

M A S T E R I N D E X

NOVEMBER 4, 2013; VOLUME 6

CHRONOLOGICAL INDEX OF WITNESSES

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

ALPHABETICAL INDEX OF WITNESSES

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

EXHIBITS

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WITHDRAWN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

M A S T E R I N D E X

NOVEMBER 4, 2013; VOLUME 6

EXHIBITS (CONTINUED)

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WITHDRAWN OR REJECTED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

1 CASE NUMBER: BC457891
2 CASE NAME: DE ROGATIS VS. SHAINSKY
3 PASADENA, CALIFORNIA MONDAY, NOVEMBER 4, 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: COUNSEL, ANYTHING WE NEED TO TAKE UP
20 THIS MORNING?

21 MR. BLESSEY: YES, YOUR HONOR.

22 THE COURT: DO YOU WANT IT ON THE RECORD?

23 MR. BLESSEY: I THINK SO, YES, PLEASE.

24 THE COURT: ALL RIGHT. ALL SET?

25 WE'RE ON THE RECORD.

26 MR. BLESSEY: YOUR HONOR, I'VE BEEN TOLD THAT
27 JUDGES WHEN THEY'RE IN TRIAL DON'T LIKE SURPRISES, SO I'D
28 LIKE TO BRING THINGS TO YOUR ATTENTION AHEAD OF TIME.

1 WE'VE MET AND CONFERRED ON THESE ISSUES, BUT I'M JUST
2 MAKING A RECORD.

3 AS TO DR. SPIEGEL, HE WAS ONE OF THE LISTED
4 WITNESSES. HE WAS A TREATING DOCTOR. WE'VE AGREED, I
5 BELIEVE -- IT'S MY UNDERSTANDING -- THEY'RE NOT GOING TO
6 CALL HIM, TRYING TO MOVE THINGS ALONG, BUT IN EXCHANGE FOR
7 THAT, THERE WERE FIVE PAGES IN EXHIBIT 102 THAT I WILL NOT
8 OBJECT TO BEING ADMITTED INTO EVIDENCE. AND THOSE
9 PAGES --

10 THE COURT: HANG ON, COUNSEL, LET ME GET MY BOOK.

11 ARE THESE RECORDS OF DR. SPIEGEL?

12 MR. BLESSEY: THEY ARE, YES.

13 THE COURT: GO AHEAD.

14 MR. BLESSEY: THE PAGES THAT I UNDERSTAND WE HAVE
15 AN AGREEMENT ON ARE PAGES -- EXHIBIT 102, PAGES 7, 8 AND
16 9, WHICH ARE A THREE-PAGE DICTATED CONSULTATION NOTE; PAGE
17 10, WHICH IS A HANDWRITTEN PROGRESS NOTE; AND PAGE 11 IS A
18 PRESCRIPTION FOR NORCO.

19 MR. NEWHOUSE: AND NOT THE -- AND NOT THE -- AND
20 NOT THE PAST MEDICAL HISTORY FORM THAT SHE FILLED OUT.

21 THE COURT: SO THOSE ARE THE ONLY ONES THAT YOU'LL
22 STIPULATE TO IS 7 THROUGH 12?

23 MR. BLESSEY: YES, YOUR HONOR.

24 THE COURT: OR 7 THROUGH 11.

25 MR. BLESSEY: 7 THROUGH 11, CORRECT, YOUR HONOR.

26 MR. NEWHOUSE: MAY I CONFER, YOUR HONOR?

27 THE COURT: SURE.

28 MR. NEWHOUSE: WE DIDN'T ACTUALLY MEET AND CONFER

1 THIS MORNING.

2 THAT'S FINE, YOUR HONOR, WE'LL ACCEPT THAT
3 STIPULATION, AND THOSE WOULD BE THE PORTIONS OF
4 DR. SPIEGEL, THE PAIN MANAGEMENT SPECIALIST RECORDS, THAT
5 WE WOULD ADMIT.

6 THE COURT: OKAY. SO ORDERED.

7 MR. BLESSEY: THE SECOND ITEM --

8 MR. NEWHOUSE: YOUR HONOR, EXCUSE ME.

9 MR. BLESSEY: SORRY.

10 MR. NEWHOUSE: BY "SO ORDERED," CAN WE HAVE THOSE
11 IN EVIDENCE AT THIS POINT? WE WOULD MOVE THEM INTO
12 EVIDENCE.

13 MR. BLESSEY: NO OBJECTION.

14 THE COURT: RECEIVED.

15 MR. NEWHOUSE: THANK YOU.

16

17 (MARKED FOR IDENTIFICATION, JOINT
18 EXHIBITS 102-7 TO 102-11, AND
19 RECEIVED INTO EVIDENCE, 1/11/10
20 CONSULTATION NOTE, HANDWRITTEN
21 PROGRESS NOTE, AND A PRESCRIPTION
22 FOR NORCO BY BRADLEY SPIEGEL, M.D.)

23

24 MR. BLESSEY: THE SECOND ITEM IS THERE'S A
25 MR. LOPEZ. HE'S AN INVESTIGATOR FOR THE CORONER. HE'S
26 GOING TO BE CALLED, I THINK, THIS AFTERNOON OR THIS
27 MORNING.

28 MS. MC BROOM: THIS MORNING.

1 MR. BLESSEY: HE HAS A COUPLE OF RECORDS THAT HE'S
2 PREPARED. ONE IS A TWO-PAGE DOCUMENT, HIS INVESTIGATOR'S
3 REPORT. AND IN THE FIRST PARAGRAPH, HE IS SUMMARIZING
4 INFORMATION HE GOT FROM OFFICER RUIZ, R-U-I-Z, WHO TALKED
5 TO MR. MAC EACHERN, SO THERE'S KIND OF A DOUBLE HEARSAY.
6 WE'VE MET AND CONFERRED ON THIS ISSUE. THEY'VE AGREED TO
7 REDACT ON THAT PORTION OF THIS FIRST PAGE ANY OF THAT
8 DOUBLE HEARSAY.

9 AND SO WITH THAT AGREEMENT, AND I BELIEVE
10 I'VE GIVEN THE CLERK AND COUNSEL COPIES OF THE REDACTED
11 VERSION, I HAVE NO OBJECTION TO THAT DOCUMENT.

12 THE COURT: COUNSEL, YOU HAVE THE REDACTED VERSION?

13 MS. MC BROOM: WE DO, SO WHEN I --

14 THE COURT: EVERYONE AGREES TO THAT?

15 MS. MC BROOM: YES, YOUR HONOR.

16 THE COURT: WHAT EXHIBIT IS THAT?

17 MR. BLESSEY: THAT'S EXHIBIT 114, PAGE 27.

18 THE COURT: IT WILL BE RECEIVED, THEN.

19 MR. NEWHOUSE: JUST SO THE COURT KNOWS, WE'VE JUST
20 WHITED IT OUT SO THE JURY DOESN'T EVEN KNOW THERE WAS
21 SOMETHING THERE. IT'S JUST A BIG SPACE.

22 THE COURT: OKAY.

23 MR. BLESSEY: LAST BUT NOT LEAST IS, I THINK
24 MR. DE ROGATIS IS GOING TO BE ON THE STAND AT SOME POINT
25 TODAY.

26 THE COURT: WHAT HAPPENED TO RAMIN?

27 MR. BLESSEY: I THINK HE'S --

28 MR. NEWHOUSE: PRESUMABLY HE'S OUTSIDE. WE HAVEN'T

1 VERIFIED THAT.

2 THE COURT: WHY DON'T YOU GO OUTSIDE AND VERIFY IT?

3 MR. NEWHOUSE: KAMAN, DO YOU KNOW WHAT DR. RAMIN
4 LOOKS LIKE?

5 MS. CHOW: I THINK.

6 MR. NEWHOUSE: WE CAN CONTINUE WHILE THEY'RE
7 CHECKING ON RAMIN.

8 MR. BLESSEY: AS TO MR. DE ROGATIS, I JUST WANT TO
9 MAKE SURE WE DON'T GET INTO THE SAME PROBLEM WE HAD THE
10 OTHER DAY. C.A.C.I. 3294, I THINK, IS THE INSTRUCTION,
11 SAYS THAT THE JURY IS NOT TO CONSIDER GRIEF AND SORROW OF
12 THE -- IN THIS CASE THE PARENT, SO I JUST WANT TO MAKE
13 SURE WE'RE NOT GOING TO GET INTO AREAS THAT ARE NOT
14 RELEVANT TO THE DAMAGES IN THIS CASE.

15 MR. NEWHOUSE: MAY I SPEAK TO THAT, YOUR HONOR?

16 THE COURT: SURE.

17 MR. NEWHOUSE: WE HAVE NO PROBLEM. WE AGREE THAT
18 THAT'S THE APPROPRIATE INSTRUCTION; AND IF THE COURT FEELS
19 IT NECESSARY TO GIVE A LIMINE INSTRUCTION AT THE TIME OF
20 HIS TESTIMONY, THAT'S FINE.

21 BUT WE DON'T APPARENTLY SEE DR. RAMIN --

22 THE COURT: HAVE YOU CALLED -- I'M SORRY. YOU
23 KNOW, I TOOK IT UPON MYSELF TO CALL HIS OFFICE, AND I
24 TALKED TO HIM PERSONALLY. HE SAID HE'D BE HERE.

25 HAVE YOU FOLLOWED UP? DID YOU CALL HIM THIS
26 MORNING AT HIS OFFICE OR TALK TO ANYBODY IN HIS OFFICE TO
27 FIND OUT WHETHER HE'S GOING TO BE HERE OR NOT?

28 MS. MC BROOM: WE'VE SPOKEN TO HIM SEVERAL TIMES.

1 HE SAID -- HE, AT ONE POINT, SAID HE'D BE HERE BUT WOULD
2 REFUSE TO ANSWER QUESTIONS, SO --

3 THE COURT: HE WOULD WHAT?

4 MS. MC BROOM: AT ONE POINT HE TOLD US HE WOULD BE
5 HERE BUT WOULD REFUSE TO ANSWER QUESTIONS.

6 THE COURT: I'M SORRY. WHEN DID YOU TALK TO HIM
7 ABOUT THAT?

8 MS. MC BROOM: THAT WAS ON FRIDAY.

9 MS. CHOW: FRIDAY. I CAN CHECK MY E-MAILS.

10 MR. NEWHOUSE: WE WERE IN E-MAIL COMMUNICATION WITH
11 HIS OFFICE THIS WEEKEND. IN FACT, WE RECEIVED
12 CORRESPONDENCE FROM HIS ATTORNEYS TELLING US THAT
13 DR. RAMIN WOULD BE HERE, AND THAT THEY EXPECTED US TO PAY
14 HIM SOME OUTRAGEOUS AMOUNT OF MONEY, LIKE \$3,000, FOR AN
15 EXPERT WITNESS FEE. WE DIDN'T REALLY RESPOND TO THAT.

16 SO THE COURT KNOWS, WE DO NOT INTEND TO
17 ELICIT ANY EXPERT TESTIMONY FROM DR. RAMIN. HE WAS A
18 TREATING PHYSICIAN. WE'RE ONLY GOING TO ELICIT THE
19 FOLLOWING FROM HIM AS BY WAY OF A PROFFER, THAT HE SAW
20 MS. DE ROGATIS ON TWO OCCASIONS IN JANUARY AND WHAT SHE
21 SAID TO HIM IN TERMS OF COMPLAINTS AND WHAT
22 PRESCRIPTIONS -- WHAT HE TOLD HER AND WHAT HE PRESCRIBED.
23 THAT'S THE IMPORTANT THING FOR OUR RECORD, THE TWO
24 LIMITED --

25 THE COURT: THERE'S NO QUESTION THAT SHE SAW HIM --

26 MR. NEWHOUSE: RIGHT.

27 THE COURT: -- AND THAT WE HAVE A PRESCRIPTION FROM
28 HIM.

1 MR. NEWHOUSE: WELL, THE PROBLEM IS THIS, YOUR
2 HONOR: HIS MEDICAL CHART, UNLIKE DR. SPIEGEL, IS
3 INDECIPHERABLE WITHOUT THE DOCTOR THERE TO EXPLAIN WHAT IT
4 IS.

5 THE COURT: WAS HE DEPOSED?

6 MS. MC BROOM: YES.

7 MR. NEWHOUSE: YES, WE HAVE HIS DEPOSITION. THE
8 COURT SAID --

9 THE COURT: I GUESS WHAT I'M REALLY SAYING IS THAT
10 IF HE DOESN'T SHOW UP, WHY CAN'T WE JUST AGREE AS TO WHAT
11 HIS RECORDS SAY AND BE DONE WITH IT?

12 MR. NEWHOUSE: THAT'S WHAT WE'LL DO, YOUR HONOR.
13 WE WOULD PREFER TO HAVE A WITNESS, BUT IF HE DOESN'T SHOW
14 UP, AS THE COURT INDICATED EARLIER, WE WILL DESIGNATE A
15 PORTION OF HIS TRANSCRIPT, AND WE'LL READ THE DEPOSITION
16 TO THE JURY.

17 THE COURT: ALL RIGHT.

18 MR. NEWHOUSE: THAT'S OUR PLAN.

19 THE COURT: ALL SET?

20 MR. BLESSEY: NO, YOUR HONOR. BACK TO
21 MR. DE ROGATIS. I JUST WANT TO -- LOOK, AS A FATHER, I
22 UNDERSTAND LOSING A CHILD. I DON'T WANT ANYBODY TO
23 MISCONSTRUE WHAT I'M ABOUT TO SAY. BUT IN HIS DEPOSITION
24 HE TALKED ABOUT PSYCHIATRIC OR PSYCHOLOGICAL MEDS HE'S
25 REQUIRED SINCE THE DEATH. HE TALKED ABOUT JOB LOSS THAT
26 HE ATTRIBUTES TO THE DEATH. SO THESE ARE ITEMS THAT ARE
27 NOT PART OF THIS DAMAGE CLAIM IN THIS CASE AND I DON'T
28 THINK SHOULD BE PUT BEFORE THIS JURY.

1 THE COURT: I THINK COUNSEL UNDERSTANDS THAT.

2 MR. NEWHOUSE: YOUR HONOR, PLEASE.

3 THE COURT: THERE'S NO ECONOMIC CLAIM.

4 MR. NEWHOUSE: WE DON'T HAVE AN ECONOMIC CLAIM, AND
5 HAD COUNSEL MET AND CONFERRED, I WOULD HAVE INFORMED HIM.
6 WE'RE NOT GOING TO ELICIT FROM MR. DE ROGATIS EVIDENCE OF
7 HIS PRESCRIPTIONS. WE'RE NOT GOING TO GO INTO HIS
8 PSYCHIATRIC CARE, BUT IT IS RELEVANT THAT HE HAS FOUND IT
9 DIFFICULT TO WORK. HE IS WORKING AGAIN BECAUSE IT
10 MEASURES THE LOSS OF THAT RELATIONSHIP, WHICH IS DAMAGES
11 THAT WE CAN RECOVER, SO I SAY --

12 THE COURT: I UNDERSTAND. I DON'T HAVE A PROBLEM
13 WITH THAT. I GUESS WHAT HE'S REALLY SAYING IS THAT TO GET
14 INTO EVIDENCE ABOUT HOW HE LOST HIS JOB AND SUFFERED
15 ECONOMIC LOSS, THAT'S WHAT YOU'RE TRYING TO PORTRAY WITH
16 THAT TYPE OF A QUESTION. SO OBVIOUSLY IT WAS DIFFICULT
17 FOR HIM TO CONCENTRATE AND --

18 MR. NEWHOUSE: THAT'S WHAT WE'RE GOING TO BRING
19 OUT.

20 THE COURT: ALL RIGHT.

21 MR. NEWHOUSE: AND WE'LL PLAY IT BY EAR, YOUR
22 HONOR. I'M GOING TO ATTEMPT TO LIMIT IT AND STREAMLINE
23 IT.

24 THE COURT: ALL RIGHT. WE'RE ALL SET. VERY GOOD.

25 MR. BLESSEY: THANK YOU, YOUR HONOR.

26

27 (THE FOLLOWING PROCEEDINGS WERE HELD

28 IN OPEN COURT, IN THE PRESENCE OF

1 THE JURY:)

2

3 THE COURT: OKAY. WE'RE BACK ON THE RECORD. GOOD
4 MORNING, LADIES AND GENTLEMEN. WELCOME BACK. ALL JURORS
5 ARE PRESENT IN THEIR PLACES.

6 ONE SECOND, SIR.

7 ALL JURORS ARE PRESENT IN PLACE. PARTIES
8 ARE PRESENT. LAWYERS ARE PRESENT.

9 AND YOU MUST BE DR. RAMIN?

10 THE WITNESS: NO.

11 THE COURT: OKAY. SORRY ABOUT THAT. YOU LOOK LIKE
12 A DOCTOR.

13 THE WITNESS: INVESTIGATOR LOPEZ.

14 THE CLERK: RAISE YOUR RIGHT HAND.

15 DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU
16 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
17 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
18 SO HELP YOU GOD?

19 THE WITNESS: I DO.

20 THE CLERK: PLEASE HAVE A SEAT IN THE WITNESS
21 STAND. PLEASE STATE YOUR NAME AND SPELL YOUR NAME FOR THE
22 RECORD.

23 THE WITNESS: MY NAME IS ANTHONY LOPEZ,
24 A-N-T-H-O-N-Y, L-O-P-E-Z. I'M A CORONER INVESTIGATOR WITH
25 THE L.A. COUNTY CORONER'S OFFICE.

26 THE COURT: THANK YOU. GOOD MORNING.

27 THE WITNESS: GOOD MORNING.

28 THE COURT: YOU MAY PROCEED.

1
2 ANTHONY LOPEZ,
3 CALLED AS A WITNESS BY THE PLAINTIFFS, WAS DULY SWORN AND
4 TESTIFIED AS FOLLOWS:

5
6 DIRECT EXAMINATION

7 BY MS. MC BROOM:

8 Q GOOD MORNING, MR. LOPEZ.

9 A GOOD MORNING.

10 Q HOW ARE YOU EMPLOYED?

11 A I'M SORRY?

12 Q WHAT IS YOUR OCCUPATION?

13 A I AM A DEPUTY CORONER INVESTIGATOR.

14 Q OKAY. AND HOW LONG HAVE YOU -- IS THAT WITH
15 LOS ANGELES COUNTY?

16 A YES.

17 Q AND HOW LONG HAVE YOU BEEN SO EMPLOYED?

18 A GOING ON 13 YEARS.

19 Q OKAY. WHAT ARE YOUR RESPONSIBILITIES AS A
20 CORONER INVESTIGATOR?

21 A VARIOUS, BUT THE MAIN FOCUS OF OUR OFFICE IS
22 INVESTIGATING DEATHS IN L.A. COUNTY.

23 Q DO YOU GATHER EVIDENCE FROM THE SCENE OF A
24 DEATH AS PART OF YOUR JOB?

25 A YES. LIMITED.

26 Q AND DO YOU PRODUCE A REPORT FOLLOWING YOUR
27 VISIT TO THE SCENE OF ANYTHING YOU RECOVER?

28 A YES.

1 Q I'M GOING TO HAVE YOU TURN TO EXHIBIT --
2 I'LL GET IT FOR YOU -- 114-27.

3
4 (MARKED FOR IDENTIFICATION, JOINT
5 EXHIBITS 114-27 TO 114-31,
6 INVESTIGATIVE REPORT BY ANTHONY
7 LOPEZ, DEPUTY CORONER INVESTIGATOR.)

8
9 BY MS. MC BROOM:

10 Q CAN I HAVE YOU LOOK THROUGH 127 THROUGH --
11 MR. NEWHOUSE: YOU SAID 127, COUNSEL.

12 BY MS. MC BROOM:

13 Q I'M SORRY. 114-27 TO -31. JUST TAKE A LOOK
14 AT THAT.

15 THE COURT: FOR THE RECORD, THAT'S EXHIBIT 114,
16 PAGES 27 THROUGH -31.

17 BY MS. MC BROOM:

18 Q HAVE YOU HAD AN OPPORTUNITY TO GLANCE
19 THROUGH IT?

20 A I HAVE PREVIOUSLY THIS MORNING.

21 Q CAN YOU TELL US WHAT THAT EXHIBIT IS, THOSE
22 SPECIFIC PAGES?

23 A -27, -28 ARE A NARRATIVE OF MY VISIT TO THE
24 SCENE AND SOME OF THE THINGS THAT I DID.

25 114-29 THROUGH -31 IS AN ITEMIZED LISTING OF
26 MEDICATIONS THAT I RECOVERED FROM THE LOCATION.

27 Q SO IS THIS A REPORT OF YOUR INVESTIGATION OF
28 THE DEATH OF TARA DE ROGATIS?

1 A YES.

2 Q OKAY. AND ON WHAT DATE DID YOU PERFORM THIS
3 INVESTIGATION?

4 A MARCH 23RD, 2010.

5 MS. MC BROOM: YOUR HONOR, I MOVE TO ADMIT
6 EXHIBIT 114-27 THROUGH 31.

7 THE COURT: ANY OBJECTION?

8 MR. BLESSEY: NO OBJECTION, YOUR HONOR.

9 THE COURT: RECEIVED.

10

11 (RECEIVED INTO EVIDENCE, JOINT
12 EXHIBITS 114-27 TO 114-31.)

13

14 BY MS. MC BROOM:

15 Q OKAY. SO THIS IS YOUR INVESTIGATIVE
16 NARRATIVE FROM YOUR INVESTIGATION OF THE SCENE?

17 A YES. MINUS THE INFORMANT STATEMENT.

18 Q THANK YOU. DID YOU DRAFT THIS REPORT?

19 A YES.

20 Q AND CAN YOU JUST TELL US WHAT IT'S A REPORT
21 OF IN GENERAL?

22 A WELL, GENERALLY SPEAKING, JUST TIMES OF
23 ARRIVAL, COMPLETION OF INVESTIGATION, DEATH LOCATION,
24 INJURY LOCATION, THE SCENE DESCRIPTION OF WHERE THE ACTUAL
25 BODY WAS FOUND.

26 Q OKAY.

27 A EVIDENCE COLLECTED, PRELIMINARY EXAMINATION
28 OF THE BODY AS SEEN, POSITIVE IDENTIFICATION OF THE

1 DECEDENT .

2 Q OKAY .

3 A NEXT-OF-KIN INFORMATION .

4 Q WHAT TIME DID YOU ARRIVE ON THE SCENE?

5 A IT LOOKS LIKE 8:20 IN THE MORNING .

6 Q AND WHO CALLED YOU TO THE SCENE, IF YOU
7 RECALL?

8 A WELL, THE ACTUAL CALL IS GENERATED BY THE
9 RESPONDING POLICE DEPARTMENT. THEY CALLED THE OFFICE.
10 THE OFFICE TAKES THE INFORMATION, WHICH IS THEN PASSED ON
11 TO THE WATCH COMMANDER, AND HE OR SHE ASSIGNS THE CALL TO
12 AN INVESTIGATOR .

13 Q OKAY. DID YOU -- DID YOU OBSERVE TARA'S
14 BODY AT THE SCENE?

15 A YES .

16 Q OKAY. DO YOU RECALL WHERE SHE WAS LOCATED?

17 A I RECALL SHE WAS IN THE BEDROOM .

18 Q DID IT APPEAR THAT THE PARAMEDICS HAD BEEN
19 THERE?

20 A YES .

21 Q DID YOU NOTICE ANYTHING UNUSUAL ABOUT THE
22 SCENE?

23 A A LOT OF MEDICATIONS STREWN IN THE ROOM .

24 Q DID YOU -- YOU MENTIONED THAT YOU MADE AN
25 INVENTORY OF THE MEDICATIONS THAT YOU RECOVERED OR THE
26 PILL BOTTLES THAT YOU RECOVERED FROM THE SCENE, CORRECT?

27 A YES .

28 Q OKAY. THEN YOU PUT THEM IN A MEDICAL

1 EVIDENCE CHART; IS THAT RIGHT?

2 A RIGHT.

3 Q I'M JUST PUTTING UP PAGE 1. IT'S MULTIPLE
4 PAGES.

5 SO TELL US, WHERE WERE THE PILL BOTTLES THAT
6 YOU RECOVERED FROM THE SCENE IN RELATION TO WHERE TARA WAS
7 LOCATED, IF YOU CAN RECALL?

8 A I'M SORRY?

9 Q IF YOU CAN RECALL. I KNOW IT'S BEEN AWHILE.

10 A I RECALL SHE WAS ON THE FLOOR. THERE WAS
11 MEDICATIONS ON THE BED NEXT TO HER, AND THERE WAS
12 MEDICATIONS ON THE FLOOR NEXT TO HER.

13 Q DID YOU RECOVER ALL OF THE MEDICATIONS OR
14 ALL THE MEDICINE BOTTLES THAT YOU OBSERVED?

15 A ALL THE MEDICATIONS I OBSERVED, YES.

16 Q NOW, DID YOU RECOVER ANY LOOSE PILLS FROM
17 THE SCENE?

18 A YES.

19 Q OKAY. AND WERE YOU ABLE -- TELL ME THIS:
20 WHEN YOU RECOVER LOOSE PILLS, DO YOU TRY TO IDENTIFY WHAT
21 THE MEDICATION IS?

22 A YES.

23 Q OKAY. AND HOW DO YOU GO ABOUT DOING THAT?

24 A WE HAVE BOOKS AT THE OFFICE THAT PRETTY MUCH
25 LIST MEDICATIONS, KNOWN MEDICATIONS, WITH THE
26 IDENTIFICATION ON THEM. SOMETIMES I'LL USE THE INTERNET.
27 THERE'S ALSO WEBSITES THAT IDENTIFY MEDICATIONS.

28 Q OKAY. LET'S -- HERE, IT LOOKS HERE LIKE YOU

1 LISTED, YOU KNOW, PILL BOTTLES WITH THE R.X. NUMBER AND
2 THE PRESCRIBING PHYSICIAN, BUT THEN DOWN HERE IT SAYS,
3 "PARAPHERNALIA DESCRIPTION, 36 LOOSE PILLS (GEODON)."

4 DOES THAT MEAN THAT YOU DETERMINED THAT THE
5 LOOSE PILLS YOU COLLECTED FROM THE SCENE WERE GEODON?

6 A IT LOOKS THAT WAY.

7 Q IS THERE EVER A TIME WHEN YOU WOULD COLLECT
8 LOOSE PILLS AND NOT IDENTIFY THEM IN SOME WAY?

9 A YES.

10 Q THERE IS?

11 A YES.

12 Q AND UNDER WHAT CIRCUMSTANCES WOULD THAT BE?

13 A WHEN I'M NOT ABLE TO FIND ANY LITERATURE TO
14 IDENTIFY THE MEDICATION.

15 Q OKAY. AND DID THAT HAPPEN IN THIS CASE?

16 A I DON'T RECALL. SOMETIMES WE FORWARD THE
17 MEDICATION TO THE EVIDENCE SECTION. THEY HAVE MORE
18 RESOURCES TO IDENTIFY MEDICATIONS.

19 Q OKAY. BUT YOU HAVEN'T NOTED ANYWHERE IN
20 THIS REPORT OR INVENTORY THAT YOU WERE UNABLE TO IDENTIFY
21 ANY LOOSE PILLS RECOVERED?

22 A NO.

23 Q DID YOU RECOVER A SUICIDE NOTE FROM THE
24 SCENE?

25 A YES.

26 Q I'M GOING TO HAVE YOU TURN TO EXHIBIT 119.

27
28 (MARKED FOR IDENTIFICATION, JOINT

1 EXHIBIT 119, SUICIDE NOTE.)

2
3 BY MS. MC BROOM:

4 Q DO YOU RECOGNIZE WHAT'S DEPICTED IN 119-1?

5 A YES.

6 Q AND WHAT IS THAT?

7 A SUICIDE NOTE.

8 Q IS THIS THE SUICIDE NOTE YOU RECOVERED FROM
9 THE SCENE?

10 A YES.

11 MS. MC BROOM: YOUR HONOR, I'D MOVE TO ADMIT
12 EXHIBIT 119-1.

13 THE COURT: ANY OBJECTION?

14 MR. BLESSEY: NO, YOUR HONOR.

15 THE COURT: RECEIVED.

16
17 (RECEIVED INTO EVIDENCE, JOINT
18 EXHIBIT 119.)

19
20 BY MS. MC BROOM:

21 Q SO CAN YOU GIVE US AN IDEA OF ABOUT HOW MANY
22 PILL BOTTLES YOU RECOVERED FROM THE SCENE?

23 A I --

24 Q ARE THEY ALL LISTED IN THIS MULTIPLE-PAGE
25 DOCUMENT THAT'S AN INVENTORY OF THE DRUGS?

26 A YES.

27 Q AND I SEE ON THIS INVENTORY -- I'M GOING TO
28 PUT UP ONE PAGE OF THE INVENTORY.

1 YOU STATE HERE THE "R.X. NUMBER," DATE
2 ISSUED, NUMBER ISSUED, THE "DOSAGE," AND IT LOOKS LIKE
3 "PHYSICIAN" AND "PHARMACY."

4 IS ALL THAT INFORMATION JUST TAKEN OFF THE
5 PILL BOTTLES?

6 A YES.

7 Q OKAY. DID YOU VERIFY ANY OF THIS
8 INFORMATION BY CONTACTING THE PHARMACY OR THE DOCTOR OR
9 DID YOU JUST TAKE WHAT WAS WRITTEN ON THE BOTTLES?

10 A TAKE WHAT WAS WRITTEN ON THE BOTTLES.

11 Q OKAY. I SEE HERE YOU PUT -- THERE'S A
12 COLUMN THAT'S "NUMBER REMAINING," I ASSUME THAT'S THE
13 NUMBER OF PILLS REMAINING IN THE BOTTLES?

14 A RIGHT.

15 Q SO THIS ENTRY FOR OXYCODONE RIGHT HERE SAYS
16 IT WAS FILLED ON MARCH 22ND, 2010, 100 ISSUED, ZERO
17 REMAINING. SO I TAKE IT YOU DIDN'T RECOVER ANY OXYCODONE
18 PILLS FROM THE SCENE?

19 A RIGHT, YES.

20 MS. MC BROOM: I HAVE NOTHING FURTHER, YOUR HONOR.

21 THE COURT: CROSS?

22 MR. BLESSEY: VERY BRIEFLY, YOUR HONOR. THANK YOU.

23
24 CROSS-EXAMINATION

25 BY MR. BLESSEY:

26 Q GOOD MORNING, MR. LOPEZ.

27 A GOOD MORNING.

28 Q JUST FOLLOWING UP ON THAT CHART, WHAT YOU

1 BASICALLY DID IS YOU LOOKED AT THE PILL BOTTLES; YOU MADE
2 A LIST OF THE TYPE OF PILL IT WAS, CORRECT?

3 A YES.

4 Q THE NUMBER OF PILLS THAT WERE DISPENSED,
5 MEANING WHAT THE PRESCRIPTION CALLED FOR; IS THAT CORRECT?

6 A YES.

7 Q AND THEN YOU LOOKED IN THE PILL BOTTLE AND
8 YOU MADE A DETERMINATION HOW MANY WERE REMAINING IN THE
9 PILL BOTTLE, CORRECT?

10 A YES.

11 Q AND THEN I THINK YOU ALSO LISTED THE
12 PHARMACY NUMBER AND THE NAME OF THE DOCTOR IN THE COLUMN,
13 CORRECT?

14 A YES.

15 Q AND TO THE BEST OF YOUR BELIEF, THAT
16 INFORMATION -- LET ME STRIKE THAT.

17 YOU ARE CAREFUL IN RECORDING THAT
18 INFORMATION BECAUSE YOU KNOW THAT THAT INFORMATION IS
19 GOING TO BE RELIED ON PERHAPS BY THE CORONER AND OTHERS IN
20 DETERMINING CAUSE OF DEATH, CORRECT?

21 A YES.

22 Q OKAY. AND DO YOU HAVE ANY DOUBT THAT THE
23 MEDICATIONS THAT YOU LISTED AND ALL THE INFORMATION
24 RELATED TO THOSE 14 PILL BOTTLES WAS ACCURATE AND COMPLETE
25 WITH ANY DOUBT?

26 A NO.

27 Q THANK YOU. SIR, THE LAST THING, IN YOUR
28 SECOND PAGE OF YOUR -- THIS WOULD BE EXHIBIT 114-28 -- YOU

1 HAVE SOME INFORMATION ON THE SECOND PAGE OF YOUR
2 NARRATIVE.

3 WOULD YOU TURN TO THAT FOR ME, PLEASE.

4 A OKAY.

5 Q YOU HAVE ON THAT PAGE, DROPPING DOWN, AND IN
6 THE INTEREST OF TIME, I WON'T PROJECT IT, BUT IT HAS A
7 "NEXT OF KIN NOTIFICATION" SECTION, CORRECT?

8 A YES.

9 Q AND I THINK YOU INDICATE THAT
10 MRS. DE ROGATIS, OR A LINDA DE ROGATIS, WAS NOTIFIED ABOUT
11 THE DEATH, CORRECT?

12 A YES.

13 Q NOW, DOWN -- LET'S SEE IF I CAN FIND IT.
14 OH, THE LAST SECTION SAYS "AUTOPSY NOTIFICATION" ON IT.
15 THAT'S THE TITLE OF THE SECTION, CORRECT?

16 A YES.

17 Q AND IT SAYS, "NONE REQUESTED."

18 A YES.

19 Q WHAT YOU ARE SAYING BY THAT ENTRY? THE
20 FAMILY WASN'T REQUESTING AN AUTOPSY; IS THAT WHAT YOU'RE
21 SAYING?

22 A NO. THAT SECTION IS -- INDICATES THAT LAW
23 ENFORCEMENT REQUESTS A 2-HOUR NOTIFICATION FOR ATTENDANCE
24 TO THE AUTOPSY.

25 THE COURT: "LAW ENFORCEMENT"?

26 THE WITNESS: YES.

27 BY MR. BLESSEY:

28 Q CAN YOU EXPLAIN? I'M NOT CLEAR ON WHAT YOUR

1 ANSWER MEANT.

2 A IN CASES OF HOMICIDES, THE HANDLING
3 DETECTIVE OR INVESTIGATOR WILL REQUEST A 2-HOUR NOTICE TO
4 BE NOTIFIED OF WHEN THE AUTOPSY TAKES PLACE SO THAT HE CAN
5 BE CALLED AND MAKE ARRANGEMENTS TO ATTEND THE AUTOPSY.

