER EXPLANATION PROVOKED BY  
28 ANXIETY IS A CLASSIC SYMPTOM OF FIBROMYALGIA? DID YOU

1 EVER LEARN THAT?

2 A YES, BUT I HEARD CONTRARY TO THAT, TOO.

3 Q BUT YOU HAVE HEARD FROM SOME FOLKS THAT THIS  
4 IS CLASSIC FOR FIBROMYALGIA, TRUE?

5 A RIGHT. WHICH IS CONTROVERSIAL. THAT'S WHAT  
6 I HEARD, TOO.

7 Q OKAY. SO LET'S TALK ABOUT SOME OF THE OTHER  
8 SYMPTOMS YOU TALKED ABOUT YESTERDAY. AGAIN, STARTING IN  
9 2007. LET'S SEE. I WANT TO MAKE SURE I GET THE LIST  
10 CORRECT HERE.

11 SO ONE OF THE THINGS YOU NOTICED IN 2007 WAS  
12 THAT MS. DE ROGATIS WAS HAVING DIFFICULTIES OR COMPLAINING  
13 ABOUT HALLUCINATIONS, CORRECT?

14 A YES, SIR.

15 Q AND SHE WAS ALSO HAVING TROUBLE -- AT OR  
16 ABOUT THIS TIME, BEGINNING TO HAVE TROUBLE WITH MEMORY  
17 LOSS.

18 DO YOU REMEMBER THAT?

19 A YES, SIR.

20 Q AND YOU ALSO DESCRIBE ISSUES WITH SKIN  
21 CRAWLING, CORRECT?

22 A THAT'S CORRECT.

23 Q AND YOU ALSO SAID SOMETHING ABOUT SHE BEGAN  
24 TO HAVE LOW SELF-ESTEEM, CORRECT?

25 A CORRECT.

26 Q AND LET'S SEE, I THINK THAT'S PROBABLY  
27 PRETTY MUCH THE LIST WE HEARD YESTERDAY.

28 NOW, BASED ON GOING TO A.A. MEETINGS OR ANY



1 OTHER SOURCE THAT YOU MIGHT HAVE, WERE YOU AWARE, SIR,  
2 THAT THESE SYMPTOMS ARE CLASSIC SIDE EFFECTS OF  
3 METHAMPHETAMINE ABUSE? DID YOU KNOW THAT?

4 MS. MC BROOM: OBJECTION, YOUR HONOR. THIS WITNESS  
5 IS NOT AN EXPERT.

6 MR. BLESSEY: JUST ASKING FOR HIS KNOWLEDGE.

7 THE COURT: OVERRULED. ARE YOU AWARE OF THAT?

8 THE WITNESS: I'M AWARE OF SOME OF IT, YES.

9 BY MR. BLESSEY:

10 Q YES, OKAY.

11 NOW, DID YOU -- WHEN YOU NOTICED THESE  
12 SYMPTOMS WHICH ARE SIDE EFFECTS OF METHAMPHETAMINES, DID  
13 YOU KIND OF CORRELATE THE TIMING OF METHAMPHETAMINE ABUSE  
14 BY MS. DE ROGATIS WITH THE ONSET OF THESE SYMPTOMS?

15 A I -- I CLEARLY NOTICED THESE COMING AFTER  
16 SHE STARTED RECEIVING THE PSYCHOTROPIC DRUGS IS WHEN THIS  
17 STARTED HITTING HER.

18 Q WHEN DID SHE START ABUSING METH?

19 A I DON'T KNOW IF THAT'S THE RIGHT TERM,  
20 "ABUSING METH."

21 Q OKAY. I'M SORRY. LET ME ASK IT A DIFFERENT  
22 WAY. I'LL ASK IT IN A GENTLER WAY.

23 WHEN DID SHE START USING METHAMPHETAMINES?

24 A I'M NOT SURE.

25 Q CAN YOU ESTIMATE FOR US?

26 I THINK YOU SAID CHILDHOOD, EARLY TEEN YEARS  
27 YESTERDAY.

28 A NO. THAT'S -- THAT'S NOT WHAT I SAID. I

1 SAID THAT I BELIEVED SHE STARTED DOING DRUGS IN THE -- IN  
2 THE -- IN THE EARLY CHILDHOOD --

3 Q OH, OTHER DRUGS?

4 A YES.

5 Q OTHER STREET DRUGS?

6 A YES.

7 Q YOU HAVE NO KNOWLEDGE OF WHEN SHE STARTED  
8 USING METHAMPHETAMINES?

9 A NO, I DON'T.

10 Q YOU WENT TO THE APPOINTMENTS WITH  
11 DR. BOHN --

12 A YES.

13 Q -- IN 2007, CORRECT?

14 A YES.

15 Q AND YOU LISTENED CAREFULLY TO WHAT SHE WAS  
16 TELLING DR. BOHN?

17 A THAT'S CORRECT.

18 Q AND SHE ADMITTED TO DR. BOHN IN 2007 THAT  
19 SHE HAD BEEN ABUSING METHAMPHETAMINES, TRUE?

20 A I SAID, "WHEN YOU GO IN THERE, YOU TELL HIM  
21 EVERYTHING SO HE CAN FIX IT, HELP."

22 SO SHE TOLD, "I USED -- I'VE USED CRYSTAL  
23 METH."

24 Q SO YOU TOLD MS. DE ROGATIS TO MAKE SURE SHE  
25 TOLD DR. BOHN THAT SHE HAD BEEN USING CRYSTAL METH,  
26 CORRECT?

27 A THAT'S CORRECT.

28 Q SO OBVIOUSLY YOU WERE AWARE OF IT IN 2007,

1 RIGHT?

2 A YES.

3 Q YOU'RE NOT REPRESENTED BY THE TWO ATTORNEYS  
4 THAT ARE SITTING AS PLAINTIFFS' COUNSEL, MR. NEWHOUSE OR  
5 MS. MC BROOM, ARE YOU?

6 A NO, I'M NOT.

7 Q BUT YOU HAVE MET WITH THEM BEFORE THE TRIAL,  
8 HAVE YOU NOT --

9 A YES.

10 Q -- TO DISCUSS YOUR TESTIMONY, CORRECT?

11 A SLIGHTLY, YES.

12 Q SLIGHTLY?

13 FOR EXAMPLE, YOU MET WITH THEM AFTER COURT  
14 YESTERDAY, RIGHT?

15 A YES.

16 Q HOW LONG DID YOU MEET WITH THEM?

17 A 10 MINUTES, 15 MINUTES.

18 Q AND HOW MANY TIMES BEFORE YESTERDAY DID YOU  
19 DISCUSS YOUR TESTIMONY IN THIS CASE WITH EITHER  
20 MS. MC BROOM OR MR. NEWHOUSE, HOW MANY TIMES?

21 A ONCE.

22 Q ONCE?

23 A OH, EITHER?

24 Q WELL, LET'S START WITH MS. MC BROOM.  
25 HOW MANY TIMES DID YOU DISCUSS YOUR  
26 TESTIMONY WITH MS. MC BROOM?

27 A I DISCUSSED THE -- PROBABLY THREE OR FOUR  
28 TIMES IN THE LAST THREE-AND-A-HALF YEARS.

1 Q OKAY. HOW ABOUT MR. NEWHOUSE?

2 A ONCE.

3 Q ANY OTHER ATTORNEYS IN THEIR PRACTICE THAT  
4 YOU DISCUSSED YOUR TESTIMONY WITH, OTHER THAN MR. NEWHOUSE  
5 OR MS. MC BROOM?

6 A I FORGET, WHO'S -- WHO'S YOUR PARTNER?

7 Q MR. BROWN?

8 A YES.

9 Q SO YOU DISCUSSED IT WITH HIM AS WELL?

10 A YES.

11 Q HOW MANY TIMES WITH MR. BROWN?

12 A TWICE.

13 Q ONCE?

14 A TWICE.

15 Q TWICE. OKAY. ALL RIGHT.

16 BACK IN APRIL OF 2009, YOU BROUGHT TARA TO  
17 THE EMERGENCY ROOM AT CEDARS-SINAI, CORRECT?

18 A YES, SIR.

19 Q AND WHAT YOU RECALL HAPPENING AT THAT TIME  
20 WAS THAT MS. DE ROGATIS WAS USING THE EXPRESSION "I'M  
21 HAVING SO MUCH, PAIN I'D RATHER DIE," BUT, FRANKLY, WHAT  
22 YOU RECALL ALSO IS THAT SHE WAS INTERESTED IN FINDING A  
23 CURE SO SHE COULD GET WELL, TRUE?

24 A TRUE.

25 Q SO JUST SO I'M CLEAR, IT WAS YOUR IMPRESSION  
26 WHEN SHE WENT TO CEDARS-SINAI THAT SHE WANTED TO GET WELL,  
27 CORRECT?

28 A THAT'S CORRECT.

1 Q NOW, YOU WOULD AGREE WITH ME, WOULD YOU NOT,  
2 THAT UP UNTIL AND THROUGH 2009, AS FAR AS YOU WERE  
3 CONCERNED, THERE HAD NOT BEEN ANY BELIEVABLE SUICIDAL  
4 ATTEMPT BY MS. DE ROGATIS, TRUE?

5 A THAT'S TRUE, SIR.

6 Q YOU WEREN'T BACK IN NEW JERSEY, WERE YOU,  
7 WHEN THIS -- WHEN MS. DE ROGATIS WENT BACK IN NOVEMBER OF  
8 2009, WERE YOU?

9 A I WAS NOT THERE.

10 Q SO YOU HAVE NO FIRSTHAND KNOWLEDGE OF WHAT  
11 WENT ON THERE, DID YOU?

12 A NOT FIRSTHAND.

13 Q AND DO YOU KNOW WHETHER OR NOT SHE WAS IN  
14 THE HOSPITAL MORE THAN ONCE WHEN -- AT OR ABOUT THAT TIME  
15 PERIOD WHEN SHE WAS IN NEW JERSEY?

16 A SHE WENT TO THE HOSPITAL TWICE.

17 Q AND WHAT DO YOU KNOW ABOUT THE FIRST  
18 HOSPITALIZATION?

19 A IT WAS FROM THAT NIGHT THAT SHE WAS -- HAD  
20 THE CAR AND WAS INCOHERENT. HER MOTHER FOUND HER AND TOOK  
21 HER TO THE HOSPITAL, I BELIEVE.

22 Q OKAY. AND WHAT'S THE SECOND  
23 HOSPITALIZATION, THEN?

24 A THAT'S WHEN, I BELIEVE, HER MOTHER WAS VERY  
25 CONCERNED AND CALLED HER PSYCHIATRIST IN NEW JERSEY, AND  
26 HE SENT THE GUYS WITH THE WHITE COATS TO TAKE HER AWAY OUT  
27 OF THE APARTMENT.

28 Q WERE YOU -- WERE YOU AWARE AT ALL THAT THERE

1 WAS SOME KIND OF A FAMILY FEUD THAT LED TO A  
2 HOSPITALIZATION BACK IN NOVEMBER, DECEMBER 2009? WERE YOU  
3 AWARE OF THAT?

4 A IT WAS NOT A FAMILY FEUD. THERE WAS AN  
5 OCCURRENCE. I WOULDN'T CALL IT A FAMILY FEUD.

6 Q WHAT WOULD YOU CALL IT?

7 A TARA HAD A RAGING EPISODE AND IT CAUSED A  
8 LOT OF EMOTION, BUT IT WASN'T A FAMILY FEUD. IT WAS  
9 TARA'S CONDITION AND PEOPLE WERE VERY CONCERNED OVER THIS.

10 Q AND THAT LED TO THE HOSPITALIZATION?

11 A PERHAPS. IT WAS REALLY -- IT WAS REALLY  
12 THE -- LINDA'S CONCERN OVER -- OVER TARA'S CONDITION WHEN  
13 SHE WAS STAYING WITH HER MOTHER.

14 Q DID SHE SUSTAIN ANY INJURIES IN THIS RAGE  
15 THAT YOU JUST DESCRIBED?

16 A NO.

17 Q ARE YOU SURE?

18 A I'M NOT -- NO, I'M NOT SURE.

19 Q YOU'RE NOT SURE. ALL RIGHT.

20 YOU TALKED A MINUTE AGO A LITTLE BIT ABOUT  
21 THE SYMPTOMS OF FIBROMYALGIA.

22 LET ME ASK YOU, MR. MAC EACHERN, BEFORE  
23 MS. DE ROGATIS SAW DR. SHAINSKY, YOU HAD HEARD OTHER  
24 DOCTORS REFERRING TO TARA'S CONDITION, THAT IS,  
25 FIBROMYALGIA, ON SEVERAL OCCASIONS, TRUE?

26 MS. MC BROOM: OBJECTION. LACKS FOUNDATION.

27 THE WITNESS: I'M REALLY GLAD YOU ASKED THAT.

28 THE COURT: I'M SORRY.

1 MS. MC BROOM: OBJECTION. LACKS FOUNDATION.

2 THE COURT: OVERRULED.

3 THE WITNESS: I'M GLAD YOU ASKED THAT BECAUSE,  
4 ACTUALLY, DR. RAMIN -- IS THAT HIS NAME?

5 BY MR. BLESSEY:

6 Q I'M ASKING YOU THE QUESTION.

7 A HE ACTUALLY DIDN'T BELIEVE IN FIBROMYALGIA.  
8 HE SAID IT'S A NEW CONDITION THAT EVERYBODY IS USING TO GO  
9 PILL HOPPING, PILL SHOPPING. AND HE THOUGHT THAT SHE --  
10 EVEN THOUGH THAT'S WHAT MIGHT BE, HE DIDN'T BELIEVE IN  
11 FIBROMYALGIA IS WHAT HE TOLD US DIRECTLY.

12 AND BRITTANY MURPHY HAD JUST KILLED HERSELF,  
13 AND HE SAYS, "THAT'S GOING TO HAPPEN."

14 AND HE GOES, "I DON'T KNOW ABOUT THIS  
15 FIBROMYALGIA THING. IT JUST SHOWED UP 20 YEARS AGO OR  
16 SOMETHING LIKE THIS. IT'S NOT FOUNDED ON ANYTHING."

17 AND HE DIDN'T BELIEVE IN IT. SO THERE WAS A  
18 CONTROVERSY RIGHT THERE.

19 Q AS YOU SIT HERE NOW, YOU KNOW YOU'RE UNDER  
20 OATH?

21 A YES.

22 Q AND YOU REMEMBER THIS VERY CLEARLY, DON'T  
23 YOU?

24 A YES, I DO.

25 Q HAVE YOU EVER SEEN DR. RAMIN'S MEDICAL  
26 RECORDS?

27 A NO.

28 Q ARE YOU AWARE, SIR, THAT THE DIAGNOSIS OF

1 FIBROMYALGIA WAS MADE BY DR. RAMIN IN JANUARY AND FEBRUARY  
2 OF 2010? ARE YOU AWARE OF THAT?

3 A HE SAID --

4 MS. MC BROOM: OBJECTION. IT LACKS FOUNDATION.

5 BY MR. BLESSEY:

6 Q "YES" OR "NO"?

7 THE COURT: YOU DID GO TO THESE APPOINTMENTS WITH  
8 TARA, DID YOU NOT?

9 THE WITNESS: YES, I DID.

10 THE COURT: ALL RIGHT. OVERRULED.

11 BY MR. BLESSEY:

12 Q ARE YOU AWARE THAT DR. RAMIN MADE THE  
13 DIAGNOSIS, NOTWITHSTANDING WHAT YOU JUST TOLD THE JURY, OF  
14 FIBROMYALGIA?

15 A YES. IT WAS -- IT WAS COMPLETELY  
16 CONFLICT -- TWO CONFLICTS.

17 HE SAID -- HE SAID, "THAT'S PROBABLY WHAT  
18 YOU HAVE, BUT I DON'T KNOW IF I BELIEVE IN IT. I DON'T  
19 KNOW ABOUT FIBROMYALGIA."

20 Q DID YOU -- WERE YOU PROVIDED WITH  
21 DR. RAMIN'S DEPOSITION TESTIMONY?

22 A NO.

23 Q ARE YOU AWARE THAT HE'S GOING TO COME INTO  
24 COURT AND TALK ABOUT HIS FINDINGS WITH THE JURY IN TERMS  
25 OF WHETHER OR NOT --

26 MS. MC BROOM: OBJECTION.

27 MR. BLESSEY: EXCUSE ME.

28 Q -- WHETHER OR NOT HE BELIEVES IN



1 FIBROMYALGIA AND WHETHER OR NOT HE BELIEVES IN TREATING IT  
2 WITH OPIATES? ARE YOU AWARE OF THAT?

3 A NO.

4 MS. MC BROOM: OBJECTION. THIS IS ARGUMENT AND  
5 IT'S IRRELEVANT.

6 THE COURT: OVERRULED.

7 MR. BLESSEY: IT'S CROSS-EXAMINATION.

8 THE COURT: ARE YOU AWARE OF THAT?

9 THE WITNESS: NO, NOT AT ALL.

10 BY MR. BLESSEY:

11 Q I'M ASKING, ARE YOU AWARE?

12 YOU SAY YOU HAD THREE OR FOUR CONVERSATIONS  
13 WITH MS. MC BROOM, A CONVERSATION OR TWO WITH  
14 MR. NEWHOUSE, AND AT LEAST TWO OR THREE WITH MR. BROWN.  
15 SO I'M JUST TRYING TO GET AN IDEA OF WHAT YOU TALKED ABOUT  
16 WITH THE ATTORNEYS FOR THE PLAINTIFFS, OKAY?

17 A NOT -- NOT THAT. MORE LIKE "YOU'RE DOING  
18 FINE. TELL THE TRUTH."

19 I WOULD -- I WOULD START RECALLING SOME  
20 THINGS, HE SAYS, "I HAVE SOME ADDITIONAL INFORMATION, YOU  
21 KNOW, PERHAPS."

22 Q YOU RECALLED SOME THINGS IN 2013 THAT YOU  
23 DIDN'T RECALL IN 2011, IS THAT WHAT YOU'RE SAYING?

24 A NO. WHAT I'M SAYING IS, AS I'M STANDING  
25 HERE GOING THROUGH THIS, YOU -- YOU RECALL THINGS.

26 Q ANSWER MY QUESTION.

27 DID YOU TELL THE ATTORNEYS, AFTER YOUR  
28 30 HOURS OF DEPOSITION, THAT YOU RECALLED -- YOU KNOW,

1 LEADING UP INTO TRIAL, YOU RECALLED SOME ADDITIONAL THINGS  
2 THAT YOU WANTED TO MAKE SURE YOU TOLD THE JURY ABOUT THAT  
3 YOU DIDN'T SPEAK ABOUT IN YOUR DEPOSITION?

4 A I CAN'T REMEMBER THAT.

5 Q ALL RIGHT. NOW, LET'S TALK BRIEFLY ABOUT  
6 DR. RAMIN.

7 YOU ARE AWARE THAT HE WANTED MS. DE ROGATIS  
8 TO SEE A RHEUMATOLOGIST, CORRECT?

9 A THAT'S WHO HE SAID IS THE TYPE OF DOCTOR WHO  
10 CAN PRESCRIBE PAIN MEDICINE ON AN ONGOING BASIS AND THAT  
11 HE, BEING A GENERAL PHYSICIAN, CANNOT BECAUSE --

12 Q WELL, WOULD IT SURPRISE YOU TO KNOW HE'S AN  
13 INTERNAL MEDICINE DOCTOR, NOT A GENERAL PRACTITIONER?

14 A DOESN'T -- NO, I'M NOT.

15 Q LET'S TALK A LITTLE BIT ABOUT DR. BOHN.

16 IN 2010 YOU WERE PART OF THE TEAM WITH LINDA  
17 DE ROGATIS THAT IS TO HELPING TO KEEP AN EYE ON TARA  
18 DE ROGATIS; CORRECT?

19 A AND -- AND BEFORE.

20 Q RIGHT.

21 BUT CERTAINLY IN 2010, THAT PATTERN  
22 CONTINUED, RIGHT?

23 A YES.

24 Q YOU WERE THE EYES AND EARS, AND  
25 MS. DE ROGATIS WAS BACK EAST CALLING YOU AND TRYING TO  
26 MAKE SURE THAT SHE WAS BROUGHT UP TO DATE, CORRECT?

27 A THAT'S CORRECT.

28 Q AND YOU WERE REALLY CONCERNED ABOUT

1 MS. DE ROGATIS IN 2010 AS YOU WERE THE PAST, CORRECT?

2 A YES.

3 Q AND ONE OF THE CONCERNS YOU HAD WAS THAT SHE  
4 WAS SEEING DR. BOHN FROM TIME TO TIME, CORRECT?

5 AND YOU WERE INTERESTED IN HER CARE WITH  
6 DR. BOHN, CORRECT?

7 A YES, I WAS.

8 Q AND HOW MANY -- I THINK YOU TOLD  
9 MS. MC BROOM YESTERDAY THAT YOU ATTENDED -- WHAT  
10 PERCENTAGE OF THE APPOINTMENTS WITH DR. BOHN DID YOU  
11 ATTEND?

12 A APPROXIMATELY 80 PERCENT OF HER -- HER  
13 APPOINTMENTS.

14 Q OKAY. AND DURING THOSE APPOINTMENTS, YOU  
15 WOULD BE THERE WITH DR. BOHN AND TARA, AND THEY WOULD TALK  
16 ABOUT HIS TREATMENT PLAN AND THOSE KINDS OF THINGS,  
17 CORRECT?

18 A THAT'S CORRECT.

19 Q AND DO YOU RECALL AT ANY POINT IN TIME UP TO  
20 AND INCLUDING 2010 DR. BOHN TELLING MS. DE ROGATIS THAT  
21 HER PROBLEM WITH HER PSYCHIATRIC CONDITION IS DIRECTLY  
22 RELATED TO HER METHAMPHETAMINE ABUSE? DO YOU RECALL THAT?

23 A HE SAID IT COULD BE.

24 Q THAT'S YOUR UNDERSTANDING?

25 A YES, THAT'S MY UNDERSTANDING.

26 Q DID HE ASK HER ABOUT HER METHAMPHETAMINE  
27 ABUSE?

28 A YES. DIDN'T USE THE WORD "ABUSE." JUST

1 USED THE WORD "USE."

2 Q I'M SORRY. I'LL USE A GENTLER TERM.

3 DID HE ASK HER WHETHER OR NOT SHE USED  
4 METHAMPHETAMINE WITH ANY OTHER PEOPLE?

5 A YES.

6 Q AND WHAT DID SHE SAY ABOUT THAT?

7 A WITH MYSELF, WITH FRIENDS.

8 Q YOU USED METHAMPHETAMINE WITH  
9 MS. DE ROGATIS?

10 A YES, I DID.

11 Q OVER WHAT PERIOD OF TIME?

12 A SEVERAL YEARS.

13 Q WHEN DID THE JOINT USE BEGIN?

14 A 2005. LET'S SEE. 2005.

15 Q AND TO THE BEST OF YOUR RECOLLECTION, WHEN  
16 DID THE JOINT USE END; THAT IS, YOU AND MS. DE ROGATIS  
17 USING METHAMPHETAMINES TOGETHER?

18 A 2008.

19 Q DID YOU EVER EXPERIENCE ANY SIDE EFFECTS  
20 FROM METHAMPHETAMINES?

21 A NO.

22 Q NEVER?

23 A NO.

24 Q ALL RIGHT. LET'S TALK A LITTLE BIT ABOUT  
25 DR. BOHN AGAIN.

26 WHEN IS THE LAST TIME YOU RECALL  
27 MS. DE ROGATIS SEEING DR. BOHN?

28 A SEPTEMBER OF '09.

1 Q AT ANY TIME DURING THE MULTIPLE VISITS WITH  
2 DR. BOHN, DO YOU RECALL HIM SAYING TO MS. DE ROGATIS AND  
3 YOU, "YOU REALLY HAVE TO STOP USING METHAMPHETAMINE  
4 BECAUSE IT'S CREATING A LOT OF PSYCHIATRIC PROBLEMS FOR  
5 YOU"?

6 DO YOU REMEMBER ANYTHING LIKE THAT?

7 A YES.

8 Q HOW MANY TIMES DID HE TELL HER THAT?

9 A HE TOLD HER AT LEAST HALF THE TIMES THAT WE  
10 WERE IN THERE, AND HE SAID THAT -- SHE WANTED TO KNOW WHY  
11 I WAS ABLE TO DO IT AND HAVE NO REAL EFFECTS FROM IT, AND  
12 THAT IT WAS BAD FOR HER.

13 AND HE SAID, "SOME PEOPLE'S BRAINS CANNOT  
14 TAKE IT," AND "THIS IS A DANGEROUS -- THIS IS A KILLER.  
15 IF YOU USE THIS, IT COULD KILL YOU."

16 Q HE TOLD HER THAT?

17 A HE TOLD HER STRAIGHT OUT.

18 Q WHEN DID HE -- LET'S BACK UP AND DO A  
19 TIMELINE.

20 HE STARTS TREATING HER IN 2007, RIGHT?

21 A YES.

22 Q AND UP UNTIL AT LEAST SEPTEMBER OF 2009,  
23 BASED ON YOUR RECOLLECTION, TRUE?

24 A TRUE.

25 Q WHEN DID HE FIRST TELL HER THAT  
26 "METHAMPHETAMINE ABUSE," IN YOUR PRESENCE, "IS A DANGEROUS  
27 THING AND COULD KILL YOU"? WHEN?

28 A AT THE VERY BEGINNING.

1 Q SO 2007?

2 A YES.

3 Q OKAY. SO LET ME MAKE SURE NOW,  
4 MR. MAC EACHERN.

5 YOU AND TARA CONTINUED TO USE  
6 METHAMPHETAMINE TOGETHER, YOU JUST TOLD THE JURY, BETWEEN  
7 2005 AND 2008 -- UP UNTIL 2008, CORRECT?

8 A YES.

9 Q AND YOU REALLY CARED ABOUT HER, YOU KNEW  
10 THAT DR. BOHN TOLD HER SHE SHOULDN'T USE METHAMPHETAMINE  
11 BUT -- AND STARTED TELLING HER THAT IN 2007, CORRECT?

12 A UH-HUH.

13 Q "YES"?

14 A THAT'S CORRECT.

15 Q ARE YOU AWARE THAT DR. BOHN SAW  
16 MS. DE ROGATIS ON FEBRUARY THE 9TH, 2010? THAT WOULD  
17 OBVIOUSLY BE AFTER THE SEPTEMBER 2009 VISIT.