6 MR. BLESSEY: VERY GOOD.

7 YOUR HONOR, NOTHING FURTHER. THANK YOU.

8 THE COURT: REDIRECT?

9 MS. MC BROOM: NO, YOUR HONOR. THANK YOU.

10 THE COURT: THANK YOU VERY MUCH, OFFICER.

11 THE WITNESS: OKAY.

12 THE COURT: YOU'RE EXCUSED.

13 THE WITNESS: THANK YOU.

14 MR. NEWHOUSE: DR. RAMIN IS HERE.

15 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

16 DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU
17 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
18 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
19 SO HELP YOU GOD?

20 THE WITNESS: I DO.

21 THE CLERK: PLEASE HAVE A SEAT.

22 THE COURT: GOOD MORNING, DOCTOR.

23 THE WITNESS: GOOD MORNING.

24 THE CLERK: PLEASE STATE YOUR NAME AND SPELL YOUR
25 NAME.

26 THE WITNESS: DAVID S. RAMIN, R-A-M-I-N.

27 THE COURT: ALL RIGHT, COUNSEL.

28 MS. MC BROOM: THANK YOU.

1
2 DAVID S. RAMIN, M.D.,
3 CALLED AS A WITNESS BY THE PLAINTIFFS, WAS DULY SWORN AND
4 TESTIFIED AS FOLLOWS:

5
6 DIRECT EXAMINATION

7 BY MS. MC BROOM:

8 Q GOOD MORNING, DR. RAMIN.

9 A GOOD MORNING.

10 Q TELL US HOW YOU'RE EMPLOYED.

11 A (NO AUDIBLE RESPONSE.)

12 Q TELL US HOW YOU'RE EMPLOYED. WHAT'S YOUR
13 OCCUPATION?

14 A I PRACTICE IN A SOLO PRACTICE, AND I'M
15 SELF-EMPLOYED.

16 THE COURT: YOU'RE A MEDICAL DOCTOR, RIGHT?

17 THE WITNESS: YEAH. I'M A GENERAL INTERNIST.

18 THE COURT: OKAY.

19 BY MS. MC BROOM:

20 Q AND WHERE IS YOUR PRACTICE?

21 A IN BEVERLY HILLS.

22 Q ARE YOU FAMILIAR WITH A YOUNG WOMAN BY THE
23 NAME OF TARA DE ROGATIS?

24 A I'VE SEEN HER IN MY OFFICE.

25 Q OKAY. YOU TREATED HER?

26 A I SAW HER AND I TREATED HER.

27 Q ON HOW MANY OCCASIONS DID YOU SEE
28 MS. DE ROGATIS?

1 A I DIDN'T BRING THE CHART, BUT I SAW HER
2 TWICE, SO IF YOU HAVE -- YOUR OFFICE TOLD ME THAT YOU HAVE
3 A COPY OF THE CHART; I DIDN'T NEED TO BRING THE CHART.

4 Q YOU KNOW WHAT? WHY DON'T YOU TURN TO -- LET
5 ME HELP YOU WITH THAT.

6 A THANK YOU.

7 MS. MC BROOM: THIS GOES FROM 104-1 TO 104-21.

8
9 (MARKED FOR IDENTIFICATION, JOINT
10 EXHIBITS 104-1 TO 104-21, MEDICAL
11 CHART OF DAVID S. RAMIN, M.D.)
12

13 BY MS. MC BROOM:

14 Q CAN YOU IDENTIFY WHAT'S DEPICTED IN THAT
15 EXHIBIT?

16 A 104-1 IS THE PATIENT QUESTIONNAIRE.

17 Q OKAY. IS THIS ENTIRE EXHIBIT A COPY OF YOUR
18 FILE FROM YOUR VISIT?

19 A YOU WANT ME TO TAKE A LOOK AT IT?

20 Q SURE.

21 A YOU GUYS HAD A COPY SERVICE THAT CAME INTO
22 THE OFFICE AND COPIED IT.

23 IT LOOKS LIKE IT.

24 MS. MC BROOM: YOUR HONOR, I MOVE TO ADMIT
25 EXHIBIT 104.

26 THE COURT: ANY OBJECTION?

27 MR. BLESSEY: NO, YOUR HONOR.

28 THE COURT: RECEIVED.

1

2

(RECEIVED INTO EVIDENCE, JOINT

3

EXHIBITS 104-1 TO 104-21.)

4

5 BY MS. MC BROOM:

6

Q SO NOW, TAKING A LOOK AT YOUR CHART, CAN YOU

7

TELL ME ON WHAT TWO OCCASIONS YOU SAW TARA DE ROGATIS?

8

A YOU HAVE HANDWRITTEN NOTES FROM ME. THE

9

FIRST ONE IS JANUARY 20TH, 2010.

10

Q OKAY.

11

A AND THE SECOND ONE IS FEBRUARY 2010. I'M

12

NOT SURE IF IT'S THE 3RD OR THE 10TH. IT'S NOT COPIED

13

VERY WELL, THE DATE.

14

Q OKAY.

15

A 3RD OR 8TH.

16

Q DO YOU KNOW WHO REFERRED -- DO YOU HAVE ANY

17

IDEA WHO REFERRED TARA TO YOU?

18

A I DON'T KNOW.

19

Q OKAY. I AM NOW ON PAGE 104-4 OF YOUR CHART.

20

IF YOU COULD TURN TO THAT PAGE.

21

A SURE.

22

Q OKAY. ARE THESE NOTES FROM YOUR FIRST VISIT

23

WITH TARA DE ROGATIS?

24

A THIS IS MY HANDWRITING, YES.

25

Q OKAY. AND FORGIVE ME. I CAN'T READ IT, SO

26

I'M GOING TO HAVE YOU -- I'M GOING TO HAVE YOU JUST WALK

27

THROUGH IT STEP BY STEP FOR THE JURY.

28

A OKAY.

1 Q OKAY. CAN YOU JUST TELL ME -- LET'S JUST
2 WALK FROM HERE TO HERE, WHAT THIS SAYS.

3 A SO THAT'S 30. "Y.R." MEANS YEAR.
4 "O.L.D.F." MEANS 30-YEAR-OLD FEMALE.

5 Q OKAY. PLEASE KEEP GOING.

6 A "PATIENT WITH POLYARTHRALGIA. POSITIVE NECK
7 AND BACK PAIN."

8 Q OKAY. AND THOSE WERE HER COMPLAINTS TO YOU?

9 A POLYARTHRALGIA MEANS PAIN ALL OVER THE
10 JOINTS. "NECK AND BACK PAIN."

11 Q OKAY. AND WHAT DOES IT SAY RIGHT HERE?

12 A A POSITIVE TYPE OF PAIN. I DON'T KNOW WHAT
13 I PUT DOWN.

14 Q OKAY.

15 A OKAY. "NO HISTORY OF M.V.A." MEANS MOTOR
16 VEHICLE ACCIDENT.

17 Q NO HISTORY OF MOTOR VEHICLE ACCIDENT?

18 A YEAH.

19 Q OKAY. TELL US WHAT THIS SAYS.

20 A "WAS HIT BY EX-BOYFRIEND TWO YEARS AGO."

21 Q OKAY. AND WHAT'S THE NEXT LINE?

22 A "HAS BEEN HAVING A LOT OF," SOMETHING.
23 "PAIN."

24 Q OKAY. AND LET'S GO -- WHY DON'T YOU JUST
25 TELL ME WHAT THIS SAYS RIGHT HERE. JUST GO LINE BY LINE.

26 A OKAY. ON THE RIGHT-HAND SIDE, HER
27 MEDICATIONS, SHE'S TAKING "NORCO, Q. 4 P.R.N.," EVERY 4
28 HOURS AS NEEDED. AND SHE'S ON "KLONOPIN, 1 MILLIGRAM

1 B.I.D. P.R.N."

2 Q OKAY. THAT'S WHAT THIS IS?

3 A YES.

4 Q SO HERE YOU'VE NOTED THE MEDICATIONS SHE
5 REPORTED SHE WAS TAKING?

6 A YES.

7 Q OKAY. AND WHAT IS THIS OVER HERE?

8 A "POSITIVE FOR INSOMNIA."

9 Q OKAY.

10 A THAT MEANS SHE'S UNABLE TO SLEEP.

11 Q OKAY. AND THE NEXT LINE?

12 A "POSITIVE FOR PANIC ATTACK."

13 NO. I'M SORRY.

14 "POSITIVE FOR PINPRICK NEEDLE SENSATION."

15 Q OKAY. AND THIS HERE?

16 A "SEEING NEUROLOGIST. GOT RECENT" -- I CAN'T
17 READ IT.

18 Q OKAY. AND?

19 A "HISTORY OF AUDITORY HALLUCINATION. WAS
20 SEEN BY DOCTOR" -- "BY PAIN DOCTOR" -- "BY PAIN DOCTOR 10
21 DAYS AGO."

22 Q OKAY. WAS TARA ACCOMPANIED BY ANYONE ON
23 THIS APPOINTMENT?

24 A YEAH, SHE CAME WITH THIS GUY WHO WAS A LOT
25 OLDER THAN HER.

26 Q OKAY. AND YOU DON'T RECALL HIS NAME,
27 CORRECT?

28 A I DON'T, NO.

1 Q OKAY.

2 A BUT THEY -- THEY WEREN'T -- THEY DIDN'T --
3 THEY WEREN'T A MATCH. SOMETHING WAS ODD ABOUT BOTH OF
4 THEM.

5 Q OKAY. DID TARA REPORT -- SHE REPORTED TO
6 YOU SHE HAD A HISTORY OF AUDITORY HALLUCINATIONS?

7 A THAT'S WHAT I WROTE DOWN.

8 Q OKAY. DO YOU RECALL WHETHER TARA TOLD YOU
9 HOW LONG SHE HAD BEEN SUFFERING WITH AUDITORY
10 HALLUCINATIONS?

11 A IT'S NOT DOCUMENTED.

12 Q OKAY. IF IT'S NOT DOCUMENTED, DOES THAT
13 JUST MEAN YOU DON'T RECALL?

14 A CERTAIN THINGS I WRITE DOWN, AND CERTAIN
15 THINGS -- I'M NOT A PSYCHIATRIST. IF YOU COME TO ME AND
16 YOU TELL ME, "I HAVE AUDITORY HALLUCINATIONS," I RECOMMEND
17 YOU GO AND SEE A PSYCHIATRIST. I CAN'T -- I CANNOT MAKE
18 YOUR AUDITORY HALLUCINATIONS BETTER. IT'S NOT MY
19 PRACTICE. SO I NOTED THAT SHE HAS AUDITORY
20 HALLUCINATIONS.

21 Q OKAY.

22 A AND I THINK AT THE END OF MY NOTE, I
23 RECOMMENDED THAT SHE NEEDS TO FOLLOW WITH A PSYCHIATRIST.

24 Q OKAY. FAIR ENOUGH. LET'S KEEP GOING.
25 WHAT DOES THIS SAY RIGHT HERE?

26 A "POSITIVE, A LOT OF ANXIETY."

27 Q OKAY. DID SHE APPEAR ANXIOUS TO YOU ON THIS
28 VISIT --

1 A NO.

2 Q -- IF YOU CAN RECALL?

3 A NO. SHE WAS OKAY.

4 Q SHE JUST REPORTED HAVING A LOT OF ANXIETY?

5 A SHE SAID SHE HAS A LOT OF ANXIETY.

6 Q AND WHAT DOES THIS SAY?

7 A "HAD E.E.G. BY DR. OR-" -- SOMETHING.

8 Q DR. ORFUSS? DOES THAT RING A BELL? NO?

9 A I DON'T KNOW THE DOCTOR, BUT "HAD E.E.G."

10 Q DID SHE BRING YOU A COPY OF THE E.E.G.
11 REPORT?

12 A YOU KNOW, WHATEVER I HAVE IN HERE, I HAVE
13 IT. AND THEN SHE -- I REFERRED HER TO DR. GIOMBETTI, WHO
14 WAS A NEUROLOGIST -- AND HE WAS THE CHIEF NEUROLOGIST IN A
15 HOSPITAL BEFORE -- TO ACTUALLY EVALUATE HER AND SEND
16 WHATEVER I HAD.

17 Q OKAY.

18 A IT WAS ACTUALLY FAXED TO HIS OFFICE ON
19 1/27/2010. THAT'S ON 104-18.

20 Q SO YOU REFERRED HER -- AT THE END OF THIS
21 APPOINTMENT, YOU REFERRED HER TO A NEUROLOGIST BY THE NAME
22 OF DR. GIOMBETTI?

23 A ON THE -- I DON'T KNOW IF AT THIS POINT OR
24 LATER ON I REFERRED, BUT WE SENT HER TO SEE DR. GIOMBETTI.

25 Q GOT IT. OKAY. DID WE FINISH UP? CAN YOU
26 TELL ME WHAT THIS IS RIGHT HERE? DOWN AT THE --

27 A "NORMAL E.E.G. 1 YEAR AGO."

28 E.E.G. IS THE BRAIN ENCEPHALOGRAM THAT THEY

1 TAKE IF THEY HAVE SEIZURES OR STUFF LIKE THAT.

2 Q OKAY. AND THIS HERE?

3 A "P.S.H." -- WHERE ARE YOU?

4 Q I'M AT THE VERY BOTTOM.

5 A SO "P.S.H.," THAT'S PAST SURGICAL HISTORY.
6 "NEGATIVE ALLERGIES," NO KNOWN ALLERGIES.

7 AND THAT'S HER SIGNATURE, AND SHE SIGNS, AND
8 WE PUT A STICKER ON THE CHART.

9 Q GOT IT. OKAY. I'M ON THE SECOND PAGE OF
10 YOUR NOTES FROM THE VISIT ON JANUARY 20TH, 2010, AND
11 AGAIN, FORGIVE ME, BUT I JUST NEED YOU TO WALK ME THROUGH
12 YOUR NOTES.

13 A "F.H.X." IS FAMILY HISTORY. "FATHER AND
14 MOTHER IS HEALTHY. GRANDMOTHER HAS BREAST CANCER.
15 GRANDFATHER, QUESTION LEUKEMIA. AUNT WITH BREAST CANCER."

16 Q AND BELOW THAT, DOWN HERE?

17 A THAT'S MY PHYSICAL EXAM. SO "N.A.D." MEANS
18 NO ACUTE DISTRESS. "N.C." MEANS NORMOCEPHALIC. THAT MEANS
19 THAT THE HEAD IS NORMAL. "ATRAUMATIC." THERE WAS NO
20 VISIBLE TRAUMA. "E.O.M.I.," EXTRAOCULAR MUSCLE INTACT.
21 THAT MEANS HER EYES DIDN'T HAVE ANY ISSUES.

22 Q OKAY.

23 A "MULTIPLE TRIGGER POINT TENDERNESS."

24 Q OKAY. AND THEN -- I'M SORRY -- WERE YOU NOT
25 FINISHED WITH YOUR ANSWER?

26 A I'M READY. CAN I GO?

27 Q SURE.

28 A OKAY. "S1 S2 R.R.R." THOSE ARE THE HEART

1 SOUNDS. HER HEART SOUNDS WERE NORMAL. CLEAR -- "CTA"
2 MEANS CLEAR TO AUSCULTATION. HER LUNGS WERE NORMAL AND
3 ABDOMEN WAS SOFT. "EXTREMITY, NO EDEMA. MOTOR STRENGTH,
4 5 OVER 5 EXTREMITIES." THAT MEANS HER MOTOR STRENGTH WAS
5 NORMAL WITH HANDGRIPS.

6 Q OKAY. ARE WE HERE NOW?

7 A YEAH.

8 Q OKAY. WHAT DOES THIS SAY?

9 A IMPRESSION, "I.M.P. CHRONIC PAIN SYNDROME."
10 "F.M.S." MEANS FIBROMYALGIA SYNDROME.
11 "ANXIETY. QUESTION HISTORY OF AUDITORY
12 HALLUCINATION."

13 Q OKAY. AND WHAT DID YOU WRITE BELOW THAT?

14 A "SEE PSYCHIATRIST." THAT'S MY FIRST
15 RECOMMENDATION TO HER.

16 Q OKAY. AND WHAT ELSE DID YOU RECOMMEND?

17 A "START LYRICA," L-Y-R-I-C-A, "Q.H.S. SAMPLE
18 GIVEN."

19 Q OKAY.

20 A ALSO GAVE HER "30 NORCO 10/325 EVERY 6."

21 Q SO EVERY -- CAN YOU JUST TELL US WHAT THIS
22 PRESCRIPTION WAS, EVERY -- ONE PILL EVERY 6 HOURS?

23 A UH-HUH. "P.R.N.," AS NEEDED.

24 Q AND HOW MANY DID YOU --

25 A 30.

26 Q 30?

27 A YEAH. I HAD RECOMMENDED HER TO SEE A
28 NEUROLOGY AND PAIN MANAGEMENT, A RHEUMATOLOGIST, I THINK.

1 Q SO AT THE END OF THIS FIRST VISIT, YOU
2 REFERRED HER OUT TO SEE THREE DIFFERENT TYPES OF
3 PHYSICIANS?

4 A PSYCHIATRIST, NEUROLOGIST, PAIN, AND
5 RHEUMATOLOGY. I THINK THAT'S FOUR.

6 Q LET'S GO TO YOUR NOTES FROM YOUR SECOND
7 VISIT, AND I'M GOING TO GIVE YOU IT. IT IS 104-21.

8 DO YOU HAVE THAT IN FRONT OF YOU?

9 A 104-21.

10 Q OKAY. AND THESE ARE NOTES FROM YOUR SECOND
11 VISIT WITH TARA DE ROGATIS?

12 A UH-HUH.

13 THE REPORTER: "YES"?

14 THE WITNESS: YES.

15 BY MS. MC BROOM:

16 Q APPEARS TO BE FEBRUARY 3RD, 2010?

17 A IT'S EITHER 3RD OR 8TH. NOT COPIED VERY
18 WELL.

19 Q I'M GOING TO HAVE YOU DO THE SAME THING AND
20 JUST WALK US THROUGH YOUR NOTES HERE.

21 A OKAY. ON TOP, THAT'S THE NOTE FROM THE
22 NURSES THAT HAS THE VITALS ON IT.

23 Q OKAY, THESE ARE THE VITAL UP HERE?

24 A YEAH. SO UNDERNEATH IT SAYS, "PATIENT WITH
25 CHRONIC PAIN. POSSIBLE F.M.S.," FIBROMYALGIA. "SAW
26 DR. GIOMBETTI, GETTING M.R.I. BRAIN."

27 Q SO LET ME STOP YOU THERE. SHE TOLD YOU,
28 TARA TOLD YOU, ON THIS VISIT THAT SHE HAD SEEN

1 DR. GIOMBETTI, THE NEUROLOGIST?

2 A YES.

3 Q OKAY. AND SHE WAS GOING TO BE GETTING AN
4 M.R.I.?

5 A YES.

6 Q OKAY.

7 A AND THEN LYRICA DID NOT WORK.

8 Q OKAY. AND IS THAT WHAT TARA TOLD YOU, SHE
9 TOLD YOU THE LYRICA DID NOT WORK? DO YOU RECALL HER
10 SAYING WHY IT DIDN'T WORK?

11 A YOU KNOW, SOMETIMES SHE SAID IT DIDN'T WORK.
12 EVERY MEDICATION DOESN'T WORK WITH EVERYBODY. SHE --
13 LYRICA IS USED IN PATIENTS WITH FIBROMYALGIA AND HELPS
14 SOME OF THEM, AND IT DOESN'T HELP THE OTHER ONES, YOU
15 KNOW. YOU KNOW, NOT EVERY MEDICATION WORKS ON EVERY
16 PATIENT.

17 Q I UNDERSTAND. SO THAT'S WHAT SHE REPORTED
18 TO YOU. THOSE WERE HER WORDS, "THE LYRICA IS NOT
19 WORKING"?

20 A I DON'T KNOW IF SHE SAID, "LYRICA IS NOT
21 WORKING" OR "LYRICA DIDN'T WORK." I DOCUMENTED LYRICA
22 DIDN'T WORK.

23 Q OKAY. LET'S SEE. WHERE WERE WE? OKAY.
24 LET'S CONTINUE ON.

25 A "RECENT LABS. TEST OKAY. UNDERSTAND
26 FIBROMYALGIA. NO NAUSEA," SLASH, "VOMITING."

27 Q OKAY.

28 A SO NO ACUTE DISTRESS MEANS SHE'S -- "N.A.D."

1 MEANS NO ACUTE DISTRESS. SHE WASN'T IN DISTRESS.

2 Q OKAY.

3 A THERE WAS "NO BULGING OF HER NECK VEINS. NO
4 J.V.D. S1 S2 R.R.R." SORRY. "HER HEART SOUNDS WERE
5 NORMAL." "C.T.A." MEANS HER LUNGS WAS CLEAR. "ABDOMEN
6 WAS SOFT." AND THERE WAS "NO EDEMA," AND SHE HAD
7 "MULTIPLE TRIGGER POINT TENDERNESS."

8 Q OKAY. I'M GOING TO HAVE YOU KEEP GOING.

9 A "IMPRESSION," SLASH, "HYPERSENSITIVITY
10 SYNDROME. FIBROMYALGIA. WILL NEED TO SEE RHEUMATOLOGY.
11 NORCO WAS GIVEN AND ULTRACET WAS GIVEN, 30 OF EACH."

12 Q OKAY. WHAT WAS THE NORCO PRESCRIPTION THAT
13 YOU PROVIDED HER?

14 A 10/325 EVERY 6.

15 Q ONE EVERY 6 HOURS?

16 A YES.

17 Q AND HOW MANY DID YOU GIVE HER?

18 A 30.

19 Q AND WHAT WAS THE OTHER MEDICATION?

20 A ULTRACET.

21 Q OKAY. AND HOW MANY --

22 A I GIVE -- ULTRACET IS A PAIN MEDICATION
23 THAT'S NOT ADDICTIVE, BUT IT WORKS VERY WELL. IT'S VERY
24 CONSTIPATING. SO IF YOU GIVE IT TO A PATIENT AND THEY
25 HAVE PAIN, THEY USUALLY DO WELL. IT'S STRONGER, BUT IT
26 DOESN'T GIVE ANYBODY A HIGH, SO IT'S NOT SOMETHING THAT
27 THEY WANT --

28 Q WHAT WAS THE DOSE YOU GAVE HER?

1 A ULTRACET COMES IN ONE DOSE.

2 Q OKAY. AND WHAT IS THAT?

3 A 37.5.

4 Q OKAY. AND HOW OFTEN WAS SHE SUPPOSED TO
5 TAKE THAT?

6 A I WROTE, "6, NO. 30 AS NEEDED," EVERY 6
7 HOURS AS NEEDED." "30."

8 Q OKAY. AND HOW MANY PILLS DID YOU PROVIDE?

9 A 30.

10 Q 30. OKAY. NOW, ON THIS VISIT, THIS SECOND
11 VISIT, DO YOU RECALL WHETHER TARA WAS REQUESTING
12 ADDITIONAL PAIN MEDICATION?

13 A WHETHER SHE WAS ASKING -- SHE BASICALLY
14 DIDN'T LIKE LYRICA, DIDN'T LIKE OTHER THINGS.

15 AND YOU HAVE A YOUNG LADY WHO IS IN PAIN,
16 AND YOU HAVE TO FIGURE OUT WHAT'S WRONG WITH HER.

17 SHE'S ACTUALLY FOLLOWING UP. I ASKED HER TO
18 SEE A NEUROLOGIST. SHE WENT AND SAW THE NEUROLOGIST. I
19 ASKED HER TO GO SEE A RHEUMATOLOGIST.

20 SHE WAS AN ACTRESS, AND SHE WAS VERY GOOD AT
21 HIDING THINGS, AND SHE DIDN'T GIVE US A COMPLETE HISTORY.
22 THIS IS A PATIENT THAT CAME INTO MY OFFICE AND DIDN'T GIVE
23 HER WHOLE HISTORY AND THINGS -- YOU KNOW, THERE ARE
24 CERTAIN THINGS THAT ARE PERTINENT AND YOU WANT A PATIENT
25 TO GIVE IT TO YOU.

26 IF YOU HAD THREE CHILDREN, I WOULDN'T KNOW
27 YOU HAD THREE CHILDREN UNLESS YOU TELL ME. SO THOSE ARE
28 -- THOSE ARE THE THINGS. DOCTOR-PATIENT RELATIONSHIP

1 REQUIRES A PATIENT TO TELL YOU --

2 Q I UNDERSTAND. BUT MY QUESTION WAS: ON THIS
3 LAST VISIT WAS SHE ASKING YOU FOR ADDITIONAL PAIN
4 MEDICATIONS?

5 A SHE WANTED ANSWERS. I DIDN'T HAVE HER
6 ANSWERS.

7 Q IS THAT WHY YOU REFERRED HER TO SEE A
8 RHEUMATOLOGIST?

9 A YOU KNOW, RHEUMATOLOGISTS -- IF YOU SEND
10 THEM TO PAIN MANAGEMENT DOCTORS, THEY WON'T FIND OUT
11 WHAT'S GOING ON WITH THE PATIENT. IF YOU SEND THEM TO A
12 RHEUMATOLOGIST, IF SHE HAS AN UNDIFFERENTIATED CONNECTIVE
13 TISSUE DISORDER, OR SHE HAS A MIXED CONNECTIVE TISSUE
14 DISORDER, IF SHE HAD AN AUTOIMMUNE DISORDER, THEY'RE
15 BETTER AT FINDING THESE THINGS, AND THEY'RE BETTER AT
16 TREATING THESE PATIENTS.

17 Q OKAY. DID YOU REFER HER TO DR. SHAINSKY?

18 A I REFERRED -- I THINK I REFERRED HER TO
19 DR. SHAINSKY OR DR. VENTURUPALLI IN THEIR GROUP. DON'T
20 REMEMBER WHICH ONE I REFERRED.

21 Q YOU'RE SAYING IT MIGHT HAVE BEEN SHAINSKY OR
22 SOMEONE IN DR. SHAINSKY'S GROUP?

23 A YEAH.

24 Q HOW DO YOU KNOW -- OR AT THE TIME HOW DID
25 YOU KNOW DR. SHAINSKY?

26 A DR. SHAINSKY JOINED A VERY REPUTABLE GROUP
27 AT CEDARS-SINAI, DR. VENTURUPALLI, AND THERE'S TWO OTHER
28 DOCTORS THERE.

1 SHE HAS DONE REMARKABLE JOBS ON MY PATIENTS.
2 I'VE CALLED HER ON POSTOP PATIENTS FOR HER TO COME IN AND
3 GIVE STEROID INJECTIONS IN THE HOSPITAL.

4 Q I'M JUST INTERESTED IN HOW DO YOU KNOW
5 DR. SHAINSKY? HOW LONG HAVE YOU KNOWN HER? I'LL PUT IT
6 THAT WAY.

7 A SINCE SHE GOT A RESIDENCY, FELLOWSHIP, AND
8 SHE TRAINED WITH -- SHE FINISHED HER TRAINING, AND SHE
9 STARTED WORKING IN A GROUP.

10 Q CAN YOU GIVE ME AN ESTIMATE OF ABOUT HOW
11 LONG YOU'VE KNOWN HER?

12 A YOU KNOW, I WORK WITH 300 DOCTORS. YOU WANT
13 ME TO KNOW EXACTLY HOW MANY YEARS? I THINK SHE'S BEEN --
14 AT LEAST FOUR YEARS, MAYBE FIVE, MAYBE SIX, SO I DON'T --
15 MAYBE MORE.

16 Q I SEE. SO DO YOU SEE HER AT CEDARS-SINAI
17 OCCASIONALLY?

18 A ONCE IN A WHILE, YES.

19 Q HOW OFTEN WOULD YOU SAY?

20 A TWO, THREE TIMES A YEAR, MAYBE LESS, MAYBE
21 MORE.

22 Q NOW, FOLLOWING THIS VISIT, THIS WAS YOUR
23 FINAL VISIT WITH TARA, CORRECT?

24 A THIS, YEAH.

25 Q OKAY. FOLLOWING THIS VISIT, DID YOU EVER
26 RECEIVE ANY CORRESPONDENCE FROM DR. SHAINSKY REGARDING HER
27 CONSULTATION WITH TARA?

28 A YOU KNOW, ACTUALLY, YOU ASKED ME THE SAME

1 QUESTION. I REMEMBER WE HAD A PROBLEM WITH OUR FAXES FOR
2 A FEW DAYS AT A CERTAIN TIME. IF THOSE THREE DAYS SHE
3 FAXED IT, WE DIDN'T HAVE IT. BUT WHATEVER YOU HAVE FROM
4 MY CHART, THAT'S ALL I HAVE.

5 Q SO IT WASN'T IN YOUR CHART, RIGHT?

6 A (NO AUDIBLE RESPONSE.)

7 MR. NEWHOUSE: YOU HAVE TO ANSWER AUDIBLY.

8 THE WITNESS: YES.

9 BY MS. MC BROOM:

10 Q WHICH YOU INTERPRET TO MEAN YOU DID NOT
11 RECEIVE -- I'M NOT ASKING IF IT WAS SENT. I'M ASKING IF
12 YOU RECEIVED A LETTER FROM DR. SHAINSKY.

13 A IN ORDER TO GET A LETTER, IT HAS TO BE
14 FAXED. THEN SOMEBODY IN MY OFFICE NEEDS TO CHANGE IT.
15 AND I HAD -- DURING THAT PERIOD OF TIME, I HAD A LOT OF
16 CHANGE IN MY OFFICE, SO IF THAT ANSWERS YOU WELL OR NOT --

17 Q NOT QUITE.

18 DID YOU OR DID YOU NOT --

19 A I DON'T HAVE ANYTHING IN MY CHART.

20 Q OKAY.

21 A SHE COULD HAVE SENT IT, AND IT COULD HAVE
22 BEEN THAT THE GIRLS DIDN'T PUT IT IN THE CHART.

23 Q DOES THAT HAPPEN OFTEN WHERE --

24 A IT CAN HAPPEN. IT'S NOT LIKE SOMETHING THAT
25 DOESN'T HAPPEN.

26 Q HOW MANY TIMES WOULD YOU SAY THAT HAPPENS A
27 YEAR?

28 A I DON'T KNOW. I -- I CAN'T CHECK HOW MANY

1 TIMES A YEAR MY FAX MACHINE IS GONE FOR 20 MINUTES.

2 Q WELL --

3 A HOW MANY TIMES A YEAR?

4 Q GO ON. I'M SORRY. I INTERRUPTED YOU.

5 A YOU KNOW, YOU'RE ASKING HOW IS IT --
6 SOMETHING COMES IN THROUGH THE FAX. IF THE FAX GETS
7 JAMMED -- THIS, THAT -- YOU KNOW, IT JUST DOESN'T COME IN.
8 SO THEY HAVE TO -- IF WE RUN OUT OF THE INK AND WE DON'T
9 HAVE INK FOR 3, 4 HOURS AND WE GET HUNDREDS OF SHEETS THAT
10 COME IN, I CAN'T TELL YOU THE ANSWERS.

11 BUT THIS IS A PATIENT THAT I SAW THE FIRST
12 TIME AND RECOMMENDED TO SEE A PSYCHIATRIST, SO THAT WAS MY
13 FIRST RECOMMENDATION. PLEASE LET ME FINISH. I
14 RECOMMENDED HER TO SEE A NEUROLOGIST. I RECOMMENDED TO
15 SEE DOCTORS.

16 Q I UNDERSTAND. I'M JUST FOCUSED RIGHT NOW ON
17 THE LETTER. YOU'VE TOLD US IT WASN'T IN YOUR CHART, AND
18 ARE YOU TELLING US THAT YOU THINK IT MAY NOT BE IN YOUR
19 CHART BECAUSE THERE WAS A PERIOD OF TIME WHEN THE POWER
20 WENT OUT?

21 A I DIDN'T SAY, "THE POWER WENT OUT." I SAID,
22 "THE FAX MACHINE."

23 Q OKAY.

24 A EVERY ONCE IN A WHILE WE GET A JAM IN THE
25 FAX WHERE WE DON'T HAVE INK. IT DOESN'T HAVE MEMORY THAT,
26 YOU KNOW, IF THE FAXES ARE COMING -- IT'S A TECHNICAL
27 QUESTION YOU'RE ASKING ME, YOU KNOW.

28 Q PRIOR TO -- ARE YOU AWARE THAT TARA IS NOW

1 DECEASED?

2 A YES. IT'S VERY SAD, BECAUSE, YOU KNOW, WHEN
3 YOU HAVE A YOUNG PATIENT COME INTO YOUR OFFICE AND YOU
4 WANT TO FIND OUT WHAT'S WRONG WITH HER AND YOU ACTUALLY
5 RECOMMEND HER TO SEE OTHER DOCTORS AND STUFF LIKE THAT,
6 IT'S VERY SAD TO SEE A PATIENT PASS AWAY.

7 Q DR. RAMIN, DO YOU RECALL HAVING ANY
8 CONVERSATIONS WITH DR. SHAINSKY ABOUT TARA PRIOR TO TARA'S
9 DEATH, WHICH WAS ON MARCH 23RD, 2010?

10 A I DON'T THINK SO.

11 Q WHAT ABOUT AFTER TARA'S DEATH; DO YOU RECALL
12 HAVING ANY CONVERSATIONS WITH DR. SHAINSKY?

13 A YES.

14 Q WAS THAT IN PERSON OR OVER THE PHONE OR A
15 COMBINATION? DID YOU SPEAK -- LET ME START WITH THIS:
16 DID YOU SPEAK MULTIPLE TIMES FOLLOWING TARA'S DEATH WITH
17 DR. SHAINSKY?

18 A YOU KNOW, WE SHARE PATIENTS. I REFER
19 PATIENTS TO HER, SO -- AND I STILL DO REFER PATIENTS TO
20 HER. I'VE TALKED TO HER A FEW TIMES ABOUT TARA.

21 Q OKAY. HOW MANY PATIENTS DO YOU REFER TO
22 DR. SHAINSKY A YEAR?

23 A I DON'T KNOW HOW MANY PATIENTS I REFER TO
24 DR. SHAINSKY A YEAR.

25 Q CAN YOU GIVE ME AN ESTIMATE? IS IT TEN? IS
26 IT 50?

27 A A FEW. I CAN'T TELL YOU HOW MANY.

28 Q A HANDFUL PER YEAR?

1 A OKAY.

2 Q WE NEED -- WE NEED YOU TO ANSWER AUDIBLY SO
3 THE COURT REPORTER CAN GET IT.

4 A I SAID "OKAY."

5 Q SO YOU SAID YOU SPOKE WITH DR. SHAINSKY ON A
6 FEW OCCASIONS AFTER TARA'S DEATH.

7 DO YOU RECALL THE FIRST TIME, ABOUT WHAT
8 TIME?

9 A NO. IT WAS JUST -- YOU KNOW, WHEN YOU HAVE
10 A PATIENT THAT PASSES, IT'S SAD. YOU TALK ABOUT IT WITH
11 THE OTHERS. YOU KNOW, IT'S JUST VERY HUMAN. SHE CALLED
12 AND SHE SAID, "DID YOU KNOW SHE PASSED?"

13 AND I SAID, "I DIDN'T KNOW."

14 Q IN FACT, DR. SHAINSKY CALLED YOU --

15 A I CALLED THE OFFICE REGARDING ANOTHER
16 PATIENT, AND WE TALKED. I DON'T KNOW HOW LONG IT WAS.

17 Q DID DR. SHAINSKY, IN A PHONE CALL WITH YOU,
18 IN THAT PHONE CALL WITH YOU REGARDING TARA, ASK YOU
19 WHETHER YOU BELIEVED TARA HAD SOME OTHER MEDICAL ISSUES?

20 A WHAT -- ASK YOUR QUESTION AGAIN.

21 Q DURING YOUR CONVERSATION WITH DR. SHAINSKY
22 FOLLOWING TARA'S DEATH, DID DR. SHAINSKY ASK YOU WHETHER
23 YOU THOUGHT TARA HAD SOME OTHER MEDICAL ISSUES?

24 A I DON'T REMEMBER.

25 Q DO YOU RECALL -- YOU RECALL BEING DEPOSED IN
26 THIS MATTER, CORRECT?

27 A YES.

28 Q OKAY. IN FACT, I DEPOSED YOU, CORRECT?

1 A OF COURSE.

2 Q OKAY.

3 A YOU DEPOSED [SIC] ME FOUR TIMES AND YOU
4 CANCELED FOUR TIMES. I REMEMBER THAT AS WELL.

5 Q SUCH IS LITIGATION. I DEPOSED YOU ONE TIME.
6 I TOOK YOUR TESTIMONY ONE TIME.

7 A IT WAS CANCELED MULTIPLE TIMES.

8 Q BUT THAT'S NOT THE QUESTION. I DEPOSED YOU
9 ONE TIME, CORRECT? DO YOU RECALL THAT?

10 A DO YOU RECALL THAT IT WAS CANCELED MULTIPLE
11 TIMES?

12 THE COURT: COUNSEL, LET'S MOVE ON. YOU DEPOSED
13 HIM.

14 THE WITNESS: YES.

15 BY MS. MC BROOM:

16 Q AND YOU RECEIVED A TRANSCRIPT OF THAT
17 DEPOSITION AND YOU REVIEWED IT, CORRECT?

18 A I THINK SO.

19 Q AND YOU SIGNED A DECLARATION STATING THAT
20 YOUR TESTIMONY WAS TRUE AND CORRECT?

21 A RIGHT.

22 MS. MC BROOM: I'LL REFER COUNSEL TO PAGE 56 -- I'M
23 SORRY -- PAGE 59 AT LINE 12 TO 23.

24 THE WITNESS: I DON'T HAVE A PAGE 59 WHERE I AM.

25 BY MS. MC BROOM:

26 Q I UNDERSTAND. I'M GOING TO GO AHEAD AND
27 READ FROM THE DEPOSITION.

28 THE COURT: ANY OBJECTION?

1 MR. BLESSEY: NO OBJECTION.

2 THE COURT: READ IT.

3 BY MS. MC BROOM:

4 Q SEE IF IT REFRESHES YOUR RECOLLECTION.

5 "QUESTION: DO YOU RECALL THAT SHE
6 TOLD YOU --

7 "ANSWER: YOU KNOW, MY FATHER HAD
8 PASSED AWAY IN DECEMBER OF -- OR NOVEMBER
9 2009, SO YOU'RE ASKING ME WHEN I WAS
10 MOURNING, WHICH SHE TOLD ME LIKE THREE MONTHS
11 LATER. I DON'T KNOW. I CAN'T RECALL, OKAY?
12 I KNOW THAT SHE SAID THE PATIENT PASSED AWAY.

13 "QUESTION: DID SHE HAVE ANY OTHER
14 MEDICAL PROBLEMS?

15 "ANSWER: THIS AND THAT, I TOLD HER.

16 "QUESTION: SHE ASKED WHETHER TARA HAD
17 ANY MEDICAL PROBLEMS?

18 "ANSWER: I THINK SO. SOMETHING LIKE
19 THAT."

20 DOES THAT REFRESH YOUR RECOLLECTION?

21 A IF I SAID THAT, THIS DEPOSITION WAS
22 PROBABLY -- WHEN WAS IT?

23 Q IT WAS OVER A YEAR AGO.

24 A YEAH. IT WAS CLOSER TO THE TIME.

25 Q DO YOU RECALL ANY OTHER COMMUNICATIONS WITH
26 DR. SHAINSKY FOLLOWING TARA'S DEATH?

27 A WE'VE TALKED A FEW TIMES.

28 Q ON YOUR FINAL VISIT WITH TARA ON FEBRUARY --

1 IN FEBRUARY OF 2010, DID YOU TELL TARA THAT YOU DID NOT
2 WANT TO BE A PHYSICIAN PRESCRIBING OPIATES TO HER?

3 A I DON'T THINK I -- I JUST GENERALLY DON'T
4 FEEL LIKE PRESCRIBING MEDICATION WHEN WE AREN'T HAVING A
5 DIAGNOSIS THAT I'M COMFORTABLE WITH.

6 I'M AN INTERNIST. I'M VERY GOOD WITH
7 DIABETES. SO IF YOUR BLOOD SUGAR IS 400, 500, IF YOU'RE
8 HAVING A HEART ATTACK, IF YOU'RE UNDERGOING SURGERY, AND
9 YOU'RE ASKING ME TO DO A CLEARANCE ON YOU, I'M COMFORTABLE
10 WITH IT. IF YOU HAVE HIGH CHOLESTEROL OR THIS, THAT, I'M
11 COMFORTABLE TREATING CERTAIN THINGS.

12 A PATIENT THAT COMES IN LIKE HER AT A YOUNG
13 AGE AND SHE HAS A LOT OF PAIN, I THINK IT'S BEST TREATED
14 NOT BY AN INTERNIST, BUT IT'S BEST TREATED WITH PEOPLE WHO
15 HAVE EXTRA TRAINING IN ARTHRITIS, IN PAIN MANAGEMENT, A
16 NEUROLOGIST.

17 I WANTED AN ANSWER; I DIDN'T HAVE THE
18 ANSWER. AND I -- I WASN'T -- YOU KNOW, WHEN YOU'RE AN
19 INTERNIST, YOU KNOW, SHE HAS A COLD, SHE CAN COME AND SEE
20 ME. IF SHE HAS A FLU, SHE'S MORE THAN WELCOME TO COME AND
21 SEE ME. BUT, YOU KNOW, DID SHE HAVE A CONNECTIVE TISSUE
22 DISORDER THAT I DIDN'T PICK UP IN MY EXAM? DID SHE HAVE
23 AN AUTOIMMUNE DISORDER ON EXAM?

24 AND I WORKED IN THE MOTION PICTURE INDUSTRY.
25 I WORKED FOR THE MOTION PICTURE CLINICS. AND SOME OF
26 THESE PATIENTS, THEY COME IN -- THEY'RE ACTRESSES, AND
27 THEY CAN PRETEND THEY HAVE THINGS, AND THEY COME TO YOUR
28 OFFICE. THEY'RE NOT PATIENTS; THEY'RE ACTING. SO YOU

1 KNOW, YOU HAVE TO MAKE SURE THAT IF A PATIENT LIKE THAT
2 COMES IN, YOU SEND IT TO THE RIGHT PEOPLE TO GET THE RIGHT
3 TREATMENT.

4 DID I DO THE RIGHT THING BY SENDING HER TO
5 THE SPECIALISTS? YES.

6 MS. MC BROOM: THANK YOU. NOTHING FURTHER.

7 THE COURT: CROSS?

8 MR. BLESSEY: BRIEFLY, YOUR HONOR.

9

10 CROSS-EXAMINATION

11 BY MR. BLESSEY:

12 Q GOOD MORNING, DR. RAMIN.

13 A GOOD MORNING.

14 Q WE HAVE NOT MET, HAVE WE?

15 A I DON'T THINK SO.

16 Q MY NAME IS RAYMOND BLESSEY, AND I REPRESENT
17 DR. SHAINSKY.

18 I'M GOING TO BE BRIEF. IN FACT, I'LL TRY TO
19 GET YOU OUT OF HERE BECAUSE I KNOW YOU HAVE PATIENTS YOU
20 NEED TO SEE.

21 SO JUST TO KIND OF REVIEW QUICKLY, YOUR
22 FIRST VISIT WITH MS. DE ROGATIS -- LET'S BACK UP.

23 YOU SAID YOU'RE AN INTERNIST. YOU'VE HAD
24 SOME EXPERIENCE, HAVE YOU NOT, DURING YOUR TRAINING,
25 EDUCATION DEALING WITH FIBROMYALGIA PATIENTS BEFORE YOU
26 SAW MS. DE ROGATIS IN 2010?

27 A ACTUALLY, I DO.

28 Q TELL THE JURY A LITTLE BIT ABOUT THAT.

1 A SO WHEN I FINISHED MY TRAINING, I JOINED A
2 RHEUMATOLOGIST IN SANTA MONICA OR TRIED HIS TREATMENT
3 CENTER. HE'S PASSED. HIS NAME WAS GIDEON DARVISH. I
4 STAYED IN THAT PRACTICE FOR A YEAR, A YEAR AND A HALF, AND
5 THERE WAS A DR. TROUM IN THE OFFICE AS WELL, WHO WAS A
6 RHEUMATOLOGIST, AND I LEFT TO OPEN MY OWN PRACTICE.

7 Q DURING THAT 18-MONTH-OR-SO PERIOD WITH THIS
8 RHEUMATOLOGIST, WOULD YOU HAVE OCCASION TO SEE PATIENTS
9 WITH FIBROMYALGIA?

10 A YES.

11 Q NOW, ON YOUR FIRST VISIT, THAT WOULD BE
12 JANUARY, I BELIEVE, THE 20TH, 2010, YOU DID SOMETHING
13 CALLED A TRIGGER POINT EXAMINATION, CORRECT?

14 A YES.

15 Q WHY DID YOU DO THAT?

16 A THIS IS A LADY WHO HAD A BUNCH OF TESTS
17 DONE, AND NONE OF THE TESTS ARE COMING UP POSITIVE. AND
18 TRIGGER POINTS ARE AREAS IF THEY PRESS ON THE SHOULDER, ON
19 THE KNEE, ON THE HIP, ON THE BACK, IN PATIENTS WHO HAVE
20 FIBROMYALGIA, THEY HAVE A HYPERSENSITIVITY REACTION.

21 IF I PRESS OVER HERE, EVEN IF IT'S HARD, I
22 DON'T HAVE PAIN, AND I DON'T JUMP UP. BUT PATIENTS WHO
23 HAVE FIBROMYALGIA, WHEN YOU PRESS ON THEM, THEY HAVE REAL
24 REACTIONS.

25 YOU KNOW, EVERY TEST YOU DO ON FIBROMYALGIA
26 PATIENTS -- BLOOD TEST, URINE TEST, ELECTROCARDIOGRAM --
27 NOTHING SHOWS UP. AND IT'S A DIAGNOSIS THAT IS MADE AFTER
28 YOU RULE OUT OTHER DIAGNOSES.

1 Q AND YOUR RESULTS OF YOUR TRIGGER POINT
2 INJECTION ON THE FIRST VISIT WAS WHAT? WAS IT -- AS YOU
3 SAY IN MEDICINE, WAS IT POSITIVE, IN OTHER WORDS,
4 SUGGESTIVE THAT SHE HAD SIGNS OF FIBROMYALGIA?

5 A I PUT DOWN "MULTIPLE TRIGGER POINT
6 TENDERNESS."

7 Q AND ON BOTH THE RIGHT AND LEFT SIDE,
8 CORRECT?

9 A I DIDN'T WRITE "RIGHT AND LEFT," BUT I PUT
10 "MULTIPLE TRIGGER POINT TENDERNESS."

11 AND MY QUESTIONING HER, THERE'S CERTAIN
12 THINGS THAT SHE SAID THAT WAS -- SHE HAD NUMBNESS IN HER
13 HANDS. SHE HAD SEEN A NEUROLOGIST, SO I WASN'T SURE.
14 IT'S SOMETHING THAT DIDN'T MAKE SENSE. SHE HAD A LOT OF
15 COMPLAINTS WITHOUT ME HAVING THE RIGHT ANSWERS TO IT.

16 Q AND THAT'S TYPICAL OF A PATIENT WITH
17 FIBROMYALGIA. THEY WILL HAVE LOTS OF SYMPTOMS, PAIN
18 COMPLAINTS WITHOUT AN ACTUAL EXPLANATION; IS THAT TRUE?

19 A FIBROMYALGIA USED TO BE CALLED FIBROSITIS.
20 IT'S A -- IT'S A VERY -- IT'S A DIAGNOSIS MADE -- SHE FIT
21 THE CRITERIA. SHE HAD THE TRIGGER POINT TENDERNESS.

22 SO WHAT WAS YOUR QUESTION?

23 Q I WAS ASKING IF SHE FIT THE CRITERIA.
24 YOU'VE ANSWERED.

25 NOW, YOU MENTIONED THAT -- SO YOUR DIAGNOSIS
26 FOR HER INCLUDED ON THIS FIRST VISIT, AT LEAST YOUR
27 DIFFERENTIAL DIAGNOSIS, INCLUDED FIBROMYALGIA, CORRECT?

28 A YES.

1 Q OKAY. AND YOU FELT, BASED ON EVERYTHING YOU
2 KNOW ABOUT THIS PATIENT ON JANUARY 20TH, 2010, THAT IT WAS
3 APPROPRIATE TO TREAT HER PAIN SYMPTOMS FROM THE
4 FIBROMYALGIA IN PART WITH NORCO, AN OPIATE, CORRECT?

5 A SHE WAS ALREADY ON NORCO.

6 Q BUT YOU FELT IT WAS APPROPRIATE TO CONTINUE
7 HER ON THE NORCO IN LIGHT OF WHAT YOU KNEW ABOUT THIS
8 PATIENT WITH FIBROMYALGIA AND PAIN, CORRECT?

9 A I WROTE -- YES.

10 Q OKAY. OKAY. NOW, YOU WROTE A PRESCRIPTION,
11 WE'VE ALREADY HEARD, DR. RAMIN, FOR 30 TABLETS. THAT
12 WOULD BE -- AND YOU SAID THAT SHE COULD TAKE IT AS OFTEN
13 AS FOUR TIMES A DAY EVERY 6 HOURS, IF NEEDED, CORRECT?

14 A "Q.6 P.R.N.," EVERY SIX AS NEEDED.

15 Q SO THAT WOULD BE ROUGHLY, IF SHE TOOK IT AS
16 NEEDED FOUR TIMES A DAY, THAT WOULD BE ROUGHLY A WEEK'S OR
17 SO WORTH OF PILLS, CORRECT?

18 A YES.

19 Q AND SHE NEXT RETURNED ON FEBRUARY THE 3RD,
20 2010, CORRECT? TAKE A LOOK.

21 A I DON'T KNOW IF IT'S THE 3RD OR THE 8TH. I
22 CAN'T SEE THE DATE VERY WELL, SO -- OKAY.

23 Q OKAY. CAN WE WORK WITH THE 3RD RIGHT NOW?

24 A OKAY.

25 Q SO FROM THE 20TH, DR. RAMIN, TO FEBRUARY THE
26 3RD, IF THAT'S THE DATE, THAT WOULD BE ABOUT TWO WEEKS,
27 CORRECT?

28 A YES.

1 Q AND YOU HAD GIVEN HER A PRESCRIPTION THAT
2 COULD -- SHE COULD RUN OUT OF WITHIN SEVEN TO EIGHT DAYS
3 IF SHE USED IT EVERY 6 HOURS, CORRECT?

4 A YES.

5 Q ALL RIGHT. IN BETWEEN JANUARY THE 20TH,
6 2010, AND FEBRUARY THE 3RD, DID YOU RECEIVE ANY PHONE
7 CALLS FROM MS. DE ROGATIS ASKING FOR MORE NORCO BECAUSE
8 SHE HAD RUN OUT OF THE PILLS YOU PRESCRIBED HER?

9 A I DON'T ANSWER PHONES.

10 THE COURT: YOU DON'T ANSWER PHONES?

11 THE WITNESS: I HAVE -- I HAVE A STAFF THAT ANSWERS
12 THE PHONE, BUT -- BUT I DON'T THINK WE GOT A CALL THAT SHE
13 REQUESTED A REFILL.

14 SORRY, YOUR HONOR.

15 MS. MC BROOM: OBJECTION. SPECULATION, YOUR HONOR.

16 THE COURT: SUSTAINED. STRICKEN.

17 BY MR. BLESSEY:

18 Q DOCTOR, IF YOU GOT SUCH A PHONE CALL --

19 A WE HAVE A CALL LOG. WE KEEP A CALL LOG ON
20 PATIENTS.

21 Q RIGHT.

22 A IF THEY HAVE -- IF A PATIENT REQUESTS THIS,
23 THAT, YOU KNOW, IF I THINK IT'S APPROPRIATE, EVERYTHING
24 GETS BACK IN THE CHART.

25 Q AND YOU DON'T HAVE ANY SUCH RECORD, PHONE
26 LOG RECORD, OF A PHONE CALL FROM TARA DE ROGATIS BETWEEN
27 JANUARY THE 20TH, 2010, AND FEBRUARY THE 3RD, 2010, ASKING
28 FOR MORE NORCO, CORRECT? IS THERE ANY SUCH LOG IN THERE?

1 A I CAN GO WITH MY RECORDS IN THE CHART THAT
2 YOU GUYS HAVE COPIED. THAT'S ALL I HAVE. THERE'S NO
3 RECORD THAT SHE ASKED FOR MORE.

4 Q OKAY. NOW, DOCTOR, ON THIS SECOND VISIT,
5 AGAIN, WHICH WE THINK IS FEBRUARY 3RD, 2010, YOU MENTIONED
6 SHE WAS IN NO ACUTE DISTRESS, CORRECT?

7 A YES.

8 Q SHE APPEARED APPROPRIATE AS FAR AS HER
9 PRESENTATION TO YOU, CORRECT?

10 A CORRECT.

11 Q OKAY. NOW, ON THIS VISIT I THINK IT WAS THE
12 VISIT WHERE AT THE END YOU PRESCRIBED AGAIN NORCO. HOW
13 MANY TABLETS?

14 A 30.

15 Q 30. AND THE STRENGTH WAS WHAT; HOW MANY
16 MILLIGRAMS?

17 A 10.

18 Q AND YOU ALSO PRESCRIBED A DRUG CALLED
19 ULTRACET, ALSO KNOWN AS TRAMADOL, CORRECT?

20 A ULTRACET IS A COMBINATION OF TRAMADOL AND
21 TYLENOL.

22 Q IT CONTAINS TRAMADOL, CORRECT?

23 A YES.

24 Q HERE IS MY QUESTION FOR YOU: AS OF FEBRUARY
25 3RD, 2010, DID YOU SUSPECT THAT AFTER TARA DE ROGATIS LEFT
26 YOUR OFFICE, THAT SHE WOULD GO HOME AND INGEST LETHAL
27 LEVELS OF NORCO?

28 MS. MC BROOM: OBJECTION, YOUR HONOR. BEYOND THE

1 SCOPE OF DIRECT, AND IT'S SPECULATIVE AND IRRELEVANT.

2 THE COURT: WELL, DO YOU WANT ME TO HAVE HIM CALL
3 DR. RAMIN AS HIS OWN WITNESS OR WHAT?

4 OBJECTION OVERRULED. GO AHEAD.

5 THE WITNESS: ASK THE QUESTION AGAIN.

6 MR. BLESSEY: SURE.

7 Q ON FEBRUARY THE 3RD, 2010, WHEN YOU WROTE
8 THE PRESCRIPTION FOR NORCO, 30 PILLS, 10 MILLIGRAMS, DID
9 YOU SUSPECT AT THAT TIME THAT SHE WAS GOING TO GO HOME
10 AFTER LEAVING YOUR OFFICE AND INGEST A LETHAL LEVEL OF
11 NORCO?

12 A ABSOLUTELY NOT. I WOULD HAVE NOT GIVEN IT
13 TO HER. ABSOLUTELY NOT.

14 Q SAME QUESTION FOR ULTRACET THAT CONTAINS
15 TRAMADOL.

16 DID YOU SUSPECT ON FEBRUARY THE 3RD, 2010,
17 THAT TARA DE ROGATIS WAS GOING TO LEAVE YOUR OFFICE AND
18 INGEST A LETHAL LEVEL OF ULTRACET, SLASH, TRAMADOL? DID
19 YOU SUSPECT THAT?

20 A ABSOLUTELY NOT.

21 MR. BLESSEY: THANK YOU, DOCTOR. NOTHING FURTHER.

22 THE COURT: ALL RIGHT. REDIRECT?

23 MS. MC BROOM: NO, YOUR HONOR.

24 THE COURT: MAY THE WITNESS BE EXCUSED?

25 MS. MC BROOM: YES.

26 THE COURT: THANK YOU VERY MUCH, DOCTOR, YOU'RE
27 EXCUSED. NICE TO SEE YOU.

28 NEXT WITNESS, PLEASE.

1 MR. NEWHOUSE: YOUR HONOR, THE PLAINTIFF CALLS OUR
2 NEXT WITNESS, DR. PAUL BOHN.

3 THE COURT: I'M SORRY. WHO?

4 MR. NEWHOUSE: DR. PAUL BOHN, B-O-H-N.

5 THE COURT: WE'LL TRY AGAIN.

6 MR. DE ROGATIS: OH, THANK YOU, YOUR HONOR.

7 MR. NEWHOUSE: SORRY, PETER. I DIDN'T SEE WHERE
8 YOU WERE HEADING.

9 DR. BOHN, WOULD YOU COME FORWARD, PLEASE,
10 RIGHT BY THE WITNESS CHAIR, AND THE CLERK WILL SWEAR YOU.

11 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

12 DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU
13 MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
14 BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
15 SO HELP YOU GOD?

16 THE WITNESS: I DO.

17 THE CLERK: PLEASE HAVE A SEAT ON THE WITNESS
18 STAND.

19 THE COURT: GOOD MORNING, DOCTOR.

20 THE WITNESS: GOOD MORNING.

21 MR. NEWHOUSE: WOULD YOU LIKE A BOTTLE OF WATER?

22 THE WITNESS: THAT WOULD BE FINE.

23 THE COURT: I'LL TAKE THAT; I DON'T KNOW WHERE IT
24 CAME FROM.

25 THE WITNESS: THANK YOU.

26 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR
27 THE RECORD.

28 THE WITNESS: SAY AGAIN.

1 THE CLERK: PLEASE STATE YOUR NAME AND THEN SPELL
2 YOUR NAME FOR THE RECORD.

3 THE WITNESS: PAUL BOHN, AND THAT'S B-O-H-N.

4 MR. NEWHOUSE: THAT'S YOUR VERY OWN BOTTLE, DOCTOR.

5 THE WITNESS: THANK YOU.

6
7 PAUL BOHN, M.D.,
8 CALLED AS A WITNESS BY THE PLAINTIFFS, WAS DULY SWORN AND
9 TESTIFIED AS FOLLOWS:

10
11 DIRECT EXAMINATION

12 BY MR. NEWHOUSE:

13 Q MORNING, DR. BOHN. MY NAME AGAIN IS GEORGE
14 NEWHOUSE, AND PRIOR TO OUR MEETING OUT IN THE HALLWAY 10
15 MINUTES AGO, WE'VE NEVER MET BEFORE, HAVE WE?

16 A NO.

17 Q AND, AGAIN, AS I SAID IN THE HALLWAY, I
18 REPRESENT THE PLAINTIFFS, PETER DE ROGATIS AND LINDA
19 DE ROGATIS.

20 HAVE YOU EVER MET EITHER OF THOSE TWO
21 INDIVIDUALS?

22 A NO.

23 Q WHAT IS YOUR OCCUPATION, SIR?

24 A I'M A PSYCHIATRIST.

25 Q AND YOU'VE BEEN IN SOLO PRACTICE SINCE 1989;
26 IS THAT RIGHT?

27 A CORRECT.

28 Q WHERE IS YOUR OFFICE LOCATED?

1 A 12300 WILSHIRE BOULEVARD IN WEST L.A.

2 Q AND JUST SUMMARIZE FOR US YOUR EDUCATIONAL
3 BACKGROUND, BEGINNING WITH UNDERGRAD.

4 A I HAVE A B.A. IN PHARMACOLOGY FROM
5 UNIVERSITY OF CALIFORNIA SANTA BARBARA. AND I HAVE AN
6 M.D. FROM UNIVERSITY OF CALIFORNIA IRVINE. AND I HAVE
7 A -- I DID MY RESIDENCY AT U.C.L.A. AND THEN I DID A
8 FELLOWSHIP IN ANXIETY DISORDERS AND COGNITIVE BEHAVIOR
9 THERAPY AT U.S.C. AND THEN I DID A -- I GOT A DOCTOR OF
10 PSYCHOLOGY IN PSYCHOANALYSIS FROM THE INSTITUTE FOR
11 CONTEMPORARY PSYCHOANALYSIS.

12 Q WHAT YEAR WAS THAT LAST DEGREE?

13 A I THINK IT WAS '95.

14 Q AND DO YOU SPECIALIZE IN SOMETHING CALLED
15 FORENSIC PSYCHIATRY?

16 A I'M CERTIFIED IN FORENSIC PSYCHIATRY, BUT I
17 DON'T SPECIALIZE IN IT.

18 Q AND BY "CERTIFIED," ARE YOU REFERRING TO
19 BOARD CERTIFICATION?

20 A YES.

21 Q AND WHAT IS BOARD CERTIFICATION?

22 A WELL, YOU HAVE TO PASS A TEST THAT HAS A LOT
23 OF QUESTIONS ABOUT FORENSIC PSYCHIATRY; AND IF YOU PASS
24 IT, THEN THEY GIVE YOU THE CERTIFICATION.

25 Q AND WE'RE GOING TO DISCUSS THIS MORNING,
26 DR. BOHN, YOUR TREATMENT OF A PATIENT NAMED TARA
27 DE ROGATIS.

28 DO YOU RECALL HER?

1 A YES.

2 Q WHEN DID YOU FIRST SEE TARA AS YOUR PATIENT?

3 A I BELIEVE IT WAS NOVEMBER OF 2007.

4 MR. NEWHOUSE: LET ME, IF I CAN APPROACH, YOUR
5 HONOR.

6 Q WE HAVE AN EXHIBIT BOOK, AND I'M GOING TO
7 DIRECT YOUR ATTENTION TO EXHIBIT 115. I'LL ASK YOU SOME
8 QUESTIONS ABOUT IT. THUMB THROUGH THAT BRIEFLY AND TELL
9 ME IF YOU RECOGNIZE THAT TO BE BASICALLY A COPY OF YOUR
10 CHART FOR MS. DE ROGATIS.

11 A YES.

12 Q IT IS?

13 A UH-HUH.

14 THE REPORTER: "YES"?

15 THE WITNESS: YES.

16

17 (MARKED FOR IDENTIFICATION, JOINT
18 EXHIBITS 115-1 TO 115-106, MEDICAL
19 CHART OF PAUL BOHN, M.D.)

20

21 BY MR. NEWHOUSE:

22 Q WHO REFERRED TARA TO YOU?

23 A I BELIEVE IT WAS DR. STERNBACH AND
24 DR. BECKER.

25 Q ARE THEY MEDICAL -- THEY'RE PROBABLY MEDICAL
26 DOCTORS. ARE THEY PSYCHIATRISTS?

27 A ONE IS A PSYCHIATRIST. ONE IS AN INTERNIST.

28 Q NOW, TARA'S INITIAL VISIT WAS ON NOVEMBER

1 1ST, 2007; IS THAT RIGHT?

2 A CORRECT.

3 Q AND WHAT DID SHE COME COMPLAINING TO YOU OF?
4 WHAT SYMPTOMS OR COMPLAINTS DID SHE ARTICULATE AT THAT
5 TIME?

6 A SHE WAS COMPLAINING OF ANXIETY, AND SHE WAS
7 COMPLAINING OF CRITICAL VOICES COMING FROM THE BACK OF HER
8 NECK AND BEING CONTROLLED BY THOSE VOICES.

9 Q ANY COMPLAINTS OF HALLUCINATIONS?

10 A WELL, THAT WOULD BE A HALLUCINATION. IT'S
11 AN AUDITORY HALLUCINATION, VOICES COMING FROM THE BACK OF
12 HER NECK.

13 Q DID YOU ASK HER OR DID SHE -- STRIKE THAT.
14 DID YOU AND TARA DISCUSS HER PRIOR DRUG USE
15 AT THAT TIME?

16 A YES, WE DID.

17 Q WHAT DID SHE TELL YOU?

18 A SHE TOLD ME THAT -- THAT SHE HAD BEEN USING
19 DRUGS FOR SEVERAL YEARS -- I THINK IT WAS THREE YEARS AT
20 LEAST -- AND HAD BEEN USING QUITE A BIT OF
21 METHAMPHETAMINE. AND THIS WAS WITH A BOYFRIEND NAMED
22 NIELS, I BELIEVE.

23 AND THAT SHE WAS LATER APPARENTLY KIDNAPPED
24 BY THIS BOYFRIEND, AND SHE --

25 Q WE DON'T ACTUALLY NEED TO GO INTO THE
26 DETAILS. SHE COMPLAINED ABOUT A RELATIONSHIP WITH THIS
27 NIELS PERSON.

28 NOW, LET ME ASK YOU, HER CURRENT BOYFRIEND,

1 DAVID MAC EACHERN, DID HE COME ALONG ON THIS VISIT?

2 A I DON'T BELIEVE HE WAS THERE THE FIRST
3 VISIT.

4 Q DID TARA AT THIS INITIAL VISIT COMPLAIN OF
5 MEMORY PROBLEMS?

6 A I BELIEVE SO.

7 Q DID SHE -- WERE THERE -- DID YOU SEE AT THIS
8 INITIAL VISIT, SYMPTOMS OF PSYCHOSIS?

9 A YES.

10 Q WHAT SYMPTOMS OF PSYCHOSIS DID YOU OBSERVE?

11 A SHE COMPLAINED OF THESE VOICES THAT SHE SAID
12 WERE COMING FROM THE BACK OF HER NECK. SHE HAD THE
13 DELUSION THAT THE VOICES WERE CONTROLLING HER.

14 SHE HAD AND COMPLAINED OF PROFOUND
15 DISORGANIZATION, DIFFICULTY ORGANIZING THINGS, GETTING
16 THINGS TOGETHER, INITIATING THINGS.

17 AND ALTHOUGH IT WASN'T COMPLETELY APPARENT
18 YET, IT SEEMED THAT SHE HAD HAD A DETERIORATION IN HER
19 ABILITY TO FUNCTION.

20 Q LET ME ASK YOU TO TURN TO, IN THAT EXHIBIT,
21 WHICH IS 115, PAGE 4 AND 5 -- ACTUALLY, 114-4 THROUGH -6,
22 115 AND THEN PAGES 4 THROUGH 6.

23 A UH-HUH, YES.

24 MR. NEWHOUSE: YOUR HONOR, I'D OFFER THOSE PAGES
25 THESE EVIDENCE AT THIS TIME.

26 THE COURT: EXHIBIT 115, PAGES 4 THROUGH --

27 MR. NEWHOUSE: -- 4 THROUGH ACTUALLY 7.

28 THE COURT: 4, 5, 6 AND 7. ANY OBJECTION?

1 MR. BLESSEY: NO, YOUR HONOR.

2 THE COURT: RECEIVED.

3 BY MR. NEWHOUSE:

4 Q PUT PAGE 4 UP.

5 THE COURT: IF YOU DON'T MIND, LET'S TAKE OUR
6 MORNING RECESS AT THIS TIME, ALL RIGHT?

7 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

8 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, WE'LL
9 RECESS AND PLEASE REMEMBER THE ADMONITION OF THE COURT.
10 15 MINUTES.

11

12 (RECESS.)

13

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

17

18 THE COURT: WE'RE ON THE RECORD OUTSIDE THE
19 PRESENCE OF THE JURY.

20 YES, SIR.

21 MR. NEWHOUSE: YOUR HONOR, YOUR CLERK HAS ADVISED
22 THAT JUROR NO. 1 SAID THAT SHE SOMETIMES FINDS IT HARD TO
23 SEE THE DOCUMENTS THAT WE'RE BLOWING UP ON THE SCREEN.

24 THE COURT: YEAH.

25 MR. NEWHOUSE: THEY'RE ALL GOING TO BE IN EVIDENCE.
26 PERHAPS THE COURT CAN SAY THAT --

27 THE COURT: WELL, MAYBE I CAN HAVE HER MOVE UP AND
28 TAKE THE SEAT IN FRONT, AND WE CAN PULL THE SCREEN UP A

1 LITTLE CLOSER.

2 DOES SHE HAVE A VISION PROBLEM?

3 THE CLERK: SHE WEARS GLASSES AND SHE SAID --

4 THE COURT: I WEAR GLASSES, TOO.

5 THE CLERK: SHE SAID HER GLASSES ARE OLD.

6 MR. NEWHOUSE: MAYBE -- IT'S A GREAT IDEA BECAUSE
7 IF SHE SITS IN SEAT NO. 7, SHE MIGHT BE ABLE TO SEE
8 BETTER.

9 THE COURT: I'LL TRY TO ACCOMMODATE HER.

10 MR. NEWHOUSE: BUT THE OTHER THING YOU MIGHT BE
11 ABLE TO SAY, YOUR HONOR, IS REMIND THEM THAT THEY'RE GOING
12 TO HAVE THESE DOCUMENTS IN THE JURY ROOM WITH THEM.