18 ARE YOU AWARE OF THAT?

19 A I'M AWARE NOW. I MEAN NOT NOW, BUT I WAS  
20 AWARE PRIOR -- AFTER THE -- AFTER IT OCCURRED.

21 Q OKAY. AND YOU DIDN'T GO TO THAT?

22 A NO, I DID NOT.

23 Q AND IN FEBRUARY OF 2010, WAS TARA DE ROGATIS  
24 TAKING NORCO?

25 A YES.

26 Q WERE YOU AWARE WHETHER OR NOT DR. BOHN TOLD  
27 HER THAT SHE SHOULD NOT TAKE NORCO?

28 A YES.

1 Q WHEN DID HE TELL HER THAT?

2 A HE PRESCRIBED NORCO TO HER ONCE.

3 Q OH, LET'S START WITH THAT.

4 WHEN DID HE PRESCRIBE IT?

5 A IN -- IN 2000 -- IT WOULD BE 2009, I GUESS.

6 YES, 2009.

7 Q AT THE SEPTEMBER 2009 VISIT?

8 A I'M -- I'M NOT -- I THINK HE DID IT OVER THE

9 PHONE.

10 Q HOW MANY -- HOW MANY TIMES DID HE PRESCRIBE

11 NORCO --

12 A ONCE.

13 Q -- FOR MS. DE ROGATIS?

14 A ONCE.

15 Q HOW MANY DIFFERENT DOCTORS ARE YOU AWARE OF,

16 BEGINNING IN EARLY 2010, PRESCRIBED NORCO FOR

17 MS. DE ROGATIS?

18 A INCLUDING DR. BOHN, IT WOULD BE ONE, TWO,

19 THREE -- FOUR.

20 Q FOUR.

21 AND ARE YOU INCLUDING DR. SHAINSKY IN THAT

22 LIST OR NOT?

23 A YES.

24 Q CAN YOU NAME THE DOCTORS FOR ME?

25 A HER COSMETIC DOCTOR, DR. CASSILETH OR

26 CASSILETH OR SOMETHING LIKE THAT. AND THEN THE PAIN

27 DOCTOR IN THE VALLEY.

28 Q I THINK COUNSEL SUGGESTED SHE WAS A

1 DR. SPIEGEL; IS THAT --

2 A DR. SPIEGEL.

3 Q WHO ELSE?

4 A DR. RAMIN AND THEN DR. SHAINSKY. OH, AND  
5 THEN DR. BOHN, OF COURSE.

6 Q OKAY. YOU MENTIONED THE PLASTIC SURGEON.  
7 IS THAT DR. CASSILETH?

8 A YES.

9 Q DURING YOUR TIME TOGETHER WITH  
10 MS. DE ROGATIS, HOW MANY PLASTIC SURGERIES DID SHE HAVE?

11 A I BELIEVE SHE -- SHE HAD FOUR PROCEDURES.

12 Q FOUR PROCEDURES?

13 A YES.

14 Q AND WHEN DID THEY START?

15 A THEY STARTED IN 2009.

16 Q AND WHEN WAS THE LAST ONE DONE?

17 A THE LAST ONE WAS DONE IN -- IN MARCH. MARCH  
18 15TH, AROUND THERE, 2010.

19 Q SO STARTING IN 2009, THE FIRST PLASTIC  
20 SURGERY, CORRECT?

21 A UH-HUH.

22 Q "YES"?

23 A YES.

24 Q I NEED A "YES" FOR THE RECORD.

25 AND THEN WHEN WAS -- AND YOU SAID WHEN, MAY  
26 OF 2009?

27 A APRIL, MAY, 2009.

28 Q WHEN WAS THE NEXT ONE?



1           A           SHORTLY THEREAFTER. IT WAS A FIX. THE  
2 FIRST ONE NEEDED TO BE FIXED.

3           Q           LIKE A REDO OR SOMETHING, A REVISION?

4           A           YEAH, A REVISION.

5           Q           LIKE A MONTH OR SO LATER?

6           A           ABOUT A MONTH LATER, YES.

7           Q           AND THEN WHEN'S THE THIRD ONE, DO YOU  
8 RECALL?

9           A           PROBABLY A MONTH OR SO AFTER THAT. MINOR,  
10 LIP INJECTIONS.

11          Q           THIS WAS JUST LIP.

12                   WERE THESE PRIOR SURGERIES MAJOR?

13          A           A BREAST AUGMENTATION IN 2009, I MEAN THE  
14 FIRST ONE. THAT WAS --

15          Q           AND WHEN WAS THE FOURTH ONE?

16          A           FOURTH ONE, THEY -- THEY DID SOME SORT OF  
17 EYE --

18          Q           DO YOU REMEMBER WHEN IT WAS?

19          A           MARCH 10TH -- NO, HAD TO BE MARCH 12TH  
20 BECAUSE -- MARCH 12TH, 15TH, RIGHT AROUND THERE.

21          Q           OKAY. AND WAS -- WERE YOU AWARE THERE WAS  
22 ANOTHER SURGERY THAT HAD BEEN SCHEDULED BY THE PLASTIC  
23 SURGEON?

24          A           YES.

25          Q           AND WHAT WAS THE DATE OF THAT?

26          A           THAT WAS GOING TO BE THE 23RD -- I MEAN  
27 MARCH 26TH.

28          Q           2010?

1           A           2010.

2           Q           AND WHAT WAS THAT -- WHAT WAS THE NATURE OF  
3 THAT SURGERY?

4           A           AGAIN, SHE WANTED TO HAVE HER -- HER BREASTS  
5 FIXED AGAIN.

6           Q           OKAY. YOU WEREN'T IN FAVOR OF THIS PLASTIC  
7 SURGERY, WERE YOU?

8           A           NO. IN FACT, I WENT TO SEE DR. CASSILETH  
9 BEFORE THE FIRST. AND I WAS ACTUALLY KIND OF ANGRY AT HER  
10 BECAUSE, IN MY OPINION, I THINK TARA IS BEAUTIFUL, A  
11 BEAUTIFUL WOMAN AND -- I DON'T KNOW HOW SHE GOT SOLD INTO  
12 THIS.

13                       AND I SAID -- AND I SAID, "YOU KNOW SHE'S  
14 UNDER PSYCHIATRIC CARE. I MEAN, IS SHE ALLOWED TO MAKE  
15 DECISIONS LIKE THIS?"

16                       AND SHE SAYS, "OF COURSE SHE IS. AND I  
17 TALKED TO THE DOCTOR, AND DR. BOHN SAID, 'NOT A PROBLEM.'"

18                       AND SO I WAS LIKE -- THERE WAS NOTHING I  
19 COULD DO, AND TARA -- IF YOU SAID NO TO TARA, TARA DID IT  
20 ANYWAYS. SHE WAS LIKE -- SHE WAS VERY, VERY INDEPENDENT  
21 IN MANY WAYS.

22           Q           DID YOU -- DID THE TWO OF YOU EVER QUARREL  
23 OVER THE PLASTIC SURGERY?

24           MS. MC BROOM: OBJECTION. RELEVANCE.

25           THE COURT: PARDON?

26           MS. MC BROOM: RELEVANCE.

27           THE COURT: OVERRULED.

28           THE WITNESS: WE DIDN'T QUARREL. I JUST HAD A VERY

1 STRONG OPINION AND -- BUT IT'S HER DECISION. IT'S  
2 PERSONAL. AND I HAD AN OPINION. I THOUGHT IT WAS SO  
3 UNNECESSARY, BUT SHE -- SHE FELT DIFFERENTLY.

4 AND I MEAN, "I'LL BE THERE. I'LL BE THERE.  
5 I'LL BE THERE TO PICK YOU UP" AND SO FORTH.

6 BY MR. BLESSEY:

7 Q YOU WANTED TO BE THERE WITH HER, RIGHT?

8 A WHEN SHE -- PICK HER UP AND THIS AND THAT,  
9 BECAUSE IF I DIDN'T -- IF I DIDN'T, IF I WASN'T THERE, SHE  
10 WOULD HAVE DONE IT ANYWAYS SOMEHOW.

11 AND SHE ACTUALLY LIED TO ME ABOUT THE LAST  
12 TWO, SAID SHE WENT TO YOGA CLASS, AND I FOUND OUT AFTER  
13 THAT.

14 SHE CALLED ME UP AND GOES, "OH, MY GOD. SHE  
15 TURNED ME INTO A MONSTER."

16 "WHAT ARE YOU TALKING ABOUT?"

17 "SHE RUINED MY EYES."

18 AND I WENT, "OH, MY GOD, WHAT ARE YOU  
19 TALKING ABOUT?"

20 SHE CAME HOME. I COULDN'T EVEN TELL THE  
21 DIFFERENCE. I MEAN, THERE WAS NOTHING WRONG. SO THAT  
22 WAS -- THAT'S HOW IT WENT.

23 AND THE LIPS, "DO YOU SEE THE DIFFERENCE?" I  
24 COULDN'T SEE THE DIFFERENCE. I DON'T KNOW WHAT --

25 Q THANK YOU.

26 A I'M JUST GIVING --

27 Q DURING WHICH -- WHICH OF THE SURGERIES DO  
28 YOU RECALL HER GETTING YOU BELIEVE TO BE NORCO AFTER ONE

1 OF THE PLASTIC SURGERIES?

2 A THE FIRST ONE.

3 Q THE FIRST ONE?

4 A YES.

5 Q ARE YOU SURE ABOUT THAT?

6 A YES. SHE --

7 Q "YES"?

8 A YES.

9 Q POSITIVE?

10 A NOT ABSOLUTELY POSITIVE, NO, BUT MAJOR PAIN  
11 PILLS.

12 Q AND THIS WAS THE PLASTIC SURGEON THAT  
13 PRESCRIBED, AS YOU UNDERSTAND IT, NORCO, CORRECT?

14 A YES.

15 Q KNOWING THAT, AS YOU PUT IT, SHE HAD  
16 PSYCHIATRIC ISSUES?

17 A WENT TO THE DOCTOR AND ASKED ABOUT THAT.  
18 THAT'S WHY I SAID.

19 Q DID YOU TELL DR. CASSILETH THAT TARA  
20 DE ROGATIS HAD BEEN USING METHAMPHETAMINES AND HER  
21 PSYCHIATRIST THOUGHT SHE WAS HAVING ADVERSE EFFECTS FROM  
22 THAT PSYCHIATRICALY?

23 A I DIDN'T SAY THAT.

24 I SAID, "SHE'S UNDER PSYCHIATRIC CARE. WE  
25 TALKED TO HER PSYCHIATRIST."

26 AND I WENT IN THERE ALONE TO TALK TO HER  
27 ABOUT THIS.

28 Q OKAY. I'LL TRY TO GET YOU DONE BY NOON.

1 A OKAY.

2 Q SO LET'S MOVE ON TO A COUPLE OF OTHER AREAS,  
3 OKAY?

4 LET'S FOCUS NOW ON DR. SHAINSKY --  
5 DR. SHAINSKY'S APPOINTMENTS, AND WHEN DID YOU -- DO YOU  
6 RECALL WHEN THE FIRST ONE WAS, THE DATE?

7 A FEBRUARY 15TH.

8 Q IT WAS FEBRUARY 10, 2010.

9 DOES THAT SOUND RIGHT?

10 A APPROXIMATELY THAT'S ABOUT RIGHT.

11 Q AND AT THE TIME THAT SHE CAME TO  
12 DR. SHAINSKY ON THIS FIRST VISIT, TARA WAS TAKING NORCO TO  
13 HELP WITH HER PAIN, TRUE?

14 A THAT'S CORRECT.

15 Q AND, ALSO, IT WAS YOUR IMPRESSION, FROM  
16 BEING THERE WITH TARA, THAT DR. SHAINSKY, WHEN SHE FIRST  
17 SAT DOWN WITH TARA DE ROGATIS, SHE WAS -- DR. SHAINSKY WAS  
18 VERY THOROUGH IN DISCUSSING HER MEDICAL ISSUES, CORRECT?

19 A YES, THAT'S CORRECT.

20 Q NOW, DO YOU RECALL, MR. MAC EACHERN, WHEN  
21 YOU FIRST WENT INTO THE OFFICE BEING GIVEN SOME PAPERWORK  
22 TO FILL OUT BEFORE YOU SAW THE DOCTOR?

23 A YES, I REMEMBER.

24 Q YOU DON'T REMEMBER?

25 A NO, I SAID I REMEMBER.

26 Q OH, YOU DO REMEMBER?

27 A YEAH.

28 Q DID YOU ASSIST MS. DE ROGATIS IN FILLING OUT

1 THE PAPERWORK AT ALL?

2 A I DON'T BELIEVE I DO. I HAVE TERRIBLE  
3 HANDWRITING. SHE HAS MUCH BETTER HANDWRITING.

4 Q YOU SHOULD SEE MINE. IT'S PROBABLY WORSE.

5 MR. NEWHOUSE: WE ARE SEEING IT.

6 MR. BLESSEY: THAT'S TRUE.

7 IS YOURS BETTER?

8 MR. NEWHOUSE: NO.

9 MR. BLESSEY: OKAY. HE SAID "NO," FOR THE RECORD.

10 Q OKAY. WITH ALL SERIOUSNESS -- BECAUSE THIS  
11 IS A SERIOUS CASE -- DO YOU KNOW WHETHER OR NOT  
12 MS. DE ROGATIS FILLED OUT PAPERWORK THAT WAS ASKING ABOUT  
13 HER PAST MEDICAL HISTORY AND MEDICATIONS AND THAT KIND OF  
14 THING?

15 DO YOU REMEMBER THAT?

16 A I -- I ONLY ASSUME BECAUSE THAT'S WHAT --  
17 WHEN YOU GO TO THE DOCTOR, YOU FILL THESE THINGS OUT AND  
18 THAT'S WHAT YOU DO.

19 Q YOU DO HAVE A RECOLLECTION OF DURING THAT  
20 VISIT, THAT INJECTIONS -- SOME KIND OF INJECTION WAS  
21 PROVIDED BY DR. SHAINSKY, RIGHT?

22 A THAT'S CORRECT, YES.

23 Q AND YOU ALSO BELIEVED, BACK TO THE  
24 CONSULTATION, THAT CONSULTATION, THE QUESTION AND ANSWER  
25 BETWEEN DR. SHAINSKY AND MS. DE ROGATIS, LASTED WHAT,  
26 ABOUT 30 MINUTES?

27 A THAT'S WHAT I BELIEVE, YES.

28 Q OKAY. NOW, YOU TALKED EARLIER ABOUT THE

1 NORCO PRESCRIPTION THAT WAS GIVEN ON FEBRUARY 10TH, 2010.

2 I'M GOING TO REPRESENT -- WELL, LET ME ASK  
3 YOU THIS QUESTION: AFTER YOU LEFT DR. SHAINSKY'S OFFICE,  
4 OVER THE COURSE OF THE NEXT TWO WEEKS, OKAY, DO YOU HAVE  
5 THAT IN MIND --

6 A UH-HUH.

7 Q -- THAT WOULD BE LIKE, SAY, UP UNTIL  
8 FEBRUARY 25TH?

9 A UH-HUH.

10 Q OKAY. HOW MANY --

11 A YES.

12 Q HOW MANY NORCO A DAY WAS TARA DE ROGATIS  
13 TAKING?

14 A I'M NOT QUITE SURE WHAT SHE WAS TAKING, BUT  
15 I DO KNOW THAT -- THAT THERE WAS ALWAYS A SMALL AMOUNT  
16 GIVEN AT ANY TIME IT APPEARED. AND WHEN I PICKED IT UP,  
17 AND SHE WOULD RUN OUT.

18 Q CAN YOU -- CAN YOU ESTIMATE FOR US HOW MANY  
19 OF THOSE NORCO TABLETS SHE WAS USING A DAY ON THE AVERAGE  
20 FOR THE TWO WEEKS AFTER THE APPOINTMENT WITH DR. SHAINSKY?

21 A AS I MENTIONED, I BELIEVE SHE WOULD TAKE IT  
22 DAILY. I COULDN'T TELL YOU EXACTLY HOW MANY, BUT I  
23 BELIEVE SHE WOULD TAKE IT DAILY WITH TWO OR THREE DAYS A  
24 WEEK WHERE SHE WOULDN'T.

25 Q ARE YOU SURE ABOUT THAT?

26 A TO THE BEST OF MY KNOWLEDGE.

27 Q BECAUSE THIS IS DURING THE TIME PERIOD WHEN,  
28 I THINK YOU TOLD THE JURY, SHE WAS SOMEWHAT SECRETIVE

1 ABOUT HER MEDICAL ISSUES, TRUE?

2 A YES.

3 Q IS IT POSSIBLE SHE WAS TAKING IT EVERY DAY  
4 AND YOU JUST WEREN'T AWARE?

5 A YEAH, IT'S POSSIBLE.

6 Q LET'S GO TO THE NEXT DATE OF INTEREST, AND  
7 THAT WOULD BE FEBRUARY THE 25TH, 2010.

8 I THINK YOU TOLD THE JURY THERE WAS A  
9 PRESCRIPTION PROVIDED BY DR. SHAINSKY ON THAT DAY FOR  
10 NORCO, CORRECT?

11 A THAT'S MY UNDERSTANDING, YES.

12 Q AND IN BETWEEN THE TIME OF THIS PRESCRIPTION  
13 AND THE NEXT VISIT WITH DR. SHAINSKY, HOW MANY NORCO  
14 TABLETS WAS MS. DE ROGATIS TAKING A DAY?

15 A I'M NOT SURE.

16 Q DID YOU HAVE A FEELING OR A SENSE THAT SHE  
17 WAS TAKING MORE THAN SHE SHOULD HAVE?

18 MS. MC BROOM: OBJECTION, YOUR HONOR. IT'S VAGUE  
19 AND AMBIGUOUS AND SPECULATIVE.

20 THE COURT: SUSTAINED.

21 BY MR. BLESSEY:

22 Q DID YOU HAVE -- WERE YOU CONCERNED -- DURING  
23 THE TIME PERIOD BETWEEN FEBRUARY 25TH, 2010 AND THE NEXT  
24 OFFICE VISIT OF MARCH 1ST, 2010, WERE YOU CONCERNED WITH  
25 THE AMOUNT OF NORCO TABLETS THAT TARA DE ROGATIS WAS  
26 TAKING?

27 MS. MC BROOM: OBJECTION. LACKS FOUNDATION. HE  
28 JUST STATED HE DIDN'T KNOW HOW MUCH.



1 MR. BLESSEY: EXCUSE ME. THAT'S A SPEAKING  
2 OBJECTION.

3 THE COURT: WERE YOU CONCERNED?

4 THE WITNESS: I WAS VERY CONCERNED.

5 BY MR. BLESSEY:

6 Q WHY WERE YOU CONCERNED?

7 A I WAS -- I'D BEEN CONCERNED ABOUT TARA'S  
8 CONDITION WHEN SHE STARTED SEEING DR. BOHN, AND I WAS VERY  
9 CONCERNED ABOUT THE PHARMACEUTICAL DRUGS THAT SHE WAS  
10 TAKING.

11 AND I WOULD NEVER WANT TO LEAVE TARA ALONE.  
12 IF I HAD DOING OUT OF TOWN FOR SOME REASON, I ALWAYS TRIED  
13 TO MAKE SURE THERE WAS SOMEONE THERE TO BE WITH HER. I  
14 WAS -- I WAS CONCERNED CONTINUALLY.

15 LINDA AND I WOULD TALK, "WHO'S THERE? WHO  
16 WATCHES HER WHEN YOU'RE GONE FOR THE NEXT FEW DAYS?" AND  
17 SO FORTH.

18 SO I WAS CONCERNED FOR MANY YEARS. I WAS  
19 CONCERNED WHEN SHE WAS IN NEW JERSEY ONCE. I REMEMBER  
20 CALLING PETER, AND SAID, "PETER, CAN YOU RUN OVER THERE?"

21 MR. BLESSEY: YOUR HONOR, WE'RE BEYOND THE SCOPE OF  
22 THE QUESTION.

23 THE WITNESS: I WAS CONCERNED.

24 BY MR. BLESSEY:

25 Q OKAY. SO LET'S TALK ABOUT YOUR CONCERN IN  
26 2010.

27 A YES.

28 Q AND LET'S COMPARE TO YOUR CONCERN IN THE

1 TIME PERIOD WHEN YOU AND TARA WERE ABUSING  
2 METHAMPHETAMINES DESPITE DR. BOHN TELLING YOU IT WASN'T IN  
3 HER BEST INTEREST.

4 WHICH TIME PERIOD, SIR, WERE YOU MORE  
5 CONCERNED ABOUT HER WELL-BEING, THE EARLIER YEARS OR 2010?

6 MS. MC BROOM: OBJECTION, YOUR HONOR.  
7 ARGUMENTATIVE.

8 THE COURT: OVERRULED.

9 BY MR. BLESSEY:

10 Q WHICH TIME PERIOD?

11 A I WAS -- I WAS MORE CONCERNED AS -- AS THE  
12 DAYS WENT ON. I BECAME MORE AND MORE CONCERNED AS THE  
13 DAYS WENT ON.

14 Q WERE YOU CONCERNED --

15 A AND I DID NOT ABUSE METHAMPHETAMINE. I HAVE  
16 TO CORRECT YOU, SIR. YOU SAID I ABUSED IT, AND I DIDN'T.

17 Q YOU USED IT, CORRECT?

18 A USED IT, YES, I HAVE.

19 Q OKAY. WERE YOU CONCERNED ABOUT HER  
20 WELL-BEING WHEN THE TWO OF YOU WERE USING  
21 METHAMPHETAMINES?

22 A ABSOLUTELY.

23 Q THAT'S WHAT I THOUGHT. FINE.

24 NOW, MARCH THE 1ST, YOU DIDN'T ATTEND THIS  
25 VISIT, CORRECT?

26 A NO.

27 Q WHAT YOU KNOW ABOUT THAT VISIT WAS THAT --  
28 WELL, ACTUALLY, LET'S BACK UP. LET'S BACK UP.



1 COURT?

2 THE COURT: I DON'T KNOW. JUST SHARE IT WITH  
3 COUNSEL, PAGE AND LINE.

4 MR. BLESSEY: I WILL.

5 MR. NEWHOUSE: THANK YOU. THANK YOU.

6 MS. MC BROOM: YOUR HONOR, I BELIEVE I HAVE THE  
7 ORIGINALS, IF YOU'D LIKE TO SEE THEM.

8 THE COURT: I REALLY DON'T NEED IT. UNLESS THERE'S  
9 SOME DISAGREEMENT ABOUT WHETHER IT CAN BE READ.

10 MR. BLESSEY: PAGE 307, LINES 11 THROUGH 18.  
11 ACTUALLY, LET'S GO TO LINES 11 THROUGH -- WE'LL MAKE IT  
12 SHORT.

13 MR. NEWHOUSE: 307 -- WHERE TO WHERE?

14 MR. BLESSEY: 11 TO 14.

15 THE COURT: ANY OBJECTION?

16 MS. MC BROOM: NO.

17 THE COURT: READ IT.

18 MR. BLESSEY: THANK YOU, YOUR HONOR.

19 Q "QUESTION: IS THERE ANY VAGUE RECOLLECTION  
20 THAT YOU HAVE OF THAT VISIT?"

21 THE ANSWER --

22 A WHICH VISIT?

23 Q EXCUSE ME, SIR.

24 THE COURT: HE'S JUST GOING TO READ IT.

25 BY MR. BLESSEY:

26 Q I'M JUST GOING TO READ, MR. MAC EACHERN.  
27 I'M NOT ASKING YOU A QUESTION RIGHT NOW, OKAY. I'M -- I  
28 KNOW YOU'RE NOT FAMILIAR WITH THE PROCESS.

1 "QUESTION: IS THERE ANY VAGUE  
2 RECOLLECTION THAT YOU HAVE OF THAT VISIT?

3 "ANSWER: THAT SHE WAS ENCOURAGED THAT  
4 SHE WOULD BE ABLE TO GET OFF ALL  
5 MEDICATIONS" -- "ALL MEDICINES" WOULD BE THE  
6 CORRECT LAST WORD.

7 SO DOES THAT REFRESH YOUR RECOLLECTION THAT  
8 MS. DE ROGATIS, AS OF THE MARCH 1ST, WAS ENCOURAGED THAT  
9 SHE COULD PERHAPS GET OFF OF HER MEDICATIONS?

10 MS. MC BROOM: YOUR HONOR, I'M GOING TO OBJECT.  
11 IT'S A DIFFERENT QUESTION. THE QUESTION HE ASKED TO  
12 MR. MAC EACHERN ISN'T --

13 MR. BLESSEY: EXCUSE ME. THAT'S A SPEAKING  
14 OBJECTION.

15 THE COURT: OVERRULED. YOU CAN ANSWER.

16 THE WITNESS: THE -- THE --

17 THE COURT: AS OF MARCH THE 1ST. IT'S A NEW  
18 QUESTION.

19 THE WITNESS: THE APPOINTMENT OF MARCH 1ST, THE ONE  
20 I DIDN'T GO TO?

21 BY MR. BLESSEY:

22 Q LET ME ASK IT THIS WAY. THANK YOU FOR  
23 POINTING THAT OUT TO ME.

24 AFTER THE MARCH 1ST VISIT, IN THE DAYS THAT  
25 FOLLOWED, WAS IT YOUR IMPRESSION THAT MS. DE ROGATIS WAS  
26 ENCOURAGED THAT PERHAPS SHE COULD GET OFF ALL HER  
27 MEDICATIONS? WAS THAT YOUR IMPRESSION?

28 A AT TIMES.

1 Q ALL RIGHT. NOW, LET'S TURN TO THE LAST  
2 VISIT WITH DR. SHAINSKY, AND YOU TOLD THE JURY THAT  
3 OCCURRED ON MARCH 22ND, 2010?

4 A THAT'S CORRECT.

5 Q RIGHT.

6 WHAT TIME, SIR, WAS THAT APPOINTMENT?

7 A I BELIEVE FOUR O'CLOCK.

8 Q ARE YOU SURE ABOUT THAT?

9 A 4:00, 4:30.

10 Q PERHAPS A LITTLE EARLIER? DO YOU KNOW?

11 A NO.

12 Q YOU'RE NOT SURE, OR YOU DON'T KNOW?

13 MS. MC BROOM: OBJECTION. ASKED AND ANSWERED.

14 THE WITNESS: I REMEMBER, 4:00, 4:30. THAT'S WHAT  
15 I REMEMBER.

16 BY MR. BLESSEY:

17 Q AND WHAT DO YOU BASE THAT ON?

18 A MY MEMORY.

19 Q BASED ON YOUR MEMORY.

20 AND I THINK WHAT I HEARD YOU SAY WAS THAT  
21 WITHIN 5 MINUTES OF COMING INTO THE OFFICE, DR. SHAINSKY  
22 ALLEGEDLY WAS ON THE PHONE CALLING A PSYCHIATRIST, RIGHT,  
23 5 MINUTES LATER?