13 THE COURT: IT'S STILL NICE TO BE ABLE TO SEE THEM
14 AS YOU TAKE THE TESTIMONY.

15

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

19

20 THE COURT: WE'RE BACK ON THE RECORD. ALL JURORS
21 ARE PRESENT AND IN PLACE. PARTIES ARE PRESENT. LAWYERS
22 ARE PRESENT. DR. BOHN HAS RESUMED THE WITNESS STAND.

23 I REMIND YOU, DOCTOR, THAT YOU REMAIN UNDER
24 OATH. UNDERSTOOD?

25 THE WITNESS: UH-HUH, YES.

26 THE COURT: JUROR NO. 1, IT'S BEEN REPORTED TO
27 ME -- JAIME?

28 JUROR NO. 1: YES.

1 THE COURT: -- MS. JAIME, THAT YOU'RE HAVING
2 DIFFICULTY READING THE EXHIBITS.

3 JUROR NO. 1: YEAH. THEY'RE A LITTLE SMALL FOR ME.

4 THE COURT: OKAY. YOU KNOW, JUST TO HELP
5 EVERYBODY, WHEN THEY'RE RECEIVED INTO EVIDENCE, YOU WILL
6 HAVE THEM IN THE JURY ROOM TO REFER TO --

7 JUROR NO. 1: OKAY.

8 THE COURT: -- AND SEE THEM UP CLOSE. BUT IF YOU'D
9 LIKE TO GET A LITTLE CLOSER, I CAN HAVE YOU MAYBE TRADE
10 SPOTS WITH MR. WILLIAMS IN FRONT OF YOU.

11 JUROR NO. 1: NO. I'M OKAY. I MEAN, THAT IT'S
12 JUST IF THERE'S A CHANCE THAT THEY COULD JUST ZOOM.

13 THE COURT: I MUST TELL YOU, I'M PRETTY CLOSE TO
14 THIS RIGHT NOW, AND I'M HAVING DIFFICULTY DECIPHERING
15 WHAT'S THERE.

16 THE WITNESS: I HAVE TROUBLE READING IT, TOO.

17 THE COURT: MAYBE --

18 JUROR NO. 1: EVEN THE TYPED ONE IS KIND OF LIKE
19 IT'S JUST --

20 THE COURT: LET ME KNOW. RAISE YOUR HAND IF
21 THERE'S -- YOU KNOW, IF I CAN EVEN PUT YOU UP FRONT IN
22 FRONT OF THE RAIL IF NEED BE.

23 JUROR NO. 1: OKAY. THANK YOU. THANK YOU.

24 THE COURT: ALL RIGHT. GO AHEAD.

25 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

26 Q GOOD MORNING, AGAIN, DR. BOHN.

27 I THINK WHEN WE BROKE, I WAS ASKING YOU
28 ABOUT SYMPTOMS OF PSYCHOSIS, AND YOU DESCRIBED THE

1 SYMPTOMS. WERE YOU MAKING -- THIS FORM HERE -- I'M USING
2 A RED LASER. MR. BLESSEY HAS A GREEN LASER.

3 SO THIS IS THE INITIAL EVALUATION FORM.
4 THIS IS WHAT YOU HAVE THE PATIENTS FILL OUT ON THE
5 FIRST -- IN THE INITIAL VISIT WITH THEM?

6 A NO. THAT'S WHAT I FILL OUT.

7 Q I'M SORRY. I KNOW THAT.

8 YOU TOOK THESE NOTES BASED UPON THE
9 INFORMATION THAT TARA WAS GIVING YOU AT THE FIRST VISIT,
10 CORRECT?

11 A CORRECT.

12 Q OKAY. SO LET'S SEE. SO THE DATE 11/1,
13 THAT'S NOVEMBER 1ST, 2007?

14 A YES.

15 Q AND WHAT DOES THIS SAY, "MEDS" SOMETHING?

16 A I ASKED HER WHAT BRINGS HER TO THE VISIT,
17 AND SHE SAYS, "MEDICATION AND MAYBE THERAPY." SO "C.C."
18 MEANS CHIEF COMPLAINT.

19 Q CHIEF COMPLAINT, SHE WANTED -- SHE WANTED
20 MEDICATION?

21 A MEDICATION AND THERAPY.

22 Q OKAY. AND "H.P.I.," WHAT DOES THAT STAND
23 FOR?

24 A HISTORY OF PRESENT ILLNESS.

25 Q OKAY. AND CAN YOU READ YOUR NOTES FOR US
26 HERE?

27 A "3 YEARS AGO" -- LET'S SEE, SOMETHING ABOUT
28 DRUGS, "SHE TOOK DRUGS." OH, IT'S HERE. SHE "HEARD

1 VOICES, SAW THINGS BOTH DURING AND AFTER" SHE WAS USING
2 THE DRUGS.

3 DO YOU WANT ME TO ADD TEXT OR JUST READ IT
4 EXACTLY AS IT IS?

5 Q NO. IF IT TRIGGERS YOUR RECOLLECTION OF
6 WHAT SHE WAS SAYING, PLEASE ADD EXPLANATION, YES.

7 A SO "METHAMPHETAMINE" SHE WAS USING FOR THE
8 LAST "8 MONTHS. MUSHROOMS, ECSTASY," EACH FOR THE LAST
9 YEAR. SHE "JUST CAME OUT OF A BREAKUP WITH A BOYFRIEND."

10 Q OKAY. YOU CAN GO PAST THAT. WE'VE COVERED
11 THAT. SO RIGHT HERE, "C.O.," CHIEF COMPLAINT?

12 A "COMPLAINS OF DECREASED SHORT-TERM MEMORY.
13 HAS TIME LOSS. CAN'T PLAN AHEAD. STARTED METHAMPHETAMINE
14 WITH DAVID." LET'S SEE. AND HAD WHAT SHE CALLED A
15 "CREATIVE EXPLOSION," STARTED "HEARING VOICES," AND WAS
16 HAVING -- SOME OF THE VOICES HAD "SPIRITUAL" CONTENT.
17 AUDITORY HALLUCINATIONS IS WHAT THE "A.H." MEANS.

18 Q OKAY.

19 A OKAY. "ATTACHED TO THE BACK OF HER NECK,
20 PULLING ON HER THROAT. PHYSICAL BODY STOPPED WORKING."

21 IN OTHER WORDS, SHE SAID SOMETHING TO THE
22 EFFECT THAT, "MY PHYSICAL BODY STOPPED WORKING. I HAVE
23 FATIGUE."

24 AND THEN SHE SAID ONE DOCTOR TOLD HER THAT
25 SHE HAD CANDIDA, WHICH IS A TYPE OF YEAST.

26 AND SHE ALSO SAW A NATUROPATH WHO GAVE HER
27 CORTACET, WHICH IS A STEROID. SHE "STOPPED ALL OF IT."

28 SHE'S BEEN TOLD SHE HAS AN "IMMUNE SYSTEM

1 DISORDER OR ALLERGIES." SHE'S ALSO BEEN TOLD SHE HAS
2 "CHRONIC FATIGUE," AND SHE COMPLAINS OF "CHRONIC FATIGUE,
3 CONFUSION," QUOTE, "'MIND FOG' AND TROUBLE THINKING."

4 Q "CURRENT STRESSORS," WHAT ARE CURRENT
5 STRESSORS?

6 A THREE YEARS AGO SHE WAS STALKED, KIDNAPPED,
7 ASSAULTED --

8 Q OKAY. LET ME INTERRUPT YOU. THAT'S THE
9 INCIDENT THAT WE TALKED ABOUT. WE DON'T NEED TO HEAR
10 FURTHER ABOUT THAT.

11 "PRODUCED"?

12 A "PRODUCED AND ACTED IN OWN FILMS. BUDWEISER
13 COMMERCIAL."

14 SHE SAID IT WAS STRESSFUL WHEN SHE WAS
15 WORKING.

16 Q LET'S GO TO THE NEXT PAGE, WHICH IS 115-5.
17 THIS IS, AGAIN, A FORM THAT YOU HAVE THAT YOU FILL OUT
18 DURING THE VISIT?

19 A YES.

20 Q OKAY. SO YOU CHECKED SOME BOXES HERE, "FEAR
21 OF GOING CRAZY"?

22 A YES.

23 Q YOU ASKED HER ABOUT THAT?

24 A YES.

25 Q OKAY. "DEPERSONALIZATION"?

26 A WOULD YOU LIKE ME TO EXPLAIN WHAT THAT IS?

27 Q I DON'T KNOW WHAT IT IS, SO IT WOULD BE
28 HELPFUL, YES.

1 A NO. I MEAN, THAT SET OF SYMPTOMS?

2 Q YES, PLEASE.

3 A SO HERE I'M TRYING TO FIND OUT IF SHE HAS
4 PANIC ATTACKS. AND SO TO DIAGNOSE A PANIC ATTACK, IF
5 SOMEBODY ENDORSES -- THAT MEANS SAYS "YES" TO FOUR OR MORE
6 OF THESE SYMPTOMS, THEN THEY ARE CONSIDERED TO HAVE HAD A
7 PANIC ATTACK IF IT OCCURS WITHIN A SUDDEN PERIOD OF TIME,
8 USUALLY PEAKING WITHIN A FEW SECONDS OR A COUPLE MINUTES.
9 SO THOSE ARE DIFFERENT SYMPTOMS THAT SHE SAID THAT SHE HAD
10 DURING HER PANIC ATTACKS.

11 Q "SOCIAL ANXIETY," SHE COMPLAINED OF BEING
12 ANXIOUS?

13 A YES, SHE DID.

14 Q WHAT DID SHE SAY IN THAT REGARD?

15 A SO I PUT PLUSES NEXT TO THE SYMPTOMS THAT
16 SHE ENDORSED, AND SHE SAID THAT WOULD MAKE HER ANXIOUS.
17 LET'S SEE. SO I ASKED HER, "IS BEING EMBARRASSED OR
18 LOOKING STUPID AMONG YOUR WORST FEARS?"

19 SHE SAID "YES."

20 "DOES FEAR OF EMBARRASSMENT CAUSE YOU TO
21 AVOID DOING THINGS OR SPEAKING TO OTHERS?"

22 SHE SAID "YES."

23 "DO YOU AVOID ACTIVITIES IN WHICH YOU ARE
24 THE CENTER OF ATTENTION?"

25 SHE AGAIN SAID "YES."

26 AND THEN DIFFERENT TYPES OF SITUATIONS WHERE
27 SHE SAID SHE HAD ANXIETY WERE -- I CIRCLED THE PUBLIC
28 "SPEAKING"; AND THEN "GROUPS," SPEAKING UP IN GROUPS;

1 TALKING TO "AUTHORITY FIGURES; DATING; MEETING STRANGERS."

2 Q DID YOU SEE SIGNS OR DID SHE INDICATE TO YOU
3 ANY SIGNS OF DEPRESSION DURING THIS FIRST MEETING?

4 A SOME.

5 Q CAN YOU TELL US ABOUT THAT?

6 A THAT WOULD BE ON THE NEXT PAGE.

7 Q OKAY.

8 A SO IN TERMS OF DEPRESSIVE SYMPTOMS, SHE SAID
9 SHE HAD "DECREASED SEX DRIVE," OR LIBIDO, "LOW MOTIVATION,
10 DECREASED CONCENTRATION. FATIGUE. SLEEP VARIES." HER
11 "APPETITE VARIED."

12 Q WHAT'S THIS? IT SAYS "S." SLASH "I." WHAT
13 DOES THAT STAND FOR?

14 A NO SUICIDAL THOUGHTS.

15 Q YOU ASKED HER ABOUT THAT?

16 A YES.

17 Q AND WHAT DOES THIS SAY?

18 A IT SAYS SHE HAD A HISTORY OF MAJOR
19 DEPRESSIVE EPISODE IN 1999 WHICH WAS TREATED WITH ZOLOFT.

20 Q AND THEN YOU WENT INTO DRUG USE WITH HER,
21 CORRECT?

22 A YES.

23 Q WHAT DID SHE TELL YOU?

24 A SHE SAID THAT SHE WAS USING METHAMPHETAMINE,
25 "2 TO 3 BINGES," WHICH WOULD LAST -- I'M SORRY -- "2- TO
26 3-DAY BINGES," WHICH AFTERWARDS SHE WOULD SLEEP FOR TWO
27 DAYS, AND SHE SAID SHE WAS DOING THAT OVER AN EIGHT-MONTH
28 PERIOD. SHE WAS "SMOKING" IT AND "SNORTING" IT. SAID SHE

1 WAS NOT USING IT I.V.

2 SHE THEN SAID SHE HAD NOT USED ANY DRUGS FOR
3 "3 YEARS," WHICH, OF COURSE, DOESN'T MAKE SENSE GIVEN WHAT
4 SHE SAID PRIOR TO THAT.

5 AND THEN SHE ALSO SAID THAT SHE USED
6 "COCAINE IN PAST" AND SHE DENIED USING ALCOHOL AND
7 MARIJUANA.

8 Q DID YOU REACH A DIAGNOSIS BASED UPON YOUR
9 FIRST MEETING WITH HER?

10 A I'M SORRY. YOU SAY YOU WANT ME TO READ MY
11 DIAGNOSIS?

12 Q YES. DID YOU -- WELL, YOU REACHED A
13 DIAGNOSIS. COULD YOU TELL US WHAT THAT WAS? IS THAT ON
14 THE NEXT PAGE?

15 A IT'S ON THE LAST PAGE, WHICH IS NO. 10.

16 Q OKAY.

17 A ALL RIGHT. SO LET ME PREFACE THIS WITH THIS
18 WAS MY FIRST MEETING WITH HER, AND TO MAKE A DIAGNOSIS OF
19 SOMEBODY WITH PSYCHOSIS OR SCHIZOPHRENIA, WE HESITATE TO
20 MAKE THAT WITHOUT HAVING SEEN THE PERSON SEVERAL TIMES,
21 ESPECIALLY GIVEN HER SYMPTOMS SINCE SOME OF THEM WERE
22 UNUSUAL. SO AT THIS POINT I WAS HOPING THAT SHE WOULD FIT
23 A DIAGNOSIS THAT HAD A BETTER PROGNOSIS, WHICH WOULD BE
24 DISSOCIATIVE DISORDER, AND THAT WOULD BE SOMETHING --

25 Q SO THAT'S RIGHT HERE, ITEM NO. 1?

26 A YES.

27 Q WHAT IS DISSOCIATIVE DISORDER?

28 A WELL, IT'S A VARIETY -- THERE'S A FEW

1 DIFFERENT TYPES. SO IT'S WHEN SOMEBODY HAS EPISODES OF
2 AMNESIA. THEY CAN HAVE SYMPTOMS OF WHAT WE CALL
3 DEPERSONALIZATION OR DEREALIZATION.

4 Q WHAT DOES THAT MEAN?

5 A THAT'S WHERE -- YOU KIND OF SEE IT IN THE
6 MOVIES WHERE DEPERSONALIZATION WOULD BE SORT OF OUT OF
7 BODY, LIKE YOU'RE WATCHING YOURSELF FROM ABOVE.

8 DEREALIZATION WOULD BE THE PEOPLE FEEL
9 REALLY SPACEY OR DETACHED. IT'S ALMOST LIKE THEY'RE
10 WATCHING A MOVIE. IT'S NOT REAL WHAT YOU'RE SEEING.

11 SO GIVEN HER HISTORY OF TRAUMA, I WAS HOPING
12 THAT THESE -- THAT THIS WAS SOME VARIATION OF MAYBE A
13 POSTTRAUMATIC STRESS DISORDER WITH SIGNIFICANT
14 DISSOCIATIVE SYMPTOMS.

15 Q ANYTHING ELSE?

16 A SO SHE HAD A HISTORY OF "MAJOR DEPRESSIVE
17 EPISODE IN 1999, SOCIAL PHOBIA, SOCIAL ANXIETY," I SAID,
18 "WITH PANIC ATTACKS."

19 Q PROBABLY NOT A GOOD THING TO HAVE IF YOU'RE
20 AN ASPIRING ACTRESS?

21 A YES. IN HINDSIGHT I WONDER IF THAT WASN'T
22 MORE PART OF HER PSYCHOTIC ILLNESS.

23 Q OKAY. CARRY ON.

24 A SHE WAS -- THEN I WROTE, "DISORGANIZED, NO
25 STRUCTURE. PROBABLE HISTORY OF METH PSYCHOSIS, A HISTORY
26 OF METHAMPHETAMINE ABUSE. HYPOTHYROIDISM. PANIC ATTACKS
27 WITH DEPERSONALIZATION. AND POSTTRAUMATIC STRESS DISORDER
28 DUE TO KIDNAPPING AND ABUSE."

1 Q SOUNDS LIKE A RELATIVELY SERIOUS PROBLEM.

2 A VERY COMPLEX, YES.

3 Q AND WHAT WAS THE TREATMENT PLAN, IF ANY?
4 WHAT -- HOW DID YOU -- WHAT WAS YOUR THOUGHT IN TERMS OF
5 APPROACHING HOW TO TREAT THIS PATIENT?

6 A WELL, SO I WOULD -- I WOULD BREAK IT INTO
7 THREE PARTS: ONE WAS TO CONTINUE TO SEE HER, GET TO KNOW
8 HER BETTER, TRY TO FIGURE OUT A LITTLE MORE SPECIFICALLY
9 WHAT HER ISSUES WERE, SINCE THIS WAS ONLY THE FIRST TIME
10 I'D SEEN HER, SO CONTINUE WITH THE DIFFERENTIAL DIAGNOSIS.
11 SECONDLY, TO SEE HER FOR A WEEKLY THERAPY.
12 AND, THIRDLY, TO PUT HER ON MEDICATION TO
13 HELP HER WITH HER ANXIETY AND AGITATION.

14 Q WHAT MEDICATIONS DID YOU PRESCRIBE?

15 A FIRST VISIT LOOKS LIKE I STARTED HER ON JUST
16 THE KLONOPIN, 0.5 MILLIGRAMS.

17 Q OKAY. WHAT DOES KLONOPIN DO?

18 A KLONOPIN IS AN ANTIANXIETY AGENT,
19 TRANQUILIZER.

20 Q DID YOU PUT HER ON ANYTHING ELSE AT LEAST
21 INITIALLY?

22 A NO.

23 Q NOW, YOU SAW TARA FROM NOVEMBER 1ST, 2007,
24 AND YOUR FINAL VISIT WITH HER WAS EARLY FEBRUARY 2010; IS
25 THAT RIGHT?

26 A FINAL VISIT WAS -- YES, IT WAS EARLY
27 FEBRUARY. I CAN GIVE YOU THE DATE HERE. I'M SURE IT'S AT
28 THE END. 2/9/10.

1 Q AND YOU'RE READING. JUST GIVE US THE PAGE
2 NUMBER ON THAT EXHIBIT 115.

3 A 34.

4 Q 34, OKAY. SO HOW MANY TIMES WOULD YOU SAY
5 YOU SAW TARA IN THAT TIME FRAME, 2007 TO 2010?

6 A I BELIEVE SHE WAS SCHEDULED FOR 22 VISITS,
7 BUT SHE MISSED ABOUT FOUR OR FIVE OF THOSE.

8 Q NOW, A PATIENT THAT HAS THIS DEGREE OF
9 SERIOUS AILMENTS, PSYCHIATRIC AILMENTS, IS IT UNUSUAL FOR
10 THOSE PATIENTS TO MISS APPOINTMENTS?

11 A NO.

12 Q NOW, BETWEEN THE FIRST AND THE LAST VISIT,
13 HOW DID TARA'S SYMPTOMS CHANGE, IF AT ALL?

14 A SHE BECAME MORE DRUG-SEEKING AND --

15 Q DID SHE BECOME BETTER OR WORSE OVER TIME AS
16 YOU SAW HER?

17 A I WOULD SAY WORSE.

18 Q AND BY DRUG-SEEKING, WHAT DO YOU MEAN --

19 A WELL, AFTER THE FIRST FEW APPOINTMENTS, SHE
20 WOULD ASK FOR EITHER STIMULANTS OR PAINKILLERS WHEN SHE
21 CAME IN.

22 Q AND BY "STIMULANTS," WHAT STIMULANTS WOULD
23 SHE ASK FOR?

24 A I DON'T KNOW IF IT WAS SPECIFIED, BUT
25 PROBABLY RITALIN.

26 Q AND BY "PAINKILLERS," WHAT DID SHE
27 SPECIFICALLY ASK FOR CERTAIN PAINKILLERS?

28 A NOT THAT I RECALL.

1 Q WHEN SHE ASKED YOU FOR PAINKILLERS, WHAT DID
2 YOU TELL HER?

3 A I TOLD HER TO SEE AN INTERNIST OR A
4 SPECIALIST AND THAT I DON'T PRESCRIBE OPIATE MEDICATION.

5 Q AND HOW DID SHE REACT TO THAT WHEN YOU TOLD
6 HER THAT YOU WOULD NOT PROVIDE HER WITH ANY OPIATES?

7 A SHE WAS UNHAPPY.

8 Q DID YOU ON OCCASION -- WELL, LET ME ASK YOU,
9 YOU HAD MORE THAN 20 VISITS WITH HER OR APPROXIMATELY 20.

10 HOW MANY OF THOSE VISITS DID HER FIANCEE
11 DAVID MAC EACHERN ATTEND?

12 A PERHAPS A THIRD.

13 Q AND WERE THERE OCCASIONS WHEN YOU TOLD TARA
14 AND DAVID TOGETHER THAT YOU STRONGLY DISCOURAGED THE USE
15 OF METHAMPHETAMINES?

16 A MOST CERTAINLY.

17 Q DID YOUR DIAGNOSIS OF TARA CHANGE OVER TIME?

18 A YES.

19 Q HOW DID IT CHANGE?

20 A I STARTED TO SEE HER AS BEING MORE
21 SCHIZOPHRENIC.

22 Q FOR THOSE OF US WHO ARE NOT PSYCHIATRISTS,
23 WHAT DOES THAT MEAN IN TERMS OF WHAT'S GOING ON IN THE
24 PATIENT'S HEAD?

25 MAYBE WE SHOULD START WITH, WHAT IS
26 SCHIZOPHRENIA?

27 A WELL, SCHIZOPHRENIA, WE'RE STILL SORTING IT
28 OUT, OF COURSE, SO YOU MIGHT THINK OF IT AS BOTH A

1 DEVELOPMENTAL DISORDER AND -- WE CAN SEE THAT EVEN IN
2 YOUNG CHILDREN SOMETIMES THERE CAN BE CHANGES IN THE
3 BRAIN, BUT ALSO WE'RE STARTING TO SEE IT AS A
4 NEURODEGENERATIVE DISORDER, SOMETHING LIKE PARKINSON'S OR
5 MULTIPLE SCLEROSIS WHERE THE BRAIN IS DETERIORATING OVER
6 TIME. SO IT'S BOTH.

7 THERE'S PROBABLY -- YOU'RE PROBABLY BORN
8 WITH SOME SORT OF -- SOME SORT OF CONGENITAL
9 PREDISPOSITION FOR IT, AND THERE MAY EVEN BE SOME BRAIN
10 ABNORMALITIES THAT SHOW UP OVER TIME. AND THEN AS LIFE
11 GOES ON AND THE MORE EPISODES SOMEBODY HAS, YOU CAN
12 ACTUALLY SEE DETERIORATION OF THE BRAIN OVER TIME.

13 Q AND BY "DETERIORATION OF THE BRAIN," IS
14 THERE A CONCERN FOR NEUROTRANSMITTERS NOT REACTING THE WAY
15 THEY SHOULD BE IN THE BRAIN?

16 A THAT CAN BE PART OF IT, YES.

17 Q DID YOU HAVE AN OPINION AS TO THE CAUSE OF
18 THE PSYCHOSIS THAT YOU SAW DEVELOPING?

19 A YES. I THOUGHT THAT MORE THAN LIKELY SINCE
20 SHE WAS ATYPICAL, IT'S VERY UNUSUAL FOR SOMEONE TO SAY
21 THAT THEY HAVE VOICES PULLING FROM THE BACK OF THEIR NECK.

22 TYPICALLY, IT'S "I HEAR VOICES AND THEY'RE
23 CRITICAL AND/OR THEY'RE SAYING RELIGIOUS THINGS." IT'S
24 UNUSUAL TO HAVE THAT KIND OF ALMOST FLAIR TO THEM TO BE A
25 LITTLE UNUSUAL IN THAT SENSE.

26 AND ALSO SHE -- HER SOCIAL SKILLS WERE
27 MOSTLY INTACT, WHICH MADE IT MUCH MORE DIFFICULT TO
28 RECOGNIZE WHAT SHE WAS SUFFERING FROM.

1 SINCE SHE WAS SO -- STILL NOT REALLY
2 IMPAIRED SOCIALLY, YOU WOULDN'T REALLY KNOW THAT SHE HAD
3 THESE KIND OF PROBLEMS UNLESS YOU ASKED HER SPECIFIC
4 QUESTIONS.

5 BUT WITH HER AUDITORY HALLUCINATIONS AND HER
6 DELUSIONS THAT THESE VOICES WERE CONTROLLING HER AND HER
7 EXTREME DISORGANIZATION, ALONG WITH HER DIFFICULTY, WE
8 CALL THEM NEGATIVE SYMPTOMS WHERE PEOPLE HAVE TROUBLE
9 MOTIVATING THEMSELVES, LACK INITIATIVE, AND IT'S LIKE --
10 IT'S ALMOST LIKE THEIR WILL POWER HAS SORT OF EVAPORATED.
11 NOW, SHE -- SO SHE STRUGGLED HARD AGAINST THAT.

12 AND THEN THE OTHER MAIN THING YOU SEE IS A
13 DETERIORATION IN FUNCTIONING, THAT I BELIEVE SHE WAS ABLE
14 TO GO TO COLLEGE AND GRADUATE. AND THE TARA THAT I SAW
15 WAS NOT AT THAT LEVEL. THAT MUST HAVE BEEN WHEN SHE WAS
16 IN COLLEGE. SO SHE HAD HAD A DETERIORATION IN
17 FUNCTIONING.

18 SHE WAS COMPLAINING ABOUT DIFFICULTY JUST
19 GETTING IT TOGETHER TO GO OUT OF THE HOUSE.

20 Q NOW, YOU SAID SOMETHING THAT WAS
21 INTERESTING. HER SOCIALIZATION SKILLS APPEARED TO BE
22 INTACT.

23 AND BY THAT DO YOU MEAN THAT SHE COULD
24 FUNCTION FOR THE MOST PART IN THE REAL WORLD? SHE COULD
25 DEAL WITH PEOPLE AND COMMUNICATE WITH THEM?

26 A YES.

27 Q AND IS IT A FACT THAT SOMEONE SUFFERING FROM
28 HER PSYCHIATRIC ILLNESSES ON A GIVEN DAY COULD APPEAR TO

1 BE 100 PERCENT NORMAL AND IN FULL POSSESSION OF HER
2 FACULTIES?

3 A YES.

4 Q WHAT WAS TARA'S PROGNOSIS, SAY, IN 2008
5 AFTER YOU BEGAN TO SEE SOME OF THIS DETERIORATION?

6 A WELL, I CAN'T REMEMBER IF IT BECAME CLEAR
7 THAT SHE WAS CONTINUING TO ABUSE DRUGS AT THAT POINT OR
8 NOT. BUT ONCE IT BECAME CLEAR THAT SHE WAS CONTINUING TO
9 ABUSE METHAMPHETAMINE, DESPITE DIRE WARNINGS THAT I GAVE
10 HER ABOUT THAT, AND BESIDES TELLING HER THAT I THINK THAT
11 THAT MAY BE WHAT LIKELY TRIGGERED HER PSYCHOSIS IN THE
12 FIRST PLACE, IT BECAME POOR.

13 Q IS IT -- WELL, DO YOU RECALL WHETHER TARA
14 CONTINUED TO COMPLAIN OF HEARING THESE VOICES THROUGHOUT
15 YOUR TREATMENT OF HER?

16 A THROUGHOUT TREATMENT WITH ME, YES.

17 Q I'D LIKE TO GO TO PAGE 34.

18 MR. NEWHOUSE: YOUR HONOR, I'M GOING TO MOVE THE
19 ENTIRE EXHIBIT FOR DR. BOHN IN EVIDENCE BECAUSE I'D LIKE
20 TO SHOW CERTAIN PAGES FROM IT.

21 THE COURT: ANY OBJECTION?

22 MR. BLESSEY: NO, YOUR HONOR.

23 THE COURT: RECEIVED.

24

25 (RECEIVED INTO EVIDENCE, JOINT
26 EXHIBITS 115-1 TO 115-106.)

27

28 BY MR. NEWHOUSE:

1 Q LET'S LOOK AT 115-34. DO YOU HAVE THE PAGE
2 THERE?

3 A YES.

4 Q SO THIS, FEBRUARY 9TH, 2010, IS THAT THE
5 LAST VISIT?

6 A YES.

7 Q AND WOULD YOU -- IS ALL THE LANGUAGE ON THIS
8 FORM WHEN YOU WRITE IT IN EACH TIME OR WOULD YOU START
9 WITH THE FORM FILLED OUT WITH SOME OF THE INFORMATION
10 ALREADY ON IT? WHAT WAS YOUR PRACTICE?

11 A WELL, SO WHAT I DO IS SINCE I DIDN'T WANT TO
12 SPEND THE TIME AND FIGURE OUT HOW TO GET A COMPUTER TO
13 PRINT IT OUT, I WOULD JUST WRITE IT OUT LONG-HAND, AND
14 THEN I WOULD COPY IT EACH TIME SO THAT I HAD ALL OF HER
15 PERTINENT INFORMATION IN FRONT OF ME. AND THEN I WOULD
16 ADD TO -- ADD TO IT WHENEVER THERE WAS A CHANGE.

17 Q SO YOU'RE SAYING A LOT OF THIS INFORMATION
18 WAS INFORMATION YOU RECORDED DURING PRIOR VISITS INCLUDING
19 THE FIRST VISIT?

20 A YES.

21 Q ALL RIGHT. SO UP HERE AT THE TOP IT SAYS,
22 "FEELS ABILIFY DOESN'T HELP WITH VOICES"; IS THAT RIGHT?

23 A YES.

24 Q WHAT IS ABILIFY?

25 A ABILIFY IS AN ANTIPSYCHOTIC MEDICATION.

26 Q AND YOU ACTUALLY LIST HERE UNDER -- LET ME
27 KICK IT OUT OF THE WAY.

28 DO YOU HAVE THE MEDICATIONS LISTED HERE ON

1 THE RIGHT?

2 A YES.

3 Q AND WHAT MEDICATIONS AS OF FEBRUARY 9, 2010,
4 DID YOU HAVE HER ON?

5 A WELL, LET'S SEE. I HADN'T SEEN HER FOR A
6 WHILE BEFORE THAT. I THINK IT HAD BEEN ABOUT SEVEN
7 MONTHS, SO --

8 Q WAS THAT BECAUSE YOU TOLD HER THAT SHE
9 DIDN'T NEED TO COME IN AND SEE YOU?

10 A NO. SHE WAS -- WE CALL IT LOST TO FOLLOW
11 UP. SO IN OTHER WORDS, I MEAN, SOMEONE LIKE HER I PREFER
12 TO SEE WEEKLY, IF POSSIBLE, BUT SHE, I THINK, HAD GONE
13 BACK EAST, BUT I DIDN'T KNOW WHAT WAS HAPPENING WITH HER
14 FOR SEVERAL MONTHS.

15 SO THIS IS WHEN SHE CAME BACK IN, AND IT
16 SOUNDED LIKE SHE WANTED TO RESUME TREATMENT WITH ME, SO I
17 HAD HAD HER ON EFFEXOR 75 AND RISPERDAL. YOU SEE BOTH OF
18 THOSE ARE CROSSED OUT.

19 Q WHERE ARE THEY, RIGHT HERE?

20 A YEAH, THAT'S EFFEXOR.

21 Q WHAT IS EFFEXOR?

22 A ANTIDEPRESSANT.

23 Q COURT REPORTER WOULD APPRECIATE IT IF YOU
24 CAN SPELL IT FOR HER.

25 A E-F-F-E-X-O-R AND THEN CAPITAL "X," CAPITAL
26 "R," AND 75 MILLIGRAMS.

27 Q OKAY. AND WHAT DOES THAT DRUG DO?

28 A IT HAS ANTIDEPRESSANT EFFECTS AND

1 ANTIANXIETY EFFECTS.

2 Q WHEN WAS SHE TAKING THAT OR -- STRIKE THAT.
3 WHEN HAD YOU PRESCRIBED THAT MEDICATION TO
4 HER?

5 A WHEN I FIRST PRESCRIBED IT? YOU WANT TO
6 KNOW WHEN I FIRST PRESCRIBED IT, OKAY.

7 Q APPROXIMATE DATE WOULD BE FINE.

8 A SHE HAD BEEN ON IT FOR QUITE A WHILE. IT
9 LOOKS LIKE -- HERE, I'M GOING BACK TO MARCH 2008, JANUARY
10 2008.

11 Q THAT'S GOOD ENOUGH FOR PRESENT PURPOSES.
12 LET ME ASK YOU, HAD YOU PRESCRIBED HER ANY
13 ANTIDEPRESSANTS?

14 A THAT'S WHAT EFFEXOR IS.

15 Q STRIKE THAT.
16 HOW ABOUT CYMBALTA; WHAT KIND OF A DRUG IS
17 THAT?

18 A IT'S SIMILAR TO EFFEXOR.

19 Q DID YOU PUT HER ON CYMBALTA?

20 A NO.

21 Q WHAT OTHER MEDICATION -- WHAT'S THIS SAY
22 RIGHT UNDER "EFFEXOR"?

23 A "NORCO EVERY 6 HOURS."

24 Q I THOUGHT YOU SAID YOU DIDN'T PRESCRIBE
25 OPIATES FOR HER.

26 A I DON'T, BUT THIS IS ALL THE MEDICINES THAT
27 SHE'S ON, WHETHER OR NOT I PRESCRIBE THEM.

28 Q "ABILIFY." THEN WE HAVE "VALIUM"?

1 A YES. "5 MILLIGRAMS AS NEEDED."

2 Q DO YOU KNOW WHO PRESCRIBED THE NORCO FOR HER
3 AS OF FEBRUARY 9, 2010?

4 A NO. AGAIN, I HADN'T SEEN HER FOR SEVERAL
5 MONTHS.

6 Q WHAT IS T4, T3?

7 A THAT'S THYROID REPLACEMENT.

8 Q AND THEN KLONOPIN?

9 A YES.

10 Q THAT IS A DRUG THAT YOU PRESCRIBED FOR HER
11 EARLY ON?

12 A YES.

13 Q WAS SHE -- HOW LONG WAS SHE TAKING KLONOPIN?

14 A I PRESCRIBED IT THE FIRST VISIT, AND SHE
15 FOUND THAT MORE HELPFUL THAN ANYTHING ELSE I GAVE HER, AND
16 AS FAR AS I KNOW, SHE WAS ON THAT CONSISTENTLY.