24 A NO, THAT'S NOT WHAT I SAID.

25 Q OKAY. WELL, THE TRANSCRIPT WILL BE WHAT IT  
26 IS.

27 A I SAID WE WERE PUT INTO THE EXAMINATION ROOM  
28 ABOUT 5 MINUTES, ONCE WE GOT THERE.

1 Q WHAT WAS THE BEST OF YOUR -- WELL, LET ME  
2 ASK YOU THIS: THIS APPOINTMENT WAS FOUR DAYS BEFORE THE  
3 PLANNED PLASTIC SURGERY, CORRECT?

4 A YES, YES.

5 Q "YES"?

6 A YES.

7 Q AND AT THAT TIME OF THIS APPOINTMENT,  
8 MS. DE ROGATIS WAS CONCERNED ABOUT PERHAPS POSTOPERATIVE  
9 PAIN THAT SHE MIGHT BE EXPERIENCING, RIGHT?

10 A YES.

11 Q YOU DIDN'T THINK -- DESPITE THE DESCRIPTION  
12 YOU GAVE THE JURY ON THE DIRECT EXAMINATION, YOU DIDN'T  
13 FEEL THAT DISAPPOINTMENT WAS A LIFE-AND-DEATH SITUATION,  
14 DID YOU?

15 A I DON'T THINK IT WAS A LIFE-AND-DEATH  
16 SITUATION, YOU'RE CORRECT.

17 Q AND YOU DO RECALL MS. DE ROGATIS TELLING  
18 DR. SHAINSKY, "I WOULD NEVER HURT MYSELF," RIGHT?

19 A YES.

20 Q AND BEYOND THAT, YOU RECALL MS. DE ROGATIS  
21 TELLING DR. SHAINSKY, "I WANT TO LIVE. I LOVE LIFE,"  
22 CORRECT?

23 A YES, I DO.

24 Q IN FACT, MS. DE ROGATIS REPEATED THOSE  
25 PHRASES AT LEAST ONE OTHER TIME BEFORE SHE LEFT THE OFFICE  
26 OF DR. SHAINSKY, CORRECT?

27 A I CAN'T RECALL THAT.

28 Q YOU'RE NOT SURE EITHER WAY?

1           A           I'M NOT SURE IF SHE REPEATED IT.

2           Q           NOW, YOU DO RECALL, THOUGH, AFTER THIS  
3 APPOINTMENT, MS. DE ROGATIS WAS DOING BETTER, RIGHT?

4           A           YES.

5           Q           IN FACT, YOU WERE SO IMPRESSED BY HOW MUCH  
6 BETTER SHE WAS DOING, YOU GOT ON THE PHONE AND CALLED  
7 LINDA DE ROGATIS, TRUE?

8           A           TRUE.

9           Q           AND YOU TOLD HER THAT TARA WAS DOING BETTER,  
10 CORRECT?

11          A           THAT'S CORRECT.

12          Q           OKAY. NOW, LET'S GO CAREFULLY THROUGH THIS  
13 TIMELINE OF THE EVENTS THAT OCCURRED AFTER THE VISIT WITH  
14 DR. SHAINSKY, OKAY.

15                    ARE YOU OKAY? YOU LOOK TIRED.

16          A           NO.

17          Q           I'M NOT BORING YOU, AM I?

18          A           NO. YOU'RE JUST MISSING GAPS, BUT IT'S  
19 OKAY.

20          Q           I UNDERSTAND. OKAY. BUT YOU DON'T -- OKAY.  
21 WHAT TIME DID THE TWO OF YOU ARRIVE HOME?

22          A           APPROXIMATELY SIX O'CLOCK.

23          Q           6:00 P.M.

24                    BY THE WAY, IN 2010, IN THIS APARTMENT THAT  
25 YOU HAD JUST MOVED INTO, I THINK IT WAS MARCH 15, DID THE  
26 TWO OF YOU SHARE A BEDROOM?

27          A           YES.

28          Q           YES, YOU DID.



1                   IT WAS -- IT WAS YOUR NORMAL ROUTINE IN THE  
2 APARTMENT UP UNTIL MARCH 22ND TO SLEEP IN THE SAME  
3 BEDROOM, CORRECT?

4           A           I'VE BEEN OUT OF TOWN, IT WAS THREE DAYS.  
5 SO DO YOU FORM A ROUTINE IN THREE DAYS?

6           Q           SIR, IN THE DAYS AFTER YOU RETURNED.

7           A           WE STAYED TOGETHER, OF COURSE.

8           Q           YES, YOU SLEPT TOGETHER, CORRECT?

9           A           CORRECT.

10          Q           NOW, WHEN YOU GOT HOME AT 6:00 P.M. THAT  
11 EVENING, YOU RECALL THAT MS. DE ROGATIS WAS CALM AND DOING  
12 BETTER, CORRECT?

13          A           THAT'S CORRECT.

14          Q           AND AT SOME POINT AFTER SHE GOT HOME, SHE  
15 BEGAN THIS COMMUNICATION -- OR CONTINUED THIS  
16 COMMUNICATION WITH THIS NIELS KANTOR GENTLEMAN YOU TALKED  
17 ABOUT, RIGHT?

18          A           I DIDN'T KNOW ABOUT THAT.

19          Q           OKAY. FAIR ENOUGH.

20                    I THINK YOU TOLD US THAT ABOUT -- WELL, LET  
21 ME ASK YOU. SHE LEAVES THE HOUSE AT SOME POINT AFTER  
22 YOU'RE HOME, AND SHE'S FEELING BETTER TO GO OUT AND GET  
23 HER -- TO PICK UP HER MEDICATION, RIGHT?

24          A           CORRECT.

25          Q           AND THAT WAS ABOUT SEVEN O'CLOCK?

26          A           MORE AROUND 8:00.

27          Q           I DON'T WANT TO BELABOR THE POINT, BUT LET  
28 ME JUST ASK IT THIS WAY: IN YOUR DEPOSITION, YOU SAID

1 7:00.

2 A OKAY.

3 Q DOES THAT HELP REFRESH YOUR RECOLLECTION?

4 A NO.

5 Q OKAY. SO 7:00, 8:00, SOMEWHERE AROUND  
6 THERE, RIGHT?

7 A YES. I DON'T WEAR A WATCH.

8 Q OH, YOU DON'T? OKAY.

9 A NO.

10 Q AND YOU SAID, THOUGH, SHE RETURNED HOME  
11 WITHIN A HALF HOUR?

12 A APPROXIMATELY, YES.

13 Q SO AT THE LATEST, SHE WOULD HAVE BEEN BACK  
14 HOME AROUND 8:30?

15 A IF YOU DO THE MATH, THAT'S RIGHT. BUT I  
16 WASN'T SURE OF THE TIME, IT'S JUST BASED ON MY GUESS,  
17 WHICH WAS APPROXIMATELY 7:00-ISH, MAYBE 7:00, 8:00. IF  
18 YOU DO THE MATH, THAT'S RIGHT. BUT SHE WAS GONE FOR HALF  
19 AN HOUR OR SO.

20 Q SO EITHER BETWEEN 7:00 AND 7:30 OR PERHAPS  
21 8:00 AND 8:30, RIGHT?

22 A THAT'S CORRECT.

23 Q NOW, WE TALKED A LITTLE BIT -- BY THE WAY,  
24 DID YOU CALL MS. DE ROGATIS DURING THE EVENING BETWEEN  
25 6:00 AND WHEN YOU FELL ASLEEP AFTER HAVING A DRINK AT 9:00  
26 OR SO, DID YOU CALL HER BACK AND TELL HER HOW TARA WAS  
27 DOING?

28 A WE HAD TALKED AT THE PHARMACY, AND I DIDN'T

1 TALK TO HER AFTER THAT. SO SIX O'CLOCK WOULD HAVE BEEN  
2 ABOUT THE LAST TIME I SPOKE WITH LINDA UNTIL ABOUT 5:30  
3 THE NEXT MORNING.

4 Q ALL RIGHT. NOW, LET'S TALK ABOUT --

5 THE COURT: I'M SORRY. WHAT TIME WAS IT THAT YOU  
6 TALKED TO LINDA, DID YOU SAY?

7 THE WITNESS: IT WAS AT THE PHARMACY, SO AROUND  
8 SIX O'CLOCK.

9 THE COURT: OKAY. THANKS.

10 BY MR. BLESSEY:

11 Q JUST TO BE CLEAR, THEN, YOU DIDN'T HAVE  
12 ANOTHER CALL WITH HER UNTIL THE NEXT MORNING AROUND 5:30,  
13 CORRECT?

14 A YES, THAT'S CORRECT.

15 Q I THINK I HEARD YOU TELL THE JURY THAT  
16 AROUND 9:00 P.M. THAT YOU AND TARA HAD SOME KIND OF AN  
17 EXCHANGE, RIGHT, YOU TALKED?

18 A YES.

19 Q AND AT THAT TIME, I THINK YOU MENTIONED  
20 ABOUT THE HAIR WASHING FOR THE ACTING CLASS COMING UP,  
21 RIGHT?

22 A YES.

23 Q THERE WAS ANOTHER THING THAT THE TWO OF YOU  
24 TALKED ABOUT AT THAT TIME, TRUE?

25 A I THINK -- MAYBE REFRESH MY MEMORY. I CAN'T  
26 REMEMBER.

27 Q OKAY. I WILL TRY.

28 DO YOU RECOGNIZE THE NAME TIM STOREY?

1 A OH, YEAH. THAT'S RIGHT.

2 Q WHO IS TIM STOREY?

3 A HE'S A LIFE COACH.

4 Q HE'S A PASTOR, RIGHT?

5 A YES.

6 Q AND HE'S A LIFE COACH?

7 A YES.

8 Q DO YOU HAVE AN UNDERSTANDING OF WHAT HE DOES  
9 FOR A LIVING, WHAT HE DOES WITH PEOPLE?

10 A HE'S A LIFE COACH. HE HELPS WITH GUIDING  
11 THEIR LIFE INTO A POSITIVE DIRECTION.

12 Q WHAT YOU TALKED WITH TARA AT ABOUT NINE  
13 O'CLOCK WAS AN UPCOMING DINNER WITH MR. STOREY, RIGHT?

14 A THAT'S CORRECT.

15 Q AND YOU WERE TALKING WITH TARA THAT YOU  
16 MIGHT GO DOWNSTAIRS IN YOUR APARTMENT BUILDING, APPARENTLY  
17 THERE'S A RESTAURANT THERE, AND HAVE DINNER WITH  
18 MR. STOREY THERE?

19 A THAT'S CORRECT.

20 Q IN FACT, YOU HAD PLANNED IT, CORRECT?

21 A YES.

22 Q AND AT THIS TIME, MR. MAC EACHERN, AROUND  
23 NINE P.M., IT WAS YOUR RECOLLECTION THAT TARA WAS FEELING  
24 SO GOOD THAT SHE HADN'T EVEN TAKEN ANY PERCOCET, TRUE?

25 A I DIDN'T KNOW THAT.

26 Q OKAY.

27 MR. NEWHOUSE: GIVE US PAGE REFERENCE, PLEASE.

28 MR. BLESSEY: JUST A MINUTE.

1 MR. NEWHOUSE: THANK YOU.

2 MR. BLESSEY: YOU KNOW I WILL.

3 MR. NEWHOUSE: OF COURSE.

4 MR. BLESSEY: PAGE 386, LINE 18, TO PAGE 387, LINE  
5 2.

6 MR. NEWHOUSE: 386-18 --

7 MR. BLESSEY: TO 387, LINE 2.

8 MS. MC BROOM: NO OBJECTION, YOUR HONOR.

9 THE COURT: READ IT.

10 MR. BLESSEY: THANK YOU.

11 Q "QUESTION: AND TARA WAS JUST AROUND THE.  
12 HOUSE, BASICALLY?

13 "ANSWER: SHE HAD GONE OUT. SHE HAD  
14 BEEN TEXTING. SHE HAD GONE OUT. SHE CAME  
15 BACK. SHE WAS TEXTING SOME MORE. SHE WAS --  
16 I FELT SHE HAD SURRENDERED TO -- IT'S OVER  
17 WITH THIS GUY; MOVED ON TO HER ACTING CLASS  
18 IN HER MIND.

19 "AND SHE WAS -- SHE WAS FEELING MUCH  
20 BETTER. SHE HADN'T TAKEN ANYTHING; HAD NOT TAKEN  
21 THE PERCOCET.

22 "I SAID, 'DID YOU TRY THE MEDICINE?'"

23 SHE SAID, "I'VE NOT TRIED IT YET."

24 THIS OCCURRED AROUND NINE O'CLOCK, CORRECT?

25 A OKAY, YES.

26 Q ALL RIGHT. NOW, SIR, YOU FELT -- WELL, LET  
27 ME ASK IT THIS WAY: DURING THIS EVENING -- STRIKE THAT.

28 YOU'VE BEEN -- YOU HAD BEEN WITH TARA FOR

1 ALMOST SIX YEARS AT THE TIME --

2 A YES.

3 Q -- OF THIS; IS THAT CORRECT?

4 A CORRECT.

5 Q YOU FELT YOU KNEW HER PRETTY WELL, RIGHT?

6 A YES.

7 Q AND YOU CERTAINLY CARED A LOT ABOUT HER,  
8 CORRECT?

9 A YES.

10 Q DURING THIS EVENING, YOU HAD ABSOLUTELY NO  
11 SUSPICION OR INKLING THAT TARA DE ROGATIS WAS GOING TO  
12 TAKE HER OWN LIFE, TRUE?

13 A TRUE.

14 Q IN FACT, YOU TOLD US IN DEPOSITION THAT YOU  
15 HAD ZERO CONCERN THAT EVENING LEAVING HER ALONE IN THE  
16 BEDROOM WITH HER MEDICATION, RIGHT?

17 A THAT'S CORRECT, PARTLY.

18 Q AND IF YOU HAD A CONCERN, CERTAINLY YOU  
19 WOULD HAVE GONE IN THERE AND TAKEN THE MEDICATION AWAY  
20 FROM HER OR AT LEAST REGULATED HER PILL-TAKING, RIGHT?

21 A HAD I KNOWN WHAT WAS IN THERE.

22 Q YOU MEAN YOU DIDN'T LOOK TO SEE WHAT WAS IN  
23 THE ROOM?

24 A I DID NOT -- I KNEW WHAT WAS IN THE ROOM. I  
25 DID NOT KNOW OF WHAT QUANTITIES HAD BEEN PRESCRIBED. I  
26 HAD NO IDEA.

27 Q AND TO THIS DAY, YOU DON'T KNOW WHAT WAS OR  
28 WASN'T IN THE PILL BOTTLES THAT WERE FOUND AFTER THE

1 SUICIDE, TRUE?

2 A NOT COMPLETELY.

3 Q SIR, IN APRIL 2009, WHEN YOU WERE REALLY  
4 CONCERNED ABOUT MS. DE ROGATIS, YOU TOOK HER TO THE  
5 EMERGENCY ROOM, RIGHT?

6 A UH-HUH.

7 Q "YES"?

8 A YES, SIR.

9 Q ON THIS EVENING, AFTER RETURNING HOME, YOU  
10 DIDN'T TAKE HER TO THE EMERGENCY ROOM BECAUSE YOU HAD NO  
11 SUSPICION OR INKLING THAT SHE WAS GOING TO HURT HERSELF,  
12 AND YOU HAD ZERO CONCERN THAT SHE WAS GOING TO ABUSE HER  
13 MEDICATION, TRUE?

14 A THAT'S TRUE.

15 MR. BLESSEY: THANK YOU. NOTHING FURTHER.

16 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, LET'S  
17 TAKE OUR NOON RECESS AT THIS TIME.

18 AGAIN, PLEASE REMEMBER THE ADMONITIONS OF  
19 THE COURT. THE COURT IS IN RECESS UNTIL 1:30. I'LL HAVE  
20 YOU COME BACK AT 1:30.

21

22 (THE NOON RECESS WAS TAKEN UNTIL  
23 1:35 P.M. OF THE SAME DAY.)

24

25

26

27

28

1 CASE NUMBER: BC457891  
2 CASE NAME: DE ROGATIS VS. SHAINSKY  
3 PASADENA, CALIFORNIA THURSDAY, OCTOBER 31, 2013  
4 DEPARTMENT P HON. JAN A. PLUIM, JUDGE  
5 REPORTER: KAREN E. KAY, CSR NO. 3862  
6 TIME: P.M. SESSION

7 APPEARANCES:

8 PLAINTIFFS LINDA DE ROGATIS AND PETER DE ROGATIS  
9 ARE PRESENT WITH THEIR COUNSEL, GEORGE B. NEWHOUSE,  
10 JR., AND KATHERINE C. MC BROOM, ATTORNEYS AT LAW  
11 DEFENDANT KAREN MICHELLE SHAINSKY, D.O., IS PRESENT  
12 WITH HER COUNSEL, RAYMOND L. BLESSEY, ATTORNEY AT  
13 LAW

14  
15 (THE FOLLOWING PROCEEDINGS WERE HELD  
16 IN OPEN COURT, IN THE PRESENCE OF  
17 THE JURY:)

18  
19 THE COURT: ALL RIGHT. WE'RE BACK ON THE RECORD.  
20 ALL JURORS ARE PRESENT IN PLACE. PARTIES ARE PRESENT.  
21 LAWYERS ARE PRESENT. MR. DAVID MAC EACHERN HAS RESUMED  
22 THE WITNESS STAND.

23 A REMINDER TO YOU, SIR, YOU REMAIN UNDER  
24 OATH. UNDERSTOOD?

25 THE WITNESS: YES.

26 THE COURT: VERY GOOD. REDIRECT?

27 MS. MC BROOM: THANK YOU, YOUR HONOR.  
28



## REDIRECT EXAMINATION

1  
2 BY MS. MC BROOM:

3 Q GOOD AFTERNOON, DAVID.

4 A HELLO.

5 Q DURING MR. BLESSEY'S CROSS-EXAMINATION, HE  
6 ASKED YOU IF YOU'VE TAKEN ACTING CLASSES.

7 THE COURT: I COULDN'T HEAR YOU.

8 BY MS. MC BROOM:

9 Q DURING MR. BLESSEY'S --

10 THE COURT: YES, I UNDERSTOOD THAT.

11 BY MS. MC BROOM:

12 Q HE ASKED IF YOU'D TAKEN ACTING CLASSES.

13 A YES.

14 NO, I DIDN'T TAKE ANY CLASSES, BUT -- AND --

15 Q TELL ME THIS: DURING YOUR DEPOSITION, DID  
16 YOU BECOME EMOTIONAL AT TIMES AND CRY?

17 A YES.

18 Q AND THE EMOTION THAT YOU'VE SHOWN HERE  
19 TODAY, ARE YOU ACTING?

20 A NO.

21 Q I'D LIKE TO JUST TOUCH UPON THAT CEDARS E.R.  
22 VISIT IN APRIL OF 2009.

23 NOW, YOU MENTIONED THAT TARA WAS DESCRIBING  
24 THE SYMPTOM OF PAIN.

25 WAS SHE ALSO DESCRIBING OTHER -- OTHER  
26 SYMPTOMS DURING THAT VISIT TO THE CEDARS E.R.?

27 MR. BLESSEY: YOUR HONOR, I THINK THIS IS  
28 CUMULATIVE. WE WENT OVER THIS IN DIRECT, I BELIEVE.

1 THE COURT: OVERRULED.

2 THE WITNESS: COULD YOU REPEAT THE QUESTION?

3 BY MS. MC BROOM:

4 Q AT THE CONCLUSION OF THE CEDARS E.R. VISIT,  
5 YOU TESTIFIED THAT YOU BELIEVE YOU WERE GIVEN TYLENOL --

6 A YES.

7 Q -- TO DISPENSE TO TARA.

8 DO YOU RECALL WHETHER OR NOT THE CEDARS  
9 STAFF PROVIDED YOU WITH OPIATES?

10 A THEY DID NOT.

11 Q WE TALKED -- YOU TALKED A LITTLE BIT ON  
12 CROSS-EXAMINATION ABOUT THE FACT THAT IN 2010, TARA WAS  
13 ENROLLED IN ACTING CLASSES AND HAD BECOME VERY INTERESTED  
14 IN THE CATHOLIC CHURCH -- INVOLVED IN THE CATHOLIC CHURCH?

15 A YES.

16 Q DID TARA EVER DISCUSS WITH YOU HOW THOSE  
17 ACTING CLASSES WERE GOING FOR HER?

18 A YES.

19 Q AND WHAT DID SHE TELL YOU?

20 A THAT THEY WERE GOING WELL.

21 Q DID SHE TELL YOU THAT ANY OF THE SYMPTOMS  
22 SHE WAS HAVING WERE HAVING AN EFFECT ON HER ABILITY TO  
23 PERFORM WELL IN CLASS?

24 A YES.

25 Q WHAT DID SHE TELL YOU?

26 A SHE SAID IT WAS REALLY DIFFICULT, BUT SHE  
27 LOVED HER CLASSES.

28 Q DID SHE EXPLAIN WHY IT WAS DIFFICULT?



1           A           EXTREMELY SERIOUS.

2           Q           LASTLY, THERE WAS SOME DISCUSSION ON  
3 CROSS-EXAMINATION CONCERNING YOUR IMPRESSION OF TARA RIGHT  
4 BEFORE SHE WENT INTO HER ROOM AND CLOSED THE DOOR FOR THE  
5 NIGHT, AND THE QUESTION WAS ASKED WHETHER OR NOT YOU --  
6 YOU CHECKED TO SEE WHAT PILLS SHE HAD IN HER ROOM.

7                       THE QUESTION IS: IF YOU HAD KNOWN THE  
8 AMOUNT OF PILLS THAT TARA HAD BEEN GIVEN THAT DAY BY  
9 DR. SHAINSKY, WOULD YOU HAVE DONE ANYTHING DIFFERENTLY?

10          A           ABSOLUTELY.

11          THE COURT: JUST ONE SECOND.

12          MR. BLESSEY: RELEVANCE AND BEYOND THE SCOPE OF  
13 THIS WITNESS.

14          THE COURT: SUSTAINED.

15 BY MS. MC BROOM:

16          Q           MR. MAC EACHERN, DID YOU KNOW HOW MANY PILLS  
17 TARA HAD?

18          A           NO. I DID NOT KNOW HOW MANY PILLS SHE WAS  
19 GIVEN.

20          Q           DID YOU KNOW HOW MANY PILLS SHE HAD  
21 AVAILABLE TO HER?

22          A           APPROXIMATELY, YES, AND THE DIFFERENT KINDS.

23          THE COURT: HOW MANY DID SHE HAVE?

24          THE WITNESS: SHE HAD ABOUT 13 BOTTLES AND A LOT OF  
25 THEM WERE NONLETHAL.

26          THE COURT: DO YOU KNOW WHAT THEY WERE?

27          THE WITNESS: YEAH. THEY WERE ANTIANXIETY PILLS.

28          THERE WERE SOME EFFEXORS. THERE WERE SOME -- THE ONES

1 WITH THE CONNECTORS TO THE BRAIN, BUT THE -- THE OPIATES,  
2 THE NARCOTICS, I HAD NEVER SEEN --

3 THE COURT: NO, NO, NO. YOU'VE NAMED TWO OF THEM.

4 DO YOU KNOW WHAT THE REST OF THE 11 WERE?

5 WERE THERE ANY NORCOS IN THERE?

6 THE WITNESS: THERE MIGHT HAVE BEEN ONE OR TWO  
7 NORCOS IN THERE.

8 THE COURT: HOW DO YOU KNOW THAT?

9 THE WITNESS: BECAUSE THAT'S ALL SHE WAS EVER  
10 PRESCRIBED WAS -- WAS A SMALL AMOUNT IN WHATEVER I  
11 WITNESSED.

12 BY MS. MC BROOM:

13 Q WHEN YOU SAY "ONE OR TWO," ARE YOU SAYING  
14 ONE OR TWO PILLS?

15 A YEAH, REMAINING.

16 Q ONE OR TWO PILLS REMAINING.

17 A CORRECT, YEAH, IN NORMAL CIRCUMSTANCES.

18 Q SO YOU DID NOT -- DID YOU KNOW HOW MANY  
19 OPIATES SHE HAD LEFT?

20 A NO, I DID NOT.

21 MS. MC BROOM: THANK YOU.

22 THE COURT: RECROSS?

23 MR. BLESSEY: NOTHING FURTHER FOR THIS WITNESS,  
24 YOUR HONOR.

25 THE COURT: ALL RIGHT. MAY THE WITNESS BE EXCUSED?

26 MR. BLESSEY: YES, YOUR HONOR.

27 MR. NEWHOUSE: YES, YOUR HONOR.

28 THE COURT: THANK YOU VERY MUCH, SIR. YOU'RE

1 EXCUSED.

2 MR. NEWHOUSE: YOUR HONOR, MAY I JUST SET THE  
3 COURTROOM --

4 THE COURT: SURE.

5 MR. NEWHOUSE: -- FOR AN AUDIOVISUAL?

6 THE COURT: YES.

7 MR. NEWHOUSE: WE'RE READY TO PROCEED.

8 THE COURT: SURE.

9 MR. NEWHOUSE: THE PLAINTIFF WOULD CALL DR. KAREN  
10 SHAINSKY TO THE STAND, PLEASE.

11 THE COURT: UNDER 776?

12 MR. NEWHOUSE: YES.

13 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

14 DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU  
15 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL  
16 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
17 SO HELP YOU GOD?

18 THE WITNESS: YES.

19 THE CLERK: PLEASE HAVE A SEAT IN THE WITNESS  
20 STAND. PLEASE STATE YOUR NAME AND SPELL YOUR NAME FOR THE  
21 RECORD.

22 THE WITNESS: KAREN SHAINSKY, K-A-R-E-N,  
23 S-H-A-I-N-S-K-Y.

24 THE COURT: THANK YOU.

25 YOU MAY PROCEED, COUNSEL.

26 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

27

28

1 KAREN SHAINSKY, D.O.,  
2 A DEFENDANT HEREIN, CALLED BY THE PLAINTIFFS UNDER 776,  
3 WAS DULY SWORN AND TESTIFIED AS FOLLOWS:  
4

5 DIRECT EXAMINATION

6 BY MR. NEWHOUSE:

7 Q GOOD AFTERNOON, DR. SHAINSKY. MY NAME,  
8 AGAIN, IS GEORGE NEWHOUSE, AND I REPRESENT THE PLAINTIFF.

9 HOW ARE YOU CURRENTLY EMPLOYED, MA'AM?

10 A I WORK IN MY OWN CORPORATION.

11 Q AND THE NAME OF THAT CORPORATION IS THE  
12 BEVERLY MEDICAL ASSOCIATES, L.L.C.?

13 A NO, NOT SINCE JANUARY OF THIS YEAR.

14 Q OKAY. WHAT IS THE CURRENT NAME OF YOUR  
15 CORPORATION?

16 A KAREN SHAINSKY, D.O., INC.

17 Q AND YOU BEGAN WORKING WITH -- BASICALLY YOU  
18 HAVE YOUR OWN PRIVATE PRACTICE NOW; IS THAT RIGHT?

19 A YES.

20 Q AND WHEN DID THAT -- WHEN DID YOU LEAVE  
21 BEVERLY MEDICAL ASSOCIATES, L.L.C.?

22 A I HAD MY OWN PRACTICE WHILE I WAS THERE,  
23 SO --

24 Q WHEN DID YOU -- WAS THERE A TIME SINCE  
25 BEGINNING 2010 THROUGH 2012 OR SO THAT YOU WORKED WITH A  
26 GROUP CALLED BEVERLY MEDICAL ASSOCIATES?

27 A YES.

28 Q AND WHERE ARE THEY LOCATED?

1 A 8737 BEVERLY BOULEVARD.

2 Q AND YOU HAD SOME PARTNERS, OTHER DOCTORS  
3 THAT WERE AFFILIATED WITH THAT GROUP; IS THAT RIGHT?

4 A YES.

5 Q NOW, I'M GOING TO BE ASKING YOU A LOT OF  
6 QUESTIONS TODAY. IT WILL GO SMOOTHER, DOCTOR, IF YOU JUST  
7 BE PATIENT, ALLOW ME TO FINISH MY QUESTION BEFORE YOU  
8 BEGIN THE ANSWER, OKAY?

9 A OKAY.

10 Q THANK YOU.

11 WHAT IS YOUR SPECIALTY?

12 A RHEUMATOLOGY.

13 Q AND WHAT IS RHEUMATOLOGY?

14 A RHEUMATOLOGY IS SUBSPECIALTY OF INTERNAL  
15 MEDICINE THAT ADDRESSES AUTOIMMUNE ISSUES, INFLAMMATORY  
16 CONDITION, PAIN CONDITIONS. PRIMARILY INFLAMMATORY  
17 ARTHRITIS, OSTEOPOROSIS.

18 Q WHAT ARE AUTOIMMUNE DISEASES?

19 IS THAT PART OF THE SPECIALTY YOU LOOK INTO?

20 A IT IS.

21 Q WHAT ARE AUTOIMMUNE DISEASES?

22 A IT'S THE CONDITIONS THAT ARE CAUSED BY  
23 AUTOIMMUNE ETIOLOGY.

24 Q AND CAN YOU PUT THAT IN LAYMAN'S TERMS?

25 WHAT IS -- IS AN AUTOIMMUNE ILLNESS WHEN MY  
26 OWN ANTIBODIES ATTACK MY OWN TISSUE AND CAUSE INFLAMMATORY  
27 PROBLEMS?

28 A YES, THAT'S EXACTLY WHAT IT IS.



1 Q OKAY. OKAY. AND YOUR PRACTICE CURRENTLY  
2 FOCUSES ON RHEUMATOLOGY, CORRECT?

3 A YES, CORRECT.

4 Q AND WHEN YOU WERE WITH THE BEVERLY MEDICAL  
5 ASSOCIATES FROM 2010 -- WHEN DID YOU PRECISELY LEAVE THAT  
6 ASSOCIATION, BEVERLY MEDICAL?

7 A DECEMBER 31ST.

8 Q OF 2012?

9 A YES.

10 Q AND WHILST YOU WERE WITH BEVERLY MEDICAL,  
11 YOUR PRACTICE WAS ESSENTIALLY THE SAME AS IT IS TODAY,  
12 CORRECT?

13 A YES.

14 Q LET'S BRIEFLY COVER YOUR EDUCATION, YOUR  
15 BACKGROUND.

16 NOW, YOU'RE NOT ORIGINALLY FROM THE UNITED  
17 STATES; IS THAT RIGHT?

18 A YES, THAT'S CORRECT.

19 Q YOU WERE BORN IN UZBEKISTAN?

20 A UZBEKISTAN, YES.

21 Q OKAY. AND YOU COMPLETED SOME UNDERGRADUATE  
22 COURSES IN UZBEKISTAN, CORRECT?

23 A NOT ENTIRELY, NO.

24 Q DID YOU BEGIN YOUR -- WHAT WE IN AMERICA  
25 CALL UNDERGRADUATE TRAINING, DID YOU BEGIN THOSE STUDIES  
26 IN UZBEKISTAN?

27 A IT'S A DIFFERENT SCHOOL SYSTEM. SO WE GO  
28 STRAIGHT FROM HIGH SCHOOL TO MEDICAL SCHOOL FOR SIX YEARS,

1 LIKE IN EUROPE. SO I FINISHED FOUR-AND-A-HALF OUT OF SIX  
2 YEARS OF MEDICAL SCHOOL.

3 Q AND THAT WAS TASHKENT PEDIATRIC MEDICAL  
4 INSTITUTE?

5 A YES.

6 Q AND YOU CAME TO THE UNITED STATES IN 1994;  
7 IS THAT RIGHT?

8 A YES.

9 Q SO WHEN YOU CAME TO THE UNITED STATES, I  
10 GATHER YOU --

11 A ACTUALLY, 1993.

12 Q 1993.

13 WHEN YOU -- I TAKE IT YOU'RE FLUENT IN  
14 ENGLISH AND IN RUSSIAN; IS THAT RIGHT?

15 A YES.

16 Q ANY OTHER LANGUAGES?

17 A NO.

18 Q AND YOU'RE AN AMERICAN CITIZEN?

19 A YES.

20 Q WHAT YEAR DID YOU BECOME AN AMERICAN  
21 CITIZEN?

22 A I DON'T RECALL.

23 Q AND THEN YOU ATTENDED OCCIDENTAL COLLEGE  
24 HERE IN LOS ANGELES FROM 1995 TO 1997; IS THAT ABOUT  
25 RIGHT?

26 A YES, THAT'S CORRECT.

27 Q AND YOU THEN GOT A BACHELOR OF ARTS IN  
28 BIOLOGY?

1 A YES, THAT'S CORRECT.

2 Q THEN YOU WENT TO AN AMERICAN MEDICAL SCHOOL.  
3 WHERE WAS THAT?

4 A IT WAS IN NORTHERN CALIFORNIA, TURO  
5 UNIVERSITY, COLLEGE OF OSTEOPATHIC MEDICINE.

6 Q HOW IS OSTEOPATHIC MEDICINE DIFFERENT  
7 FROM -- OR A SCHOOL THAT TEACHES THAT DIFFERENT FROM A  
8 U.S. MEDICAL SCHOOL, PER SE? CAN YOU EXPLAIN?

9 A THAT'S A WRONG QUESTION. IT'S A U.S.  
10 MEDICAL SCHOOL.

11 Q OKAY. WHAT DOES IT MEAN TO BE -- TO HAVE A  
12 D.O. IN OSTEOPATHIC MEDICINE AS OPPOSED TO AN M.D. AS SOME  
13 DOCTORS HAVE?

14 A SO IT'S THE SAME SCHOOL SYSTEM, SAME LENGTH  
15 AND SAME EDUCATION EXCEPT THAT WE HAVE EXTRA CLASSES THAT  
16 FOCUS ON MUSCULOSKELETAL TISSUES.

17 Q THANK YOU.

18 YOU THEN ATTENDED WESTERN UNIVERSITY OF  
19 HEALTH SCIENCES, COLLEGE OF OSTEOPATHIC MEDICINE, LOCATED  
20 HERE IN POMONA; IS THAT RIGHT?

21 A YES, THAT'S CORRECT.

22 Q AND WHAT -- AND YOU OBTAINED YOUR D.O.  
23 DEGREE FROM THAT INSTITUTION?

24 A YES, I DID.

25 Q WHAT YEAR?

26 A I BELIEVE 2002.

27 Q AND THEN YOU DID, I GATHER, A RESIDENCY AT  
28 U.S.C. FROM 2002 TO 2005?

1 A YES, THAT'S CORRECT.

2 Q THEN YOU DID A FELLOWSHIP IN INTERNAL -- OH,  
3 SORRY. STRIKE THAT.

4 DID YOU THEN DO A FELLOWSHIP IN  
5 RHEUMATOLOGY?

6 A YES, I DID.

7 Q AND THAT WAS A TWO-YEAR FELLOWSHIP?

8 A YES.

9 Q THEN YOU BEGAN PRACTICING, AM I RIGHT,  
10 PRIVATE PRACTICE IN MEDICINE, IN OR ABOUT THE YEAR 2008;  
11 IS THAT RIGHT?

12 A YES, THAT'S CORRECT. I ALSO WORKED AT  
13 KAISER PRIOR TO MY FELLOWSHIP.

14 Q SO LET'S NOW GO TO THE SUBJECT OF THIS  
15 LAWSUIT, THE TREATMENT OF TARA DE ROGATIS.

16 SO IN 2010 YOU HAD A PATIENT FOR A FEW  
17 MONTHS BY THE NAME OF TARA DE ROGATIS, CORRECT?

18 A YES.

19 Q HOW DID SHE BECOME YOUR PATIENT?

20 A SHE WAS REFERRED BY ONE OF THE INTERNAL  
21 MEDICINE PHYSICIANS WHO WORKS AT CEDARS.

22 Q AND THAT WOULD BE DR. RAMIN, WE'VE ALREADY  
23 HEARD HIS NAME?

24 A YES, THAT'S CORRECT.

25 Q AND DR. RAMIN -- STRIKE THAT.

26 YOU, AT THIS TIME, HAVE OR HAD ADMITTING  
27 PRIVILEGES AT CEDARS-SINAI HOSPITAL, CORRECT?

28 A YES, I HAD PRIVILEGES SINCE I STARTED

1 WORKING AT BEVERLY MEDICAL ASSOCIATION.

2 Q AND DR. RAMIN ALSO PRACTICES MEDICINE AT  
3 CEDARS; IS THAT RIGHT?

4 A YES, THAT'S CORRECT.

5 Q AT THE TIME THAT YOU BEGAN TO TREAT TARA  
6 DE ROGATIS, WHAT PERCENTAGE OF YOUR PRACTICE WAS IN  
7 RHEUMATOLOGY?

8 A PROBABLY 70, 80 PERCENT.

9 Q AND WHAT WAS THE OTHER 20 OR 30 PERCENT,  
10 INTERNAL MEDICINE?

11 A YES, INTERNAL MEDICINE.

12 Q AND IS IT TRUE THAT YOU TREATED TARA FROM  
13 FEBRUARY 10TH -- WE'VE HEARD SOME TESTIMONY, FEBRUARY  
14 10TH, 2010 UNTIL THE LAST APPOINTMENT ON MARCH 22, 2010?

15 A YES, THAT'S CORRECT.

16 Q AND DURING THAT TIME, YOU HAD THREE OFFICE  
17 VISITS WITH TARA?

18 A YES, THAT'S ACCURATE.

19 Q SO LET'S TALK FIRST ABOUT THE FIRST VISIT,  
20 THE FIRST VISIT ON FEBRUARY 10, 2010.

21 NOW, YOU MENTIONED OR DID YOU MENTION, WAS  
22 DR. RAMIN THE REFERRING PHYSICIAN?

23 IS THAT HOW YOU GOT THIS PATIENT?

24 A YES.

25 Q AND DID HE CALL YOU BEFORE SEEING TARA TO  
26 DESCRIBE THE CIRCUMSTANCES, THIS PATIENT HE WAS SENDING TO  
27 YOU?

28 A I DON'T REMEMBER HIM CALLING.

1 Q DID HE SEND YOU AN E-MAIL OR SOME OTHER  
2 CORRESPONDENCE?

3 A NO, I DON'T REMEMBER THAT.

4 Q SO IS THE FIRST THING YOU REMEMBER THAT TARA  
5 DE ROGATIS AND DAVID MAC EACHERN SHOWED UP IN YOUR OFFICE?

6 A YES.

7 Q SO YOU SAW THEM INITIALLY -- YOUR  
8 CONSULTATION IS IN YOUR -- THE OFFICE OF BEVERLY MEDICAL,  
9 NOT AT THE HOSPITAL, RIGHT?

10 A CORRECT.

11 Q WHAT WAS YOUR UNDERSTANDING WHEN YOU FIRST  
12 SAW TARA WHY DR. RAMIN HAD REFERRED HER TO YOU?

13 A WELL, TARA WAS SUFFERING FROM WIDESPREAD  
14 PAIN FOR TWO YEARS, AND DR. RAMIN WANTED TO MAKE SURE  
15 WHETHER SHE HAD AN AUTOIMMUNE CONDITION THAT HE SUSPECTED.

16 Q NOW, HOW DO YOU KNOW THAT -- HOW DID YOU  
17 KNOW WHAT DR. RAMIN SUSPECTED? DID HE TELL YOU THAT?

18 A WELL, I DO SEE HIM IN THE HOSPITAL WHEN WE  
19 SEE PATIENTS. SO IT WASN'T BEFORE THE INITIAL VISIT, BUT  
20 YES, WE HAD A CONVERSATION.

21 Q SUBSEQUENT TO THE FIRST VISIT?

22 A YES.

23 Q OKAY. AND HAD DR. RAMIN REFERRED YOU  
24 PATIENTS BEFORE YOU SAW TARA?

25 A YES, HE DID.

26 Q APPROXIMATELY HOW MANY?

27 A I CAN'T ESTIMATE.

28 Q LESS THAN TEN?



1 INFORMATION.

2 A RIGHT.

3 Q IF THE PATIENT HAS A MEDICAL HISTORY OR A  
4 CHART, FOR EXAMPLE, AT CEDARS, THAT WOULD BE INFORMATION  
5 THAT YOU WOULD WANT TO SEE, CORRECT?

6 A YES, THAT'S CORRECT.

7 Q IF THE PATIENT HAS BEEN SEEN BY OTHER  
8 PHYSICIANS, SUCH AS PSYCHIATRISTS, AND IF YOU THINK THAT  
9 THAT PSYCHIATRIC HISTORY MIGHT BE RELEVANT, THAT WOULD BE  
10 INFORMATION THAT WOULD BE RELEVANT TO YOUR INQUIRY,  
11 CORRECT?

12 A IT DEPENDS ON THE CLINICAL SCENARIO, YES.

13 Q OKAY. WELL, WHEN YOU SAY "IT DEPENDS ON THE  
14 CLINICAL SCENARIO," WHY DON'T WE CONSIDER THE CLINICAL  
15 SCENARIO THAT TARA DE ROGATIS PRESENTED TO YOU ON FEBRUARY  
16 10TH, 2010, OKAY?

17 A OKAY.

18 Q WITH THAT CLINICAL SCENARIO, WE CAN GO  
19 THROUGH IT IF YOU LIKE, BUT MY OPENING QUESTION IS: WAS  
20 IT RELEVANT TO YOU TO CONSIDER HER PSYCHIATRIC HISTORY?

21 A NOT AT THE TIME OF HER PRESENTATION.

22 Q SO I TAKE IT FIBROMYALGIA IS ONE OF THE  
23 CONDITIONS THAT YOU DIAGNOSE AND TREAT, AT LEAST IN THIS  
24 TIME FRAME?

25 A YES.

26 Q WHAT IS FIBROMYALGIA?

27 A IT'S DIFFUSE -- IT'S A CONSTELLATION OF  
28 SYMPTOMS OF DIFFUSE PAIN IN THE MUSCLE AND JOINTS THAT ARE



1 ASSOCIATED WITH OTHER -- IRRITABLE BOWEL SYNDROME,  
2 FORGETFULNESS, NONRESTORATIVE SLEEP, FATIGUE, AND --

3 Q I'M SORRY. WHAT WAS THE LAST WORD? I  
4 COULDN'T UNDERSTAND IT.

5 A FATIGUE.

6 Q FATIGUE. OKAY.

7 ANY OTHER SYMPTOMS?

8 A THEY HAVE MULTIPLE SYMPTOMS, PATIENTS WITH  
9 FIBROMYALGIA, YES.

10 Q AND HOW MANY FIBROMYALGIA PATIENTS HAVE YOU  
11 TREATED IN YOUR CAREER SO FAR?

12 A MANY.

13 Q 100?

14 A AT LEAST.

15 Q AND HAVE YOU READ IN MEDICAL TREATISES AND  
16 JOURNALS THE SCIENTIFIC DISCUSSION ABOUT THE CAUSE OF  
17 FIBROMYALGIA?

18 A YES. IT'S NOT KNOWN --

19 Q THAT WAS MY NEXT QUESTION.

20 A -- ALWAYS.

21 Q THAT WAS MY NEXT QUESTION.

22 WHAT IS THE CAUSE OF FIBROMYALGIA, AS FAR AS  
23 YOU KNOW?

24 A WE DON'T NECESSARILY KNOW. THERE ARE  
25 ENVIRONMENTAL FACTORS. THERE ARE DIFFERENT FACTORS THAT  
26 COULD CONTRIBUTE, BUT WE DON'T KNOW THE EXACT CAUSE OF  
27 FIBROMYALGIA.

28 Q SO IS IT FAIR TO SAY THAT IN DEALING WITH A

1 FIBROMYALGIA PATIENT, AT LEAST INITIALLY, YOU CAN'T  
2 NECESSARILY PINPOINT ANY SPECIFIC PART OF THE BODY, ANY  
3 ORGANIC CAUSE THAT WOULD TRIGGER -- BE THE CAUSE OF ALL  
4 THESE SYMPTOMS; IS THAT RIGHT?

5 A CAN YOU REPHRASE THE QUESTION?

6 Q IT'S A BAD, BAD QUESTION.

7 YOU TREAT A NUMBER OF OTHER AFFLICTIONS AS A  
8 RHEUMATOLOGIST; FOR EXAMPLE, RHEUMATOID ARTHRITIS, RIGHT?

9 A YES.

10 Q NOW, THAT'S A CONDITION THAT YOU COULD BE  
11 VERY SPECIFIC AND TELL ME WHAT'S CAUSING MY RHEUMATOID  
12 ARTHRITIS IN MY ELBOW OR MY KNEE, CORRECT, YOU COULD TELL  
13 ME WHAT'S CAUSING THAT?

14 A OKAY.

15 Q "YES"?

16 A VAGUELY SPEAKING.

17 Q HOW ABOUT LUPUS; LUPUS HAS AN ORGANIC CAUSE,  
18 DOESN'T IT?

19 A YES, BUT WE DON'T ALWAYS KNOW THE ETIOLOGY  
20 EITHER.

21 Q WE'LL COME BACK TO THIS.

22 SO LET ME ASK YOU, IS FIBROMYALGIA  
23 FREQUENTLY ASSOCIATED WITH CONDITIONS OR SYMPTOMS OF  
24 PSYCHIATRIC CONDITIONS, PSYCHOSIS, PSYCHIATRIC CONDITIONS?

25 A IS IT A QUESTION?

26 Q YES.

27 A WHAT WOULD YOU REPEAT IT, PLEASE?

28 Q SURE.

1                   IS FIBROMYALGIA -- AND I'M JUST DEALING WITH  
2 YOUR EXPERIENCES NOW AND, OF COURSE, YOUR MEDICAL READING,  
3 RESEARCH, IS FIBROMYALGIA ASSOCIATED FREQUENTLY WITH  
4 CONDITIONS OR SYMPTOMS OF PSYCHOSIS?

5           A           NOT NECESSARILY PSYCHOSIS. YOU COULD SAY  
6 ANXIETY OR DEPRESSION, NOT PSYCHOSIS.

7           Q           WELL, LET ME ASK IT A DIFFERENT WAY, THEN.  
8                   IS FIBROMYALGIA ASSOCIATED FREQUENTLY WITH  
9 CONDITIONS OR SYMPTOMS OF SOME PSYCHIATRIC DISORDER?

10          A           IT'S A VERY GENERAL TERM, BUT PATIENTS WHO  
11 SUFFER FROM PAIN FREQUENTLY DO SEEK PSYCHOTHERAPY, CARE  
12 FOR DEPRESSION OR ANXIETY, YES.

13          Q           IS IT THE CASE, IN YOUR EXPERIENCE,  
14 FREQUENTLY THAT A PATIENT WHO PRESENTS WITH CONDITIONS  
15 WHICH APPEAR TO BE CONSISTENT WITH FIBROMYALGIA ARE, IN  
16 FACT, SUFFERING FROM A PSYCHIATRIC CONDITION OR A  
17 PSYCHOSIS OF SOME SORT? HAVE YOU SEEN THAT?

18          A           CAN YOU REPEAT THE QUESTION?

19          Q           IN YOUR EXPERIENCE, DO YOU SEE PATIENTS  
20 WHOSE SYMPTOMS ARE CONSISTENT WITH FIBROMYALGIA --

21          A           UH-HUH.

22          Q           -- WHO ARE ACTUALLY SUFFERING FROM AN  
23 UNDERLYING PSYCHOTIC OR PSYCHIATRIC CONDITION?

24          A           I HAVEN'T HAD THOSE PATIENTS.

25          Q           YOU'VE NOT SEEN THEM?

26          A           NO, I HAVE NOT.

27          Q           AND HOW ABOUT DRUG USE; THERE'S BEEN SOME  
28 TESTIMONY ABOUT METHAMPHETAMINE ABUSE.

1                   HAVE YOU, IN YOUR EXPERIENCE, EVER SEEN  
2 PATIENTS WHO PRESENT WITH CONDITIONS ASSOCIATED WITH  
3 FIBROMYALGIA WHO HAVE HAD DRUG ABUSE, SUCH AS  
4 METHAMPHETAMINES, IN THEIR PAST?

5           A           I CAN'T THINK OF ANY NOW.

6           Q           LET'S GO TO THE FIRST VISIT ON FEBRUARY 10,  
7 2010.

8                   WHO ACCOMPANIED TARA ON THAT FIRST VISIT?

9           A           HER BOYFRIEND.

10          Q           DAVID MAC EACHERN, THE GENTLEMAN THAT  
11 PRECEDED YOU ON THE STAND?

12          A           YES.

13          Q           AND AT THE BEGINNING OF THE APPOINTMENT, DID  
14 YOU HAVE TARA FILL OUT SOME PAPERWORK --

15          A           YES.

16          Q           -- A HEALTH HISTORY FORM?

17          A           YES.

18          Q           NOW, YOU'VE GOT A BINDER. CAN YOU GO --  
19                   YOUR HONOR, MAY I APPROACH?

20          THE COURT:   YOU MAY.

21          MR. NEWHOUSE: LET ME MAKE SURE YOU HAVE THE RIGHT  
22 BINDER HERE. THAT'S VOLUME II.

23          THE COURT:   WHAT EXHIBIT NUMBER, COUNSEL?

24          MR. NEWHOUSE: 100, YOUR HONOR.

25  
26                   (MARKED FOR IDENTIFICATION, JOINT  
27 EXHIBIT 100-1 TO 100-26, KAREN  
28 SHAINSKY, D.O.'S MEDICAL CHART FOR

1 TARA DE ROGATIS.)

2

3 THE COURT: IS THAT VOLUME I OR II?

4 MR. NEWHOUSE: IT'S IN VOLUME I.

5 Q AND I'M DIRECTING THE WITNESS TO

6 EXHIBIT 100 -- JUST SO YOU KNOW, THE WAY THESE ARE MARKED,  
7 THE FIRST THREE DIGITS ARE THE EXHIBIT NUMBER. THEN WE'LL  
8 BE DEALING WITH THE PAGE NUMBER. SO THIS IS PAGE 1 OF  
9 EXHIBIT 100.

10 THE WITNESS: THANK YOU.

11 MR. NEWHOUSE: YOU'RE WELCOME.

12 Q DO YOU RECOGNIZE THE DOCUMENT MARKED AS  
13 EXHIBIT 100 TO BE TARA'S CHART OR MEDICAL RECORD THAT YOUR  
14 OFFICE MAINTAINED?

15 A YES, I DO.

16 MR. NEWHOUSE: YOUR HONOR, I WOULD MOVE ADMISSION  
17 OF EXHIBIT 100 AT THIS TIME.

18 THE COURT: ANY OBJECTION?

19 MR. BLESSEY: NO, YOUR HONOR.

20 THE COURT: RECEIVED.

21

22 (RECEIVED INTO EVIDENCE, JOINT  
23 EXHIBIT 100-1 TO 100-26.)

24

25 MR. NEWHOUSE: YOU KNOW, I TAKE IT THAT ONCE A  
26 DOCUMENT IS IN EVIDENCE THAT WE'RE FREE TO EXHIBIT IT TO  
27 THE JURY?

28 THE COURT: YES.

1 MR. NEWHOUSE: THANK YOU.

2 YOUR HONOR, I'M SORRY FOR THIS DELAY. I  
3 SHOULD HAVE TURNED THIS ON BEFORE.

4 MR. BLESSEY: MR. NEWHOUSE, IS THE FAN GOING?

5 MR. NEWHOUSE: THE FAN IS GOING. THAT'S NOT THE  
6 DOCUMENT. IT'S WARMED UP. THERE YOU GO.

7 Q OKAY. SO WE'RE LOOKING NOW AT  
8 EXHIBIT 100-1, AND THIS IS THE INTAKE FORM THAT YOUR  
9 OFFICE HAS MS. DE ROGATIS FILL OUT; IS THAT CORRECT?

10 A YES, THAT'S CORRECT.

11 Q AND THIS IS ACTUALLY A THREE-PAGE -- IS IT A  
12 THREE-PAGE OR TWO-PAGE FORM?

13 A I THINK IT'S THREE PAGES.

14 Q THREE PAGES. OKAY.

15 SO LET'S GO TO -- LET ME ASK YOU, IS IT --  
16 AM I CORRECT THAT MS. DE ROGATIS FILLED THIS FORM OUT, YOU  
17 DIDN'T FILL IT OUT FOR HER?

18 A NO, OF COURSE NOT.

19 Q SHE FILLS THIS OUT BEFORE SHE COMES INTO  
20 YOUR OFFICE TO SEE YOU, CORRECT?

21 A THAT'S CORRECT.

22 Q SO LET'S GO TO THE SECOND PAGE. SO UNDER --  
23 RIGHT HERE WHERE IT SAYS "GENERAL," THERE'S SOME THINGS  
24 THAT ARE TICKED.