17 Q AND AMBIEN IS THE SLEEPING PILL?

18 A YES.

19 Q MOST PEOPLE KNOW ABOUT IT. VERY COMMON.

20 LET ME DIRECT YOUR ATTENTION BACK TO -- GO
21 TO PAGE 16, WHICH LOOKS LIKE A TELEPHONE MESSAGE DATED
22 JANUARY 8, 2008.

23 SO THIS IS -- WHOSE HANDWRITING IS THIS?

24 A MINE.

25 Q OKAY. AND YOU'VE WRITTEN, "JANUARY 8,
26 2008"?

27 A YES.

28 Q IS THIS A TELEPHONE MESSAGE?

1 A I WAS PAGED.

2 Q YOU WERE PAGED AT WHAT TIME?

3 A 8:00 P.M.

4 Q AND YOU WROTE, "TARA," THE PATIENT'S NAME?

5 A YES.

6 Q PHONE NUMBER, IS THAT THE NUMBER THAT WAS
7 PAGING YOU?

8 A YES.

9 Q AND THEN YOU WROTE, "AND DAVID"?

10 A I DON'T KNOW WHAT THE "O" IS.

11 Q DAVID WOULD HAVE BEEN -- YOU WERE PAGED BY
12 MR. MAC EACHERN?

13 A IS THAT DAVID'S LAST NAME?

14 Q YES.

15 A YES.

16 Q AND WHAT WAS -- WHY WAS DAVID PAGING YOU?
17 WHAT DID HE SAY -- WELL, STRIKE THAT.

18 DID YOU CALL HIM BACK?

19 A YES.

20 Q AND YOU SPOKE TO DAVID?

21 A I'M NOT SURE IF I SPOKE TO HIM OR TARA OR
22 BOTH.

23 Q OKAY. AND WHAT WAS RELATED TO YOU WHEN YOU
24 SPOKE TO EITHER TARA OR DAVID ON JANUARY 8, 2008?

25 A THAT SHE HAD DECREASED MOOD, SUICIDAL
26 THOUGHTS, THAT SHE WAS GOING TO AMSTERDAM, AND SHE WAS
27 GOING TO TAKE HER PILLS.

28 AND THEN I ASKED WHAT MEDICINES SHE WAS ON.

1 SHE SAID, "KLONOPIN; SEROQUEL," WHICH IS AN
2 ANTIPSYCHOTIC; AND "EFFEXOR," WHICH IS THE ANTIDEPRESSANT
3 WE TALKED ABOUT BEFORE.

4 Q SO THESE THREE -- KLONOPIN, SEROQUEL, AND
5 EFFEXOR -- WERE DRUGS THAT YOU PRESCRIBED FOR THE
6 TREATMENT OF HER PSYCHIATRIC ILLNESSES, CORRECT?

7 A YES.

8 Q SO WITH RESPECT TO AMSTERDAM, WAS IT RELATED
9 TO YOU THAT TARA WAS TALKING ABOUT GOING TO AMSTERDAM SO
10 SHE COULD COMMIT SUICIDE?

11 A I DON'T BELIEVE SO. I THINK I WOULD HAVE
12 WRITTEN THAT.

13 Q YOU SAID, "GOING TO AMSTERDAM AND TAKE
14 PILLS." AND THAT'S RIGHT BELOW "SUICIDAL IDEATION,"
15 CORRECT?

16 A I THINK THAT I MEANT THAT SHE WAS GOING TO
17 TAKE HER MEDICATIONS WITH HER.

18 Q WERE THERE OTHER INSTANCES IN YOUR
19 THREE-YEAR TREATMENT OF TARA WHERE YOU EXPERIENCED OR SAW
20 SIGNS OF WHAT WE CALL SUICIDAL IDEATION?

21 A YES, SHE HAD SUICIDAL THOUGHTS ON AND OFF
22 THROUGH A LOT OF THE TIME THAT I SAW HER.

23 Q TELL THE JURY WHAT SUICIDAL IDEATIONS ARE.
24 HOW WOULD A PSYCHIATRIST DEFINE THAT?

25 A WELL, SO THERE'S WHAT WE CALL A SPECTRUM OF
26 SUICIDAL THOUGHTS, AND THEY CAN GO ALL THE WAY FROM, "IT
27 WOULD BE OKAY IF I DON'T WAKE UP TOMORROW" TO "I'M NOT
28 SURE IF I WANT TO LIVE ANYMORE" TO "I'M GOING TO DO

1 SOMETHING TO HURT MYSELF" TO HAVING A PLAN OF WHAT ONE
2 MIGHT DO, MIGHT -- "I'M EITHER GOING TO HANG MYSELF OR
3 SHOOT MYSELF."

4 AND THEN AT THE HIGHER END OF THE SPECTRUM
5 WOULD BE A SPECIFIC PLAN. "I'M GOING TO BUY A GUN AT THIS
6 STORE AND SHOOT MYSELF AT THIS TIME AND THIS PLACE."

7 AND THEN, OF COURSE, WHEN IT GETS MORE
8 SPECIFIC LIKE THAT, THEN -- AND ALSO SOMETHING WE CALL
9 INTENT, WHICH IS, "SO YOU'VE THOUGHT ABOUT THAT. IS THAT
10 SOMETHING YOU THINK YOU MIGHT ACTUALLY ACT ON?"

11 "NO, NO, I WOULD NEVER DO THAT BECAUSE DA,
12 DA, DA." AND THEN YOU TAKE IT A LITTLE -- YOU'RE STILL
13 CONCERNED, OF COURSE, BUT YOU MAY NOT PUT THE PERSON IN
14 THE HOSPITAL AT THAT POINT. SO IT DEPENDS ON WHERE THEY
15 ARE IN THE SPECTRUM.

16 SUICIDAL THOUGHTS ARE EXTREMELY COMMON;
17 THEY'RE PART OF ANXIETY AND DEPRESSION. AND SO YOU ONLY
18 TAKE THE EXTREME APPROACH OF PUTTING SOMEBODY IN THE
19 HOSPITAL -- ESPECIALLY IF IT'S AGAINST THEIR WILL BECAUSE
20 MOST THE TIME PEOPLE DON'T WANT TO GO -- IF YOU THINK THAT
21 THEY'RE ACUTELY SUICIDAL, WHICH MEANS YOU THINK THAT
22 THAT'S SOMETHING THAT THEY'RE GOING TO ACT ON IN THE NEAR
23 FUTURE.

24 Q SO IF YOU HEAR SUICIDAL TALK AND IT'S
25 SERIOUS ENOUGH TO INDICATE AN INTENT, THEN YOU WOULD HAVE
26 THE PATIENT COMMITTED. IS THAT PURSUANT TO 5150 OF THE
27 WELFARE AND INSTITUTIONS CODE, STATE OF CALIFORNIA?

28 A FIRST, YOU'D SEE IF THEY WOULD GO

1 VOLUNTARILY, BUT IF NOT, THEN YOU WOULD HAVE TO --
2 ACTUALLY, THESE DAYS YOU WOULD HAVE TO CALL THE POLICE,
3 AND THEN THEY WOULD DO THE 5150.

4 THE COURT: IS THAT THE 72-HOUR?

5 THE WITNESS: YES.

6 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

7 Q SO THAT ALLOWS THE PATIENT TO BE HELD FOR 72
8 HOURS INVOLUNTARILY WHILE A CLOSER IN-DEPTH EXAMINATION OF
9 THE PATIENT VIS-A-VIS SUICIDE CAN BE DONE; IS THAT RIGHT?

10 A YES. BASICALLY TO KEEP THEM SAFE UNTIL THE
11 SUICIDAL THOUGHTS DECREASE OR GO AWAY, YES.

12 Q SO WOULD YOU MAKE NOTES -- WELL, STRIKE
13 THAT.

14 LEAVING ASIDE THAT, I TAKE IT TARA'S
15 EXPRESSIONS OF SUICIDE TO YOU NEVER REACHED THE POINT
16 WHERE YOU DEEMED THAT THEY WERE AT THE HIGHEST LEVEL OF
17 EXERCISING A PRESENT PLAN AND INTENT, CORRECT?

18 A CORRECT.

19 Q SO SHE WAS NEVER INSTITUTIONALIZED PURSUANT
20 TO 5150 OF THE WELFARE AND INSTITUTIONS CODE, RIGHT?

21 A AS FAR AS I KNOW.

22 Q BUT IS IT FAIR TO SAY THAT YOU STILL SAW
23 SUICIDAL IDEATION OR EXPRESSIONS AS SOMETHING SERIOUS THAT
24 YOU WANTED -- YOU WOULD TRACK AS HER PSYCHIATRIST, KEEP
25 TRACK OF?

26 A ABSOLUTELY.

27 Q AND WHERE ON YOUR MEDICAL FORM OR YOUR MED
28 FOLLOW-UP -- LET'S LOOK AT PAGE 33, EXHIBIT 115-33.

1 JUST A SECOND. LET'S GET THE DATE FIRST.

2 THIS IS LIKE A FOLLOW-UP VISIT WITH TARA?

3 A YES.

4 Q YOU DON'T HAVE THE DATE ON IT?

5 A OH, THAT'S MY TEMPLATE.

6 Q THAT'S YOUR TEMPLATE. OKAY. SO THIS WAS --
7 THIS YOU WOULD USE AT EVERY VISIT?

8 A YES. AND THEN I WOULD STRIKE OUT OR CHANGE
9 OR ADD DEPENDING ON WHAT WAS DIFFERENT THAT VISIT.

10 Q SO IF THERE WAS SUICIDAL INTENT OR -- STRIKE
11 THAT -- SUICIDAL IDEATION, THEN YOU WOULD MAKE A NOTE OF
12 IT HERE; IS THAT RIGHT?

13 A YES. AND I CIRCLED IT TO BE SURE TO DRAW MY
14 ATTENTION TO IT SO THAT I ASK HER ABOUT IT EVERY VISIT.

15 Q OKAY. IS IT CORRECT THAT TARA DENIED
16 SUICIDAL THOUGHTS ON HER FIRST VISIT?

17 A YES.

18 Q WHAT'S THE FIRST MENTION OF -- AM I ALSO
19 CORRECT, THAT JANUARY 8, 2008, PAGE, WAS THAT THE FIRST
20 TIME THAT TARA EXPRESSED AN INTENT TO COMMIT SUICIDE THAT
21 YOU KNOW OF?

22 A IS THAT THE ONE WE LOOKED AT?

23 Q YES.

24 A I BELIEVE SO.

25 Q HOW MANY TIMES OVER THE TREATMENT OF THE
26 SEVERAL YEARS DID TARA TELL YOU THAT SHE WAS CONTEMPLATING
27 SUICIDE OR THINKING ABOUT IT OR TALKING ABOUT IT, ANY OF
28 THOSE?

1 A I THINK AFTER THAT DATE THAT YOU MENTIONED
2 AND THAT WE LOOKED AT EARLIER, THAT PRETTY MUCH EVERY
3 VISIT, I BELIEVE.

4 Q SHE WOULD TALK ABOUT IT EVERY VISIT?

5 A I WOULD ASK HER ABOUT IT EVERY VISIT, AND
6 SHE WOULD -- SHE WOULD TELL ME THAT IT'S STILL A THOUGHT,
7 BUT THEN I WOULD TRY TO ASCERTAIN HOW INTENSE IT WAS AT
8 THAT POINT.

9 Q LET'S CHANGE THE TOPIC A LITTLE BIT.

10 DID THERE COME A TIME WHEN TARA WAS ADMITTED
11 TO THE EMERGENCY ROOM AT CEDARS-SINAI DUE TO A PSYCHIATRIC
12 EMERGENCY?

13 A I KNOW SHE WAS ADMITTED. I'M NOT SURE WHAT
14 THE CHIEF COMPLAINT WAS AT THE TIME OF ADMISSION THERE.

15 Q WELL, LET'S GO TO PAGE 54.

16 MR. NEWHOUSE: ALL IN EXHIBIT 115, YOUR HONOR.

17 Q 115-54 APPEARS TO BE A TELEPHONE MESSAGE.

18 DO YOU HAVE THAT DOCUMENT IN FRONT OF YOU
19 SIR?

20 A YES.

21 Q YOU RECOGNIZE THIS TO BE A TELEPHONE
22 MESSAGE, THAT THIS UPPER PORTION LOOKS LIKE HANDWRITING OF
23 SOMEONE WHO IS CLEARLY NOT YOU?

24 A UH-HUH.

25 THE REPORTER: "YES"?

26 BY MR. NEWHOUSE:

27 Q IT'S READABLE?

28 THE REPORTER: "YES"?

1 THE WITNESS: YES.

2 BY MR. NEWHOUSE

3 Q OKAY. WHOSE HANDWRITING IS THE UPPER
4 PORTION OF THE NOTE?

5 A MY SECRETARY.

6 Q WHAT'S HER NAME?

7 A LATASHA.

8 Q LATASHA. AND SO SHE'S TAKEN A NOTE.

9 THEN THERE'S SOME HANDWRITING AT -- BELOW
10 THAT THAT LOOKS LIKE YOUR HANDWRITING?

11 A YES.

12 Q SO LET'S GO TO THE FIRST ONE.

13 CAN WE MAKE OUT THE DATE, SOME POINT IN '09?

14 A LOOKS LIKE A 7.

15 Q BUT IT'S HARD TO SAY BECAUSE IT'S SOMEWHAT
16 OBLITERATED, RIGHT?

17 A YEAH.

18 Q OKAY. SO A CALL CAME IN AT 11:21 A.M.,
19 RIGHT?

20 A YES.

21 Q "TARA DE ROGATIS," AND THERE'S A PHONE
22 NUMBER, AND THEN IT SAYS, "HAVING AN EMERGENCY. I NEED TO
23 SPEAK" --

24 WHAT DOES THIS SAY?

25 A "WITH YOU."

26 Q "WITH YOU." WHY DON'T YOU JUST READ THE
27 MESSAGE FOR US.

28 A "HAVING AN EMERGENCY. I NEED TO SPEAK WITH

1 YOU. I'M IN A LOT OF PAIN, BECOMING SUICIDAL BECAUSE OF
2 ALL THE PAIN."

3 Q AND YOU RETURNED THE CALL, AND YOU SPOKE TO
4 THE PATIENT, CORRECT?

5 A YES.

6 Q WHAT DID SHE TELL YOU?

7 A I BELIEVE IT WAS SIMILAR TO WHAT THE -- WHAT
8 WE JUST READ. AND, AGAIN, THIS WAS WHILE SHE WAS IN THE
9 DRUG-SEEKING MODE OF ASKING FOR OPIATE MEDICATION, AND SO
10 I MUST HAVE TOLD HER, "I DON'T PRESCRIBE OPIATE
11 MEDICATION," AND THAT IF SHE'S HAVING INTENSE PAIN, SHE
12 NEEDS TO SEE HER -- "P.C.P." MEANS PRIMARY CARE DOCTOR.

13 Q LET ME STOP YOU RIGHT HERE. SO THIS SAYS
14 "TOLD"?

15 A YES.

16 Q "DON'T PRESCRIBE OPIATES"?

17 A OH, I TOLD HER, "I DON'T PRESCRIBE OPIATES."

18 Q SHE ALREADY KNEW THAT BECAUSE SHE'D ASKED
19 YOU ON SEVERAL OCCASIONS BY THAT POINT, CORRECT?

20 A YES.

21 Q YOU TOLD HER AGAIN?

22 A UH-HUH.

23 THE REPORTER: "YES"?

24 THE WITNESS: YES.

25 BY MR. NEWHOUSE:

26 Q AND BELOW THAT, WHAT DOES IT SAY, SOMETHING
27 ABOUT ABILIFY?

28 A I SAID -- I ASKED HER TO INCREASE HER

1 ABILIFY BY 2 MILLIGRAMS TO HELP WITH HER AGITATION. AND
2 THEN I'M SURE I WOULD HAVE ALSO ASKED HER TO COME IN AND
3 SEE ME, WHICH IS STANDARD PROCEDURE.

4 Q OF COURSE. IS IT YOUR MEMORY, WAS THIS
5 BEFORE OR AFTER OR AT THE SAME TIME AS THE FEBRUARY 2009
6 CEDARS ADMISSION?

7 A I'M NOT SURE, ALTHOUGH I THINK -- ISN'T
8 THERE A NOTE HERE SOMEWHERE ABOUT THAT?

9 Q THERE COULD BE.

10 A I BELIEVE THERE IS.

11 Q LET'S SEE IF WE CAN FIND IT. WE KNOW THE
12 DATE OF THE ADMISSION WAS FEBRUARY 2009.

13 MR. BLESSEY: ACTUALLY, YOUR HONOR, THAT STATEMENT
14 OF COUNSEL IS INCORRECT AS TO THE EVIDENCE IN THIS CASE
15 BUT --

16 THE COURT: ALL RIGHT. DO WE KNOW WHAT -- I HAVE
17 IT IN MY NOTES SOMEPLACE. I'M SURE WE CAN FIND IT.

18 MR. NEWHOUSE: ACTUALLY, LET ME -- IF I CAN
19 APPROACH THE EXHIBIT VOLUME.

20 Q JUST FOR A SECOND, JUST TO REFRESH YOUR
21 RECOLLECTION, LET ME REFER YOU TO EXHIBIT 103-1. IT'S A
22 MULTI-PAGE TREATMENT RECORD FROM CEDARS-SINAI THAT --
23 LET'S SEE IF WE HAVE A DATE.

24 APRIL 11, 2009, DOES THAT REFRESH YOUR
25 RECOLLECTION?

26 A UH-HUH.

27 THE REPORTER: "YES"?

28 THE WITNESS: YES.

1 BY MR. NEWHOUSE

2 Q HAVE YOU EVER OBSERVED OR REVIEWED THE
3 CEDARS-SINAI CHART FOR HER ADMISSION IN APRIL OF 2009?

4 A NO.

5 Q YOU WERE TOLD ABOUT THE CEDARS ADMISSION,
6 WERE YOU NOT?

7 A YES. I BELIEVE I SPOKE TO THE DOCTOR.

8 Q DR. LUTSKY?

9 A I DON'T REMEMBER HER NAME.

10 Q AND TELL US WHAT THAT DOCTOR TOLD YOU WHAT
11 HAPPENED.

12 A THAT SHE WAS COMPLAINING OF PAIN.

13 Q I'M SORRY. I'M GOING TO DIRECT YOU TO PAGE
14 71. WE FOUND THE REFERENCE.

15 A I HAVE IT.

16 Q OKAY. CARRY ON. THE DOCTOR WAS DESCRIBING
17 WHAT HAD OCCURRED?

18 A YES. THAT SHE HAD TACTILE HALLUCINATION,
19 MEANING SHE MUST HAVE BEEN FEELING SOMETHING ON HER SKIN.

20 Q RIGHT.

21 A "AUDITORY HALLUCINATIONS, THAT SHE WAS
22 OVERWHELMED, HAD SUICIDAL THOUGHTS, WAS COMPLAINING OF
23 PAIN AND BURNING ON THE LEFT SIDE OF HER HEAD, WAS
24 GIVEN" -- LET'S SEE.

25 AND THEN SHE WAS DISCHARGED EVENTUALLY WITH
26 HER BOYFRIEND FROM THE EMERGENCY ROOM AND WAS GIVEN
27 "SEROQUEL, 50 MILLIGRAMS; BENADRYL; AND ATIVAN."

28 Q THESE SYMPTOMS THAT WERE BEING DESCRIBED AS

1 OF FEBRUARY 2009 -- "TACTILE HALLUCINATIONS, AUDITORY
2 HALLUCINATIONS. SHE'S FEELING OVERWHELMED. SUICIDAL
3 THOUGHTS, PAIN, BURNING IN THE THROAT" -- THESE WERE
4 SYMPTOMS THAT YOU HAD BEEN HEARING FROM TARA FOR THE LAST
5 TWO YEARS BY THAT POINT, CORRECT?

6 A YES.

7 Q SO THESE SEEMED TO BE A PERSISTENT, CHRONIC
8 CONDITION, CORRECT?

9 A YES.

10 Q WOULD IT COME AND GO, THOUGH; WOULD SHE HAVE
11 GOOD DAYS AND THEN BAD DAYS, IN YOUR EXPERIENCE?

12 A YES.

13 Q AND DID CEDARS INFORM YOU THAT THEY
14 DISCHARGED HER -- NOW, SEROQUEL, THAT'S -- AGAIN, YOU TOLD
15 US, BUT I'VE ALREADY FORGOTTEN.

16 A IT'S AN ANTIPSYCHOTIC.

17 Q OKAY. APPROPRIATE TO GIVE HER, GIVEN WHAT
18 YOU CAN SEE HERE AS HER COMPLAINTS?

19 A YES.

20 Q BENADRYL WOULD BE FOR THE ITCHING?

21 A PERHAPS OR FOR SLEEP. IT'S ALSO USEFUL
22 SOMETIMES FOR SIDE EFFECTS OF SEROQUEL.

23 Q AND ATIVAN, WHAT IS ATIVAN?

24 A ATIVAN IS LIKE XANAX. IT'S LIKE KLONOPIN.
25 IT'S A TRANQUILIZER FOR ANXIETY.

26 Q THE CEDARS PEOPLE WHO WERE INFORMING YOU
27 ABOUT WHAT MEDICATIONS, DID THEY TELL YOU THEY HAD GIVEN
28 HER ANY OPIATES?

1 A NOT THAT I KNOW OF.

2 Q AND AS OF FEBRUARY -- STRIKE THAT -- APRIL
3 2009, YOU STILL HAD NOT GIVEN HER ANY OPIATES WHATSOEVER
4 EVEN FOR HER PAIN, CORRECT?

5 A CORRECT.

6 Q IS THERE A REASON FOR THAT?

7 A I DON'T PRESCRIBE OPIATES.

8 Q WHY DON'T YOU PRESCRIBE OPIATES -- STRIKE
9 THAT.

10 SHE WAS IN PAIN, RIGHT?

11 A YES.

12 Q AND WITH PATIENTS WHO ARE COMPLAINING OF
13 INTENSE PAIN, WOULDN'T AN OPIATE, NORCO, HELP HER DEAL
14 WITH THE PAIN?

15 MR. BLESSEY: YOUR HONOR, THIS IS VAGUE AS TO TIME.
16 WE KNOW SHE'S ON NORCO IN THE LAST VISIT.

17 THE COURT: OVERRULED.

18 BY MR. NEWHOUSE

19 Q CAN YOU ANSWER THE QUESTION?

20 A WHAT WAS THE QUESTION?

21 Q THE QUESTION IS: YOU DON'T PRESCRIBE
22 OPIATES. YOU AGREE WITH ME THAT FOR A PATIENT WHO IS
23 COMPLAINING OF SEVERE PAIN, A NARCOTIC LIKE NORCO MIGHT
24 HELP THE PATIENT FEEL BETTER AT LEAST INITIALLY, RIGHT?

25 A YES.

26 Q SO WHAT IS THE REASON THAT YOU DON'T
27 PRESCRIBE OPIATES?

28 A IT'S NOT PART OF MY SCOPE OF PRACTICE.

1 Q YOU COULD. YOU'RE A PHYSICIAN. YOU COULD
2 PRESCRIBE IT, CORRECT?

3 A CORRECT.

4 Q BUT YOU DON'T DO IT AS A PRACTICE?

5 A CORRECT.

6 Q THEY'RE RELATING TO YOU IN THIS
7 CONVERSATION -- THE CEDARS DOCTORS ARE TELLING YOU ABOUT
8 THE MEDICATIONS THAT THEY WERE GIVING.

9 IS THAT -- TELL THE JURY WHY THAT'S
10 IMPORTANT. WAS IT IMPORTANT TO YOU -- STRIKE THAT.

11 WAS IT IMPORTANT TO YOU AS A TREATING
12 PSYCHIATRIST THAT YOU BE FULLY INFORMED ABOUT ALL THE
13 MEDICATIONS THAT YOUR PATIENT WAS BEING GIVEN,
14 PARTICULARLY MEDICATIONS THAT ARE PSYCHIATRIC IN NATURE?
15 IS THAT IMPORTANT?

16 A YES.

17 Q WHY?

18 A SO I KNOW WHAT MEDICATION SHE'S ON.

19 Q I MEAN, IS IT -- IN YOUR EXPERIENCE IS IT
20 POSSIBLE IF ONE DOCTOR IS GIVING A MEDICATION AND YOU'RE
21 GIVING ANOTHER MEDICATION, CAN THOSE MEDICATIONS SOMETIMES
22 COME INTO CONFLICT?

23 A YES.

24 Q AND THAT COULD CAUSE A SERIOUS CONDITION
25 WITH THE PATIENT, COULD IT NOT?

26 A IT COULD, ALTHOUGH, MY GUESS IS AT THIS
27 POINT SHE WAS NOT TAKING THE OTHER MEDICATION. SHE MIGHT
28 HAVE BEEN -- I DON'T REMEMBER SPECIFICALLY, BUT SHE MAY

1 VERY WELL HAVE BEEN NONCOMPLIANT WITH THE OTHER
2 MEDICATION.

3 Q AND I'VE SEEN THAT IN YOUR CHART.
4 WERE THERE INSTANCES WHERE MS. DE ROGATIS
5 WAS NOT COMPLIANT WITH HER MEDICATION, IN YOUR EXPERIENCE?

6 A YES.

7 Q AGAIN, IS THAT COMMON OR UNCOMMON WITH A
8 PATIENT WHO HAD THE HISTORY OF SERIOUS PSYCHIATRIC
9 AILMENTS THAT SHE PRESENTED?

10 A IT'S COMMON.

11 Q LET'S TALK A LITTLE BIT ABOUT COMMUNICATIONS
12 WITH TARA'S OTHER TREATING PHYSICIANS.

13 DID THERE COME A TIME WHEN YOU SPOKE TO OR
14 COMMUNICATED WITH A DR. LATIMER, A PSYCHIATRIST IN NEW
15 JERSEY?

16 A I RELAYED SOME INFORMATION TO HIM. WHAT WE
17 MIGHT CALL HEADLINES, IN OTHER WORDS, A MAJOR OUTLINE OF
18 HER DIAGNOSES AND MEDICATIONS.

19 Q LET ME INTERRUPT YOU AND PUT UP -- DIRECT
20 YOUR ATTENTION TO PAGE 47 OF YOUR CHART, SIR. AND THIS
21 APPEARS TO BE A TELEPHONE MESSAGE DATED DECEMBER 22ND,
22 2008, 10:14 A.M. "TARA." THERE'S A PHONE NUMBER AND --
23 LATASHA OR LATASHA?

24 A LATASHA.

25 Q LATASHA HAS WRITTEN, "DR. LATIMER'S NUMBER
26 IS" -- THERE'S A TELEPHONE NUMBER. I HAVE A -- ACTUALLY,
27 YOU'RE GOING TO HAVE TO READ HER HANDWRITING.

28 WHAT DOES SHE WRITE TO YOU?

1 A "I HAVE AN APPOINTMENT WITH HIM AT 3 P.M.
2 TODAY. 12 O'CLOCK YOUR TIME. CAN YOU CALL HIM BEFORE I
3 SEE HIM?"

4 Q AND YOU DID SPEAK TO HER?

5 A I BELIEVE I LEFT THIS MESSAGE FOR
6 DR. LATIMER.

7 Q WHAT DID YOU TELL DR. LATIMER IN THE
8 MESSAGE?

9 A I TOLD DR. LATIMER THAT SHE HAD CHRONIC
10 SYMPTOMS THAT INCLUDED "DISORGANIZATION, DECREASED
11 FUNCTIONING" -- LET'S SEE -- THAT SHE WAS "DRUG-SEEKING."

12 Q THAT'S RIGHT HERE, "DRUG-SEEKING"?

13 A YES.

14 Q AND BY "DRUG-SEEKING," AGAIN, YOU'RE
15 REFERRING TO THE FACT THAT SHE WAS CONSTANTLY ASKING FOR
16 OPIATES?

17 A YES.

18 Q KEEP GOING.

19 A AND "PARANOIA, AUDITORY HALLUCINATION," AND
20 THEN I CIRCLED "SCHIZOAFFECTIVE," WHICH WAS MY DIAGNOSIS
21 AT THAT POINT.

22 Q "SCHIZOAFFECTIVE."

23 AND THEN WHAT'S UNDER THAT?

24 A "PSYCHOSIS, NOT OTHERWISE SPECIFIED."

25 Q A VERY SERIOUS SET OF AFFLICTIONS, CORRECT?

26 A YES.

27 Q AND DID YOU SPEAK TO DR. LATIMER?

28 A NO. I BELIEVE GIVEN THE TIME FRAME, SHE

1 CALLED ME THAT SAME DAY AND WAS SEEING HIM A FEW HOURS
2 LATER. I CALLED AND DIDN'T GET HIM DIRECTLY, SO I LEFT A
3 MESSAGE ON HIS MACHINE.

4 Q THANK YOU. ALL RIGHT. LET'S DISCUSS NOW
5 THE FINAL APPOINTMENT WITH TARA ON FEBRUARY 9, 2010.

6 A WHAT PAGE IS THAT?

7 Q WE'RE GOING TO GO TO PAGE 34, I THINK.

8 SO WHAT WAS YOUR DIAGNOSIS OF TARA'S
9 PSYCHIATRIC CONDITION AS OF FEBRUARY 9, 2010?

10 A I HAVE, "SCHIZOAFFECTIVE DISORDER VERSUS
11 PSYCHOTIC DISORDER NOT OTHERWISE SPECIFIED."

12 Q SO THAT'S RIGHT HERE, THE FIRST LINE?

13 A YES.

14 Q OKAY. WELL, TELL ME WHY DID -- TARA CAME IN
15 TO SEE YOU AND SHE HAD NOT BEEN IN FOR, I THINK YOU
16 TESTIFIED, SEVEN OR EIGHT MONTHS?

17 A YES.

18 Q TELL US ABOUT YOUR MEETING WITH HER ON THAT
19 DAY. WHAT WERE HER COMPLAINTS?

20 A WELL, IT WAS CHAOTIC. I HADN'T SEEN HER FOR
21 A WHILE, AND SHE WAS TRYING TO UPDATE ME ON WHAT HAD BEEN
22 HAPPENING.

23 SHE WAS ALSO, I BELIEVE, ASKING ME FOR
24 OPIATES AGAIN. LOOKS LIKE I WROTE HERE IN THE -- IN THE
25 LEFT-HAND COLUMN, I SAID, "FEELS ABILIFY DOESN'T HELP HER
26 VOICES."

27 Q RIGHT HERE AT THE TOP, RIGHT?

28 A YEAH.

1 Q OKAY.

2 A "FEELS ABILIFY DOESN'T HELP HER VOICES.
3 FEELS NOT DEPRESSED." THEREFORE, STOPPED HER EFFEXOR AND
4 ABILIFY.

5 Q OKAY. SO SHE SAID SHE DIDN'T FEEL DEPRESSED
6 SO SHE DIDN'T THINK SHE NEEDED THE ANTIDEPRESSANT?

7 A CORRECT.

8 Q OKAY.

9 A AND THEN, "COMPLAINS OF HEAD-TO-TOE PAIN."
10 SHE SAID THAT SHE WAS SEEING A PAIN DOCTOR WHO WAS GIVING
11 HER NORCO.

12 Q DID SHE TELL YOU THAT WAS DR. SPIEGEL OUT IN
13 THOUSAND OAKS?

14 A NOT THAT I RECALL.

15 Q OKAY.

16 A AND THEN SHE WAS TALKING ABOUT SEEING AN
17 INTERNIST WHO WAS WORKING HER UP FOR FIBROMYALGIA, AND
18 THEN I WROTE, "RULE OUT H.S.P."

19 Q WHAT DOES THAT MEAN?

20 A WELL, IT'S NOT REALLY A MEDICAL TERM. A
21 HIGHLY SENSITIVE PERSON IS SOMEBODY -- THERE'S SOME
22 LITERATURE ON IT. IT'S PEOPLE WHO ARE SUPER SENSITIVE TO
23 THINGS LIKE SMELLS AND SOUNDS AND THAT KIND OF THING.

24 Q OKAY. WHAT ELSE DID SHE TELL YOU?

25 A SHE SAID SHE'S ON IT, I ASSUME, NORCO, ONE
26 MONTH, AND IT HELPS HER TO GO BACK TO SCHOOL.

27 Q ACTING SCHOOL? DID SHE TELL YOU IT WAS
28 ACTING SCHOOL?

1 A I DON'T RECALL.

2 Q NOW, WHEN YOU HEARD THAT SHE HAD
3 CONTINUED -- DISCONTINUED A NUMBER OF HER PSYCHIATRIC
4 MEDICATIONS BUT WAS TAKING OPIATES, DID THAT CONCERN YOU
5 AS HER TREATING PSYCHIATRIST?

6 A YES AND NO.

7 Q EXPLAIN.

8 A WELL, WHEN PEOPLE HAVE PAIN, IT'S REASONABLE
9 TO TREAT IT. YOU JUST HAVE TO BE CAREFUL AND KEEP AN EYE
10 ON HOW MUCH THEY'RE TAKING.