25 DO YOU SEE THAT?

26 A YES.

27 Q DO YOU SEE SHE TICKED "FORGETFULNESS," "LOSS  
28 OF SLEEP," "NERVOUSNESS," AND "DEPRESSION"; AM I RIGHT?

1           A           YES.

2           Q           AND RIGHT UP HERE, IT TELLS THE PATIENT,  
3 CHECK THESE SYMPTOMS IF YOU CURRENTLY HAVE THESE IN THE  
4 PAST YEAR; IS THAT RIGHT?

5           MR. BLESSEY: WELL, ACTUALLY, YOUR HONOR, THAT  
6 MISSTATES WHAT THE DOCUMENT SAYS. IT SAYS:

7                       "...CURRENTLY HAVE OR HAVE HAD IN THE  
8 PAST YEAR," FOR THE RECORD.

9           MR. NEWHOUSE: THANK YOU, COUNSEL. THAT'S WHAT I  
10 MEANT TO SAY. APPRECIATE YOUR CLARIFICATION.

11          MR. BLESSEY: NOT A PROBLEM.

12 BY MR. NEWHOUSE:

13          Q           SO WHEN YOU -- WHEN YOU MET WITH THE  
14 PATIENT, WAS IT -- IS IT YOUR PRACTICE TO GO OVER THE  
15 INFORMATION THE PATIENT HAS PRESENTED IN THIS FORM?

16          A           YES, IT IS.

17          Q           AND DO YOU DISCUSS THE SYMPTOMS OR THE  
18 INFORMATION WITH THE PATIENT, THE SYMPTOMS AND INFORMATION  
19 THAT'S RELEVANT TO YOU?

20          A           YES, OF COURSE.

21          Q           SO BEFORE WE GET TO THAT, TELL US GENERALLY  
22 WHEN THE MEETING BEGAN, THE CONSULTATION WHERE YOU, TARA,  
23 AND DAVID ARE IN THIS CONSULTATION ROOM. DESCRIBE WHAT  
24 OCCURRED. WHO SAID WHAT TO WHOM?

25          A           WHAT DO YOU MEAN, "WHO SAID WHAT TO WHOM?"

26          Q           WELL, WHAT DID TARA TELL YOU ABOUT WHY SHE  
27 WAS HERE TO SEE YOU, AND WHAT QUESTIONS DID YOU ASK HER?

28          A           SHE DESCRIBED GENERALIZED PAIN THAT SHE HAS

1 SUFFERED FROM -- FOR TWO YEARS -- AT LEAST TWO YEARS, AND  
2 SHE DESCRIBED PAIN AS PINS AND NEEDLES SENSATION.

3 Q ANYTHING ELSE?

4 A I CAN REFER TO MY NOTE?

5 Q YOU MAY. IF YOU'RE LOOKING, JUST TELL US  
6 THE PAGE NUMBER AT THE BOTTOM.

7 IS THAT PAGE 4?

8 A SURE, PAGE 4.

9 Q THE PROGRESS NOTE?

10 A THE PROGRESS NOTE.

11 Q OKAY. PLEASE CARRY ON.

12 A "DIFFUSE PAIN 'HEAD-TO-TOE'"...THE "PINS  
13 AND NEEDLES SENSATION."

14 PATIENT -- MS. DE ROGATIS ALSO BROUGHT SOME  
15 INFORMATION WITH HER FROM THE OTHER PHYSICIANS THAT WE  
16 REVIEWED THAT INCLUDED M.R.I. OF HER BRAIN AND E.E.G. AS  
17 WELL AS, I BELIEVE, SOME BLOOD WORK THAT WAS DONE PRIOR TO  
18 THE VISIT.

19 Q SO IN YOUR PROGRESS NOTE WHICH IS EXHIBIT 4,  
20 IT SAYS:

21 "PATIENT REPORTS INTERMITTENT SYMPTOMS  
22 FOR ABOUT TWO YEARS."

23 THAT WOULD BE INTERMITTENT SYMPTOMS OF PAIN,  
24 CORRECT?

25 A YES, CORRECT.

26 Q DID SHE DESCRIBE TINGLING SENSATIONS OR  
27 TACTILE HALLUCINATIONS?

28 A THOSE ARE COMPLETELY DIFFERENT THINGS.



1 Q UNDERSTOOD. OKAY. LET'S TAKE IT ONE AT A  
2 TIME.

3 DID SHE DESCRIBE THAT SHE WAS SUFFERING FROM  
4 A TINGLING OR A NUMBNESS ON HER SKIN?

5 A PINS AND NEEDLES AND TINGLING, SHE DID, YES.

6 Q DID SHE DESCRIBE TACTILE HALLUCINATIONS OF  
7 ANY KIND?

8 A NO.

9 Q SHE DID TICK ON THE BOX "DEPRESSION,"  
10 CORRECT?

11 A YES, SHE DID.

12 Q DID YOU ASK HER ABOUT WHAT SYMPTOMS OF  
13 DEPRESSION SHE HAD SUFFERED?

14 A WE TALKED ABOUT DEPRESSION.

15 Q WHAT DID SHE SAY?

16 A I DON'T RECALL EXACTLY, BUT I KNOW SHE WAS  
17 TAKING KLONOPIN FOR THAT.

18 Q AND DID YOU ASK HER WHO PRESCRIBED THE  
19 KLONOPIN TO HER?

20 A YES. IT WAS EITHER HER PSYCHIATRIST OR  
21 PRIMARY CARE PHYSICIAN.

22 Q SO SHE TOLD YOU DURING THIS FIRST MEETING  
23 THAT SHE HAD A PSYCHIATRIST AND THAT SHE WAS -- HAD BEEN  
24 PRESCRIBED BY THE PSYCHIATRIST TO TAKE KLONOPIN; IS THAT  
25 RIGHT?

26 A YES.

27 Q DID SHE TALK AT ALL IN ANY FURTHER DETAIL  
28 ABOUT HER PREVIOUS DEPRESSION?

1 A NO.

2 Q DID SHE TELL YOU THAT SHE HAD EXPERIENCED  
3 FORGETFULNESS?

4 A YES.

5 Q AND TELL US ABOUT THAT.  
6 WHAT DID SHE SAY IN THAT REGARD?

7 A I DON'T REMEMBER THE EXACT WORDING, BUT I  
8 REMEMBER THAT SHE REFERRED TO ONE OF THE MEDICATIONS THAT  
9 HAS BEEN TRIED FOR FIBROMYALGIA WHICH WAS CALLED LYRICA,  
10 AND SHE DIRECTLY CORRELATED IT WITH LYRICA, MEMORY LOSS.

11 Q SO SHE SAID ANOTHER PHYSICIAN HAD PRESCRIBED  
12 LYRICA, AND THE LYRICA SHE DIDN'T LIKE BECAUSE IT WAS  
13 CAUSING HER NOT TO BE ABLE TO REMEMBER HER LINES AS AN  
14 ACTRESS?

15 A YES.

16 Q DID SHE SAY WHO PRESCRIBED THE LYRICA?

17 A I DON'T RECALL.

18 Q AND YOU DIDN'T MAKE A NOTE OF IT IN YOUR  
19 PROGRESS NOTES; IS THAT RIGHT?

20 A NO.

21 Q DID SHE -- DID YOU TALK ABOUT LOSS OF SLEEP  
22 OR NERVOUSNESS DURING THIS CONSULTATION?

23 A YES.

24 Q WHAT DID SHE SAY ABOUT NERVOUSNESS?  
25 SHE FELT ANXIOUS?

26 A SHE FELT ANXIOUS.

27 Q IS THAT ALL SHE SAID?

28 A I DON'T RECALL.

1 Q DID SHE SAY THAT SHE HAD BEEN TREATED WITH  
2 ANY PSYCHIATRIC DRUGS THAT WERE HELPFUL IN TREATING  
3 NERVOUSNESS, LIKE XANAX?

4 A SHE DID NOT TELL ME THAT SHE WAS TREATED  
5 WITH PSYCHIATRIC DRUGS. THAT'S EXACTLY WHAT SHE TOLD ME,  
6 WHAT IS MARKED ON THAT PAGE, WHICH IS AMBIEN, NORCO AND  
7 KLONOPIN?

8 Q AND SHE'D BEEN -- LOSS OF SLEEP, SO SHE'D  
9 BEEN PRESCRIBED A SLEEPING AID LIKE AMBIEN, CORRECT?

10 A YES.

11 Q SO DID YOU ASK HER ANY FOLLOW-UP QUESTIONS  
12 AT THAT MEETING ABOUT HER PSYCHIATRIC PROBLEMS, SUCH AS  
13 DEPRESSION, NERVOUSNESS, FORGETFULNESS, LOSS OF SLEEP?

14 DID YOU DO ANY FOLLOW-UP?

15 A WE -- WE DISCUSSED -- AND THEN YOU CAN ALSO  
16 SEE AT THE END, IF YOU EXHIBIT THE WHOLE PAGE, THAT SHE  
17 MARKED THE "PSYCHIATRIC CARE" -- SHE UNMARKED IT OR  
18 BASICALLY DID NOT REFER TO THAT.

19 Q WHERE WOULD THAT BE?

20 A IT'S RIGHT ABOVE "THYROID PROBLEM."

21 Q OKAY. SO SHE HAD MARKED IT AND THEN SHE  
22 UNMARKED IT?

23 A NO, THERE IS NOTHING THERE.

24 Q NOTHING THERE. OKAY.

25 SHE DID MARK "THYROID PROBLEM," CORRECT?

26 A YES, THAT'S CORRECT.

27 Q AND THEN SHE LISTED, DID SHE NOT, THE  
28 MEDICATIONS THAT SHE WAS CURRENTLY TAKING, SHE SAID,

1 "AMBIEN," RIGHT?

2 A YES.

3 Q "NORCO" AND "COLONOPINE," ALTHOUGH SHE  
4 MISPELLED KLONOPIN; IS THAT RIGHT?

5 A YES.

6 Q WELL, YOU KNEW, BASED UPON WHAT THE  
7 INFORMATION PRESENTED IN THE CHART AND YOUR DISCUSSION  
8 WITH HER, THAT SHE WAS UNDER THE CARE OF A PSYCHIATRIST,  
9 CORRECT?

10 A SHE WAS NEVER -- SHE NEVER TALKED TO ME  
11 ABOUT THAT, ACTUALLY.

12 Q DID YOU ASK HER, "ARE YOU BEING TREATED BY A  
13 PSYCHIATRIST?"

14 A SHE SAID SHE SAW A THERAPIST, YES.

15 Q A THERAPIST.

16 DID YOU ASK HER WHO PRESCRIBED THE KLONOPIN  
17 TO HER?

18 A I DON'T REMEMBER THAT.

19 Q WOULDN'T THAT HAVE BEEN A PSYCHIATRIST?

20 A COULD BE PRIMARY CARE PHYSICIAN, COULD BE  
21 PSYCHIATRIST.

22 Q WELL, WHAT SIGNIFICANCE DID YOU ATTRIBUTE TO  
23 THE FOUR SYMPTOMS WE'VE JUST DISCUSSED HAVING BEEN  
24 REPORTED WITHIN THE LAST 12 MONTHS: FORGETFULNESS,  
25 DEPRESSION, LOSS OF SLEEP, AND NERVOUSNESS?

26 WHAT SIGNIFICANCE DID THAT HAVE ON YOUR  
27 DIAGNOSIS -- EXAMINATION AND DIAGNOSIS OF THE PATIENT?

28 A WELL, SHE REPORTED MORE THAN FOUR, IF I

1 REMEMBER CORRECTLY.

2 Q DID I LEAVE ONE OUT? PLEASE --

3 A SHE -- SHE REPORTED, YOU KNOW, SOME SYMPTOMS  
4 FROM EVERY ORGAN SYSTEM THERE: "BLOATING,"  
5 "CONSTIPATION," "IRRITABLE BOWEL SYMPTOMS," "BRUISING,"  
6 "POOR CIRCULATION."

7 Q "BLURRED VISION"?

8 A YES.

9 Q MY QUESTION IS: WHAT SIGNIFICANCE DID YOU  
10 ATTRIBUTE TO ALL OF THE SYMPTOMS THAT ARE DESCRIBED --  
11 YOU'VE DESCRIBED WITH REGARD TO YOUR DIAGNOSIS?

12 A WELL, IT HAS TO -- THE DIAGNOSIS -- THE  
13 POTENTIAL WORKING DIAGNOSIS HAS TO INCLUDE ALL THOSE  
14 SYMPTOMS THAT SHE MENTIONED.

15 Q WELL, LET ME ASK YOU THIS: HOW IS IT  
16 RELEVANT TO YOU, IN TRYING TO DECIDE WHETHER SOMEONE IS  
17 SUFFERING FROM FIBROMYALGIA, WHETHER OR NOT THEY'RE ALSO  
18 SUFFERING FROM NERVOUSNESS, LOSS OF SLEEP, DEPRESSION?  
19 HOW IS THAT RELEVANT TO DIAGNOSING  
20 FIBROMYALGIA?

21 A CAN YOU REPEAT THE QUESTION?

22 Q YEAH.

23 YOU WOULDN'T ASK A PATIENT A QUESTION FOR NO  
24 REASON, EVERY BOX ON THERE IS MATERIAL, IT HAS  
25 SIGNIFICANCE IN YOUR CLINICAL EXPERIENCE, CORRECT?

26 A YES.

27 Q SO WHY DO YOU ASK A PATIENT, "HAVE YOU  
28 SUFFERED FROM DEPRESSION OR ARE SUFFERING FROM

1 DEPRESSION?" AS COUNSEL CORRECTLY POINTS OUT?

2 NERVOUSNESS, LOSS OF SLEEP, BLURRED VISION,  
3 WHY DO YOU ASK THESE QUESTIONS?

4 HOW IS IT RELEVANT IN YOUR DIAGNOSIS OF  
5 FIBROMYALGIA OR WHATEVER THE PROBLEM A PATIENT IS  
6 PRESENTING?

7 A IT'S RELEVANT TO THE PROBLEM. WE ADDRESS  
8 AND FIND, YOU KNOW, THE WORKING DIAGNOSIS THAT WOULD  
9 INCLUDE POTENTIALLY ALL OF THE SYMPTOMS THE PATIENT IS  
10 SUFFERING FROM.

11 Q NOW, DID YOU AND TARA HAVE A DISCUSSION  
12 ABOUT DEPRESSION THAT SHE'D SUFFERED IN THE PAST YEAR  
13 DURING THIS FIRST CONSULTATION? DID YOU DISCUSS IT WITH  
14 HER?

15 A I DON'T REMEMBER EXACTLY EVERYTHING, BUT SHE  
16 WAS FOCUSING ON PAIN THE ENTIRE REASON, FOR THE MOST PART.  
17 THAT'S ALL I CAN SAY.

18 Q I UNDERSTAND SHE WAS FOCUSING ON PAIN. IT'S  
19 A DIFFERENT QUESTION.

20 THE QUESTION IS: DID TARA DESCRIBE TO  
21 YOU -- DID YOU DISCUSS WITH HER SPECIFICALLY THE  
22 DEPRESSION THAT SHE HAD SUFFERED, THE PAST DEPRESSION,  
23 PROBLEMS THAT HAD PRESENTED? WAS THAT SOMETHING THAT YOU  
24 COVERED DURING THE MEETING, "YES" OR "NO"?

25 A WE TALKED ABOUT IT, I DON'T KNOW HOW  
26 EXTENSIVELY.

27 Q YOU TALKED ABOUT IT.

28 IT DOESN'T APPEAR IN YOUR PROGRESS NOTES,

1 CORRECT?

2 A NOT EVERYTHING APPEARS IN THE PROGRESS NOTE.

3 Q WELL, DO YOU TRY TO PUT THE ITEMS IN THE  
4 PROGRESS NOTE THAT ARE IMPORTANT OR MATERIAL TO YOUR  
5 DIAGNOSIS?

6 A FOR THE MOST PART, YES, OF COURSE.

7 Q SO I GUESS YOUR TESTIMONY IS, YOU WERE AWARE  
8 OF HER DEPRESSION, YOU WERE AWARE OF HER FORGETFULNESS,  
9 NERVOUSNESS, BUT YOU DIDN'T CONSIDER THAT TO BE IMPORTANT  
10 ENOUGH TO PUT IN YOUR -- IN YOUR PROGRESS NOTES?

11 A WELL, THIS IS PART OF THE MEDICAL RECORD.  
12 IT'S ALREADY HERE --

13 Q YOU DIDN'T --

14 A -- HER HEALTH QUESTIONNAIRE.

15 Q DID YOU CONSIDER IT IMPORTANT ENOUGH TO PUT  
16 IN YOUR PROGRESS NOTES?

17 A I DON'T SEE IT IN THE PROGRESS NOTE.

18 Q BUT YOU DID KNOW, YOUR TESTIMONY IS, AT THAT  
19 MEETING THAT SHE HAD A TREATING PSYCHIATRIST, CORRECT?

20 A I BELIEVE SO.

21 Q BUT YOU DIDN'T KNOW HIS NAME?

22 A I DON'T THINK SO.

23 Q AND YOU DIDN'T KNOW HIS PHONE NUMBER?

24 A NOT AT THAT TIME, NO.

25 Q WELL, LET ME ASK YOU, WHEN DID YOU FOR THE  
26 FIRST TIME LEARN THE PHONE NUMBER OF TARA'S TREATING  
27 PSYCHIATRIST?

28 A I KNOW I KNEW IT AT THE THIRD VISIT. I

1 DON'T KNOW EXACTLY WHEN I LEARNED IT.

2 Q WELL, YOU KNOW YOU WERE TOLD IT BY DAVID ON  
3 MARCH 22ND, CORRECT?

4 A YES.

5 Q PRIOR TO THAT, YOU HAVE TO MEMORY OF BEING  
6 PROVIDED WITH DR. BOHN'S PHONE NUMBER, CORRECT?

7 A I DON'T RECALL.

8 Q IS THERE A REASON WHY YOU DIDN'T ASK AT THIS  
9 MEETING SPECIFICALLY ABOUT THE NAME AND PHONE NUMBER,  
10 CONTACT INFORMATION FOR HER PSYCHIATRIST?

11 A MS. DE ROGATIS WAS COMPLETELY ALERT,  
12 COHERENT, WANTED TO GET BETTER. SHE REALLY COULD EXPLAIN  
13 HER SYMPTOMS VERY WELL. THERE WAS NO INDICATION FOR ME TO  
14 GO AND GET HER PSYCHIATRIST'S RECORD AT THIS POINT.

15 Q SO WHAT YOU'RE SAYING IS BASED SIMPLY UPON  
16 YOUR ORAL INTERACTION WITH HER, YOU DIDN'T SEE ANY NEED TO  
17 CONSULT WITH HER PSYCHIATRIST? IS THAT WHAT YOUR  
18 TESTIMONY IS?

19 A YES.

20 Q WELL, LET ME ASK, AS A GENERAL PRACTICE, IF  
21 A PATIENT COMES IN ON THE INITIAL CONSULTATION -- WELL,  
22 LET ME BACK UP.

23 AT THIS MEETING, YOU DON'T HAVE DR. RAMIN'S  
24 MEDICAL RECORDS AVAILABLE, CORRECT?

25 A CORRECT.

26 Q AT THIS MEETING, YOU'VE NOT CONSULTED WITH  
27 THE E.R. RECORDS FROM HER ADMISSION IN THE CEDARS-SINAI  
28 E.R. ONE YEAR BEFORE, CORRECT?



1 A CORRECT.

2 Q YOU DON'T EVEN KNOW THE NAME OF HER  
3 PSYCHIATRIST, RIGHT?

4 A YES.

5 Q SO ALL YOU'RE DEALING WITH AT THIS MEETING  
6 IS THE INFORMATION THE PATIENT IS PROVIDING AND WHATEVER  
7 QUESTION AND ANSWERS YOU HAVE WITH THE PATIENT; IS THAT  
8 RIGHT?

9 A YES, AND THE FAMILY MEMBER.

10 Q AND DAVID?

11 A RIGHT.

12 Q AND YOUR TESTIMONY IS YOU DIDN'T EVEN BOTHER  
13 TO ASK ABOUT THE PSYCHIATRIST BECAUSE SHE APPEARED TO BE  
14 COHERENT, ADEQUATELY BASED, RIGHT, IN TERMS OF HER  
15 BEHAVIORAL RESPONSES?

16 A YES, ABSOLUTELY.

17 Q AND YOU WEREN'T AT ALL BOTHERED BY THE  
18 SIGNS -- THE CLEAR SIGNS THAT THERE MIGHT BE AN --  
19 UNDERLYING PSYCHIATRIC ISSUES GOING ON, RIGHT?

20 A A LOT OF FIBROMYALGIA PATIENTS DO HAVE  
21 DEPRESSION.

22 Q WE'RE NOT DEALING WITH A LOT OF FIBROMYALGIA  
23 PATIENTS. WE'RE TALKING ABOUT A WOMAN THAT DIED ON MARCH  
24 23RD, 2010.

25 MR. BLESSEY: IS THIS A QUESTION? SORRY, YOUR  
26 HONOR. I WOULD OBJECT TO THE EDITORIAL COMMENTS BY  
27 COUNSEL. I DON'T THINK THAT WAS A QUESTION.

28 BY MR. NEWHOUSE:

1 Q HERE'S THE QUESTION.

2 THE COURT: WHAT IS THE QUESTION?

3 BY MR. NEWHOUSE:

4 Q THE QUESTION IS: WE'RE NOT DEALING WITH THE  
5 FULL UNIVERSE OF FIBROMYALGIA PATIENTS.

6 WE'RE DEALING WITH TARA DE ROGATIS, AND YOU  
7 DIDN'T BOTHER TO FOLLOW UP WITH RESPECT TO ANY ASPECTS OF  
8 HER PSYCHIATRIC HISTORY AT THIS MEETING, DID YOU?

9 A THERE WAS NO INDICATION AT THAT TIME OF THE  
10 VISIT.

11 Q SO THE ANSWER TO MY QUESTION IS "NO," YOU  
12 DIDN'T FOLLOW UP, RIGHT?

13 A NO.

14 Q NOW, SHE -- I THINK YOUR TESTIMONY WAS SHE  
15 PROVIDED YOU WITH A COPY OF THE RESULTS OF AN  
16 ELECTROENCEPHALOGRAM; IS THAT RIGHT?

17 A YES.

18 Q THAT'S EXHIBIT 100, PAGE 19.  
19 DO YOU HAVE THAT IN FRONT OF YOU?

20 A YES.

21 Q OKAY. IS THIS DOCUMENT -- WAS THIS HANDED  
22 TO YOU BY THE PATIENT DURING THE CONSULTATION?

23 A YES.

24 Q AND DID YOU READ IT DURING THE CONSULTATION?

25 A YES, OF COURSE.

26 Q DID YOU DISCUSS IT WITH MS. DE ROGATIS AND  
27 DAVID?

28 A YES.

1 Q OKAY. LET ME DIRECT YOUR ATTENTION TO THE  
2 LANGUAGE -- THIS LANGUAGE RIGHT HERE WHERE IT SAYS:

3 "THIS TRACING IS PERFORMED ON THE  
4 29-YEAR-OLD FEMALE REFERRED IN BY PSYCHIATRY  
5 BECAUSE OF ALTERED MEMORY AND AUDITORY  
6 HALLUCINATIONS" SHOWING -- "FOLLOWING A  
7 SIGNIFICANT HEAD INJURY SEVERAL YEARS AGO."

8 DO YOU SEE THAT?

9 A YES, I DO.

10 Q YOU WERE AWARE OF THAT DURING THE FIRST  
11 MEETING WITH TARA?

12 A YES. IT'S A DOCUMENT THAT IS OVER ABOUT A  
13 YEAR OLD.

14 Q UNDERSTOOD.

15 YOU DISCUSSED IT -- DID YOU DISCUSS WITH  
16 TARA THE E.E.G.?

17 AND, OF COURSE, THE E.E.G. WAS NORMAL,  
18 WASN'T IT?

19 A YES.

20 Q WHAT IS AN E.E.G.?

21 A ELECTROENCEPHALOGRAM.

22 Q SO THEY HOOK UP A LOT OF ELECTRODES TO MY  
23 BRAIN, AND THEY TRY TO DECIDE WHETHER MY BRAIN HAS  
24 STRUCTURAL ABNORMALITIES?

25 A NO. THEY RECORD -- THEY HOOK UP THE  
26 ELECTRODES TO YOUR BRAIN, BUT THEY TRY -- THEY RECORD  
27 ELECTRICAL ACTIVITY OF YOUR BRAIN TO SEE IF THERE ARE ANY  
28 SEIZURE ACTIVITY, THAT'S ALL.

1 Q OH, THEY'RE ONLY LOOKING FOR SEIZURE  
2 ACTIVITIES?

3 A THAT'S ALL IT SHOWS, YES.

4 Q SO ABNORMALITIES IN MY BRAIN MIGHT NOT SHOW  
5 UP?

6 A MAY NOT SHOW UP.

7 Q AND I FEEL COMFORTABLE TAKING THE TEST,  
8 THEN. THAT WAS A JOKE. SORRY. ALL RIGHT.

9 SO LET ME ASK YOU, WHEN YOU READ THIS  
10 DOCUMENT, YOU KNEW THAT SHE HAD A PSYCHIATRIC HISTORY,  
11 CORRECT?

12 A YES.

13 Q YOU KNEW THAT SHE HAD EXPERIENCED LESS THAN  
14 A YEAR BEFORE AUDITORY HALLUCINATIONS?

15 A YES. THAT WAS A YEAR AGO.

16 Q DID YOU ASK HER, "ARE YOU STILL HAVING  
17 AUDITORY HALLUCINATIONS, MS. DE ROGATIS"?

18 A SHE DENIED IT IN THE QUESTIONNAIRE.

19 Q DID YOU ASK HER, HAVING THIS DOCUMENT,  
20 WHETHER SHE'S STILL EXPERIENCING AUDITORY HALLUCINATIONS,  
21 "YES" OR "NO"?

22 A I DON'T REMEMBER.

23 Q AND WHY DID YOU NOT ASK HER?

24 A I DID NOT SAY I DID NOT ASK HER. I SAID I  
25 DON'T REMEMBER.

26 Q SO YOU MAY HAVE ASKED HER?

27 A YES.

28 Q BUT YOU DIDN'T RECORD THE RESULTS OF THAT IN

1 YOUR PROGRESS NOTES, IS THAT YOUR TESTIMONY?

2 A YES.

3 Q WELL, WHEN YOU READ THIS DOCUMENT, WHAT, IF  
4 ANY, DID YOU -- EFFECTS DID YOU CONSIDER THE -- STRIKE  
5 THAT.

6 WHAT DID YOU CONSIDER THE POSSIBLE EFFECT ON  
7 YOUR DIAGNOSIS OF THE PATIENT HAVING BEEN -- REPORTED  
8 ALTERED MEMORY AND AUDITORY HALLUCINATIONS FOLLOWING A  
9 SIGNIFICANT HEAD INJURY?