11 ON THE OTHER HAND, SHE HAS A LONG HISTORY OF
12 DRUG-SEEKING AND DRUG ABUSE, AND SO OPIATES TEND TO BE ONE
13 OF THE MOST DIFFICULT DRUGS TO GET OFF OF AND CONTROL.

14 Q THAT'S BECAUSE THEY'RE ADDICTIVE, CORRECT?

15 A YES. BUT I'M NOT -- WHEN YOU SAY
16 "ADDICTIVE," THAT HAS CERTAIN CONNOTATIONS TO IT. THERE
17 ARE LOTS OF DRUGS THAT PEOPLE FORM DEPENDENCY ON.
18 "ADDICTIVE" CONJURES UP IMAGES OF, YOU KNOW, ROBBING
19 STORES TO SUPPORT YOUR HABIT, THAT KIND OF THING.

20 Q I THINK I'M REFERRING MORE TO DEPENDENCY,
21 THAT YOU NEED TO TAKE THE DRUG CONSTANTLY; AND TOLERANCE,
22 WHICH IS YOU NEED EVER-INCREASING AMOUNTS OF THE DRUGS.

23 WEREN'T THOSE FACTORS THAT YOU WOULD BE
24 CONCERNED ABOUT WITH OPIATES WITH THIS PATIENT?

25 A YES.

26 Q DID YOU TELL HER THAT SHE SHOULD NOT OR SHE
27 SHOULD DISCONTINUE THE OPIATES?

28 A I WARNED HER ABOUT THE DANGER IN HER TAKING

1 OPIATE MEDICATION, GIVEN HER SUBSTANCE-ABUSE HISTORY; AND
2 THE FACT THAT WHEN MIXED WITH HER TRANQUILIZERS, THAT
3 THERE COULD BE A DRUG INTERACTION THAT CAN LEAD TO MORE
4 SEDATION OR, IF TAKEN IN LARGE AMOUNTS, DEATH.

5 Q SO YOU WERE CONCERNED ABOUT THIS?

6 A YES.

7 Q WAS DAVID AT THIS MEETING ON FEBRUARY 9,
8 2010?

9 A I BELIEVE SO.

10 Q WOULD YOU HAVE MADE A NOTE OF THAT ON THE
11 CHART HERE?

12 A I TRY TO, BUT I'M NOT -- IT DOESN'T LOOK
13 LIKE I DID.

14 Q SO YOU'RE NOT CERTAIN ONE WAY OR ANOTHER
15 WHETHER DAVID WAS THERE?

16 A I BELIEVE HE WAS THERE.

17 Q WHAT, IF ANY, DRUGS DID YOU PRESCRIBE FOR
18 TARA ON FEBRUARY 10, 2010?

19 A FEBRUARY 9, 2010?

20 Q STRIKE THAT. FEBRUARY 9, 2010. THANK YOU.

21 A IT LOOKS LIKE IT'S CUT OFF AT THE BOTTOM
22 THERE, WHICH IS WHERE I WOULD HAVE WRITTEN WHAT I
23 PRESCRIBED.

24 Q AT THE BOTTOM OF THE PAGE, RIGHT?

25 A UH-HUH. OH, HERE WE GO. SO I PRESCRIBED
26 STRATTERA AND SEROQUEL AND LOOKS LIKE LUNESTA.

27 Q WHAT IS STRATTERA?

28 A STRATTERA, IT IS A -- IT'S A DRUG THAT'S

1 USED TO TREAT ATTENTION DEFICIT DISORDER. IT'S SIMILAR TO
2 THE ANTIDEPRESSANTS AND CAN HAVE SOME ANTIDEPRESSANT
3 EFFECTS.

4 I THINK MY THINKING AT THE TIME WAS THAT I
5 DIDN'T WANT TO GIVE HER STIMULANTS BECAUSE IT MIGHT MAKE
6 HER PSYCHOSIS WORSE AND TO SEE IF PERHAPS SOMETHING LIKE
7 STRATTERA MIGHT HELP WITH HER DISORGANIZATION AND MIGHT
8 ALSO HELP WITH HER MOOD.

9 Q WHY DID YOU GIVE HER THE SEROQUEL?

10 A SEROQUEL IS AN ANTIPSYCHOTIC.

11 Q SO THAT WOULD HELP HER ATTEND TO WHAT WAS
12 GOING ON IN REALITY?

13 A YES. REMEMBER, SHE CONTINUED TO HAVE THE
14 AUDITORY HALLUCINATIONS FROM THE BACK OF HER NECK
15 THROUGHOUT.

16 Q SO THE SEROQUEL HELPS HER DEAL WITH THE
17 HALLUCINATIONS THAT SHE'S EXPERIENCING?

18 A YES.

19 Q WERE YOU AWARE IN FEBRUARY THAT TARA WAS
20 PLANNING SOME -- TO HAVE SOME SURGERY, ELECTIVE SURGERY?
21 DID SHE TELL YOU ABOUT THAT?

22 A I AM NOT SURE IF SHE TOLD ME.

23 Q DID ANYONE ELSE TELL YOU ABOUT THAT?

24 A YOU MEAN DAVID, IF HE WAS AT THE VISIT?

25 Q YES, DAVID OR A PHONE CALL. IN OTHER WORDS,
26 FROM ANY SOURCE, INCLUDING YOUR MIND, ON FEBRUARY 9, 2010,
27 DID YOU HAVE AN AWARENESS SHE WAS PLANNING ON --

28 A I DON'T BELIEVE SO.

1 Q IS THERE A PROBLEM WHEN A PATIENT IS ON AN
2 ANTIDEPRESSANT AND THEN SUDDENLY GOES OFF IT? DOES THAT
3 PRESENT ANY COMPLICATIONS FROM A PSYCHIATRIC POINT OF
4 VIEW?

5 A IT CAN. SOMETIMES PEOPLE HAVE WITHDRAWAL
6 SYMPTOMS, SO WE DON'T -- OFTEN IT'S NOT TALKED ABOUT OR
7 KNOWN, BUT ANTIDEPRESSANTS ALSO CAN HAVE WITHDRAWAL, THE
8 SAME AS TRANQUILIZERS OR OPIATES WHEN YOU STOP THEM
9 SUDDENLY.

10 Q AND WHEN YOU STOP ANTIDEPRESSANTS, IS THERE
11 A CONCERN IN THE PSYCHIATRIC COMMUNITY ABOUT INCREASING
12 THE LIKELIHOOD OF SUICIDE, FOR EXAMPLE? IS THAT A
13 CONCERN?

14 A WELL, YOU WOULD WORRY ABOUT A RETURN OF
15 SYMPTOMS THAT THEY WERE TREATING.

16 Q SO THE ANSWER IS "YES"?

17 A I'M SORRY. WHAT WAS YOUR QUESTION?

18 Q MY QUESTION IS: IS THERE A CONCERN IF A
19 PATIENT HAS BEEN ON AN ANTIDEPRESSANT, SAY, ONE YOU DIDN'T
20 PRESCRIBE, CYMBALTA, AND THEY SUDDENLY COME OFF IT? IS
21 THERE A CONCERN THE PSYCHIATRIST MIGHT WANT TO KNOW ABOUT
22 THAT BECAUSE THE PATIENT MIGHT BE AT A HIGHER RISK FOR
23 SUICIDE?

24 A WELL, I DIDN'T KNOW THAT SHE WAS ON
25 CYMBALTA.

26 Q I KNOW. BUT ANY OTHER ANTIDEPRESSANT. SAY
27 THE ANTIDEPRESSANTS YOU WERE GIVING HER, IF THE PATIENT
28 WERE TO SUDDENLY COME OFF, DOES THAT LEAD TO A CONCERN,

1 NOT THAT YOU CAN'T PREDICT THE FUTURE, BUT DOES THAT LEAD
2 TO A CONCERN THE PATIENT MIGHT BE AT HIGHER RISK FOR
3 SUICIDE?

4 A I DON'T KNOW ABOUT SUICIDE. BUT, AGAIN, A
5 RETURN OF DEPRESSIVE SYMPTOMS.

6 Q DURING HER FINAL VISIT ON FEBRUARY 9, WERE
7 THERE -- DID YOU OBSERVE ANY SUICIDAL IDEATIONS? YOU'VE
8 GOT THAT BOX CIRCLED HERE.

9 A YES. AND SINCE I DIDN'T EXTRAPOLATE ON IT,
10 IT MUST NOT HAVE BEEN A SIGNIFICANT FOCUS OF OUR VISIT, SO
11 I WOULD SAY NO.

12 Q WOULD YOU AGREE WITH ME IT'S NOT DOCUMENTED
13 CLEARLY ONE WAY OR ANOTHER? IT'S POSSIBLE, BUT YOU DIDN'T
14 DOCUMENT IT?

15 A NO. IF THERE WAS SIGNIFICANT SUICIDAL
16 IDEATION, I WOULD HAVE DOCUMENTED IT, IN PART, IF ONLY FOR
17 THE RECORD AND PARTLY TO PROTECT MYSELF.

18 Q AS OF FEBRUARY 9, THE FINAL VISIT, WHAT WERE
19 YOUR VIEWS ABOUT TARA'S PROGNOSIS?

20 A I WOULD SAY POOR.

21 Q CAN YOU EXPLAIN?

22 A AGAIN, GIVEN HER CONTINUED DRUG-SEEKING
23 BEHAVIOR AND HER CONTINUED CHRONIC PSYCHOTIC SYMPTOMS.

24 Q NOW, HAVING INTERACTED WITH THIS PATIENT
25 OVER AN ALMOST TWO-AND-A-HALF-YEAR TIME FRAME, DO YOU HAVE
26 AN OPINION WHETHER TARA'S PAIN WAS ORGANICALLY CAUSED BY
27 SOME PHYSICAL CONDITION IN HER BODY AS OPPOSED TO BEING
28 PSYCHIATRIC IN ORIGIN?

1 A I THINK IT WAS PROBABLY BOTH.

2 Q CAN YOU EXPLAIN?

3 A WELL, YOU CAN'T -- IT'S VERY HARD TO
4 DIFFERENTIATE THINGS, PSYCHIATRIC ISSUES FROM THE -- FROM
5 GENERAL MEDICAL ISSUES, AND THERE'S VERY OFTEN AN OVERLAP.
6 SO I THINK SHE WAS BEING TREATED FOR FIBROMYALGIA.
7 SOMEBODY WHO'S HAD A CHRONIC PSYCHIATRIC CONDITION IS
8 GOING TO BE MORE LIKELY, PROBABLY, TO DEVELOP SOMETHING
9 LIKE FIBROMYALGIA. AND YOU MIGHT EVEN SAY VICE VERSA,
10 SOMEBODY WITH FIBROMYALGIA MAY BE LIKELY TO DEVELOP
11 PSYCHIATRIC PROBLEMS AS A RESULT OF HAVING TO COPE WITH
12 THE PAIN AND LACK OF SLEEP.

13 Q THE DEFENDANT IN THIS CASE IS A DOCTOR NAMED
14 DR. KAREN SHAINSKY, AND SHE'S SITTING NEXT TO COUNSEL.

15 DO YOU SEE HER IN THE COURTROOM?

16 A YES.

17 Q HAVE YOU EVER MET DR. SHAINSKY?

18 A NO.

19 Q AT ANY POINT UNTIL TARA DE ROGATIS PASSED
20 AWAY ON MARCH 22ND, DID YOU EVER SPEAK WITH DR. SHAINSKY
21 ON THE PHONE OR IN PERSON?

22 A BEFORE SHE PASSED AWAY?

23 Q BEFORE SHE PASSED AWAY.

24 A I DON'T BELIEVE SO, NO, I DON'T BELIEVE SO.

25 Q AT ANY POINT BETWEEN FEBRUARY 9TH, THE DAY
26 OF YOUR LAST VISIT WITH HER, AND MARCH 22ND, DID ANYONE
27 FROM DR. SHAINSKY'S OFFICE CONTACT YOU AND SAY, "DR. BOHN,
28 WE'D LIKE TO SEE A COPY OF THE CHART FOR TARA SO WE CAN BE

1 FULLY INFORMED ABOUT THE EXTENT OF THIS PATIENT'S
2 PSYCHIATRIC HISTORY"?

3 A NO.

4 Q IS IT COMMON OR UNCOMMON FOR A TREATING
5 PHYSICIAN FOR ONE OF YOUR PATIENTS WHO YOU'VE BEEN
6 TREATING FOR YEARS TO CONTACT YOU TO SAY, "I'D LIKE TO
7 KNOW WHAT'S GOING ON WITH THE PATIENT FROM A PSYCHIATRIC
8 POINT OF VIEW"? DOES THAT HAPPEN?

9 A WELL, YOU'RE ASKING IS IT COMMON AND DOES IT
10 HAPPEN?

11 Q STRIKE THAT. BAD QUESTION.

12 DOES IT HAPPEN ON OCCASION THAT YOU GET A
13 REQUEST FROM A TREATING PHYSICIAN FROM THE SAME PATIENT
14 YOU HAVE, AND THAT PATIENT WANTS TO GET A COPY OF THE
15 CHART?

16 A YES.

17 Q AND AFTER YOU CONSULT, I ASSUME, WITH THE
18 PATIENT TO GET THEIR PERMISSION --

19 A BACKTRACK. IT'S NOT THE PATIENT I SEND THE
20 CHART TO. IT WOULD BE THE PHYSICIAN.

21 Q BUT YOU GET THE PATIENT'S PERMISSION, I
22 ASSUME?

23 A YES.

24 Q AND THEN YOU SEND THE CHART TO THE
25 PHYSICIAN, CORRECT?

26 A CORRECT.

27 Q SO IF DR. SHAINSKY AT ANY POINT BETWEEN
28 FEBRUARY 2010 AND MARCH 22ND HAD CONTACTED YOU AND

1 REQUESTED A COPY OF THE CHART, YOU WOULD HAVE SENT THAT TO
2 THE DOCTOR?

3 A CORRECT.

4 Q BUT YOU NEVER GOT THAT REQUEST?

5 A CORRECT.

6 Q AND, IN FACT, AM I RIGHT THAT THE ONLY
7 CONTACT THAT YOU RECEIVED FROM DR. SHAINSKY UP THROUGH THE
8 DATE OF HER DEATH WAS A TELEPHONE MESSAGE THAT YOUR OFFICE
9 RECEIVED? LET'S GO TO PAGE 35 OF YOUR CHART.

10 DO YOU HAVE THAT DOCUMENT IN FRONT OF YOU?

11 A YES.

12 Q THIS WAS A TELEPHONE MESSAGE THAT WAS
13 RECEIVED BY YOUR ASSISTANT ON MARCH 22ND, 2010, AT 4:21
14 P.M., ASSUMING YOUR ASSISTANT GOT THE DATE AND THE TIME
15 CORRECT?

16 A YES.

17 Q AND IT SAYS, "DR. KAREN SHANS." THAT'S
18 BECAUSE SHE DIDN'T KNOW THE FULL SPELLING OF
19 DR. SHAINSKY'S NAME, CORRECT?

20 A CORRECT.

21 Q AND THEN A PHONE NUMBER, "RE TARA
22 DE ROGATIS." THEN THERE'S SOME NOTES HERE.

23 SO AM I CORRECT THAT YOU DIDN'T SPEAK WITH
24 DR. SHAINSKY ON 4/21 ON MARCH -- STRIKE THAT -- ON MARCH
25 22ND AT 4:00 IN THE AFTERNOON?

26 A CORRECT.

27 Q WHEN DID YOU RECEIVE THIS -- WHEN DID YOU
28 FIRST LISTEN TO THIS VOICE MAIL MESSAGE?

1 A THE FOLLOWING MORNING ON MARCH 23RD.

2 Q AND YOU WROTE "RHEUMATOLOGIST"; IS THAT
3 BECAUSE DR. SHAINSKY IDENTIFIED HERSELF AS TARA'S
4 RHEUMATOLOGIST?

5 A YES.

6 Q AND SHE GAVE HER CALLBACK NUMBER?

7 A YES.

8 Q AND SHE TOLD YOU THAT SHE WAS TREATING TARA
9 FOR FIBROMYALGIA?

10 A CORRECT.

11 Q AND SHE TOLD YOU THAT THERE WERE SIGNS WITH
12 THIS PATIENT OF ANXIETY AND DEPRESSION?

13 A YES.

14 Q AND THEN SHE MENTIONED TO YOU IN THE VOICE
15 MAIL MESSAGE, DID SHE NOT, THAT THERE HAD BEEN TALK IN HER
16 OFFICE ABOUT SUICIDAL IDEATION ON MARCH 22ND? SHE WANTED
17 YOU TO KNOW ABOUT IT, RIGHT?

18 A YES.

19 Q DO YOU RECALL ANY DISCUSSION IN THIS VOICE
20 MAIL MESSAGE ABOUT DR. SHAINSKY TAKING THE PATIENT OFF
21 CYMBALTA? DO YOU RECALL THAT AS PART OF THE VOICE MAIL?

22 A NOT THAT I RECALL.

23 Q AND YOU DIDN'T WRITE IT DOWN HERE EITHER,
24 DID YOU? YOU DIDN'T WRITE "CYMBALTA," RIGHT?

25 A CORRECT.

26 Q AND, IN FACT, AS OF MARCH 22ND, YOU HAD NO
27 IDEA THAT ANYONE ELSE HAD PRESCRIBED CYMBALTA FOR YOUR
28 PATIENT, CORRECT?

1 A CORRECT.

2 Q WOULDN'T THAT HAVE BEEN INFORMATION YOU
3 WOULD HAVE LIKED TO HAVE KNOWN DURING THE COURSE OF YOUR
4 TREATMENT?

5 A CERTAINLY LIKE TO ALWAYS KNOW WHAT
6 MEDICATIONS PEOPLE ARE GETTING.

7 Q IT WOULD HAVE BEEN USEFUL, WOULD IT NOT?

8 A YES. TARA WAS QUITE CHAOTIC AND WAS
9 PROBABLY ON AND OFF LOTS OF DIFFERENT MEDICATIONS THAT I
10 NEVER KNEW ABOUT.

11 Q LET ME ASK YOU THE FOLLOWING QUESTION: IF
12 YOU HAD SPOKEN TO DR. SHAINSKY ON MARCH 22ND AND SHE HAD
13 INFORMED YOU THAT SHE WAS ABOUT TO WRITE A PRESCRIPTION
14 FOR 100 PERCOCET TABLETS, GIVE IT TO TARA, WOULD YOU HAVE
15 HAD ANY RESPONSE AT ALL? WOULD YOU HAVE TOLD HER, "I
16 DON'T THINK THAT'S SUCH A GOOD IDEA"?

17 MR. BLESSEY: YOUR HONOR, OBJECTION. RELEVANCE.
18 LACKS FOUNDATION.

19 THE COURT: SUSTAINED.

20 BY MR. NEWHOUSE:

21 Q WHEN SOMEONE CALLS YOUR OFFICE AND THEY
22 LEAVE A MESSAGE FOR YOU, DO YOU HAVE INSTRUCTIONS ON THERE
23 FOR HOW THEY CAN GET AHOLD OF YOU IF IT'S URGENT?

24 A YES.

25 Q THERE'S BEEN SOME DISCUSSION, CERTAINLY NOT
26 DIRECTED AT YOU, BUT THAT SOMETIMES IT'S HARD TO GET AHOLD
27 OF PSYCHIATRISTS DURING THE DAY.

28 HAVE YOU HEARD THOSE COMPLAINTS?

1 A I'VE CERTAINLY HEARD COMPLAINTS ALONG THOSE
2 LINES.

3 Q AND IS THAT BECAUSE PSYCHIATRISTS TEND TO BE
4 IN SESSION DURING THE DAY WITH THEIR PATIENTS, SO
5 SOMETIMES IT'S HARD TO GET THEM DIRECTLY ON THE PHONE?

6 A YES. BUT USUALLY I -- I'M ABLE TO GET BACK
7 TO PEOPLE WITHIN AN HOUR OR 2.

8 Q SO YOU TRY TO BE RESPONSIVE, DO YOU NOT?

9 A YES.

10 Q AND IF SOMEONE -- IF ANOTHER DOCTOR IS
11 CALLING AND THAT DOCTOR THINKS IT'S URGENT, IS THERE A WAY
12 OF GETTING THROUGH TO YOU?

13 A YES.

14 Q HOW -- WHAT IS YOUR PROCEDURE TO ENSURE THAT
15 PEOPLE WHO HAVE AN URGENT MESSAGE CAN REACH YOU?

16 A THEY CAN CALL MY EMERGENCY NUMBER, AND THEN
17 MY EXCHANGE PAGES ME.

18 Q DID THAT HAPPEN IN THIS CASE?

19 A NO.

20 Q YOU DID FINALLY SPEAK WITH DR. SHAINSKY THE
21 DAY AFTER TARA'S DEATH; IS THAT CORRECT?

22 A YES.

23 Q DID DR. SHAINSKY CALL YOU OR DID YOU CALL
24 HER?

25 A I MIGHT HAVE BEEN RETURNING HER CALL. OH,
26 LET'S SEE.

27 Q LET'S GO TO 60, PAGE 60, MARCH 23RD, 2010,
28 1:48 -- I GUESS MUST BE P.M. HERE IT IS. 2:00 P.M.

1 LET'S LOOK AT THE FIRST -- LET'S LOOK AT THE TOP ONE
2 FIRST.

3 YOU GOT A CALL FROM DAVID?

4 A YES.

5 Q IS THAT HOW YOU LEARNED THAT TARA HAD TAKEN
6 HER LIFE?

7 A YES.

8 Q AND THEN THE NEXT MESSAGE AT 2:02 -- AT 2:02
9 P.M. YOU GOT A CALL FROM DR. SHAINSKY, DID YOU NOT?

10 A YES.

11 Q AND WHAT DID YOUR ASSISTANT WRITE AS THIS
12 MESSAGE?

13 A IT SAYS, "I LEFT YOU A MESSAGE YESTERDAY. I
14 STILL HAVEN'T HEARD FROM YOU. PLEASE CALL BACK ON MY
15 CELL. TARA HAS TAKEN HER LIFE."

16 Q SO THAT GOT YOUR ATTENTION?

17 A YES.

18 Q AND YOU CALLED HER BACK?

19 A CAN I LET YOU KNOW WHAT I DID PREVIOUS TO
20 THAT?

21 Q PLEASE.

22 A SO PREVIOUS, WHEN I SAW THAT I -- SAW HER
23 MESSAGE THE FOLLOWING MORNING ON THE 23RD, THEN I CALLED
24 TARA TO GET PERMISSION TO SPEAK TO DR. SHAINSKY, AND SO I
25 WAS WAITING TO HEAR BACK FROM TARA, WHO, OF COURSE,
26 COULDN'T CALL ME BACK, TO GIVE ME PERMISSION.

27 SO, YES, I WAS --

28 Q AT THIS POINT TARA'S PERMISSION CANNOT BE

1 OBTAINED?

2 A THAT'S RIGHT.

3 Q SO YOU CALLED DR. SHAINSKY?

4 A SO I RETURNED HER CALL, YES.

5 Q AND DESCRIBE THAT CONVERSATION WITH
6 DR. SHAINSKY.

7 A WE BOTH TALKED ABOUT HOW TRAGIC THIS WAS AND
8 THAT -- AND I DON'T THINK THERE WAS MUCH MORE THAN THAT.
9 I DON'T REALLY REMEMBER ANY OTHER SPECIFIC CONTENT, JUST
10 TALKING ABOUT HOW DISTURBING IT WAS THAT SHE HAD TAKEN HER
11 LIFE.

12 Q DID DR. SHAINSKY SAY THAT TARA SEEMED
13 STRESSED IN THE MEETING WITH HER THE DAY BEFORE?

14 A I DON'T RECALL.

15 Q DID DR. SHAINSKY TELL YOU THAT SHE HAD
16 PRESCRIBED THE DAY BEFORE 100 TABLETS OF PERCOCET TO THIS
17 PATIENT?

18 A I DON'T BELIEVE SO, ALTHOUGH DAVID TOLD ME
19 THAT.

20 MR. NEWHOUSE: NO FURTHER QUESTIONS, YOUR HONOR.
21 THANK YOU.

22 THE COURT: ALL RIGHT. CROSS-EXAMINATION?

23 MR. BLESSEY: YES, YOUR HONOR.

24

25 CROSS-EXAMINATION

26 BY MR. BLESSEY:

27 Q GOOD MORNING, DR. BOHN.

28 A GOOD MORNING.

1 Q ARE YOU ABLE TO BE WITH US THIS AFTERNOON?

2 A NO, I CAN'T. I HAVE PATIENTS SCHEDULED.

3 MR. BLESSEY: YOUR HONOR, WE'LL NEED TO DEAL WITH
4 THAT.

5 THE COURT: UNFORTUNATELY, I'M GOING TO HAVE TO
6 ORDER YOU BACK AT 1:30.

7 THE WITNESS: I HAVE --

8 THE COURT: EITHER THAT OR I'M GOING TO HAVE TO
9 STRIKE ALL YOUR TESTIMONY. IT'S ONLY FAIR TO THE OPPOSING
10 SIDE THAT THEY HAVE A CHANCE TO CROSS-EXAMINE YOU.

11 THE WITNESS: HOW ABOUT WE GO UNTIL 12:30 OR SO?

12 THE COURT: WE CAN DO THAT. WE NEED TO TAKE A
13 BREAK AT NOON PERHAPS FOR 10 MINUTES; CAN WE DO THAT?

14 MR. BLESSEY: YOUR HONOR, WHATEVER YOU DO --

15 THE COURT: I'M TRYING TO ACCOMMODATE YOU, BUT YOU
16 UNDERSTAND, I'VE GOT JURORS HERE, YOU KNOW, AND PARTIES,
17 MYSELF.

18 THE WITNESS: I UNDERSTAND, ALTHOUGH, AGAIN, I WAS
19 HERE AT NINE O'CLOCK.

20 THE COURT: I UNDERSTAND THAT. I'M JUST TELLING
21 YOU THAT THOSE ARE THE CIRCUMSTANCES, AND, YOU KNOW, I'VE
22 GOT TO MAKE CERTAIN THAT EVERYBODY HAS THEIR FAIR SHARE IN
23 THIS COURTROOM. DO YOU UNDERSTAND THAT?

24 THE WITNESS: YES.

25 THE COURT: SO IT'S IMPORTANT IF WE WANT YOUR
26 TESTIMONY, THAT THEY HAVE AMPLE OPPORTUNITY TO
27 CROSS-EXAMINE YOU. I'LL DO WHAT I CAN DO. LET'S GET
28 STARTED.

1 BY MR. BLESSEY:

2 Q OKAY. DR. BOHN, YOU HEARD A LOT ABOUT THREE
3 OR SO YEARS THAT YOU TREATED MS. DE ROGATIS. YOU KNEW HER
4 WELL FROM A PSYCHIATRIC STANDPOINT; WOULD YOU AGREE?

5 A RELATIVELY WELL. AGAIN, I ONLY SAW HER
6 MAYBE 18 TIMES OR SO.

7 Q 18 TIMES OVER THE PERIOD OF 2007, UP UNTIL
8 FEBRUARY 9, 2010, CORRECT?

9 A YES.

10 Q ALL RIGHT. AND YOU TOLD THE JURY ABOUT THIS
11 SPECTRUM OF SUICIDE IDEATION PROGRESSING ALL THE WAY UP TO
12 SUICIDE INTENT; IS THAT FAIR TO SAY?

13 A YES.

14 Q AND YOU TOLD THE JURY THAT SUICIDE IDEATION
15 IS NOT THAT UNCOMMON A PHENOMENON IN A PATIENT WHO IS
16 DEPRESSED FROM TIME TO TIME OR ANXIOUS, CORRECT?

17 A ABSOLUTELY CORRECT, YES.

18 Q KNOWING EVERYTHING THAT YOU KNEW ABOUT
19 MS. DE ROGATIS UP TO THE TIME OF FEBRUARY THE 9TH, 2010,
20 YOU TOLD US IN DEPOSITION THAT YOU ASSESSED HER RISK OF
21 SUICIDE ON THE LOW END OF THE SPECTRUM, TRUE?

22 A TRUE.

23 Q NOW, I WANT YOU TO TAKE A LOOK BACK AT YOUR
24 NOTE, AND I BELIEVE IT'S 115-34.

25 AND WHAT I'D LIKE YOU TO DO, DOCTOR, IS TO
26 TELL US THE NAMES -- WELL, LET ME DO IT THIS WAY: MAYBE
27 IT WILL BE QUICKER ONCE YOU'RE ON THAT PAGE.

28 WE'VE ALREADY ESTABLISHED -- IT LOOKS LIKE

1 YOU'RE LOOKING AT THE PAGE RIGHT NOW, CORRECT?

2 A CORRECT.

3 Q WE'VE ALREADY ESTABLISHED THAT YOU KNEW
4 EVERYTHING YOU TOLD US ABOUT IN REGARDS TO TARA
5 DE ROGATIS, PLUS THE FACT THAT SHE HAD BEEN TREATED AT
6 THIS POINT IN TIME WITH AN OPIATE, NORCO, CORRECT?

7 A YES.

8 Q YOU WERE AWARE OF THAT?

9 A YES.

10 Q DID YOU PICK UP THE PHONE AT ANY POINT IN
11 TIME OR ATTEMPT TO FIND OUT THE NAME OF THE DOCTOR THAT
12 WAS PRESCRIBING NORCO FOR YOUR PATIENT AND ADVISE THAT
13 DOCTOR THAT, "HEY, THEY BETTER STOP THAT NORCO RIGHT
14 AWAY"? DID YOU DO THAT?

15 A NO.

16 Q WHY NOT?

17 A IT'S A REASONABLE TREATMENT FOR PAIN. AND,
18 ALSO, I EXPECTED HER TO SEE ME AGAIN ON A REGULAR BASIS.

19 Q IN FACT, YOU EXPECTED HER TO COME AND SEE
20 YOU ON MARCH THE 24TH, 2010, CORRECT?

21 A ORIGINALLY, I ASKED HER TO COME IN THE
22 FOLLOWING WEEK, BUT THEN SHE POSTPONED IT UNTIL THE 24TH.

23 Q DID YOU HAVE ANY REASON TO BELIEVE ON
24 FEBRUARY THE 9TH, 2010, KNOWING EVERYTHING THAT YOU KNEW
25 ABOUT THIS YOUNG LADY FROM A PSYCHIATRIC STANDPOINT, THAT
26 SHE WOULD GO HOME AND TAKE A LETHAL LEVEL OF NORCO AT SOME
27 POINT AFTER SHE LEFT YOUR OFFICE?

28 MR. NEWHOUSE: OBJECTION. RELEVANCE.

1 THE COURT: OVERRULED.

2 THE WITNESS: ABSOLUTELY NOT.

3 BY MR. BLESSEY:

4 Q NOW, LET'S TALK ABOUT MEDICATIONS YOU
5 PRESCRIBED ON FEBRUARY THE 9TH, AND I THINK THE QUICKEST
6 WAY TO DO IT, YOU -- ONE OF THE MEDICATIONS YOU WANTED
7 MS. DE ROGATIS TO TAKE AS OF THIS DATE WAS LUNESTA,
8 CORRECT?

9 A CORRECT.

10 Q AND DID YOU -- AS OF FEBRUARY THE 9TH, 2010,
11 DID YOU HAVE A CONCERN WHEN YOU PRESCRIBED LUNESTA TO
12 MS. DE ROGATIS THAT SHE WOULD LEAVE YOUR OFFICE, GO HOME
13 AND TAKE A LETHAL TO TOXIC AMOUNT OF LUNESTA?

14 MR. NEWHOUSE: OBJECTION. RELEVANCE.

15 THE COURT: IT WILL BE SUBJECT TO BEING STRICKEN IF
16 YOU CAN'T TIE IT UP. OVERRULED.

17 MR. NEWHOUSE: THANK YOU.

18 THE WITNESS: NO.

19 BY MR. BLESSEY:

20 Q HOW ABOUT AMBIEN? DID YOU HAVE A CONCERN --
21 WELL, FIRST OF ALL, BACK UP.

22 YOU WERE RECOMMENDING THAT SHE TAKE AMBIEN
23 AS OF FEBRUARY THE 9TH, 2010, CORRECT?

24 A I WANTED HER TO SLEEP. I CAN'T REMEMBER
25 EXACTLY WHAT THE MEDICATIONS WERE, IF THEY WERE -- I KNOW
26 LUNESTA WAS ONE OF THEM. I DON'T REMEMBER IF AMBIEN WAS
27 ONE.

28 Q YOUR NOTE SAYS "AMBIEN" ON IT.

1 A OKAY. SO IN A PATIENT LIKE HER, IT'S VERY
2 IMPORTANT TO SLEEP. AND IF PEOPLE WITH HER TYPES OF
3 SYMPTOMS DON'T SLEEP, THEN THEY CAN GET WORSE.

4 Q ALL RIGHT. AND YOU ALSO PRESCRIBED SEROQUEL
5 FOR MS. DE ROGATIS AS OF FEBRUARY THE 9TH, 2010, CORRECT?

6 A CORRECT.

7 Q DID YOU HAVE A CONCERN THAT SHE MIGHT LEAVE
8 YOUR OFFICE ON FEBRUARY THE 9TH, 2010, AND INGEST A LETHAL
9 LEVEL OF SEROQUEL?

10 MR. NEWHOUSE: OBJECTION. IT'S NOW CUMULATIVE,
11 YOUR HONOR. IT'S THE SAME ANSWER.

12 THE COURT: THIS IS A SEPARATE DRUG. OVERRULED.

13 THE WITNESS: NO.

14 BY MR. BLESSEY:

15 Q WHY NOT? AS TO ALL THREE DRUGS, YOU
16 PRESCRIBED LUNESTA, AMBIEN, SEROQUEL.

17 WHY DIDN'T YOU HAVE A CONCERN THAT SHE MIGHT
18 LEAVE YOUR OFFICE, GO HOME, AND INGEST TOXIC TO LETHAL
19 LEVELS OF THESE MEDICATIONS?

20 A I DIDN'T PERCEIVE ANY CHANGE IN HER CHRONIC
21 LEVEL OF SUICIDAL THOUGHTS.

22 Q AND YOU FELT COMFORTABLE, KNOWING HER THE
23 WAY YOU KNEW, TO PRESCRIBE THESE DRUGS FOR HER, CORRECT?

24 A YES.

25 Q THE DILEMMA THAT A PHYSICIAN LIKE YOU HAS,
26 AND ANY PHYSICIAN TREATING A PATIENT LIKE THIS HAS, YOU
27 HAVE AN OBLIGATION TO TREAT THEIR CONDITIONS, CORRECT?

28 A YES.

1 Q AND AT ANY POINT IN TIME AGAINST MEDICAL
2 ADVICE, POTENTIALLY, THEY COULD GO HOME AND INGEST
3 MULTIPLE MEDICATIONS AND TAKE THEIR OWN LIFE, CORRECT?

4 A YES. AND IN ADDITION, IF YOU DON'T TREAT
5 THEIR SYMPTOMS, THEIR SUICIDAL THOUGHTS WILL GET WORSE.

6 Q INCLUDING PAIN, IF YOU DON'T TREAT THEIR
7 PAIN, CORRECT?

8 A PERHAPS.

9 Q NOW, LET'S TALK BRIEFLY ABOUT SUICIDE.

10 YOU WOULD AGREE, WOULD YOU NOT, THAT SUICIDE
11 COMMONLY IS UNPREDICTABLE AND UNPREVENTABLE; WOULD YOU
12 AGREE WITH THAT?

13 A NO, NOT EXACTLY.

14 Q WELL, DID YOU PREDICT ON FEBRUARY THE 9TH --

15 A I'M SORRY. COULD YOU STATE YOUR QUESTION
16 AGAIN?

17 THE COURT: LET'S DEAL WITH THIS PARTICULAR
18 INDIVIDUAL.

19 MR. BLESSEY: SURE.

20 Q DID YOU COME TO FORM AN IMPRESSION AS TO
21 MS. DE ROGATIS, THAT HER ACT OF SUICIDE WAS IMPULSIVE?

22 A YES.

23 Q AND DID YOU HAVE A BELIEF BASED ON
24 EVERYTHING THAT YOU KNEW THAT THAT IMPULSIVE ACT WAS
25 UNPREDICTABLE?

26 A YES.

27 MR. NEWHOUSE: OBJECTION. CALLS FOR SPECULATION,
28 YOUR HONOR.

1 THE COURT: OVERRULED.

2 BY MR. BLESSEY:

3 Q AND THEREFORE, UNPREVENTABLE, CORRECT?

4 MR. NEWHOUSE: OBJECTION, YOUR HONOR. AGAIN,
5 THERE'S NO BASIS --

6 THE COURT: OVERRULED.

7 MR. NEWHOUSE: THERE'S NO BASIS FOR THIS OPINION.
8 IT'S IRRELEVANT.

9 BY MR. BLESSEY:

10 Q YOU CAN ANSWER.

11 THE COURT: YOU'RE A TREATING PSYCHIATRIST. GO
12 AHEAD. YOU CAN TELL US.

13 THE WITNESS: NO. I THINK IT WAS VERY IMPULSIVE
14 AND SURPRISING AND, I THINK, SHOCKED EVERYBODY, INCLUDING
15 DAVID, WHO LIVED WITH HER.

16 MR. BLESSEY: OUT OF RESPECT TO DR. BOHN'S TIME,
17 YOUR HONOR, I HAVE NO FURTHER QUESTIONS FOR HIM.

18 THE COURT: OKAY. REDIRECT?

19 MR. NEWHOUSE: NO REDIRECT, YOUR HONOR.

20 THE COURT: THANK YOU, DOCTOR. YOU'RE EXCUSED.
21 DOES THAT GET YOU OUT IN TIME?

22 THE WITNESS: YES, IT DOES. THANK YOU.

23 THE COURT: THANK YOU FOR COMING IN.

24 LET'S TAKE OUR NOON RECESS, LADIES AND
25 GENTLEMEN, UNTIL 1:30. AGAIN, PLEASE REMEMBER THE
26 ADMONITIONS OF THE COURT. DO NOT DISCUSS THE FACTS OF
27 THIS CASE AMONGST YOURSELVES OR WITH ANYBODY ELSE. DO NOT
28 FORM ANY OPINIONS OR CONCLUSIONS ON THIS MATTER UNTIL IT'S

1 FINALLY SUBMITTED TO YOU. COURT'S IN RECESS UNTIL 1:30.

2

3

(THE NOON RECESS WAS TAKEN UNTIL

4

1:38 P.M. OF THE SAME DAY.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 CASE NUMBER: BC457891
2 CASE NAME: DE ROGATIS VS. SHAINSKY
3 PASADENA, CALIFORNIA MONDAY, NOVEMBER 4, 2013
4 DEPARTMENT P HON. JAN A. PLUIM, JUDGE
5 APPEARANCES: (AS HERETOFORE NOTED)
6 REPORTER: KAREN E. KAY, CSR NO. 3862
7 TIME: P.M. SESSION
8

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

13 THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN.
14 WE'RE BACK ON THE RECORD. ALL JURORS ARE PRESENT AND IN
15 PLACE. PARTIES ARE PRESENT. LAWYERS ARE PRESENT.

16 AND, SIR, CAN YOU RAISE YOUR RIGHT HAND TO
17 BE SWORN?

18 THE CLERK: DO YOU SOLEMNLY STATE THAT THE
19 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
20 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND
21 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

22 THE WITNESS: I DO.

23 THE CLERK: COULD YOU PLEASE STATE YOUR NAME AND
24 SPELL YOUR NAME FOR THE RECORD.

25 THE WITNESS: MY NAME IS PETER DE ROGATIS,
26 P-E-T-E-R, D-E, CAPITAL R, -O-G-A-T-I-S.

27 THE COURT: THANK YOU, SIR.

28 THE WITNESS: THANK YOU, YOUR HONOR.

1 THE COURT: ALL RIGHT. YOU MAY PROCEED.

2 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

3

4 PETER DE ROGATIS,

5 A PLAINTIFF HEREIN, WAS DULY SWORN AND TESTIFIED AS

6 FOLLOWS:

7

8 DIRECT EXAMINATION

9 BY MR. NEWHOUSE:

10 Q GOOD AFTERNOON, MR. DE ROGATIS.

11 A GOOD AFTERNOON.

12 Q YOU'RE ONE OF THE NAMED PLAINTIFFS IN THIS
13 CASE; IS THAT CORRECT?

14 A THAT IS CORRECT.

15 Q ARE YOU CURRENTLY MARRIED, SIR?

16 A YES, I AM.

17 Q WHO IS YOUR CURRENT WIFE?

18 A MY CURRENT WIFE IS LINDA DE ROGATIS, LINDA
19 B. DE ROGATIS.

20 Q AND YOUR CO-PLAINTIFF IS ALSO LINDA
21 DE ROGATIS?

22 A YES. THAT IS LINDA A. DE ROGATIS.

23 Q A LITTLE CONFUSING AT TIMES?

24 A JUST A BIT.

25 Q ALL RIGHT. BUT TWO DIFFERENT LINDA'S?

26 A TWO DIFFERENT LINDA'S, YES.

27 Q TARA DE ROGATIS WAS YOUR DAUGHTER?

28 A YES, SHE WAS.

1 Q HOW ARE YOU CURRENTLY EMPLOYED?

2 A I WORK WITH WEICHERT FINANCIAL SERVICES.
3 I'M A MORTGAGE CONSULTANT.

4 Q AND WHERE DO YOU CURRENTLY RESIDE?

5 A I RESIDE IN STEWARTSVILLE, NEW JERSEY.

6 Q WHERE IS THAT LOCATED?

7 A THAT'S LOCATED WEST -- WEST NEW JERSEY
8 TOWARDS THE STATE OF PENNSYLVANIA, JUST ABOUT ON THE
9 BORDER NEAR A WELL-KNOWN TOWN THAT'S KNOWN AS
10 PHILLIPSBURG, WHICH IS A BIGGER CITY.

11 Q HOW LONG HAVE YOU LIVED THERE?

12 A I'VE LIVED THERE APPROXIMATELY 11 YEARS.

13 Q JUST IN A SUMMARY FASHION, TRACE YOUR
14 EMPLOYMENT HISTORY SINCE YOU RETURNED -- WELL, STRIKE
15 THAT.

16 WHEN DID YOU RETURN TO NEW JERSEY AFTER
17 LIVING IN CALIFORNIA WITH LINDA A.?

18 A I RETURNED TO NEW JERSEY IN EARLY TO LATE
19 '90, 1992.

20 Q AND JUST IN A NUTSHELL, GIVE US -- TRACE
21 YOUR EMPLOYMENT HISTORY SINCE YOU RETURNED TO NEW JERSEY
22 IN 1992.

23 A WELL, IN 1992 I WENT BACK TO WORK WITH A
24 COMPANY I ORIGINALLY WORKED FOR WITH WEICHERT FINANCIAL
25 SERVICES, WHO I'M CURRENTLY WITH, AND I WORKED FOR THEM
26 ABOUT EIGHT-AND-A-HALF YEARS PRIOR TO THE 2007 MELTDOWN,
27 WHERE WE WERE DISPERSED AND LET GO, AND TOOK UP A JOB AS A
28 BANKER INSIDE OF A SMALL BANK, OR A BIG BANK NOW, KNOWN AS

1 PNC MORTGAGE .

2 Q AT THE TIME OF TARA'S DEATH IN MARCH 2010,
3 WHO WERE YOU WORKING FOR?

4 A AT THE TIME IN 2010, I WAS WORKING FOR PNC
5 BANK AT THAT TIME .

6 Q AND YOUR POSITION WAS SENIOR LOAN OFFICER?

7 A THAT IS CORRECT .

8 Q AND WHAT WERE YOUR TYPICAL HOURS AT THAT
9 TIME?

10 A I WOULD WORK AN AVERAGE OF 8 TO 10,
11 SOMETIMES 12 HOURS A DAY BASED ON MY CUSTOMERS' NEEDS. I
12 SECURE -- I WORK WITH INDIVIDUALS AND FAMILIES THAT LOOK
13 TO SECURE MORTGAGES FOR THEIR DREAM OF HOMEOWNERSHIP. AND
14 I SECURE VETERAN ADMINISTRATION LOANS AND THE FEDERAL
15 HOUSING ADMINISTRATION LOANS FOR THOSE LESS FORTUNATE WHO
16 NEED VERY LIBERAL GUIDELINES FOR LENDING AS WELL AS VERY
17 LITTLE BIT OF MONEY DOWN. SO IT'S -- IT'S A LITTLE BIT
18 MORE IN DEPTH AS FAR AS REQUIREMENTS FOR THEM, BUT
19 CERTAINLY THE TIME PUT INTO THEIR NEED IS VERY KEY IN
20 GETTING THEM TO GET TO OBVIOUSLY OBTAINING THAT DREAM OF
21 HOMEOWNERSHIP .

22 Q HOW DID YOU MEET LINDA A. DE ROGATIS, SIR?

23 A I MET LINDA A. DE ROGATIS IN EMERSON
24 COLLEGE. I WAS A SENIOR, GOING INTO MY SENIOR YEAR, AND
25 LINDA WAS ATTENDING EMERSON INTO HER JUNIOR YEAR.

26 Q AND, AGAIN, HOW MANY YEARS WERE YOU AND
27 LINDA A. DE ROGATIS MARRIED?

28 A JUST ABOUT 13 YEARS .

1 Q NOW, I'M GOING TO FOCUS THE REST OF OUR TALK
2 ABOUT YOUR RELATIONSHIP WITH TARA, OKAY?

3 A YEAH, ABSOLUTELY.

4 Q DID YOU LOVE TARA AS A PARENT LOVES A CHILD?

5 A YES, I DID.

6 Q LET ME DIRECT YOUR ATTENTION -- WE HAVE SOME
7 EXHIBITS FOR YOU. LET'S LOOK FIRST AT EXHIBIT 121-3.
8 SHOULD BE A PHOTOGRAPH -- WE HAVE THE BINDERS HERE,
9 MR. DE ROGATIS.

10
11 (MARKED FOR IDENTIFICATION, JOINT
12 EXHIBIT 121-3, PHOTO OF
13 MR. DE ROGATIS, TARA DE ROGATIS,
14 AND P.J. DE ROGATIS.)

15
16 BY MR. NEWHOUSE:

17 Q LET'S LOOK AT 121. DO YOU HAVE THAT?

18 A YES, I DO.

19 Q CAN YOU IDENTIFY THAT PHOTOGRAPH, PLEASE?

20 A YES. THAT'S ME, MY DAUGHTER TARA TO MY
21 LEFT, AND MY SON P.J. TO MY RIGHT.

22 MR. NEWHOUSE: YOUR HONOR, I'D OFFER 121-3 IN
23 EVIDENCE.

24 MS. TAZZARA: NO OBJECTION.

25 THE COURT: RECEIVED.

26
27 (RECEIVED INTO EVIDENCE, JOINT
28 EXHIBIT 121-3.)

1

2 MR. NEWHOUSE:

3 Q I SEE A MUCH YOUNGER PETER DE ROGATIS; IS
4 THAT CORRECT?

5 A YEAH, MUCH YOUNGER INDEED.

6 Q WHEN WAS THIS PHOTOGRAPH TAKEN?

7 A THIS WAS MY RETURN TO NEW JERSEY, I WOULD
8 SAY, '90, '92, EARLY '93.

9 Q AND TARA IS -- TARA IS HERE ON YOUR LEFT?

10 A YES, SHE IS.

11 Q AND WAS SHE LIVING WITH YOU AT THE TIME?

12 A NO, SHE WASN'T.

13 Q WHO WAS SHE LIVING WITH?

14 A SHE WAS LIVING WITH HER MOM. THAT WAS A
15 FAMILY GATHERING. I HAVE A LARGE FAMILY IN NEW JERSEY,
16 MANY, MANY BROTHERS AND SISTERS. AND THEY HAVE A LOT OF
17 PARTIES, SO THEY ATTENDED THIS PARTY WITH ME, AND THEY
18 WERE THERE WITH ME. AND EVERYBODY OF COURSE WAS GLAD TO
19 SEE THEM. IT WAS A VERY, VERY FESTIVE AND WONDERFUL TIME
20 AND EXPERIENCE TOGETHER. I HAD NOT SEEN THEM FOR A COUPLE
21 OF MONTHS PRIOR TO LEAVING.

22 Q THANK YOU VERY MUCH.

23 IN WHAT AREAS DID TARA SHOW TALENT OR
24 INTEREST AS A CHILD?25 A TARA SHOWED A LOT OF INTEREST VERY EARLY ON.
26 I NOTICED A VIBRANCE IN HER NATURE, MAKEUP AS A CHILD.
27 SHE ALSO WAS VERY ARTISTIC. I NOTICED THAT SHE HAD A
28 PASSION FOR ATHLETICS AND A KEEN SENSE OF UNDERSTANDING.

1 SHE SEEMED TO KNOW EARLY ON -- LIKE UNDERSTANDING WORDS
2 AND REPEATING WORDS TO ME OR TO HER MOM AS WELL. AS LINDA
3 INDICATED EARLIER, SHE WAS A VERY BRIGHT YOUNG CHILD.

4 Q DID YOU PARTICIPATE EVEN AFTER TARA WAS
5 LIVING WITH MOM IN CALIFORNIA IN TARA'S UPBRINGING?

6 A VERY MUCH SO.

7 Q YOU MENTIONED ATHLETICS. DID YOU COACH ANY
8 OF HER TEAMS?

9 A FUNNY YOU SHOULD BRING THAT UP. YES, I DID.
10 I WAS A COACH IN THE -- IN CALIFORNIA. WE HAD -- WE WERE
11 ASKED -- WE WERE INVITED TO PARTICIPATE IN A FLAG FOOTBALL
12 TEAM IN OUR LOCAL DISTRICT, AND WE WERE THE LAST TEAM TO
13 ACTUALLY PARTICIPATE BECAUSE THEY WERE RUNNING SHORT ON
14 KIDS.

15 AND FLAG FOOTBALL, BASICALLY, IF YOU KNOW
16 THAT, IT'S MOSTLY A LOT OF YOUNG BOYS, AND THEY WERE
17 BETWEEN THE AGES OF LIKE EIGHT AND 12. AND WE KIND OF IN
18 THE DRAFT GOT IN LATE, SO WE DIDN'T HAVE A GOOD DRAFT. SO
19 WE WERE SHORT A PERSON, AND THEY SAID WE COULD PLAY WITH
20 ONE PERSON SHORT OR WE COULD RECRUIT ANOTHER PERSON. SO I
21 APPROACHED MY DAUGHTER, WHO WAS -- ALWAYS HAD THE ZEAL TO
22 WANT TO PARTICIPATE IN ATHLETICS. BEING THAT SHE WAS VERY
23 GOOD AT DANCE, AS WELL AS GYMNASTICS, SHE SAID, "I WOULD
24 LOVE TO, DAD. I'D LOVE TO PLAY FLAG FOOTBALL." SO I
25 RECRUITED HER. AND I SAID, "TARA, OKAY, YOU'RE GOING TO
26 BE -- IT'S FLAG FOOTBALL. YOU'RE GOING TO BE ON THE LINE
27 DEFENSIVELY." SHE DIDN'T KNOW WHAT THAT MEANT.

28 SHE SAID, "WHAT DO I DO, DAD?"

1 I SAID, "WELL, YOU BASICALLY -- YOU SEE,
2 THERE'S WHERE THE LINEUP IS. YOU SEE THE QUARTERBACK
3 THERE? HE'S GOT TWO FLAGS ON. YOU GET TO HIM AND GET
4 THAT FLAG AND YOU PULL THE FLAG OFF HIM."

5 SHE SAYS, "I CAN DO THAT."

6 SURE ENOUGH, THE BALL IS HIKED. THERE'S
7 TARA FLYING RIGHT BY EVERYBODY. SHE GRABBED THE TAG, THE
8 FLAG, AND PULLED IT DOWN. SO I'M WATCHING THIS AND I'M
9 SAYING, YOU KNOW, HOW IS SHE -- SHE WAS DOING THIS EVERY
10 SINGLE DOWN, GETTING INTO THE QUARTERBACK. AND I AM
11 SAYING TO MYSELF, HOW IS SHE DOING THIS? AND SHE WOULD GO
12 IN. AS I WATCHED HER, SHE WOULD GO IN LIKE THIS. AND THE
13 BOYS, THEY WERE AFRAID BECAUSE SHE WAS A GIRL. SHE MAY
14 HAVE HAD NAILS AND WOULD SCRATCH THEM. SO SHE WOULD COME
15 AT THEM LIKE THIS, I GUESS FRIGHTEN THEM, AND THEY WOULD
16 MOVE AWAY AND MAKE AN EASY LINE FOR HER TO GET RIGHT TO
17 THE QUARTERBACK. AND, YOU KNOW, THAT WORKED KIND OF WELL.

18 TARA BEING WHAT SHE WAS, SHE SAID, "YOU
19 KNOW, DAD. I'M DOING THIS A LOT, AND IT'S KIND OF BORING
20 ME. CAN I CATCH THE BALL, TOO?"

21 I SAID, "ABSOLUTELY, TARA. THIS IS WHAT YOU
22 DO." WE WENT INTO A HUDDLE. I SAID, "OKAY. TARA, YOU'RE
23 JUST GOING TO RUN A LITTLE, 5 YARDS OUT, TURN AROUND AND
24 THE QUARTERBACK'S GOING TO THROW YOU THE BALL. AND YOU
25 JUST RUN -- TURN AROUND AND RUN AS FAST AS YOU CAN TO THE
26 OTHER END OF THE FIELD." SHE DIDN'T KNOW WHAT A GOAL WAS
27 OR ANYTHING.

28 SO SURE ENOUGH, TARA GETS ON THE LINE. THEY

1 HIKED THE BALL. SHE RUNS A LITTLE FLARE. YOU HIT HER
2 WITH A PASS. TARA TURNED AROUND, AND ALL I COULD SEE
3 GOING DOWN THE LEFT END OF THE FIELD WAS TARA LIKE THIS,
4 PUSHING PEOPLE AWAY WHILE SHE'S RUNNING FOR THE TOUCHDOWN,
5 AND SHE MADE IT. AND SHE WAS, OF COURSE, OVERJOYED, AND
6 EVERYBODY WAS OVERJOYED.

7 AND I THINK SHE KIND OF AT THAT POINT WON
8 THE TRUST OF HER TEAMMATES, THE PEOPLE ON THE -- THE
9 PEOPLE WE WERE PLAYING. AND THE REST OF THE SEASON, YOU
10 KNOW, WENT AS IT DID. WE DIDN'T FARE TOO WELL BECAUSE WE
11 DIDN'T HAVE MUCH OF A RUNNING GAME.

12 Q I THINK ACTUALLY YOU'VE ANSWERED THE
13 QUESTION.

14 A OH, SORRY ABOUT THAT. I GET CARRIED AWAY
15 WITH THE EVENT.

16 Q SORRY TO INTERRUPT.

17 I WANT TO SWITCH GEARS A LITTLE BIT AND TALK
18 ABOUT HER ACTING CAREER.

19 AT WHAT POINT IN HER LIFE DID SHE SHOW AN
20 AFFINITY FOR ACTING?

21 A WELL, LET ME CLARIFY SOMETHING, OKAY? I'VE
22 HEARD A LOT OF TESTIMONY ABOUT TARA THE ACTRESS, YOU KNOW.

23 Q YES.

24 A TARA DID NOT GO TO SCHOOL AS AN ACTRESS;
25 THAT WAS NOT HER INTENTION. TARA WENT TO SCHOOL TO STUDY
26 FILM, MIXED MEDIA, AND PHOTOGRAPHY; THAT WAS HER PASSION.

27 AS HER MOTHER IT INDICATED IN THE TESTIMONY
28 EARLIER, SHE WAS A FABULOUS ONE AT WRITING SCENES,

1 PERFORMING THEM. HER AND HER GIRLFRIEND WOULD COME OVER,
2 USING MY SON AS A BUTLER OR, YOU KNOW, AN EXTRA IN A PLAY
3 OR A MOVIE. THAT WAS TARA. TARA WAS CREATIVE IN HER
4 MIND, THAT WHEN SHE HAD SOMETHING TO DO AS FAR AS A PLAY
5 OR A MOVIE, SHE WOULD RECORD IT, WRITE IT, AND THEY WOULD
6 PRODUCE IT, THE TWO LITTLE KIDS. THESE KIDS COULDN'T BE
7 MORE THAN 11 OR 12 YEARS OLD. AND THIS IS WHAT SHE DID.

8 THAT WAS NOT HER INTENTION, TO GO TO EMERSON
9 TO BECOME AN ACTRESS. TARA BECAME INTERESTED IN ACTING
10 MUCH LATER, AFTER SCHOOL, WHEN SHE GRADUATED IN 2004 AND
11 DID START TO PURSUE AN ACTING CAREER AS AN AVOCATION --
12 GET THAT STRAIGHT, AVOCATION -- PROBABLY AROUND THE END OF
13 2006 AND EARLY 2007.

14 Q DID THERE COME A TIME WHEN YOU ASSISTED
15 TARA, HOWEVER, WITH HER ACTING OR AUDITIONS?

16 A MANY TIMES. WHEN TARA DID DECIDE TO PURSUE
17 ACTING AS AN AVOCATION, SHE CONSULTED IN ME. I WOULD CALL
18 HER. SHE WOULD SAY, "DAD, I'M GOING TO GO FOR THIS
19 AUDITION. I HAVE THIS SIDE. COULD YOU HELP ME UNDERSTAND
20 WHAT I NEED TO DO IN THIS SCENE?"

21 AND I'D SAY, "OKAY. READ IT TO ME."

22 SHE WOULD READ ME THE SCENE.

23 I'D GO OVER SOME OF THE OBSTACLES, ACTIONS,
24 YOU KNOW, THE OBJECTIVES IN THE SCENE, WHICH IS BASICALLY
25 WHAT ACTORS WOULD DO TO RIP APART A PLAY OR A SCENE TO
26 UNDERSTAND WHO THE CHARACTER WAS.

27 AND, YOU KNOW, SHE WOULD SAY, "DAD, YOU
28 KNOW, WHAT DO YOU THINK ABOUT HERE?"

1 I SAID, "THINK ABOUT WHAT IS YOUR GOAL IN
2 THIS SCENE, TARA? WHAT DO YOU WANT TO GET TO? YOUR GOAL
3 IS SOMETHING YOU WANT. YOU HAVE TO HAVE IT. YOUR
4 OBSTACLE IS WHAT'S PREVENTING YOU FROM GETTING YOU THERE.
5 AND THE ACTION IN THE SCENE IS WHAT YOU DO TO GET IT, TO
6 THAT GOAL AND WHETHER YOU SUCCEED OR FAIL." AND THAT'S IN
7 EVERY SINGLE SCENE AND EVERY FILM OR PLAY THAT YOU WOULD
8 EVER OBSERVE.

9 Q DID YOU HAVE ANY ACTING -- DO YOU HAVE AN
10 ACTING BACKGROUND?

11 A WELL, YEAH. I STUDIED DRAMATIC ARTS AND
12 COMMUNICATIONS AT EMERSON. TARA WAS A SECOND-GENERATION
13 EMERSONIAN. MY DEGREE IS IN COMMUNICATIONS AND THEATER
14 ARTS. THEREFORE, I DID HAVE A BACKGROUND AND KNOWLEDGE OF
15 WHAT AN ACTOR DOES AND HOW HE PREPARES AND STIPULATES AND
16 BREAKS DOWN A CHARACTER AND CREATES THEM AS THEIR OWN.

17 I'D ALWAYS TELL TARA, "YOUR LIFE IS YOUR
18 EXPERIENCE AS A ACTOR, AND YOU GOT TO DRAW FROM YOUR LIFE
19 EXPERIENCE TO MAKE IT REAL, WHETHER YOU'RE IN FILM, IN
20 FRONT OF THE CAMERA, OR IF YOU'RE ON STAGE, MORE SO IN THE
21 SPECTACLE OF THE STAGE BECAUSE YOU'RE IN FRONT OF PEOPLE,
22 AND THEY HAVE TO BELIEVE IN A LARGER SENSE OF LIFE WHAT
23 YOU'RE TRYING TO CONVEY TO THEM."

24 Q WHEN YOU MOVED BACK TO NEW JERSEY IN 1991
25 AND REMARRIED, DID TARA CONTINUE FOR A WHILE TO LIVE WITH
26 HER MOM?

27 A YES, SHE DID.

28 Q HERE IN L.A., CORRECT?

1 A YES, SHE DID.

2 Q DID SHE NONETHELESS REMAIN CLOSE TO YOU AND
3 YOUR FAMILY?

4 A TARA LOVED MY FAMILY. SHE REMAINED VERY
5 CLOSE. I WOULD SEE MY DAUGHTER THREE TO FOUR TIMES A
6 YEAR. SHE WOULD COME OUT DURING THE SUMMERS.

7 IN FACT, I RECALL ONE SUMMER SHE HAD
8 ACTUALLY APPLIED FOR A SCHOLARSHIP FOR CHOREOGRAPHY AND
9 DANCE AT THE UNIVERSITY OF MONTCLAIR STATE IN NEW JERSEY.

10 Q MR. DE ROGATIS, YOU'VE ANSWERED THE
11 QUESTION.

12 A SORRY.

13 Q I WANT TO TRANSITION AND HAVE YOU LOOK AT
14 EXHIBIT 121-5, WHICH SHOULD BE ANOTHER PHOTOGRAPH.

15

16 (MARKED FOR IDENTIFICATION, JOINT
17 EXHIBIT 121-5, PHOTO OF
18 MR. DE ROGATIS, MS. LINDA B.
19 DE ROGATIS, SAMANTHA, AND TARA
20 DE ROGATIS.)

21

22 BY MR. NEWHOUSE:

23 Q HANDSOME-LOOKING GROUP.

24 DO YOU RECOGNIZE THAT PHOTOGRAPH, SIR?

25 A YES, I DO.

26 Q WHAT DO YOU RECOGNIZE IT TO BE?

27 A EXCUSE ME?

28 Q WHAT DO YOU RECOGNIZE IT TO BE?

1 A THAT IS A PICTURE OF OUR FAMILY WITH LINDA
2 B., MY NEW WIFE, TO MY LEFT, MY DAUGHTER TARA TO MY RIGHT,
3 MY YOUNGER DAUGHTER SAMANTHA IN THE MIDDLE, AND MYSELF.

4 MR. NEWHOUSE: OFFER THAT EXHIBIT, YOUR HONOR, IN
5 EVIDENCE.

6 THE COURT: ANY OBJECTION?

7 MS. TAZZARA: NO OBJECTION.

8 THE COURT: RECEIVED.

9
10 (RECEIVED INTO EVIDENCE, JOINT
11 EXHIBIT 121-5.)

12
13 BY MR. NEWHOUSE:

14 Q OKAY. SO HERE WE SEE A MUCH OLDER PETER
15 DE ROGATIS?

16 A CLOSER TO WHERE I AM NOW, RIGHT.

17 Q CLOSER TO WHERE YOU ARE NOW?

18 A YES.

19 Q ON THIS SIDE, THAT'S LINDA B.?

20 A YES.

21 Q YOUR CURRENT WIFE?

22 A YES.

23 Q TARA?

24 A TARA.

25 Q THEN WHO'S THIS LITTLE ONE RIGHT HERE?

26 A THAT'S LITTLE SAMANTHA, WHO ABSOLUTELY
27 ADORED HER OLDER SISTER.

28 Q AND WHEN WAS THAT PHOTOGRAPH TAKEN?

1 A THAT WAS AT MY SON P.J.'S -- HIS ENGAGEMENT
2 PARTY AT HIS IN-LAWS' HOME.

3 Q SUMMER OF 2009?

4 A THAT IS CORRECT.

5 Q DID YOU CONTINUE TO PROVIDE FINANCIAL
6 SUPPORT TO TARA AFTER SHE COMPLETED COLLEGE?

7 A YES, I DID.

8 Q WHAT KIND OF SUPPORT DID YOU PROVIDE?

9 A I HAD TARA -- I ACTUALLY HELPED HER
10 ESTABLISH SOME CREDIT BECAUSE SHE DIDN'T KNOW HOW TO GO
11 ABOUT ESTABLISHING CREDIT, AND THAT WAS A LITTLE BIT OF MY
12 BACKGROUND, EDUCATION, UNDERSTANDING OF HOW TO LOOK AT
13 CREDIT REPORTS AND HOW IMPORTANT CREDIT IS. SO I GOT A
14 CARD FOR HER, CAPITAL ONE, AND I WAS THE MAIN CARD HOLDER
15 AND SHE WAS A SECONDARY SIGNER. I ALLOTTED 5- TO \$600
16 ACCOUNT ON THAT CARD FOR HER WHILE SHE WAS OBTAINING --
17 ATTENDING EMERSON COLLEGE FOR FOOD AND INCIDENTALS AND
18 THINGS OF THAT NATURE THAT SHE WOULD NEED.

19 Q AT WHAT -- STRIKE THAT.

20 AT SOME POINT IN TARA'S LIFE WHEN SHE MOVED
21 TO CALIFORNIA, SHE DEVELOPED AN INTEREST IN ART,
22 PAINTINGS.

23 DO YOU --

24 A YES. I REMEMBER SPECIFICALLY IN LATE '05,
25 '06, SHE HAD THIS DESIRE TO PAINT, AND I WAS GOING OUT FOR
26 A VACATION AND SPENDING IT WITH HER AND DAVID AT THEIR
27 HOME. AND SHE TOOK ME DOWN TO THE CONVERTED GARAGE, WHICH
28 WAS HER STUDIO, AND THERE I WITNESSED THESE WONDERFUL

1 PAINTINGS ALL OVER THE STUDIO AND AN ABUNDANT AMOUNT OF
2 PAINTS AND BRUSHES AND DIFFERENT SCULPTING TOOLS AND
3 CANVASES. AND I SAID -- I SAID, "TARA, YOU KNOW, HOW DO
4 YOU BEGIN TO START" -- BECAUSE I WAS INTERESTED. ART
5 REALLY -- I DIDN'T REALLY -- I DIDN'T KNOW MUCH ABOUT. SO
6 I ASKED HER, "HOW DO YOU BEGIN -- HOW DO YOU BEGIN YOUR
7 PAINTING?"

8 AND SHE SAID, "OH, DADDY, DO THIS." AND SHE
9 WHIPPED OUT A CANVAS, PUT IT ON THE FLOOR.

10 NOW, GRANTED, THERE'S PAINT DRIED UP
11 EVERYWHERE ON THE FLOOR. THERE'S PAINT CANS AND BRUSHES
12 ALL OVER THE PLACE ON LEVELS EVERYWHERE, AND SHE HAD ALL
13 HER -- YOU KNOW, HER OLD CLOTHES ON, AND SHE SAID, "OKAY.
14 NOW, HERE'S HOW I START. I PLACE DOWN MY CANVAS, AND I
15 START WITH JUST BROAD BRUSHES." IT LOOKED LIKE IT WAS
16 JUST A BUNCH OF MESSY PAINT ON A CANVAS.

17 AND THEN WHILE IT WAS SETTING, SHE'D START
18 IN WITH ANOTHER COLOR AND MAYBE ANOTHER DIRECTION. AND
19 THEN SHE HAD THIS LITTLE SOFT MUSIC PLAYING IN THE
20 BACKGROUND. I GUESS IT KIND OF HELPED HER MOVE WITH
21 CERTAIN STROKES THAT SHE WAS MAKING. I SAID, "IS THE
22 MUSIC HELPING YOU MAKE THE STROKES ON THIS CANVAS?" SHE
23 SAID, "SOMETIMES IT HELPS ME. I GET A FEELING FROM THE
24 MUSIC, AND IT MAKES ME MOVE IN A CERTAIN DIRECTION."