10 DID YOU CONSIDER THAT MIGHT BE A POSSIBLE  
11 CAUSE, A PSYCHIATRIC CAUSE, OF THE SYMPTOMS THAT YOU WERE  
12 TRYING TO DETERMINE?

13 A IT COULD BE PSYCHIATRIC CAUSE, BUT I DON'T  
14 KNOW.

15 Q IT COULD BE?

16 A IT'S POSSIBLE.

17 Q AND HOW DO YOU DIAGNOSE FIBROMYALGIA?

18 IS IT A DIAGNOSIS OF EXCLUSION?

19 A IT IS A DIAGNOSIS OF EXCLUSION.

20 Q EXPLAIN TO THE JURY HOW THAT WORKS.

21 A WELL, AFTER OBTAINING HISTORY, PHYSICAL  
22 EXAM, WORKUP THAT INCLUDES IMAGING, BLOOD WORK, ANY OTHER  
23 WORKUP, YOU KNOW, THAT THE PHYSICIAN MIGHT CONSIDER, AND  
24 IF EVERYTHING TURNS OUT NEGATIVE AND THE PATIENT IS STILL  
25 SUFFERING FROM SYMPTOMS THAT ARE CONSISTENT WITH  
26 FIBROMYALGIA, THAT WOULD BE A DIAGNOSIS OF EXCLUSION,  
27 BASICALLY RULING OUT, YOU KNOW, RHEUMATOID ARTHRITIS,  
28 LUPUS, THORACIC ARTHRITIS, ANKYLOSING SPONDYLITIS,

1 CONNECTIVE TISSUE DISEASE, ANY OF THOSE.

2 Q SO WHAT YOU'RE SAYING IS IF YOU PERFORM  
3 THESE BATTERY OF TESTS AND YOU DETERMINE IT ISN'T ANY OF  
4 THE OTHER ENUMERATED CONDITIONS LIKE RHEUMATOID ARTHRITIS,  
5 THEN YOU'RE LEFT WITH THE CONCLUSION THAT IT MUST BE  
6 FIBROMYALGIA?

7 A IT'S A WORKING DIAGNOSIS.

8 Q WHAT DO YOU MEAN BY -- IS A WORKING  
9 DIAGNOSIS A TENTATIVE DIAGNOSIS; IS THAT WHAT YOU MEAN,  
10 NOT FINAL?

11 A IT'S AN INITIAL DIAGNOSIS, YEAH.

12 Q IT MIGHT NOT BE CORRECT AT THE END OF THE  
13 DAY?

14 A THERE IS A DIFFERENTIAL DIAGNOSIS WHEN WE  
15 MEET THE PATIENT. SO EVERY PHYSICIAN WHO IS WELL TRAINED  
16 HAS MULTIPLE. AND THERE IS A MOST PROBABLE, LESS  
17 PROBABLE, LEAST PROBABLE, BUT THERE IS A DIFFERENTIAL  
18 DIAGNOSIS.

19 Q WELL, THE POINT OF MY QUESTION IS, WHEN YOU  
20 SAY IT'S A WORKING DIAGNOSIS, YOU'RE SAYING THAT DIAGNOSIS  
21 MIGHT CHANGE AS YOU OBTAIN OTHER INFORMATION OR DATA FROM  
22 OTHER SOURCES; IS THAT RIGHT?

23 A YES, THAT'S RIGHT.

24 Q LET'S LOOK AT YOUR PROGRESS NOTES, WHICH  
25 BEGIN AT PAGE 4.

26 THE CLERK: EXHIBIT 100?

27 MR. NEWHOUSE: THIS IS ALL EXHIBIT 100 UNLESS I  
28 INDICATE OTHERWISE.

1 Q SO WE'RE LOOKING AT THE WHOLE EXHIBIT. SO I  
2 HAVE ON THE OVERHEAD, JUST FOR THE RECORD, THIS IS  
3 EXHIBIT 100, PAGE 4. IT LOOKS LIKE IT SAYS -- WELL, IT  
4 STARTS HERE "BEVERLY MEDICAL ASSOCIATES."

5 THAT'S WHO YOU WERE WORKING WITH AT THE TIME  
6 YOU HAD THIS CONSULTATION?

7 A YES.

8 Q AND YOU'VE GOT THE PATIENT'S NAME HERE IN  
9 THE UPPER RIGHT-HAND CORNER, CORRECT?

10 A YES. "DE ROGATIS."

11 Q RIGHT.

12 AND THEN YOU HAVE -- THE REASON FOR THE  
13 APPOINTMENT WAS DIFFUSE PAIN, CORRECT?

14 A YES.

15 Q AND YOU PUT THE NUMERALS THERE UNDER "2,"  
16 0221-328.

17 WHAT DOES THAT MEAN?

18 A THAT REFERS TO DICTATIONS. WE USUALLY  
19 DICTATE LETTERS TO THE REFERRING PHYSICIANS.

20 Q OKAY. SO THAT WAS A NOTE TO YOUR MEDICAL  
21 STAFF?

22 A YES.

23 Q OKAY. SO "RHEUMATOLOGY." YOU SAID:

24 "I HAD THE PLEASURE OF SEEING YOUR  
25 PATIENT, TARA DE ROGATIS, IN CONSULTATION ON  
26 FEBRUARY 10, 2010."

27 THIS APPEARS TO BE DIRECTED TO SOMEONE.

28 IS THIS REPORT DIRECTED TO SOME PERSON OR

1 INDIVIDUAL?

2 A THE REFERRING PHYSICIAN, YES.

3 Q TO DR. RAMIN?

4 A YES.

5 Q NOW, IN THIS DOCUMENT, YOU INDICATE, DID YOU  
6 NOT, THAT TARA HAS A HISTORY OF PSYCHIATRIC MOOD DISORDER;  
7 IS THAT RIGHT?

8 A YES.

9 Q AND YOU KNEW THAT FROM WHAT SOURCES AS OF  
10 FEBRUARY 10?

11 A USUALLY AFTER THE CONSULTATION, I CHECK  
12 CEDARS-SINAI MEDICAL RECORDS. AND I SAW TARA'S E.R. VISIT  
13 THERE, SO THAT WAS -- THAT REFERRED TO THAT SPECIFIC  
14 NOTATION --

15 Q AND AM I RIGHT --

16 A -- FROM THE E.R. NOTE.

17 Q I'M SORRY. HAD YOU FINISHED? THANK YOU.

18 AM I RIGHT THAT AS OF THE DATE OF THIS FIRST  
19 VISIT, YOU KNEW ABOUT THE EMERGENCY ROOM VISIT THAT  
20 OCCURRED IN FEBRUARY OF '09 BECAUSE TARA AND DAVID SHARED  
21 THAT WITH YOU, CORRECT? THEY TOLD YOU ABOUT IT?

22 A I DON'T RECALL, BUT I DID LEARN ABOUT IT  
23 AFTER THE VISIT BECAUSE I CHECKED CEDARS-SINAI MEDICAL  
24 RECORDS.

25 Q OKAY. WELL, SOMETHING CAUSED YOU TO CHECK  
26 THE CEDARS-SINAI MEDICAL RECORDS, CORRECT?

27 A NO. I CHECK IT ON ALMOST EVERY PATIENT WHO  
28 WALKS THROUGH THE DOOR SO I GET BETTER INFORMATION.



1 Q SO YOU DON'T KNOW NOW WHETHER YOU CHECKED IT  
2 BECAUSE THEY TOLD YOU ABOUT THE E.R. ADMISSION OR BECAUSE  
3 YOU WERE JUST DOING YOUR DUE DILIGENCE; IS THAT RIGHT?

4 A YES.

5 Q BUT YOU DID CHECK IT, AND LET ME DIRECT YOUR  
6 ATTENTION BRIEFLY TO EXHIBIT 119.

7 MR. NEWHOUSE: MAY I APPROACH, YOUR HONOR?

8 THE COURT: YOU MAY.

9 BY MR. NEWHOUSE:

10 Q TURN TO 119. LET ME KNOW WHEN YOU'RE THERE.

11 A 119?

12 Q NO. STRIKE THAT. MY MISTAKE. IT'S 117.  
13 APOLOGIZE.

14  
15 (MARKED FOR IDENTIFICATION, JOINT  
16 EXHIBIT 117-1 AND 117-2, 4/12/09  
17 EMERGENCY TREATMENT RECORD BY  
18 ZACHARY LUTSKY, M.D.)  
19

20 BY MR. NEWHOUSE:

21 Q DO YOU RECOGNIZE THAT DOCUMENT?

22 A YES.

23 Q WHAT IS IT?

24 A THAT'S EMERGENCY ROOM VISIT.

25 Q FOR TARA DE ROGATIS, APRIL 12, 2009,  
26 CORRECT?

27 A YES, THAT'S CORRECT.

28 THE COURT: WHAT EXHIBIT IS THAT, 117?

1 MR. NEWHOUSE: 117, YOUR HONOR.

2 THE COURT: IT'S IN THE OTHER VOLUME?

3 MR. NEWHOUSE: IT'S IN VOLUME II.

4 THE COURT: OKAY.

5 MR. NEWHOUSE: SORRY.

6 Q THAT IS THE RECORD THAT YOU ACCESSED AFTER  
7 THE CONSULTATION BECAUSE YOU WANTED TO FIND MORE OUT ABOUT  
8 TARA DE ROGATIS AND HER PRIOR ADMISSION AT CEDARS,  
9 CORRECT?

10 A YES, THAT'S CORRECT.

11 Q THAT'S BECAUSE YOU WERE STILL FORMULATING  
12 YOUR WORKING DIAGNOSIS, CORRECT?

13 A I'M SORRY?

14 Q WHY DID YOU ACCESS THE CEDARS RECORD? WHY  
15 WAS THAT MATERIAL TO YOU?

16 A I DO IT FOR EVERY SINGLE PATIENT WHO COMES  
17 THROUGH MY OFFICE.

18 Q AND THAT'S BECAUSE YOU WANT TO BE FULLY  
19 INFORMED, ALL THE INFORMATION -- ALL THE RELEVANT  
20 INFORMATION THAT YOU NEED TO KNOW IN ORDER TO PERFORM YOUR  
21 DUTIES AS A PHYSICIAN, CORRECT?

22 A YES.

23 MR. NEWHOUSE: OFFER 117, YOUR HONOR.

24 MR. BLESSEY: I WOULD OBJECT, YOUR HONOR.

25 THE COURT: PARDON?

26 MR. BLESSEY: I WOULD -- HE'S OFFERING 117. I  
27 WOULD OBJECT. THIS IS A DOCUMENT THAT'S AUTHORED BY  
28 ANOTHER DOCTOR, NOT DR. SHAINSKY. AND AT THIS POINT, IT'S

1 HEARSAY.

2 MR. NEWHOUSE: I CAN LAY A BETTER FOUNDATION.

3 THE COURT: GO AHEAD.

4 BY MR. NEWHOUSE:

5 Q WERE YOU DEPOSED IN THIS CASE?

6 A YES, I WAS.

7 Q LIKE MR. MAC EACHERN, YOU WERE DEPOSED OVER  
8 THREE DAYS?

9 THE COURT: COUNSEL, BRIEFLY LET ME SEE YOU AT  
10 SIDEBAR.

11 MR. NEWHOUSE: SURE.

12

13 (UNREPORTED PROCEEDINGS WERE HELD AT  
14 SIDEBAR.)

15

16 THE COURT: MY CLERK REMINDED ME THAT WE'RE GOING  
17 TO BREAK THIS AFTERNOON AT 3:30, SO LET'S TAKE OUR  
18 AFTERNOON RECESS FOR 15 MINUTES. AND WE'LL GO TO 3:30 AND  
19 WE'RE DONE FOR THE DAY.

20 SO, AGAIN, PLEASE REMEMBER THE COURT'S  
21 ADMONITION. THE COURT IS IN RECESS FOR 15 MINUTES.

22

23 (RECESS.)

24

25 (THE FOLLOWING PROCEEDINGS WERE HELD  
26 IN OPEN COURT, IN THE PRESENCE OF  
27 THE JURY:)

28

1 THE COURT: WELCOME BACK. WE'RE BACK ON THE  
2 RECORD. ALL JURORS ARE PRESENT IN PLACE. PARTIES ARE  
3 PRESENT. LAWYERS ARE PRESENT.

4 AND KAREN SHAINSKY HAS RESUMED THE WITNESS  
5 STAND AND REMAINS UNDER OATH. UNDERSTOOD?

6 THE WITNESS: YES.

7 THE COURT: ALL RIGHT.

8 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

9 Q EXHIBIT 117, DR. SHAINSKY, IS A COPY OF A  
10 DOCUMENT THAT YOU ACCESSED FROM YOUR COMPUTER TERMINAL IN  
11 YOUR OFFICE; IS THAT CORRECT?

12 A YES, THAT'S CORRECT.

13 Q AND IT IS A CEDARS RECORD THAT BECAUSE YOU  
14 HAD ADMITTING PRIVILEGES AT CAESARS -- CEDARS, YOU HAD  
15 ADMITTING PRIVILEGES THERE, YOU COULD GO ONLINE AND  
16 RETRIEVE PATIENT INFORMATION, RIGHT?

17 A MOST OF IT, YES.

18 Q OKAY. IT'S NOT THE COMPLETE CEDARS RECORD,  
19 RIGHT?

20 A THAT'S THE ONE THAT I HAVE ACCESS TO.

21 Q AND THAT'S THE ONE THAT YOU DID ACCESS,  
22 CORRECT?

23 A YES, CORRECT.

24 MR. NEWHOUSE: AGAIN, YOUR HONOR, I OFFER  
25 EXHIBIT 117.

26 THE COURT: IT WILL BE RECEIVED.

27 MR. NEWHOUSE: THANK YOU.  
28

1 (RECEIVED INTO EVIDENCE, JOINT  
2 EXHIBIT 117-1 AND 117-2.)

3

4 BY MR. NEWHOUSE:

5 Q OKAY. SO IT SAYS, "EMERGENCY TREATMENT  
6 RECORD," APRIL 12, 2009.

7 WHAT WAS THE CHIEF COMPLAINT THAT DAY WHEN  
8 SHE CHECKED -- WHEN SHE CHECKED IN WITH THE E.R.?

9 A YOU WANT ME TO READ?

10 Q YES.

11 A "BODY PAIN" AND, QUOTE, UNQUOTE, "I WANT TO.  
12 DIE."

13 Q AND BODY PAIN WAS PRECISELY ONE OF THE  
14 SYMPTOMS THAT SHE WAS COMING TO YOU LESS THAN A YEAR LATER  
15 COMPLAINING OF, CORRECT?

16 A YES, THAT'S CORRECT.

17 Q AND YOU READ THIS AT THE TIME, RIGHT?

18 A I READ THAT AFTER THE APPOINTMENT.

19 Q OKAY. AND YOU ALSO READ, DID YOU NOT, THE  
20 DESCRIPTION -- THE HISTORY OF PRESENT ILLNESS:

21 "THIS IS A 29-YEAR-OLD FEMALE WITH SOME  
22 TYPE OF PSYCHIATRIC" AND -- "MOOD DISORDER WITH  
23 PSYCHOTIC FEATURES, WHO PRESENTS TO THE EMERGENCY  
24 DEPARTMENT COMPLAINING OF TOTAL" LEFT-HANDED --  
25 "LEFT-SIDED BODY PAIN AND WHAT SHE CALLS TACTILE  
26 HALLUCINATIONS."

27 DO YOU SEE THAT?

28 A YES, I DO.

1 Q DID YOU READ THAT -- ACTUALLY, I GUESS WHAT  
2 YOU WERE TELLING US IS THAT YOU READ THAT INFORMATION  
3 SHORTLY AFTER THE INITIAL CONSULTATION ON FEBRUARY 10TH  
4 WITH DAVID AND TARA, CORRECT?

5 A YES, THAT'S CORRECT.

6 Q SO YOU KNEW AT THAT POINT, DID YOU NOT, THAT  
7 YOU WERE DEALING WITH A PATIENT WHO IF SHE WASN'T STILL  
8 SUFFERING PSYCHIATRIC PROBLEMS, SHE HAD VERY RECENTLY IN  
9 THE PAST SUFFERED FROM SOME SERIOUS PSYCHIATRIC MOOD  
10 DISORDERS, CORRECT?

11 A THAT WAS A YEAR AGO.

12 Q A YEAR AGO, BUT YOU KNEW THAT?

13 A YES.

14 Q RIGHT. OKAY.

15 AND WHEN YOU SAW THAT SHE COMPLAINED OF  
16 TOTAL LEFT-SIDED BODY PAIN -- DID YOU SEE THAT?

17 A YES.

18 Q WAS THAT RELEVANT AT ALL TO YOUR WORKING  
19 DIAGNOSIS OF FIBROMYALGIA?

20 A NO. THIS IS NOT HOW SHE PRESENTED TO ME.  
21 THIS IS HOW PATIENT PRESENTED TO EMERGENCY ROOM A YEAR  
22 AGO.

23 Q BUT YOU ARE AWARE, ARE YOU NOT, THAT MEDICAL  
24 OPINION, THAT A PATIENT WHO PRESENTS WITH LEFT-SIDED OR  
25 ONE-SIDED BODY PAIN IS NOT A FIBROMYALGIA PATIENT,  
26 CORRECT? YOU'RE AWARE OF THAT OPINION?

27 MR. BLESSEY: THAT LACKS FOUNDATION.

28 THE COURT: SUSTAINED.

1 BY MR. NEWHOUSE:

2 Q WHEN YOU READ THIS ON OR ABOUT FEBRUARY  
3 10TH, 2010, DID YOU THINK TO YOURSELF, "GOSH, I WONDER IF  
4 SHE CAN BE A FIBROMYALGIA PATIENT BECAUSE PATIENTS WHO  
5 HAVE ONE-SIDED BODY PAIN ARE NOT -- THEY DON'T FIT THE  
6 CRITERIA FOR FIBROMYALGIA?" "YES" OR "NO," DID YOU THINK  
7 THAT?

8 A AS I SAID, THAT'S NOT HOW SHE PRESENTED TO  
9 ME. SO I AM ONLY BASING MY JUDGMENT ON THE WAY AT THE  
10 TIME OF THE VISIT.

11 Q SO SHE PRESENTED TO YOU WITH BODY PAIN ALL  
12 OVER; IS THAT RIGHT?

13 A DIFFUSE BODY PAIN BOTH SIDES, YES.

14 Q AND DID YOU SAY THE CRITERIA FOR -- THERE  
15 ARE 18 PRESSURE POINTS THAT YOU DETERMINE WHETHER THERE'S  
16 PAIN OR HYPERSENSITIVITY?

17 A IT'S 11 OUT OF 18 IF THEY'RE POSITIVE.

18 Q WHEN YOU SAY "11 OUT OF" -- THERE ARE 18  
19 BODY POINTS, CORRECT?

20 A YES, CORRECT.

21 Q AND YOU TEST EACH ONE, AND IF YOU GET PAIN  
22 AT 11 OR MORE, THEN IT'S CONSISTENT WITH THE CRITERIA, IS  
23 THAT HOW IT WORKS?

24 A YES, THIS IS CORRECT.

25 Q DID YOU DO THAT TEST?

26 A YES, I DID.

27 Q DID YOU NOTE THAT IN YOUR -- IN YOUR  
28 PROGRESS NOTES?





1           SYNOVITIS NOTED.   MULTIPLE TENDER POINTS ARE  
2           PRESENT ON EXAMINATION, BILATERAL OCCIPITAL,  
3           SUPRASPINATUS, LOWER CERVICAL, COSTOCHONDRAL,  
4           TRAPEZIUS, AND BILATERAL ANSERINE BURSA."

5           Q           OKAY.   SO ALTHOUGH YOU DIDN'T MENTION 11 OUT  
6           OF 18, WHAT YOU'RE TELLING IS WHEN YOU REFERRED TO  
7           "MULTIPLE TENDER POINTS," THAT WAS A REFERENCE TO THE  
8           TEST?

9           A           YES.

10          Q           THANK YOU.   LET'S GO BACK TO THE CEDARS  
11          RECORD, WHICH IS EXHIBIT 117.

12          Q           NOW, YOU WERE ALSO AWARE READING THIS RECORD  
13          THAT THE PATIENT REPORTED LESS THAN A YEAR BEFORE THAT

14                       "...THE LAST COUPLE OF DAYS IT HAS BEEN  
15          MUCH WORSE TO THE POINT THAT SHE," QUOTE, "WANTS  
16          TO DIE BECAUSE SHE CANNOT TAKE IT ANYMORE," CLOSE  
17          QUOTE.

18                       DO YOU SEE THAT?

19          A           YES.

20          Q           WHEN YOU READ -- AND YOU READ THAT, CORRECT?

21          A           YES, I DID.

22          Q           AND WHEN YOU READ THAT, DID IT RAISE A  
23          CONCERN IN YOUR MIND THAT YOU WERE DEALING WITH A PATIENT  
24          WHOSE -- THE ORIGIN OF HER PROBLEMS MIGHT BE PSYCHIATRIC,  
25          CORRECT?

26          A           POSSIBLY.

27          Q           AND WHO MIGHT ACTUALLY BE POTENTIALLY  
28          SUICIDAL, BECAUSE IN THE PAST SHE HAD COMPLAINED AND

1 STATED THAT SHE WANTED TO DIE.

2 DID YOU CONSIDER THAT AT THE TIME YOU WERE  
3 FORMULATING YOUR DIAGNOSIS AND TREATMENT PLAN?

4 A WELL, I ALSO READ THE EMERGENCY DEPARTMENT  
5 COURSE WHERE IT SAYS THAT THE PATIENT HAD SOME WORKUP AND  
6 HAD A PSYCHIATRIC EVALUATION AND --

7 Q AND SO YOU READ --

8 MR. BLESSEY: I'M SORRY. SHE WASN'T DONE --

9 THE WITNESS: -- AND WAS DISCHARGED HOME.

10 MR. BLESSEY: -- WITH HER ANSWER.

11 BY MR. NEWHOUSE:

12 Q I DIDN'T KNOW THAT. I'M SORRY. PLEASE  
13 FINISH.

14 A I'M DONE.

15 Q OKAY. SORRY.

16 SO WHAT YOU'RE SAYING IS, YOU NOTED THAT SHE  
17 WAS POTENTIALLY SUICIDAL, BUT YOU READ THAT CEDARS HAD  
18 DONE AN APPROPRIATE PSYCHIATRIC FOLLOW-UP ON HER, AND DID  
19 THAT SOMEHOW ALLAY YOUR CONCERN?

20 A WHAT DO YOU MEAN, ALLAY MY CONCERN?

21 Q WELL, DID YOU FEEL COMFORT THAT YOU WEREN'T  
22 DEALING WITH A PSYCHOTIC, POTENTIALLY SUICIDAL PATIENT  
23 BECAUSE CEDARS HAD DONE A PSYCHIATRIC FOLLOW-UP ON HER?

24 A NOT BECAUSE OF THAT. BECAUSE OF MY  
25 IMPRESSION ON THE VISIT AND ASSESSMENT OF MS. DE ROGATIS.

26 Q BASED UPON YOUR 45-MINUTE TO A 60-MINUTE  
27 INTERACTION WITH HER?

28 A YEAH, BASED UPON AN HOUR OF EXAMINATION,

1 YES.

2 Q OKAY. BUT BEING THE DILIGENT PHYSICIAN THAT  
3 YOU, DR. SHAINSKY, I'M -- WELL, LET ME ASK YOU, DID YOU  
4 OBTAIN -- REVIEW AND OBTAIN THE PSYCHIATRIC REPORT THAT IS  
5 REFERENCED IN THIS DOCUMENT?

6 DID YOU WANT TO SEE MORE TO FIND OUT WHAT  
7 THE PSYCHIATRIC ANALYSIS OF THIS PATIENT WAS LESS THAN A  
8 YEAR BEFORE, "YES" OR "NO"?

9 A THE PSYCHIATRIC ANALYSIS IS NOT AVAILABLE.

10 Q IT WASN'T AVAILABLE?

11 A NO.

12 Q DID YOU CHECK TO SEE IF IT WASN'T AVAILABLE?

13 A I WOULD SEE EVERY DOCUMENT AT CEDARS THAT  
14 WOULD SHOW UP.

15 Q DID YOU ACTUALLY GO TO CEDARS -- LOOK AT  
16 EXHIBIT 103 IN THIS FIRST BINDER, 103.

17

18 (MARKED FOR IDENTIFICATION, JOINT  
19 EXHIBIT 103-1 TO 103-24, 4/11/2009  
20 AND 4/12/2009 CEDARS-SINAI E.R.  
21 MEDICAL RECORD FOR TARA DE ROGATIS.)

22

23 THE COURT: IT'S A 20-SOME-PAGE DOCUMENT?

24 MR. NEWHOUSE: YES, IT IS, YOUR HONOR. IT'S THE  
25 CEDARS E.R. -- THE FULL RECORD FROM CEDARS-SINAI MEDICAL  
26 CENTER.

27 Q FIRST QUESTION, DO YOU RECOGNIZE THAT TO BE  
28 A COPY OF THE CEDARS-SINAI EMERGENCY TREATMENT RECORD FOR

1 MS. DE ROGATIS GENERATED IN APRIL 2009?

2 A YES.

3 Q DID YOU EVER GO TO CEDARS AND PHYSICALLY  
4 REVIEW THIS DOCUMENT?

5 A NO. I REVIEWED MEDICAL RECORDS.

6 Q YOU REVIEWED THE SHORTER SUMMARY THAT'S  
7 EXHIBIT 117, CORRECT?

8 A YES.

9 Q BUT YOU NEVER WENT TO CEDARS, AND YOU NEVER  
10 REVIEWED THIS COMPLETE RECORD, CORRECT?

11 A THIS IS THE EMERGENCY TREATMENT INTAKE WHEN  
12 THE PATIENT SHOWS UP.

13 Q DID YOU --

14 MR. BLESSEY: I'M SORRY. I THINK YOU TWO ARE ON  
15 DIFFERENT PAGES, LITERALLY.

16 MR. NEWHOUSE: WE MAY WELL BE. LET ME APPROACH.

17 Q OKAY. SO WE'RE LOOKING AT EXHIBIT 103. IT  
18 STARTS WITH PAGE 1, RIGHT, AND IT GOES THROUGH -- HIS  
19 HONOR INDICATED 24 PAGES OF RECORDS, RIGHT?

20 A UH-HUH, YES.

21 Q LET'S LOOK AT PAGE 9.

22 WELL, FIRST OF ALL, YOU NEVER WENT TO CEDARS  
23 AND PHYSICALLY RETRIEVED THE PAPER FILE -- THE FILE WAS  
24 AVAILABLE TO YOU DEALING WITH THIS -- ALL THE DETAILS,  
25 INCLUDING THE TREATMENT THAT WAS PROVIDED, THE  
26 PRESCRIPTIONS PROVIDED FOR THIS PATIENT, YOU NEVER  
27 ACTUALLY PHYSICALLY REVIEWED THIS DOCUMENT?

28 MR. BLESSEY: LET ME JUST OBJECT TO THAT. ASSUMES

1 FACTS PSYCHIATRIC RECORDS WOULD BE AVAILABLE TO ANYBODY  
2 WITHOUT PERMISSION.

3 THE COURT: YOU CAN GET INTO THAT ON CROSS.

4 BY MR. NEWHOUSE:

5 Q YOU CAN ANSWER.

6 A THEY ARE NOT. NO ONE GOES TO CEDARS'  
7 RECORDS AND REVIEWS THE CHARTS ANYMORE.

8 Q THAT WAS YOUR LAWYER'S QUESTION. I HAD A  
9 DIFFERENT QUESTION, OKAY. AND AFTER I'M DONE, HE'LL GET  
10 TO ASK YOU SOME QUESTIONS, BUT I'M STILL -- IT'S  
11 CONFUSING.

12 MY QUESTION IS: YOU NEVER WENT TO CEDARS  
13 AND PHYSICALLY RETRIEVED THIS RECORD AND REVIEWED IT, DID  
14 YOU?

15 A NO, I DIDN'T.

16 Q OKAY. AND, NOW, IS IT -- LET'S TURN TO  
17 PAGE 103-9 WHERE IT SAYS, "CEDARS-SINAI MEDICAL CENTER,  
18 PSYCHIATRIC EVALUATION" DATED "4/12/2009."

19 MY QUESTION IS: DID YOU EVER REVIEW THIS --

20 THE COURT: WELL, COUNSEL, I'M KIND OF CONFUSED  
21 HERE.

22 MR. NEWHOUSE: YES.

23 THE COURT: SHE NEVER REVIEWED THIS PARTICULAR  
24 DOCUMENT.

25 MR. NEWHOUSE: YES.

26 THE COURT: THERE'S ANOTHER ONE THAT SHE DID.

27 MR. NEWHOUSE: YES.

28 THE COURT: SO WHAT'S THE RELEVANCE OF ALL THIS? I

1 MEAN WE CAN TALK ABOUT IT AT THE SIDEBAR, BUT I MEAN --

2 MR. NEWHOUSE: IT HAS A LOT MORE INFORMATION ABOUT  
3 THE PSYCHIATRIC HISTORY.

4 THE COURT: I APPRECIATE THAT, BUT --

5 MR. BLESSEY: THERE'S NO FOUNDATION.

6 THE COURT: SUSTAINED. SHE NEVER LOOKED AT IT.

7 MR. NEWHOUSE: I'LL MOVE ON. I'LL MOVE ON.

8 Q LET'S GO BACK TO 117, WHICH YOU DID LOOK AT.  
9 WE'RE A LITTLE BIT CHALLENGED FOR SPACE HERE. LET'S GO  
10 BACK TO 117. OKAY.

11 SO YOU DID REVIEW THE PAST MEDICAL HISTORY  
12 WHERE THE CEDARS E.R. PHYSICIANS INDICATE "MOOD DISORDER,  
13 HALLUCINATIONS," AND "HYPOTHYROIDISM"?

14 A YES.

15 Q AND YOU ALSO REVIEWED THE "SOCIAL HISTORY"  
16 WHERE IT INDICATED:

17 "THE PATIENT HAS A HISTORY OF  
18 METHAMPHETAMINE ABUSE AND USED METHAMPHETAMINES A  
19 WEEK AGO"?

20 A YES, I SAW THAT.

21 Q AND SO WHEN YOU SAW THAT, DID YOU COMPARE  
22 THE REPORT THAT SHE HAD GIVEN YOU IN FEBRUARY OF 2010, DID  
23 YOU SEE A DISCREPANCY BETWEEN HER REPORT THAT SHE WASN'T  
24 USING ANY OR HAD NOT USED ANY METHAMPHETAMINE IN THE LAST  
25 YEAR?

26 MR. BLESSEY: THE QUESTION ASSUMES FACTS THAT THERE  
27 WAS A DISCREPANCY.

28 THE COURT: OVERRULED.

1 MR. NEWHOUSE: LET ME REPHRASE THE QUESTION BECAUSE  
2 COUNSEL HAS A POINT.

3 Q DID YOU NOTICE A DISCREPANCY IN THE CEDARS  
4 REPORT WHERE SHE WAS REPORTING HAVING USED METHAMPHETAMINE  
5 A WEEK AGO, AND THAT WOULD BE IN APRIL OF 2009, AND A  
6 DISCREPANCY BETWEEN HER SELF-REPORT TO YOU IN YOUR PATIENT  
7 HISTORY FORM WHERE SHE SAID SHE HADN'T USED ANY ILLICIT  
8 SUBSTANCES IN THE LAST YEAR? DID YOU SEE OR NOTICE THAT  
9 DISCREPANCY?

10 A I NOTICED THAT SHE DENIED USING ANY --  
11 SUBSTANCE ABUSE. THERE WAS ALSO FAMILY MEMBER WHO ALSO  
12 DID NOT MENTION ANYTHING TO ME EITHER.

13 Q SO THEY DIDN'T TELL YOU ABOUT  
14 METHAMPHETAMINE USE?

15 A YES.

16 Q DID YOU SPECIFICALLY ASK THEM AT THAT  
17 MEETING, YOU KNOW, "I NEED TO KNOW IF THERE'S BEEN ANY USE  
18 OF METHAMPHETAMINE OR OTHER ILLICIT DRUGS THAT MIGHT HAVE  
19 AN IMPACT ON MY DIAGNOSIS"?

20 DID YOU SAY THAT TO THEM?

21 A I GO OVER QUESTIONNAIRE AND ASK EVERY SINGLE  
22 QUESTION.

23 Q SO DID YOU ASK THEM THAT QUESTION?

24 A I'M PRETTY SURE I DID.

25 Q AND WHEN YOU NOTED THIS DISCREPANCY, WHAT,  
26 IF ANY, IMPACT DID THAT HAVE ON YOUR ANALYSIS, YOUR  
27 DIAGNOSIS AND YOUR TREATMENT PLAN, THE FACT THAT THE  
28 PATIENT MIGHT WELL HAVE A PSYCHIATRIC PROBLEM CAUSED BY

1 METHAMPHETAMINE ABUSE?

2 WOULD THAT HAVE AN IMPACT ON YOU AT ALL?

3 A THE ONLY IMPACT I CAN THINK OF, THE  
4 HALLUCINATIONS COULD BE ATTRIBUTED TO THE DRUG ABUSE --

5 Q NOW --

6 A -- AT THE TIME OF THE EMERGENCY ROOM VISIT.

7 Q LET ME -- LET'S GO ON TO DIAGNOSIS, WHICH IS  
8 AT THE BOTTOM OF THE SCREEN. THEIR DIAGNOSIS WAS "ACUTE  
9 CHRONIC BODY PAIN."

10 DO YOU SEE THAT?

11 A YES.

12 Q AND THE SECONDARY DIAGNOSIS, NO. 2, WAS:  
13 "PSYCHOSIS WITH AUDITORY AND TACTILE  
14 HALLUCINATIONS."

15 DO YOU SEE THAT?

16 A YES, I DO.

17 Q NOW, WHEN YOU READ THIS -- WAS THIS -- DID  
18 YOU READ THIS INFORMATION A DAY THE LATER, AN HOUR LATER?  
19 HOW LONG AFTER THE INITIAL CONSULTATION WITH  
20 TARA HAD TERMINATED, WOULD YOU SAY?

21 A PROBABLY WITHIN A DAY. I DON'T KNOW  
22 EXACTLY.

23 Q SO WHEN YOU READ THAT WITHIN A DAY AND YOU  
24 NOW KNEW, DID YOU NOT, THAT YOUR PATIENT WAS MOST LIKELY  
25 SUFFERING FROM A PSYCHOSIS WITH AUDITORY TACTILE  
26 HALLUCINATION, IF NOT OTHER PROBLEMS, YOU KNEW THAT?

27 A THAT'S BASED ON WHAT THE PHYSICIAN SAYS IN  
28 THE RECORDS.



1 Q ABSOLUTELY.

2 BUT A PHYSICIAN AT CEDARS-SINAI -- WHICH I  
3 THINK YOU WOULD AGREE IS ONE OF THE FINEST HOSPITALS IN  
4 THE UNITED STATES, CORRECT?

5 A YES, THIS CORRECT.

6 Q SO THAT'S INFORMATION GENERALLY A PHYSICIAN  
7 LIKE YOU COULD RELY ON, IT'S ACCURATE, CORRECT?

8 A YES.

9 Q AND WHAT IMPACT DID THAT HAVE ON YOUR  
10 DIAGNOSIS AND YOUR TREATMENT PLAN WHEN YOU LEARNED THAT  
11 YOUR PATIENT, IN FACT, WAS LIKELY SUFFERING FROM SOME  
12 CONTINUING PSYCHOSIS WITH AUDITORY AND TACTILE  
13 HALLUCINATIONS?

14 DID IT HAVE ANY IMPACT ON YOU AT ALL?

15 A AS I SAID, THE ONLY IMPACT, IT COULD HAVE  
16 BEEN ATTRIBUTED TO POTENTIAL DRUG USE.

17 Q NOW, LET ME ASK YOU A QUESTION. DURING  
18 YOUR -- I'M SURE YOU HEARD -- LISTENED VERY CAREFULLY TO  
19 MR. BLESSEY'S VERY ELOQUENT OPENING STATEMENT.

20 DID YOU HEAR WHAT HE SAID HAD TO SAY?

21 A YES.

22 Q DID HE SAY THAT AT -- WHEN THE PATIENT WAS  
23 TREATED BY CEDARS, THAT THE EVIDENCE WILL SHOW THAT SHE  
24 WAS GIVEN AN OPIATE FOR HER PAIN? DID YOU HEAR THAT?

25 A PROBABLY, YES.

26 Q OKAY. REFERENCING THIS DOCUMENT, YOU WOULD  
27 AGREE WITH ME, WOULD YOU NOT, MR. BLESSEY WAS INCORRECT IN  
28 THAT STATEMENT?

1 MR. BLESSEY: I'M NOT SURE WHAT THE RELEVANCE OF  
2 THAT IS, YOUR HONOR.

3 THE COURT: I DON'T KNOW EITHER, BUT THERE WAS --  
4 IN OPENING STATEMENT, I HEARD HIM SAY SOMETHING ABOUT  
5 TYLENOL.

6 MR. NEWHOUSE: I HEARD HIM SAY THAT HE WAS --

7 THE COURT: WHATEVER.

8 BY MR. NEWHOUSE:

9 Q LET ME ASK IT THIS WAY.

10 THE COURT: THAT'S NOT EVIDENCE.

11 BY MR. NEWHOUSE:

12 Q IT'S NOT EVIDENCE, BUT LET ME ASK IT THIS  
13 WAY: THE PATIENT WAS TREATED WITH -- IT'S HIGHLIGHTED:

14 "AFTER THE PSYCHIATRIC RESIDENT SAW THE  
15 PATIENT, I WAS ASKED TO GIVE HER SOME BENADRYL."

16 BENADRYL, THAT'S NOT AN OPIATE, RIGHT?

17 WHAT IS BENADRYL?

18 A IT'S AN ANTIHISTAMINE.

19 Q THAT DEALS WITH THE ITCHING, RIGHT?

20 A YEAH. ANTIHISTAMINE.

21 Q TORADOL, THAT'S NOT AN OPIATE, IS IT?

22 A IT'S NONSTEROIDAL ANTI-INFLAMMATORY.

23 Q N-S-A-I-D, LIKE NAPROSYN, RIGHT, OR  
24 NAPROXEN, OKAY? RIGHT?

25 A INTRAMUSCULAR. YES.

26 Q AND ATIVAN, WHAT'S ATIVAN?

27 A BENZODIAZEPINE.

28 Q WHAT IS ATIVAN?

1 A BENZODIAZEPINE.

2 Q OH, YOU ANSWERED THE QUESTION. THANK YOU.  
3 WHAT SYMPTOM IS THAT BEING USED TO TREAT, DO  
4 YOU THINK?

5 A USUALLY ANXIETY.

6 Q OKAY. AND SEROQUEL.  
7 AM I RIGHT THAT NONE OF THOSE FOUR DRUGS ARE  
8 AN OPIATE?

9 A NONE OF THOSE FOUR.

10 Q AND DOES THE RECORD INDICATE WHEN THE  
11 PATIENT WAS DISCHARGED WHAT PRESCRIPTION THE PHYSICIANS AT  
12 CEDARS-SINAI -- ONE OF THE GREAT MEDICAL CENTERS IN THE  
13 UNITED STATES -- TOLD HER TO TAKE FOR PAIN?

14 WHAT DID THEY GIVE HER? WHAT WAS THE  
15 PRESCRIPTION? LOOK UNDER "DISPOSITION."

16 MR. BLESSEY: I'M NOT SURE WHAT THE RELEVANCE OF  
17 2009 FOR A DIFFERENT CONDITION IS.

18 THE COURT: IT'S HIS CASE, COUNSEL.

19 MR. NEWHOUSE: IT'S CROSS-EXAMINATION.

20 THE WITNESS: IT SAYS, "TYLENOL," "MOTRIN."

21 BY MR. NEWHOUSE:

22 Q TYLENOL AND MOTRIN, CORRECT?

23 A YES.

24 Q NONE OF THOSE ARE OPIATES, RIGHT?

25 A NO.

26 Q OKAY. LET'S GO BACK TO NOW -- YOU HAVE  
27 EXHIBIT 100 IN FRONT OF YOU. I WANT TO GO BACK TO YOUR  
28 PROGRESS NOTES.

1 DO YOU HAVE YOUR PROGRESS NOTES?

2 LET'S LOOK AT EXHIBIT 100-4.

3 IN THE DOCUMENT, YOU POINT OUT -- BY THE  
4 WAY, YOU POINT OUT THAT SHE'S COMPLAINING OF DIFFUSE PAIN  
5 HEAD TO TOE FOR TWO YEARS, CORRECT?

6 A YES.

7 Q DID YOU KNOW THAT FROM REVIEWING THE CEDARS  
8 RECORD, OR DID TARA TELL YOU THAT?

9 A I THINK MS. DE ROGATIS TOLD ME THAT.

10 Q OKAY.

11 "PATIENT HAS BEEN SEEN BY THE NEUROLOGIST  
12 FOR INTERMITTENT PINS AND NEEDLES SENSATION IN HER  
13 EXTREMITIES."

14 THAT WAS THE REPORT THAT WE LOOKED AT  
15 PREVIOUSLY AS WELL, CORRECT?

16 A YES. WELL, THAT WAS HER REPORT. THAT'S HER  
17 DESCRIPTION OF THE PAIN.

18 Q BUT THAT WAS THE NEUROLOGY EXAM, THAT E.E.G.  
19 THAT WE PREVIOUSLY LOOKED AT, THAT WAS THE REFERENCE,  
20 CORRECT?

21 A NO. THAT WAS THE DESCRIPTION OF HER PAIN.

22 Q OKAY. THEN IT SAYS:

23 "PATIENT HAS BEEN TAKING NORCO FOR A  
24 MONTH OR TWO AND REPORTS GREAT RELIEF WITH NORCO."  
25 IS THAT RIGHT?

26 A YES, THAT'S CORRECT.

27 Q AND WE KNOW NOW THAT THAT PRESCRIPTION WAS  
28 GIVEN TO HER BY DR. RAMIN?

1 A YOU MEAN AT THIS POINT?

2 Q YES. AT THIS POINT, DID YOU KNOW THAT THAT  
3 WAS DR. RAMIN'S PRESCRIPTION?

4 A YES.

5 Q YOU LIST THE MEDICATIONS IN THE UPPER LEFT,  
6 "AMBIEN," "KLONOPIN," "NORCO," "SYNTHROID."

7 DO YOU SEE THAT?

8 A YES.

9 Q IS THERE A REASON WHY -- WELL, LET ME ASK  
10 YOU, WAS IT IMPORTANT TO YOU NOT ONLY TO ELICIT WHAT  
11 MEDICATIONS SHE'S TAKING, BUT DID YOU NEED -- WOULD IT BE  
12 USEFUL TO KNOW THE STRENGTH AND THE ACTUAL, YOU KNOW,  
13 NUMBER OF TABLETS?

14 A ABSOLUTELY IT WOULD BE USEFUL TO KNOW.

15 Q DID YOU LIST THAT THERE?

16 A WE WERE TRANSITIONING TO ELECTRONIC MEDICAL  
17 RECORDS AT THAT TIME --

18 Q IT'S A DIFFERENT QUESTION. THAT'S WHY --

19 A NOW I HAVE TO -- OH, OH, OH.

20 Q HOLD ON, HOLD ON. PLEASE, PLEASE.

21 THE COURT: LET HER FINISH.

22 MR. NEWHOUSE: SHE WASN'T BEING RESPONSIVE.

23 THE COURT: GO AHEAD. FINISH YOUR ANSWER. YOU  
24 WERE --

25 THE WITNESS: THANK YOU.

26 THE COURT: -- IN THE PROCESS OF --

27 THE WITNESS: WE WERE TRANSITIONING TO ELECTRONIC  
28 MEDICAL RECORDS, AND WE WERE LEARNING HOW TO USE THE

1 SYSTEM.

2 AND, ACTUALLY, APPARENTLY, WHEN YOU FILL OUT  
3 THE MEDICATION LIST AND IF THERE IS A BOX CHECKED  
4 "MEDICATIONS ONLY," THE DOSAGES DO NOT APPEAR, SO YOU HAVE  
5 TO UNCHECK THAT BOX.

6 BY MR. NEWHOUSE:

7 Q MY QUESTION WAS SIMPLER.

8 MY QUESTION IS: YOU DIDN'T LIST THERE, DID  
9 YOU, THE DOSAGE?

10 A YES, I DID.

11 Q YOU DID.

12 WHAT YOU'RE SAYING IS IT DIDN'T APPEAR  
13 BECAUSE --

14 A IT DIDN'T SAY.

15 Q IT DIDN'T APPEAR BECAUSE OF A GLITCH IN THE  
16 SYSTEM?

17 A EXACTLY.

18 Q OKAY. AND AT THAT POINT, BY THE TIME YOU  
19 DICTATED THIS REPORT, HAD YOU OBTAINED A COPY OF  
20 DR. RAMIN'S MEDICAL RECORD FOR THIS PATIENT?

21 A DICTATED IT PROBABLY THE SAME DAY OF THE  
22 APPOINTMENT, LATER IN THE EVENING.

23 Q DID YOU EVER REQUEST AND RECEIVE A COPY OF  
24 DR. RAMIN'S MEDICAL RECORD FOR MS. DE ROGATIS?

25 A I DON'T REMEMBER.

26 Q WOULD THAT HAVE BEEN INFORMATION THAT WOULD  
27 HAVE BEEN USEFUL TO YOU AS -- IN DISCHARGING YOUR DUTY AS A  
28 PHYSICIAN, TO BE SURE YOU HAVE ALL THE INFORMATION ABOUT

1 HER PRIOR CARE?

2 A I DID TALK TO HIM AT CEDARS, AS I MENTIONED.  
3 I DON'T HAVE HIS ACTUAL MEDICAL RECORDS.

4 Q SO YOU TALKED TO HIM AT CEDARS, BUT YOU  
5 DIDN'T BOTHER GETTING HIS MEDICAL RECORDS, IS THAT YOUR  
6 TESTIMONY?

7 A I DON'T RECALL GETTING HIS MEDICAL RECORDS,  
8 YES.

9 Q AND YOU HAVE PRODUCED IN THIS CASE ALL OF  
10 YOUR MEDICAL RECORD, AND AM I RIGHT NO PART OF DR. RAMIN'S  
11 MEDICAL RECORD WAS INCLUDED IN YOUR RECORDS, RIGHT?

12 A RIGHT.

13 Q AND THAT LEADS YOU TO BELIEVE THAT YOU  
14 DIDN'T ACTUALLY EVER RECEIVE HIS RECORD; IS THAT RIGHT?

15 A PROBABLY NOT.

16 Q OKAY. YOU ALSO SAY SHE HAS BEEN GIVEN  
17 ULTRACET, AND THAT'S THE SAME AS TRAMADOL?

18 WE HEARD SOME DRUGS MENTIONED, TRAMADOL.  
19 YES?

20 A YOU'RE ASKING ME A QUESTION?

21 Q YES.

22 ULTRACET IS THE SAME AS TRAMADOL?

23 A IT'S NOT THE SAME BUT SIMILAR.

24 Q IS IT THE SAME BASIC PHARMACEUTICAL  
25 COMPOUND?

26 A IT'S TRAMADOL PLUS TYLENOL.

27 Q OKAY. AND IT SAYS:

28 "REPORTS THAT IT DID NOT WORK FOR HER PAIN."

1 DID TARA DE ROGATIS TELL YOU THAT?

2 A YES, SHE SAID.

3 Q AND WHAT DID YOU CONCLUDE BY THAT, THAT THIS  
4 PAINKILLER HAD NOT WORKED FOR HER PAIN?

5 WHAT WAS THE -- IN YOUR CLINICAL EXPERIENCE,  
6 WHAT WAS THE LIKELY EXPLANATION FOR THAT?

7 A WELL, EVERY PATIENT IS INDIVIDUAL, SO SOME  
8 PATIENTS ARE RESPONDING TO SOME MEDICATION AND SOME DON'T.  
9 AND MS. DE ROGATIS DIDN'T OBTAIN ANY RELIEF WITH ULTRACET.

10 Q AND ARE YOU AWARE THAT THE MOST PROBABLE  
11 REASON FOR THAT IS BECAUSE SHE DIDN'T HAVE AN ENZYME  
12 NECESSARY TO METABOLIZE TRAMADOL TO TURN IT INTO ITS  
13 ACTIVE FORM?

14 ARE YOU AWARE OF THAT?

15 A NO.

16 Q YOU DON'T KNOW ONE WAY OR ANOTHER?

17 A NO, I DO KNOW, BUT THAT'S NOT THE MOST  
18 PROBABLE REASON. THIS IS --

19 Q WHAT IS --

20 A -- THE MOST UNLIKELY REASON.

21 Q WHAT IS THE MOST PROBABLE REASON?

22 A BECAUSE HER PAIN WAS SO SEVERE THAT ULTRACET  
23 DID NOT WORK FOR HER PAIN.

24 Q AND ULTRACET IS A VERY MILD PAINKILLER, IS  
25 THAT WHAT YOU'RE SAYING?

26 A IT'S A RELATIVELY MILD PAINKILLER, YES.

27 Q AND IT'S A RELATIVELY SAFE PAINKILLER AS  
28 WELL, ISN'T IT?



1 A IT DEPENDS ON THE DOSAGES THE PATIENTS TAKE.

2 Q IN YOUR EXPERIENCE, WHAT IS THE DANGER TO  
3 THE PATIENT IN PRESCRIBING POWERFUL OPIATES LIKE NORCO AND  
4 PERCOCET?

5 WHAT IS THE DANGER POSED TO THEM IF THEY  
6 TAKE TOO MUCH?

7 MR. BLESSEY: THAT LACKS FOUNDATION, YOUR HONOR.

8 UNDER WHAT CIRCUMSTANCES?

9 THE COURT: YEAH. PERHAPS WE NEED TO LAY A  
10 FOUNDATION. ARE WE TALKING ABOUT 10 MILLIGRAMS, 5  
11 MILLIGRAMS, WHAT?

12 MR. NEWHOUSE: 10 MILLIGRAMS WOULD BE ONE DOSE?

13 THE COURT: I DON'T KNOW WHAT IT WOULD BE. WHY  
14 DON'T YOU ASK THE WITNESS.

15 MR. NEWHOUSE: OKAY. WE'LL COME BACK TO THIS.

16 Q WE TALKED A LITTLE BIT ABOUT THE LETTER TO  
17 DR. RAMIN, WHICH IS EXHIBIT 100 -- WHAT WAS THAT, 9 --  
18 PAGE 8 AND PAGE 9.

19 WHEN WAS THIS LETTER PREPARED?

20 A IT WAS DICTATED THE SAME DATE WHEN I  
21 DICTATED THE ACTUAL NOTE.

22 Q IT SEEMS TO BE THE SAME LANGUAGE THAT WE  
23 FIND IN THE ACTUAL PROGRESS NOTES; IS THAT RIGHT?

24 A YES, VERY SIMILAR.

25 Q EXPLAIN WHY THAT -- HOW THAT -- WHY THAT  
26 OCCURS IN YOUR OFFICE PROCEDURES.

27 A AS I EXPLAINED, WE WERE TRANSITIONING TO  
28 ELECTRONIC MEDICAL RECORDS. PRIOR TO THAT, WE USED TO

1 ALWAYS DICTATE CONSULTATION TO THE REFERRING PHYSICIAN ON  
2 THE INITIAL VISIT. SO THAT WAS STILL PART OF WHAT WE DID.

3 Q WAS THIS LETTER SENT TO DR. RAMIN?

4 A IT SHOULD HAVE BEEN SENT, YES.

5 Q WELL, WHEN YOU SAY "SHOULD HAVE BEEN," DO  
6 YOU KNOW WHETHER IT WAS SENT OR NOT?

7 A I BELIEVE IT WAS -- IT WAS SENT. I DON'T --  
8 I CAN'T TELL YOU ANYTHING MORE. THAT WAS PRINTED BY THE  
9 ASSISTANT FOR THE PURPOSES TO BE MAILED TO THE REFERRING  
10 PHYSICIAN.

11 Q DID YOU SPEAK TO DR. RAMIN ABOUT THIS CASE  
12 AFTER YOU SENT THE LETTER?

13 A YES, I SPOKE TO HIM.

14 Q AND THIS WAS -- DID YOU MEET WITH HIM OR  
15 DISCUSS TARA'S CASE ONE OR TWO OR MORE TIMES?

16 A I DON'T RECALL HOW MANY TIMES. PROBABLY  
17 ONCE OR TWICE.

18 Q WELL, THE FIRST TIME WAS ON ROUNDS IN THE  
19 HOSPITAL?

20 A YEAH.

21 Q AND DID YOU HAVE ALL OF YOUR RECORDS WITH  
22 YOU, YOUR MEDICAL RECORDS, DID YOU GO OVER THEM WITH HIM  
23 IN DETAIL, OR IS THIS MORE OF A SUMMARY DISCUSSION YOU HAD  
24 WITH DR. RAMIN?

25 A NO. WE JUST SAW EACH OTHER IN THE HALLWAY,  
26 AND HE ASKED ME IF YOU SAW THE PATIENT OF HIS THAT HE  
27 REFERRED.

28 Q DID YOU ASK HIM IF HE'D PRESCRIBED NORCO FOR

1 THE PATIENT PREVIOUSLY?

2 A WELL, I THINK I KNEW ABOUT IT BECAUSE TARA  
3 HAD HER MEDICATIONS.

4 Q DID YOU ASK DR. RAMIN IF HE HAD PRESCRIBED  
5 NORCO AND WHAT DOSAGE?

6 A I DON'T REMEMBER IF I ASKED HIM.

7 Q AND ARE YOU AWARE THAT DR. RAMIN  
8 PRESCRIBED -- LET ME ASK YOU: HOW MANY TABLETS AND WHAT  
9 STRENGTH DID DR. RAMIN PRESCRIBE TO THIS PATIENT JUST  
10 BEFORE SHE CAME TO SEE YOU?

11 A I WOULDN'T BE ABLE TO TELL YOU HOW MANY  
12 TABLETS. I BELIEVE IT WAS 5 OVER 325 STRENGTH.

13 Q 5 MILLIGRAMS?

14 A 5 OVER 325 STRENGTH.

15 Q 325 REFERS TO MILLIGRAMS OF TYLENOL?

16 A YES, CORRECT.

17 Q SO THAT'S A RELATIVELY LOW DOSE?

18 A YES, RELATIVELY.

19 Q AND SO HOW MANY TABLETS -- WOULD IT BE FAIR  
20 TO SAY HE GAVE HER 30 OF THOSE?

21 A I CANNOT SPEAK FOR DR. RAMIN.

22 Q I JUST WANT -- SEEKING YOUR -- WELL, DID YOU  
23 EVER ASK DR. RAMIN, "HOW MANY -- IT'S IMPORTANT FOR ME TO  
24 KNOW BECAUSE I'M TREATING HER NOW, PRESCRIBING NORCO. HOW  
25 MANY TABLETS OF NORCO, 5 MILLIGRAMS OVER 325, DID YOU GIVE  
26 TO THIS PATIENT"?

27 A I DON'T REMEMBER ASKING HIM THAT.

28 Q THAT WASN'T IMPORTANT INFORMATION FOR YOU?

1 A NOT AT THAT TIME.

2 Q DID YOU TELL DR. RAMIN IN THAT MEETING THAT  
3 YOUR TREATMENT PLAN WAS TO -- YOU WANTED TO WEAN TARA OFF  
4 OPIATES?

5 A WE TALKED ABOUT IT, YES.

6 Q YOU TALKED ABOUT THAT DURING THAT SESSION?

7 A IT WASN'T A SESSION.

8 WHAT I SAID, WE SEE EACH OTHER IN THE  
9 HALLWAY AS WE PASS BY, AND IT COULD BE, YOU KNOW, A  
10 COUPLE-MINUTE CONVERSATION.

11 Q SO YOUR ESTIMATE IS YOU SPENT 60 TO 120  
12 SECONDS TALKING ABOUT TARA'S CASE WITH DR. RAMIN IN THE  
13 HALLWAY?

14 A I CAN'T ESTIMATE THAT NOW.

15 Q A MINUTE OR 2, YOU SAID?

16 A A FEW MINUTES.

17 Q AND YOU DON'T KNOW IF YOU DISCUSSED THE  
18 DOSAGES OR GOT INTO THE DETAILS WITH DR. RAMIN AT THAT  
19 TIME?

20 A NO.

21 Q AND YOU DON'T RECALL WHETHER YOU TOLD HIM  
22 ABOUT YOUR -- LET ME ASK YOU -- LET'S GO BACK TO  
23 EXHIBIT 100, PAGE 4, UNDER "ASSESSMENTS."

24 NEXT PAGE, NEXT PAGE, 100-5. I'M SORRY.  
25 OKAY.

26 "ASSESSMENTS," THAT'S BASICALLY YOUR  
27 DIAGNOSIS?

28 A THAT'S AN ASSESSMENT.

1 Q OKAY. WHAT DOES ASSESSMENT MEAN?

2 A ASSESSMENT MEANS IT'S A SUMMARY.

3 Q HERE'S WHAT I THINK SO FAR?

4 A YES.

5 Q OKAY. AND YOU SAY:

6 "UNSPECIFIED POLYARTHROPATHY OR  
7 POLYARTHRITIS, MULTIPLE SITES."

8 I DON'T SEE FIBROMYALGIA IN THERE.

9 IS THAT THE SAME AS FIBROMYALGIA?

10 A YES. THE NEXT CODE IS FIBROMYALGIA,  
11 BASICALLY.

12 Q WHICH ONE, THE ONE --

13 A 729.1.

14 Q "UNSPECIFIED MYALGIA AND MYOSITIS," WHICH --

15 A MYOSITIS.

16 Q MYOSITIS.

17 AND MYOSITIS IS JUST MUSCLE PAIN, RIGHT?

18 A MYALGIA IS MUSCLE PAIN. MYOSITIS IS MUSCLE  
19 INFLAMMATION.

20 Q NOW, YOU SAY:

21 "THIS IS A 30-YEAR-OLD FEMALE WITH  
22 UNDERLYING PSYCHIATRIC MOOD DISORDER" -- I'LL  
23 REPEAT THAT AGAIN -- "WHO PRESENTS WITH SEVERE  
24 MYALGIAS AND ARTHRALGIAS CONSISTENT WITH  
25 FIBROMYALGIA."

26 SO YOU SAY, "CONSISTENT WITH FIBROMYALGIA."

27 YOU WEREN'T AT ALL SURE AT THIS POINT THAT  
28 SHE ACTUALLY HAD FIBROMYALGIA; IS THAT CORRECT? YOU

1 WEREN'T DEFINITE?

2 A IT WASN'T DEFINITE BECAUSE I WAS DOING SOME  
3 WORKUP DURING THE INITIAL CONSULTATION.

4 Q YOU HAD MORE WORK TO DO BEFORE YOU HAD  
5 SETTLED, CORRECT?

6 A YES.

7 Q "I HAD A LONG" -- "I HAD A VERY LONG  
8 DISCUSSION WITH THE PATIENT REGARDING  
9 FIBROMYALGIA MANAGEMENT. I STRONGLY  
10 DISCOURAGE" -- I BELIEVE THERE SHOULD BE A  
11 "D" THERE -- "DISCOURAGED HER FROM THE USE OF  
12 NARCOTICS AND RECOMMEND POOL THERAPY AND  
13 TREATMENT WITH CYMBALTA TO BE STARTED AT 30  
14 MILLIGRAMS" --

15 WHAT DOES "Q" MEAN?

16 A EVERY DAY.

17 Q -- "EVERY DAY TO BE TITRATED UP."  
18 WHICH TITRATED UP MEANS AT SOME POINT YOU  
19 GRADUALLY INCREASE THE DOSE; IS THAT RIGHT?

20 A THAT'S CORRECT.

21 Q DID YOU ACTUALLY HAVE THAT DISCUSSION WITH  
22 MS. DE ROGATIS AND DAVID, THE DISCUSSION THAT YOU STRONGLY  
23 DISCOURAGED THE USE OF OPIATES?

24 A ABSOLUTELY. I DON'T KNOW IF DAVID WAS IN  
25 THE ROOM, BUT I HAD A DISCUSSION.

26 Q YOU HEARD DAVID'S TESTIMONY THAT HE DIDN'T  
27 HEAR THAT PART OF IT, RIGHT?

28 A I DON'T KNOW IF HE WAS IN THE ROOM OR NOT.

1 Q AND LET ME ASK YOU, WHEN YOU -- DID YOU TELL  
2 TARA, "I AM NOT GOING TO GIVE YOU OPIATES. THEY'RE BAD  
3 FOR YOU"? DID YOU SAY THAT TO HER?

4 A YOU CANNOT SAY THAT TO THE PATIENT WHO HAS  
5 BEEN ON OPIATES FOR MANY MONTHS.

6 Q WHY? BECAUSE THEY WOULD NOT LIKE THAT,  
7 WOULD THEY?

8 A NO. THAT'S BECAUSE THEIR PAIN WOULD BE  
9 UNMANAGEABLE.

10 Q AND WHEN YOU TOLD TARA THAT YOU STRONGLY  
11 DISCOURAGED THE USE OF OPIATES, HOW DID SHE RESPOND TO  
12 YOU?

13 A ACTUALLY, MS. DE ROGATIS WAS COOPERATIVE.  
14 SHE WAS LISTENING TO WHAT I HAD TO SAY ABOUT FIBROMYALGIA.  
15 I DIDN'T JUST SAY THAT. I COUNSELED HER ABOUT  
16 FIBROMYALGIA CAUSES, MANAGEMENT, AND FUTURE TREATMENT  
17 PLAN.

18 Q WHAT WAS YOUR TREATMENT PLAN?  
19 WHY DON'T YOU TELL US IN DETAIL WHAT YOU  
20 TOLD THE PATIENT YOU WERE GOING TO DO TO MANAGE HER  
21 FIBROMYALGIA, A DIAGNOSIS THAT, I GUESS, WAS TENTATIVE AT  
22 THIS POINT.

23 A SO THE INITIAL TREATMENT WOULD BE TO INCLUDE  
24 EXERCISE, POOL THERAPY. AT THIS STAGE WHEN MS. DE ROGATIS  
25 PRESENTED TO ME, WHEN SHE WAS ALREADY REQUIRING PAIN  
26 MEDICATIONS, HER PAIN NEEDED TO BE ADDRESSED, ALSO.

27 SO THAT MY SHORT-TERM PLAN WAS TO TREAT HER  
28 PAIN AND MAKE HER MORE COMFORTABLE. THE LONG-TERM PLAN

1 WAS TO ADD SOMETHING ELSE TO HELP HER TO GET LOWER ON HER  
2 STRONGER PAINKILLERS.

3 Q BECAUSE YOU STRONGLY DISCOURAGED NARCOTICS  
4 BECAUSE TREATING HER FIBROMYALGIA, IF THAT'S WHAT SHE HAD,  
5 WITH PAINKILLERS WAS NOT GOING TO ADDRESS THE CAUSE OF THE  
6 LONG-TERM PROBLEM, CORRECT?

7 A YES, THAT'S CORRECT.

8 Q IT'S GOING TO MAKE HER FEEL BETTER, RIGHT?  
9 WASN'T GOING TO TAKE CARE OF FIBROMYALGIA,  
10 RIGHT?

11 A NOT -- RIGHT.

12 Q OKAY. AND THE POOL THERAPY, WHAT IS POOL  
13 THERAPY, AND HOW WOULD THAT BENEFIT SOMEONE WHO IS  
14 SUFFERING FROM DIFFUSE BODY PAIN?

15 A USUALLY WE REFER PATIENT TO AQUA THERAPY AND  
16 EXERCISES IN THE POOL, AND THIS IS BETTER THAN ANY  
17 MEDICATIONS THAT THE DOCTOR CAN PRESCRIBE BECAUSE IT  
18 ACTUALLY STIMULATES THE PRODUCTION OF ENDORPHINS IN THE  
19 BRAIN. AND IT HELPS THEM TREMENDOUSLY, YOU KNOW, WITH  
20 THEIR REGULAR ACTIVITIES MUCH MORE THAN JUST KILLING THE  
21 PAIN.

22 Q DID YOU ACTUALLY TELL HER WHERE SHE COULD GO  
23 FOR POOL THERAPY? DID YOU GIVE HER ANY INFORMATION ABOUT  
24 THAT?

25 A WE GIVE THE REFERRAL CARDS. THE ASSISTANTS  
26 HAVE THEM.

27 Q WHEN YOU SAY "WE," DID YOU PROVIDE TO THE  
28 PATIENT -- SAY, "THIS IS THE INFORMATION. THIS IS WHERE



1 YOU CAN GO FOR POOL THERAPY"? "YES" OR "NO"?

2 A I TOLD THE ASSISTANT, AND SHE GAVE IT TO  
3 HER.

4 Q AND DO YOU KNOW, AS YOU SIT HERE TODAY,  
5 WHETHER SHE EVER WENT FOR POOL THERAPY?

6 A I DON'T KNOW.

7 Q YOU DON'T KNOW BECAUSE YOU NEVER ASKED,  
8 CORRECT?

9 A NO, I DON'T REMEMBER.

10 Q YOU DIDN'T ASK OR YOU DON'T REMEMBER WHETHER  
11 YOU ASKED HER?

12 A I DON'T REMEMBER.

13 Q NOW, YOUR -- LET'S GO BACK TO EXHIBIT 100-4.  
14 YOU DECIDED ON THAT DAY AND YOU ACTUALLY  
15 GAVE HER A PRESCRIPTION, DID YOU NOT, FOR NORCO, RIGHT?  
16 YOU GAVE HER A PRESCRIPTION FOR HOW MUCH  
17 NORCO?

18 A SHE GOT A PRESCRIPTION FOR 5/325 STRENGTH.

19 Q OKAY. IS THERE ANYWHERE IN YOUR PROGRESS  
20 NOTES WHERE YOU REFLECT THAT ALTHOUGH YOU DISCOURAGED THE  
21 USE OF OPIATES, YOU'RE GIVING HER 60 5-MILLIGRAM NORCO?  
22 DO YOU -- IS THAT RECORDED ANYWHERE IN YOUR  
23 PROGRESS NOTES?

24 A YEAH. THERE IS A COPY OF MY PRESCRIPTION.

25 Q I'M LOOKING NOW JUST AT THIS DOCUMENT, WHICH  
26 IS THE PROGRESS NOTES, AND IT'S TWO PAGES. AND I WANT YOU  
27 TO TELL US WHETHER THERE'S ANYWHERE IN HERE THAT YOU  
28 REFLECTED THE FACT THAT AFTER DISCOURAGING HER FROM TAKING

1 OPIATES, YOU WERE HANDING HER A PRESCRIPTION FOR OPIATES.

2 MR. BLESSEY: YOUR HONOR, THAT MISSTATES HER  
3 TESTIMONY.

4 THE COURT: OVERRULED.

5 THE WITNESS: IT'S NOT IN THE PROGRESS NOTE  
6 BECAUSE, AS I SAID, PART OF THE MEDICAL RECORDS WERE STILL  
7 IN THE CHARTS. AND THIS IS THE PAPER COPY OF THE  
8 PRESCRIPTION, NOT TO BE HIDDEN FROM ANYONE. IT'S IN THE  
9 MEDICAL RECORDS.

10 BY MR. NEWHOUSE:

11 Q IT'S NOT IN PROGRESS NOTES, RIGHT?

12 A NOT IN THE PROGRESS NOTE.

13 Q IN YOUR LETTER TO DR. RAMIN, DO YOU MENTION  
14 THAT YOU WERE CONTINUING HER ON THE 60 TABLETS OF NORCO?

15 MAY I APPROACH, YOUR HONOR?

16 THE COURT: YES.

17 THE WITNESS: I FOUND IT. THANK YOU. IT'S NOT  
18 HERE. IT'S IN THE PAPER MEDICAL RECORDS.

19 BY MR. NEWHOUSE:

20 Q SO IT'S NOT IN THE PROGRESS NOTES, AND IT'S  
21 NOT IN YOUR LETTER TO DR. RAMIN, AND YOU DON'T RECALL, AS  
22 YOU SIT HERE TODAY, WHETHER YOU AND DR. RAMIN DISCUSSED  
23 THE FACT THAT DESPITE DISCOURAGING THE USE OF OPIATES, YOU  
24 WERE GIVING HER 60 MORE TABLETS; IS THAT RIGHT?

25 A TO BE USED AS NEEDED, IF YOU READ THE  
26 PRESCRIPTION.

27 Q TO BE USED AS NEEDED BY A PATIENT IN  
28 TREMENDOUS PAIN, RIGHT?

1           A           YES.

2           MR. NEWHOUSE:   YOUR HONOR, IF I COULD JUST HAVE ONE  
3           MOMENT.

4           Q           OKAY.   BETWEEN FEBRUARY 10, YOUR INITIAL  
5           CONSULTATION, AND THE NEXT SESSION WAS SCHEDULED FOR MARCH  
6           1ST, CORRECT?

7           A           PROBABLY.

8           Q           WAS IT YOUR INTENTION TO PRESCRIBE HER  
9           ENOUGH NORCO TO GET HER TO THE NEXT SESSION?

10          A           IT WAS MY INTENTION, YES.

11          Q           OKAY.   WHAT ACTUALLY HAPPENED, DID THERE  
12          COME A POINT TWO WEEKS LATER THAT THE PATIENT NEEDED  
13          ANOTHER SUPPLY OF NORCO?

14          A           THE PATIENT CALLED TO THE OFFICE AND  
15          COMPLAINED OF SIGNIFICANT PAIN.

16          Q           DID SHE SPEAK TO YOU?

17          A           SHE SPOKE TO THE ASSISTANT.

18          Q           DID SHE SPEAK TO YOU?

19          A           I KNOW SHE SPOKE TO THE ASSISTANT.   I DON'T  
20          REMEMBER IF SHE SPOKE TO ME.

21          Q           HOW DO YOU -- HOW DID YOU FIND OUT ABOUT THE  
22          CALL?

23          A           EVERY DAY ASSISTANT TELLS US ABOUT THE CALLS  
24          AND THE REASON FOR THE CALLS.

25          Q           AND YOU DID APPROVE A TELEPHONIC  
26          PRESCRIPTION OF 56 MORE TABLETS OF NORCO TO THIS PATIENT?

27          A           PATIENT COMPLAINED OF PAIN AND SAID THAT SHE  
28          WAS OUT OF HER MEDICATIONS, AND SHE GOT ENOUGH PILLS ONLY

1 UNTIL THE NEXT APPOINTMENT.

2 THE POLICY OF THE OFFICE IS NOT TO GIVE ANY  
3 MEDICATIONS UNLESS THE PATIENT HAS A FOLLOW-UP APPOINTMENT  
4 AND ONLY THE QUANTITY THAT IS NEEDED.

5 Q SO YOU DECIDED TO GIVE HER 56 MORE TABLETS;  
6 IS THAT RIGHT?

7 A YES.

8 Q SAME DOSE?

9 A YES, I BELIEVE SAME DOSE.

10 Q SAME BASIC PRESCRIPTION?

11 A I BELIEVE SO, YES.

12 Q NOW, AGAIN, I THINK YOUR TESTIMONY WAS YOUR  
13 LONG-TERM TREATMENT PLAN WAS TO WEAN HER OFF THE NARCOTICS  
14 WHILST YOU TITRATED THE -- INCREASED THE DOSE OF CYMBALTA.

15 WHAT WAS CYMBALTA, AGAIN?

16 A CYMBALTA IS A MEDICATION FOR FIBROMYALGIA.  
17 IT'S FROM THE CLASS OF ANTIDEPRESSANTS. IT'S A  
18 NOREPINEPHRINE RE-UPTAKE INHIBITOR.

19 Q AND I THINK YOU SAID IT'S AN ANTIDEPRESSANT?

20 A IT'S FROM THE CLASS OF THE ANTIDEPRESSANTS,  
21 BUT WE USE IT FOR FIBROMYALGIA.

22 Q SO IT'S AN ANTIDEPRESSANT THAT HAS USEFUL,  
23 BENEFICIAL EFFECTS IN THE TREATMENT OF FIBROMYALGIA,  
24 CORRECT?

25 A IT'S ACTUALLY AN APPROVED MEDICATION FOR  
26 FIBROMYALGIA.

27 Q AND WERE YOU CONCERNED -- LET ME ASK YOU,  
28 BEFORE YOU PRESCRIBED THE CYMBALTA, DID YOU SPEAK TO HER

1 PSYCHIATRIST TO FIND OUT WHAT OTHER PSYCHIATRIC MEDICINES  
2 SHE WOULD BE TAKING TO ASSURE THERE WASN'T SOME CONFLICT?

3 A WELL, I RELIED ON THE INFORMATION THE  
4 PATIENT PROVIDED TO ME, SO THERE WASN'T ANY CONFLICT BASED  
5 ON THE INFORMATION THE PATIENT PROVIDED TO ME.

6 Q SO YOU RELIED SOLELY ON WHAT THE PATIENT  
7 TOLD YOU, YOU DIDN'T BOTHER TO GET THE RECORDS FROM  
8 DR. BOHN; IS THAT RIGHT?

9 A I DIDN'T SEE THE RECORDS FROM DR. BOHN.

10 Q SO YOUR LONG-TERM TREATMENT PLAN WAS TO WEAN  
11 HER OFF THE NARCOTICS.

12 LET ME ASK YOU, WAS GIVING HER 60 MILLIGRAMS  
13 -- 60 TABLETS ON FEBRUARY 10 AND ANOTHER 56 TWO WEEKS  
14 LATER -- HOW WAS THAT CONSISTENT WITH YOUR PLAN OF WEANING  
15 HER OFF OPIATES?

16 A IF THE PATIENT HAS TREMENDOUS PAIN AND IS  
17 SUFFERING FROM PAIN THAT INTERFERES WITH THEIR ACTIVITIES  
18 OF DAILY LIVING, YOU HAVE TO ADDRESS THEIR PAIN.

19 Q ARE THERE ANY ALTERNATIVES TO PROVIDING THE  
20 PATIENT WITH ANOTHER LARGE DOSE OF NARCOTICS?

21 A WHAT --

22 MR. BLESSEY: I'M SORRY. THE QUESTION LACKS  
23 FOUNDATION, ASSUMES FACTS, THIS WAS A, QUOTE, "LARGE  
24 DOSE."

25 THE COURT: I DON'T QUITE UNDERSTAND IT, BUT WHY  
26 DON'T YOU REPHRASE IT.

27 MR. NEWHOUSE: I'LL REPHRASE.

28 Q IN YOUR MIND, WERE THERE ANY ALTERNATIVES --

1 AT THAT POINT, ON FEBRUARY 24TH, THE PATIENT HAD RECEIVED  
2 60 NORCO TWO WEEKS BEFORE AND NOW WANTED BASICALLY ANOTHER  
3 60.

4 WERE THERE ANY ALTERNATIVES IN YOUR MIND TO  
5 PROVIDING HER WITH A DOSE OF NARCOTICS?

6 WAS THERE ANY OTHER WAY OF MANAGING HER PAIN  
7 OR DEALING WITH HER PROBLEMS OTHER THAN GIVING HER ANOTHER  
8 PRESCRIPTION OF NORCO?

9 A DEALING WITH THE PAIN WOULD BE TO TREAT THE  
10 PAIN, TO GET THE PATIENT TO GET BETTER SLEEP SO THEY WOULD  
11 BE IN LESS PAIN. AND I KNEW CYMBALTA DOESN'T KICK IN  
12 UNTIL WEEKS AFTER, SO SHE COULDN'T HAVE GOTTEN BENEFIT  
13 FROM CYMBALTA BY THEN.

14 Q LET ME ASK YOU, YOU, OF COURSE, RECORDED  
15 THIS PRESCRIPTION IN YOUR FILES, YOUR MEDICAL CHART FOR  
16 TARA, DID YOU NOT?

17 A YES, IT SHOULD BE.

18 Q CAN YOU FIND OUT WHERE IN EXHIBIT 100 YOU  
19 RECORDED THE SECOND TELEPHONIC PRESCRIPTION?

20 A THAT'S FROM FEBRUARY.

21 Q YOU REFERRED TO PAGE 7. THAT WAS  
22 FEBRUARY --

23 A THAT'S -- THAT'S A DIFFERENT ONE. THAT'S MY  
24 INITIAL ONE.

25 Q RIGHT. THAT'S THE 10TH.

26 A I DON'T SEE IT.

27 Q IT'S NOT THERE, IS IT? IT'S NOT THERE, IS  
28 IT?

1           A           NO, IT'S NOT.

2           Q           IS THERE A PARTICULAR REASON WHY YOU DID NOT  
3 RECORD THE FEBRUARY 25TH TELEPHONE PRESCRIPTION IN YOUR --  
4 IN YOUR CHART?

5           A           THE ONLY EXPLANATION I COULD THINK OF IS  
6 THAT THE ASSISTANT CALLED THE PHARMACY WHEN THE PATIENT  
7 CALLED INITIALLY COMPLAINING OF PAIN, SO IT WAS A PHONE  
8 PRESCRIPTION NOT RECORDED HERE.

9           Q           ISN'T IT VERY, VERY IMPORTANT THAT YOUR  
10 OFFICE MAINTAIN A COMPLETE LIST OF THESE PRESCRIPTION  
11 DRUGS THAT YOU PRESCRIBE TO YOUR PATIENTS, AND THAT WOULD  
12 INCLUDE THE DOSE, THE NUMBER OF TABLETS?

13                   DON'T YOU TAKE PAINS TO KEEP A CAREFUL  
14 RECORD OF PRESCRIPTIONS LIKE THAT?

15          A           WE DO.

16          Q           WHY DID IT HAPPEN IN THIS CASE?

17          A           I THINK, AS I SAID, WE WERE TRANSITIONING TO  
18 ELECTRONIC MEDICAL RECORDS, AND IT'S NOT PERFECT, AS YOU  
19 CAN SEE.

20                   THE COURT: IT'S 3:30. WE NEED TO TAKE OUR EVENING  
21 RECESS AT THIS TIME.

22                   HAPPY HALLOWEEN, EVERYBODY, AND I'LL SEE YOU  
23 TOMORROW MORNING AT 9:30. HAVE A GOOD EVENING.

24                   AGAIN, PLEASE REMEMBER THE ADMONITION OF THE  
25 COURT. DO NOT DISCUSS THE FACTS OF THIS CASE AMONGST  
26 YOURSELVES OR WITH ANYBODY ELSE. DO NOT FORM ANY OPINIONS  
27 OR CONCLUSIONS ON THIS MATTER UNTIL IT'S FINALLY SUBMITTED  
28 TO YOU. HAVE A GOOD EVENING. 9:30 TOMORROW MORNING.

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(AT 3:30 P.M. THE PROCEEDINGS WERE  
ADJOURNED UNTIL FRIDAY, NOVEMBER 1,  
2013, 9:30 A.M.)