25 Q WAS THERE ONE PAINTING IN PARTICULAR THAT
26 WAS ONE OF YOUR FAVORITES?

27 A THERE WAS. I HAVE IT WITH ME, ACTUALLY.

28 Q DID YOU HAPPEN TO BRING IT WITH YOU TODAY?

1 A I DID.

2 Q OKAY.

3 A IT'S RIGHT HERE.

4 MR. NEWHOUSE: YOUR HONOR, WE'VE SHOWED THIS TO
5 DEFENSE.

6 IF THE WITNESS COULD DISPLAY THAT, I'LL
7 ASSIST YOU.

8 THE COURT: DO WE HAVE AN 8-1/2-BY-11 OF THAT?

9 MR. NEWHOUSE: I THINK THERE IS. I THINK WE HAVE A
10 SMALL VERSION OF THIS.

11 MS. MC BROOM: THERE ISN'T.

12 THE WITNESS: I CAN HOLD IT UP. THIS IS -- TARA
13 LOVED THIS PAINTING, IT'S CALLED "LADY LIBERTY."

14 BY MR. NEWHOUSE:

15 Q CAN YOU SHOW IT TO THE JUDGE?

16 A YEAH. THIS IS THE CONSTITUTION OF THE
17 UNITED STATES.

18 Q TAKE YOUR TIME.

19 A SHE PARTICULARLY LIKED THIS BECAUSE AT THE
20 TIME THERE WAS A LOT OF THINGS GOING ON IN THE WORLD AND
21 IT WAS HER -- HER REPRESENTATION OF THE STRENGTH OF THIS
22 COUNTRY. AND YOU CAN SEE THAT LIBERTY STATUE HERE, AND
23 HERE IS THE CONSTITUTION. AND IT'S ALMOST LIKE AS IF
24 SHE'S SAYING SOMETIMES THE CONSTITUTION ISN'T REALLY BEING
25 ADHERED -- YOU KNOW, HELD UP.

26 Q ADHERED TO?

27 A ADHERED TO AND HELD UP. AND YOU CAN SEE
28 THERE'S A MAZE THAT'S GOING THROUGH IT. AND I WAS

1 PARTICULARLY IMPRESSED BECAUSE I WAS LOOKING FOR THE CROWN
2 OF THE LIBERTY, AND I THOUGHT I WOULD FIND IT LIKE UP IN
3 HERE WHERE THERE'S SOME REALLY DISTINCT POINTS AND CURVES,
4 BUT I -- I NEVER ASKED HER REALLY WHY IT WASN'T SO
5 DEFINED.

6 AND SHE JUST SAID THAT, "WELL, THERE'S A LOT
7 OF THINGS IN LIFE THAT ARE NOT DEFINED BUT MOST DEFINITELY
8 THE LIGHT AND THE LIBERTY IS WHAT KEEPS THIS COUNTRY
9 GOING, AND THE CONSTITUTION NEEDS TO BE, YOU KNOW, OF
10 COURSE UPHELD." AND SHE WENT ON TO SAY THAT THAT'S WHAT
11 IT'S ALL ABOUT. AND SHE SIGNED IT. AND THIS IS MY PIECE
12 THAT I KEEP.

13 Q HER SIGNATURE IS IN THE LOWER RIGHT-HAND
14 CORNER?

15 A YES.

16 MR. NEWHOUSE: YOUR HONOR, WE'LL MAKE A COPY FOR
17 THE RECORD OF THIS.

18 THE COURT: ALL RIGHT.

19 MR. NEWHOUSE: THANK YOU.

20 MS. MC BROOM: WHAT NUMBER WILL THAT BE?

21 THE COURT: WE'LL MAKE IT --

22 MR. NEWHOUSE: MS. MC BROOM, CAN YOU GIVE US THE
23 NEXT IN ORDER?

24 MS. MC BROOM: 135.

25 MR. NEWHOUSE: 135.

26 MS. MC BROOM: I THINK THAT'S THE NEXT AVAILABLE
27 NUMBER.

28 THE COURT: ALL RIGHT. WE'LL MARK IT AS 135.

1 MR. NEWHOUSE: THANK YOU.

2

3 (MARKED FOR IDENTIFICATION, JOINT
4 EXHIBIT 135, PAINTING BY TARA DE
5 ROGATIS TITLED "LADY LIBERTY.")

6

7 THE COURT: 8-1/2-BY-11.

8 BY MR. NEWHOUSE:

9 Q DID TARA RECIPROCATE YOUR FEELINGS OF LOVE
10 AND AFFECTION, SIR?

11 A VERY MUCH SO.

12 Q LET ME DIRECT YOUR ATTENTION TO
13 EXHIBIT 125-3 TO 125-4, WHICH ACTUALLY IS THE -- YOU HAVE
14 THE ORIGINAL OF THIS, RIGHT?

15 A YES.

16

17 (MARKED FOR IDENTIFICATION, JOINT
18 EXHIBIT 125-3 AND 125-4, BIRTHDAY
19 CARD TO PETER DE ROGATIS FROM TARA
20 DE ROGATIS.)

21

22 BY MR. NEWHOUSE:

23 Q CAN YOU HOLD THAT UP? THE CARD.

24 A OH, THIS CARD.

25 Q YES.

26 A YES.

27 MR. BLESSEY: HOLD THE CARD UP.

28 Q SHOW THE JURY.

1 MR. NEWHOUSE: YOUR HONOR, THIS IS JUST A CARD FROM
2 TARA. WE'D OFFER THIS IN EVIDENCE.

3 THE COURT: WHY DON'T WE LAY A FOUNDATION.

4 BY MR. NEWHOUSE:

5 Q OKAY. DO YOU RECOGNIZE THAT CARD, SIR?

6 A VERY MUCH SO.

7 Q WHAT DO YOU RECOGNIZE IT TO BE?

8 A WELL, IT WAS A CARD THAT TARA SENT TO ME
9 EXPLAINING THAT SHE WAS --

10 Q BEFORE YOU GET INTO THE CONTENT, WHEN DID
11 SHE SEND YOU THIS CARD?

12 A SHE SENT THIS TO ME -- IT HAD TO BE PROBABLY
13 CLOSE TO LATE '07, EARLY '08.

14 Q AND DO YOU RECOGNIZE THE HANDWRITING?

15 A VERY MUCH SO.

16 Q TARA'S HANDWRITING?

17 A YES, IT IS.

18 MR. NEWHOUSE: OFFER 125-3 AND -4, YOUR HONOR.

19 MS. TAZZARA: NO OBJECTION.

20 THE COURT: BE RECEIVED.

21
22 (RECEIVED INTO EVIDENCE, JOINT
23 EXHIBIT 125-3 AND 125-4.)

24
25 BY MR. NEWHOUSE:

26 Q SO DON'T READ US THE WHOLE CARD, BUT IS
27 THERE ANY PARTICULAR LANGUAGE ON THE BACK OF THE CARD THAT
28 YOU FEEL IS EMBLEMATIC OF YOUR RELATIONSHIP WITH YOUR

1 DAUGHTER?

2 A WELL, SHE SAYS -- SHE STARTS IN WITH, "DAD,
3 DADDY, FATHER, FRIEND. THANKS FOR REMEMBERING ME ON MY
4 BIRTHDAY. THANKS FOR ALWAYS BEING THERE AS A FRIEND AND A
5 FATHER. THANKS FOR ALL THE THOUGHTFULNESS AND GUIDANCE
6 YOU'VE GIVEN ME. I'M LUCKY TO HAVE A FATHER LIKE YOU.
7 HAPPY BELATED BIRTHDAY. SORRY FOR THE PACKAGE THAT YOU
8 NEVER RECEIVED. I WILL MAKE IT UP TO YOU. MAYBE WE CAN
9 IF I'M ABLE TO SHOW UP. ALWAYS KNOW THAT YOU HAVE A
10 DAUGHTER WHO LOVES AND CARES FOR YOU. YOU'RE ALWAYS WITH
11 ME IN MY HEART, THAT YOU MEAN EVERYTHING TO ME. I HOPE
12 ALL IS WELL FOR YOU IN YOUR LIFE. HOPE TO SEE YOU SOON,
13 SPEND SOME QUALITY TIME WITH YOU. SAY HELLO TO LINDA AND
14 SAM. GOOD LUCK AT WORK. SAY HI TO EVERYONE FOR ME. TELL
15 THEM I MISS THEM AND LOVE THEM. YOUR DAUGHTER. T-BONE."

16 Q THANK YOU.

17 A T-BONE, SHE WAS ALWAYS TOUGH, TARA, SO I
18 NAMED -- SHE SIGNED "T-BONE" BECAUSE I IDENTIFIED WITH THE
19 SOLID STRENGTH OF A BONE AND HER NAME BEING TARA, SO IT
20 STAYED WITH HER AND I FOR MANY YEARS TO GO.

21 Q WAS T-BONE YOUR NICKNAME FOR TARA?

22 A YES, IT WAS.

23 Q I'M GOING TO SWITCH GEARS A LITTLE BIT NOW,
24 IF WE CAN, PETER. I WANT TO GO THROUGH THAT PORTION OF
25 TARA'S LIFE WHERE SHE BEGAN TO EXPERIENCE SOME EMOTIONAL
26 DIFFICULTIES. BUT BEFORE YOU GET TO THAT, AS TARA WAS
27 GROWING UP -- DO YOU NEED A MOMENT?

28 A I'M ALL RIGHT.

1 Q AS TARA WAS GROWING UP, WERE YOU AWARE OF
2 ANY ISSUES THAT SHE HAD WITH DRUGS, PSYCHIATRIC STUFF,
3 OUTBURSTS, ANYTHING LIKE THAT?

4 A I DID NOT BECOME AWARE OF TARA'S SICKNESS
5 UNTIL '07. SHE SHARED WITH ME ON THE PHONE THAT SHE
6 WASN'T FEELING WELL, AND SHE WAS SEEING A DOCTOR ABOUT IT,
7 AND IT KIND OF CENTERED IN HER SOLAR PLEXUS AND PARTS OF
8 HER LEGS AND NECK, AND THAT SHE WAS GETTING HELP FOR IT.

9 TARA DIDN'T LIKE TO SHARE THE THINGS THAT
10 SHE WOULD SHARE WITH HER MOM ABOUT HER PSYCHOLOGICAL
11 PROBLEMS OR ANYTHING LIKE THAT.

12 Q SHE FOUND IT MORE DIFFICULT TO SHARE THOSE
13 PROBLEMS WITH HER DAD RATHER THAN HER MOM?

14 A YEAH, UNTIL A POINT LATER ON WHEN DURING THE
15 HOLIDAYS, WE HAD A HEART TO HEART, AND SHE SHARED WITH ME
16 THE THINGS THAT WERE REALLY GOING ON WITH HER.

17 Q WHEN DID YOU FIRST HEAR FROM TARA ABOUT
18 SPECIFIC SYMPTOMS THAT WERE BOTHERING HER?

19 A IT WAS PROBABLY LATE '08, EARLY '09.

20 Q AND WHAT DID SHE TELL YOU?

21 A SHE TOLD ME THAT SHE WAS SEEING A
22 PSYCHIATRIST, THAT SHE WAS HEARING VOICES, VERY MUCH LIKE
23 EVERYONE'S DESCRIBED, THE VOICES COMING OUT THE BACK OF
24 HER NECK, THE TIGHTNESS OF HER THROAT, THE ITCHING OF THE
25 SKIN, THE ABILITY -- YOU KNOW, THE DISCOMFORT, THE
26 TORMENT, THAT IT WAS WITH HER ALL THE TIME. SHE COULDN'T
27 SLEEP.

28 THESE THINGS, THEY REALLY UPSET ME, AND I

1 OFFERED TO STAY WITH HER AND PRAY WITH HER FOR A WHILE,
2 AND THEN, OF COURSE, ADVISED HER TO CONTINUE BECAUSE SHE
3 WAS GETTING HELP, AS DR. BOHN TESTIFIED. HE WAS HER
4 PSYCHIATRIST. AND SHE CONTINUED TO SEE HIM.

5 AND WHAT REALLY FRIGHTENED ME WAS THAT --

6 Q BEFORE WE GO ON TO THAT, LET ME ASK YOU, IN
7 2008 DID SHE SPECIFICALLY DESCRIBE THESE VOICES COMING OUT
8 OF HER THROAT THAT SHE COULDN'T CONTROL?

9 A YES, SHE DID, SHE DID.

10 Q DID YOU -- THIS WAS OVER THE PHONE WITH YOU?

11 A WELL, ORIGINALLY, IT WAS OVER THE PHONE.
12 SHE TOLD ME SHE WAS HEARING VOICES, AND I SAID, "YOU'RE
13 COMING OUT VERY SOON. LET'S HAVE A FURTHER DISCUSSION
14 ABOUT IT. LET'S SIT DOWN" LIKE WE ALWAYS WOULD.

15 YOU KNOW, SHE WOULD GIVE ME A MASSAGE. SHE
16 KNEW ALL ABOUT THE -- YOU KNOW, THE MUSCLE AND SKELETAL
17 SETUP. AND SHE'D HIT SOME OF THE POINTS FOR ME ABOUT
18 WORKING OUT BECAUSE SHE STUDIED YOGA AND RECEIVED
19 CERTIFICATES IN IT AND MASSAGE. AND WE WOULD SIT DOWN,
20 AND SHE WOULD DO THAT FOR ME.

21 AND THEN WE'D GET INTO A CONVERSATION ABOUT
22 WHAT WAS GOING ON WITH HER. AND SHE TOLD ME THAT THE
23 VOICES WERE STRONGER. THEY WERE AS IF SHE WAS IN A ROOM
24 SUCH AS THIS MAYBE, AND THERE WERE LIKE 700 PEOPLE, AND
25 THEY WERE JUST COMING FROM ALL OVER, AND SHE COULDN'T MAKE
26 ANY OF THEM OUT. AND IT REALLY UPSET HER AND IT ANNOYED
27 HER AND IS WITH HER CONSTANTLY.

28 NOW, HOW COULD THAT -- HOW COULD THAT BE?

1 IT BLEW ME AWAY BECAUSE I DIDN'T KNOW HOW TO RESPOND TO
2 THAT. "WHAT DO YOU MEAN? YOU CAN'T HEAR -- YOU CAN'T
3 TELL THE VOICES? IS IT WITH YOU ALL THE TIME?"

4 SHE SAID, "DAD, IT'S NONSTOP." AND THAT'S
5 WHEN SHE FIRST TOLD ME, "I CAN'T LIVE LIKE THIS ANYMORE."

6 AND I -- I WAS TAKEN ABACK, AND I SAID,
7 "WELL, THAT'S" -- YOU KNOW, SHE'S JUST SAYING THAT.

8 "TARA, YOU DON'T SAY THINGS LIKE THAT, THAT YOU CAN'T LIVE
9 LIKE THIS ANYMORE. YOU'RE GETTING HELP. YOU'RE GOING TO
10 GET HELP. WE'LL GET TO THE BOTTOM OF IT. WE'LL FIND OUT
11 WHAT IT IS. WE'LL GET YOU HELP. YOU'LL BE BETTER. DON'T
12 WORRY ABOUT IT."

13 AND TARA BEING THE FIGHTER, WE PRAYED, WE
14 SAT, AND WE JUST MOVED ON WITH -- YOU KNOW, WITH THE
15 COURSE OF THE DAY, AND I STAYED WITH HER, WATCHED HER A
16 LITTLE CLOSER, AND I COULD SEE -- I COULD SEE THAT TARA --
17 EVEN DURING THESE HOLIDAY TIMES WHEN SHE CAME OUT, I COULD
18 SEE THAT SHE WAS KIND OF REALLY WORKING HARD TO TRY AND BE
19 SOCIABLE, REALLY WORKING HARD TO TRY AND TALK TO ONES THAT
20 SHE HADN'T SEEN, AND LOVED, YOU KNOW, AND SHE WOULD HUG
21 THEM.

22 AND THEN SHE'D BE -- I'D FIND HER. I'D LOOK
23 OVER, AND I'D ASK HER TO SIT WITH ME. AND THEN SHE'D
24 ALWAYS WIND UP GOING TO ANOTHER TABLE, AND I'D FIND HER
25 SITTING THERE BY HERSELF, SO I'D GO OVER. AND I'D SEND
26 OVER MY NEPHEWS OR MY NIECES TO GO OVER THERE AND SPEND
27 SOME TIME WITH TARA, YOU KNOW, TALK WITH HER.

28 BECAUSE I REALLY STARTED GETTING CONCERNED

1 ABOUT, IF THIS WAS A 24-HOUR THING, THE TORMENT AND
2 ANGUISH HAD TO BE OVERWHELMING, AND HOW WAS SHE -- HOW WAS
3 SHE SUSTAINING, YOU KNOW, HOW WAS SHE SUSTAINING --

4 Q LET ME ASK YOU.

5 A -- IF THAT'S WHAT SHE WAS EXPERIENCING ALL
6 THE TIME?

7 Q EXCUSE ME FOR INTERRUPTING.

8 I WANT TO ASK YOU, DID YOU GET THE SENSE --
9 IN THIS TIME FRAME, 2008, 2009, WHEN YOU WERE INTERACTING
10 WITH TARA, DID YOU GET THE SENSE THAT SHE WANTED TO GET
11 BETTER?

12 A ABSOLUTELY.

13 Q WAS SHE FIGHTING?

14 A TARA WAS A FIGHTER FROM THE DAY SHE WAS
15 BORN. EVERYTHING SHE DID, SHE FOUGHT. SHE WANTED TO DO
16 THE BEST THING FOR HERSELF. SHE WANTED TO DO THE BEST FOR
17 PEOPLE. SHE LOVED PEOPLE. SHE LOVED ANIMALS. SHE TOOK
18 CARE OF ANIMALS. THERE WASN'T AN ANIMAL, A STRAY IN HER
19 NEIGHBORHOOD THAT DIDN'T WIND UP IN HER HOME AND THAT SHE
20 DIDN'T TAKE CARE OF. SHE LOVED HORSES. TARA WAS --

21 MS. TAZZARA: OBJECTION, YOUR HONOR. UNRESPONSIVE.

22 THE COURT: SUSTAINED.

23 MR. NEWHOUSE: I THINK YOU'VE ANSWERED THE
24 QUESTION. THANK YOU.

25 THE WITNESS: TARA WAS A FIGHTER.

26 BY MR. NEWHOUSE:

27 Q DID THERE COME A TIME -- I WANT TO DIRECT
28 YOUR ATTENTION NOW BECAUSE WE'VE HEARD A LOT ABOUT SOME OF

1 THESE SYMPTOMS, AND I DON'T WANT TO REPEAT UNNECESSARILY.

2 WAS THERE A TIME WHEN TARA WAS AT YOUR HOME
3 OVER THE HOLIDAYS IN 2009 WHEN SHE SEEMED PARTICULARLY
4 TROUBLED, MORE TROUBLED THAN SHE HAD BEEN IN THE PAST?

5 A YES.

6 Q DESCRIBE WHAT HAPPENED.

7 A WELL, SHE WAS -- SHE WAS PERPLEXED. SHE WAS
8 ANNOYED. SHE DIDN'T WANT TO PARTICIPATE IN SOME OF THE
9 FAMILY FUNCTIONS. SHE DIDN'T WANT TO PARTICULARLY GO AND
10 SEE MY SISTERS AND BROTHERS AND THEIR NIECES -- AND THEIR
11 CHILDREN, MY NIECES AND NEPHEWS, HER COUSINS, A LOT. SHE
12 WANTED TO STAY IN BED. SHE LOOKED KIND OF LIKE DISHEVELED
13 A LOT, DIDN'T REALLY DRESS.

14 I HAD TO REALLY PLEAD WITH HER TO COME WITH
15 US FOR CHRISTMAS EVE DINNER, FAMILY DINNER, AND IT WAS --
16 IT TOOK EVERYTHING FOR HER TO PREPARE TO DO THAT, TO DO
17 THAT EVENT.

18 Q SO SHE DIDN'T LOOK -- WHEN YOU SAY "SHE
19 LOOKED DISHEVELED," SHE DIDN'T LOOK ANYTHING LIKE THE WAY
20 SHE LOOKS IN THIS PHOTOGRAPH WITH YOU?

21 A NO. TARA -- THAT IS -- THAT IS THE
22 BEAUTIFUL SIDE OF TARA, AND THE SIDE THAT SHE BECAME WAS
23 SOMEONE THAT WAS COMPLETELY DIFFERENT, PALE, NO MAKEUP,
24 OLD CLOTHES ON. KIND OF -- I EVEN WENT UPSTAIRS ONE TIME
25 IN THE HOUSE AND WAS CALLING HER, AND SHE WASN'T
26 RESPONDING. AND I LOOKED IN BED, AND I SAID, "TARA, TARA,
27 ARE YOU OKAY?" AND SHE JUST KIND OF WAS IN THIS FETAL
28 POSITION LIKE, ALMOST LIKE ATROPHIED.

1 AND WHEN I WENT OVER AND SHOOK HER AND SHE
2 WOKE UP, SHE SAID, "WHAT DAD, WHAT?"

3 I SAID, "COME ON, HONEY. YOU GOT TO GET
4 READY. WE'RE GOING TO GO. YOU GOT TO GET READY. YOU
5 HAVE TO GO. YOU CANNOT NOT GO TO A FAMILY GATHERING ON
6 CHRISTMAS EVE. THERE'S GOING TO BE 50 PEOPLE, FAMILY,
7 LOOKING TO SEE YOU." SO, NEVERTHELESS, WE GOT HER UP AND
8 SHE GOT READY AND SHE CAME.

9 AGAIN, TALKING ABOUT THE FIGHTER, THAT WAS
10 THE FIGHTER IN HER, THAT WAS THE FIGHTER, A PERSON WHO
11 COULD NOT DO IT YET FORCED HERSELF TO PREPARE HERSELF TO
12 GO THERE AND PRESENT HERSELF AS IF NOTHING WAS BOTHERING
13 HER, TRYING TO CARRY THAT ON FOR 24 HOURS AND BEING
14 TORMENTED THE WAY SHE WAS.

15 Q SO IN THIS TIME FRAME, LATE 2009 INTO EARLY
16 2010, DID YOU NOTICE AN INCREASE OR A DECREASE IN THE
17 NUMBER OF TIMES THAT TARA TALKED ABOUT KILLING HERSELF?

18 A TARA TALKED MORE RAPIDLY, MORE REGULARLY, I
19 SHOULD SAY, ABOUT NOT BEING ABLE TO LIVE LIKE THIS. "DAD,
20 I CAN'T LIVE LIKE THIS ANY LONGER. I CAN'T TAKE IT."

21 I SAID, "ARE YOU STILL HEARING THE VOICES?"

22 "I HEAR THEM ALL THE TIME. I STILL HAVE --
23 I FEEL LIKE, YOU KNOW, MY SKIN IS FALLING OFF ME. I FEEL
24 LIKE THERE'S BUGS IN MY HAIR."

25 ALL THE SYMPTOMS THAT EVERYONE THAT'S
26 TESTIFIED HERE ARE TRUE TO THAT -- EXACTLY TO THAT
27 DESCRIPTION.

28 Q I WANT TO REDIRECT YOUR ATTENTION TO

1 SPECIFICALLY FEBRUARY 2009, MARCH 2009, THAT TIME FRAME,
2 OKAY?

3 A YEAH.

4 Q DID YOU HAVE -- WELL, LET ME ASK YOU:
5 DURING THIS ENTIRE TIME FRAME, ALL OF 2009 UNTIL THE END
6 OF HER DEATH, DID YOU SPEAK TO TARA REGULARLY?

7 A MORE SO, BECAUSE I WAS CONCERNED THAT WHAT
8 SHE WAS DOING WASN'T HELPING HER.

9 I WOULD CALL LINDA. WE WOULD DISCUSS ABOUT,
10 YOU KNOW --

11 Q SPECIFICALLY, WOULD YOU CALL HER ON THE
12 PHONE?

13 A YES, I DID.

14 Q ON OCCASION WOULD YOU USE THIS NEW
15 TECHNOLOGY --

16 A SKYPE, YES.

17 Q -- SKYPE?

18 A YES. ACTUALLY, THE REASON I WANTED TO GET
19 SKYPE WAS SO THAT I COULD ACTUALLY SEE HER AS I -- AS WE
20 SPOKE. ANYBODY KNOWS WHAT -- MUST KNOW WHAT SKYPE IS.
21 YOU CAN SEE THE PERSON IN THE CAMERA AS YOU'RE TALKING ON
22 THE COMPUTER.

23 AND I WOULD CALL, AND SHE WOULD COME. AND
24 SHE WAS LEARNING HOW TO PLAY THE PIANO. DAVID WAS
25 TEACHING HER TO PLAY THE PIANO. THEY HAD A PIANO IN THEIR
26 SECOND-FLOOR AREA, AND SHE HAD LEARNED A COUPLE OF SONGS.
27 AND I WOULD SAY, "TARA, WHAT DID YOU LEARN TODAY? SHOW ME
28 WHAT YOU LEARNED." AND SHE WOULD PLAY.

1 AND THEN THIS ONE MORNING I WAS ACTUALLY --

2 Q LET ME STOP YOU BECAUSE IT'S VERY IMPORTANT
3 WE JUST PINPOINT THE TIME. THIS IS IN FEBRUARY 2010?

4 A FEBRUARY 2010.

5 Q OKAY. AND YOU WERE GOING TO SKYPE WITH
6 TARA?

7 A RIGHT. WELL, BEFORE THAT, TARA WOULD COME
8 TO THE PHONE. SHE WOULD CALL ME AND SHE WOULD PLAY.

9 AND IN FEBRUARY 2010 OR THEREABOUTS, I
10 WOULD -- I CALLED ON THE SKYPE, AND I ASKED DAVID IF HE --
11 I SAID, "WHERE'S TARA?"

12 BECAUSE WHENEVER I SKYPED, HE WOULD SAY,
13 "TARA, YOUR DAD'S HERE, AND HE WANTS TO TALK TO YOU," AND
14 SHE WOULD COME, YOU KNOW, TO THE COMPUTER, AND I'D SEE
15 HER, AND SHE'D PLAY.

16 SO THIS ONE MORNING I CALLED AND I SAID,
17 "WHERE'S TARA?"

18 HE GOES, "SHE'S STILL IN BED."

19 I SAID, "WELL, CAN YOU GET HER UP? I'D LIKE
20 TO TALK TO HER."

21 HE SAID, "SURE, NO PROBLEM."

22 HE'S CALLING HER, "TARA, TARA, TARA."

23 FINALLY AFTER ABOUT 5 MINUTES --

24 Q IT TOOK SOME TIME, DID IT?

25 A IT TOOK SOME TIME. I WAS TALKING TO DAVID
26 AND I'M WONDERING, YOU KNOW, WHERE IS TARA? FINALLY, TARA
27 SHOWS UP, AND SHE KIND OF WALKED IN THE ROOM WITH THESE
28 WHITE -- THEY WERE WHITE SWEATPANTS, AND I THINK IT WAS A

1 BLUE SWEATSHIRT, AND IT LOOKED LIKE HER HAIR WAS LIKE
2 KNOTTED, LIKE AS IF SOMEONE HADN'T COMBED IT FOR ABOUT A
3 WEEK. AND SHE LOOKED LIKE SHE WAS PALE, REAL WHITE PALE,
4 LIKE ALMOST A DEAD PERSON WALKING, LIKE I DIDN'T RECOGNIZE
5 HER. I SAID, "TARA," I SAID, "WHAT THE HECK? ARE YOU
6 SICK? WHAT'S WRONG WITH YOU?"

7 AND SHE LITERALLY SAID, "NO. I'M OKAY. I'M
8 ALL RIGHT." JUST DISTANT, SO DETACHED, SO, SO TORMENTED.

9 IT LOOKED LIKE -- WHILE I WAS TALKING TO
10 HER, I SAID, "WHY DON'T YOU PLAY ON THE PIANO?"

11 "NO, I DON'T FEEL LIKE IT TODAY. I'M NOT --
12 I'M NOT PLAYING THE PIANO."

13 AND DAVID WOULD SAY, "COME ON, TARA, SIT
14 DOWN. YOUR DAD ALWAYS LIKES TO HEAR YOU PLAY THE PIANO.
15 SHOW HIM WHAT YOU LEARNED, WHAT YOU'VE BEEN LEARNING.

16 "NO, NOT TODAY. I DON'T FEEL -- I DON'T
17 FEEL UP TO IT, DAD."

18 Q DID YOU NOTICE WHETHER SHE WAS SLURRING HER
19 SPEECH DURING THAT INTERACTION?

20 A OH, YES, SHE WAS. SHE WAS, YOU KNOW, JUST
21 VERY -- HER WORDS WERE VERY SHORT, SOMEWHAT SLURRED, AND
22 "I REALLY DON'T FEEL LIKE IT."

23 AND THEN IN BETWEEN THE WORDS, SHE WOULD
24 KIND OF LIKE JUST LOOK OFF, YOU KNOW. AND I WAS SAYING,
25 "TARA, WHAT IS WRONG WITH YOU? LET'S GO TO THE DOCTOR.
26 DAVID, CAN YOU TAKE HER TO THE DOCTOR? I WANT YOU TO TAKE
27 HER TO THE DOCTOR."

28 HE SAID, "I'M GOING TO TAKE HER TO THE

1 DOCTOR. WE HAVE DOCTOR VISITS THIS WHOLE COMING WEEK AND
2 NEXT WEEK."

3 I SAID, "DID ANYBODY DO A WORKUP ON HER?
4 DID ANYBODY ADDRESS WHAT'S GOING ON?" I SAID, "ARE YOU
5 STILL HEARING VOICES?"

6 SHE WOULDN'T RESPOND TO ME.

7 "DAVID," I SAID, "SHE'S STILL HEARING
8 VOICES? SHE'S STILL COMPLAINING OF HEARING VOICES?"

9 "YES.

10 "IS SHE STILL COMPLAINING? IS IT CONSTANT?"

11 "YES."

12 YOU KNOW.

13 Q EXCUSE ME. WAS THAT THE ONLY OCCASION IN
14 FEBRUARY OR MARCH WHERE SHE WAS SLURRING HER WORDS AND HAD
15 THIS DEPRESSED AFFECT OR WERE THERE OTHER OCCASIONS?

16 A THERE WAS AN OCCASION WHILE DAVID WAS AWAY.
17 I BELIEVE HE WAS ON BUSINESS IN SEATTLE AT THE TIME, AND
18 TARA WAS HOME BY HERSELF, AND I WAS CALLING BECAUSE I KNEW
19 HE WAS AWAY. SO I CALLED AND I CALLED. SHE DIDN'T
20 ANSWER. AND THEN I CALLED ANOTHER HALF HOUR LATER. SHE
21 STILL DIDN'T ANSWER. THEN FINALLY IN AN HOUR I WAS ABLE
22 TO CALL HER, AND SHE PICKED UP THE PHONE. I SAID, "TARA,
23 WERE YOU HOME THE WHOLE TIME?"

24 SHE SAID "YEAH."

25 I SAID, "WELL, WHY DIDN'T YOU PICK UP THE
26 PHONE? HOW ARE YOU FEELING?"

27 "OH, NOT FEELING TOO GOOD TODAY. I FEEL
28 KIND OF TIRED. EVERYTHING IS BOTHERING ME. I HAVE ACHES

1 AND PAINS."

2 I SAID, "ARE YOU STILL HEARING VOICES?"

3 "YES. I CAN'T LIVE LIKE THIS," SHE SAID.

4 "I CAN'T LIVE LIKE THIS. I CAN'T TAKE THIS ANYMORE, DAD."

5 I SAID, "HANG IN THERE, KID. WE'RE GOING TO
6 GET TO THE BOTTOM OF IT. WE'LL GET TO THE BOTTOM OF IT.

7 DON'T WORRY. HANG IN THERE. ARE YOU SEEING THE DOCTORS?"

8 "YES, I'M GOING TO BE SEEING THE DOCTORS,
9 YOU KNOW."

10 Q WAS THAT THE LAST TIME YOU SPOKE WITH TARA?

11 A THAT WAS THE LAST TIME I SPOKE.

12 Q HOW DID YOU LEARN OF TARA'S TRAGIC PASSING?
13 TAKE A MOMENT.

14 A THANK YOU. TARA -- I GOT A CALL AT, LIKE, I
15 THINK IT WAS SIX O'CLOCK, NINE O'CLOCK MY TIME. IT MUST
16 HAVE BEEN CLOSE TO SIX O'CLOCK IN L.A. DAVID, HE WAS ON
17 THE OTHER PHONE ON THE OTHER SIDE, AND HE'S SAYING,
18 "PETER, PETER," HE SAID, "I -- I DIDN'T WANT TO -- I
19 DON'T -- I DIDN'T WANT TO MAKE THIS PHONE CALL, BUT YOU
20 NEED TO KNOW." HE SAID, "PARAMEDICS ARE HERE AND TARA
21 DOESN'T LOOK VERY GOOD. DOESN'T LOOK LIKE SHE'S GOING TO
22 MAKE IT."

23 I SAID, "DON'T TELL ME THAT, DAVID. WHAT DO
24 YOU MEAN, 'SHE'S NOT GOING TO MAKE IT'?"

25 HE SAID, "THEY'VE GOT DEFIBRILLATORS ON HER.
26 SHE'S NOT RESPONSIVE."

27 I SAID -- I COULDN'T COMPOSE MYSELF. I FELL
28 ON THE FLOOR. I STARTED SCREAMING OUT TO GOD, "PLEASE

1 GOD, DON'T MAKE THIS TRUE, PLEASE. TAKE ME. TAKE ME." I
2 SCREAMED, "GOD, TAKE ME, PLEASE, TAKE ME. DON'T TAKE MY
3 GIRL. DON'T TAKE MY BABY."

4 Q PETER, I'M SORRY. TAKE A MOMENT HERE.

5 A IT JUST DIDN'T SEEM REAL. IT DIDN'T SEEM
6 REAL. IT WAS LIKE SURREAL, LIKE IT WASN'T HAPPENING. IT
7 WAS LIKE THE DREAM THAT YOU DREAM ABOUT, AND THERE IT IS
8 HAPPENING BEFORE YOUR VERY EARS AND EYES. THERE'S NOTHING
9 YOU CAN DO ABOUT IT. YOU COULDN'T BRING HER BACK.

10 SHE WAS SUCH A GOOD PERSON. SHE LOVED
11 PEOPLE. SHE CARED ABOUT PEOPLE, SHE HAD A GOOD HEART.
12 SHE WAS A FIGHTER. SHE COULDN'T GET OVER THIS.

13 I COULDN'T BELIEVE -- I COULDN'T BELIEVE
14 THAT SHE WOULD TAKE HER LIFE LIKE THAT.

15 Q PETER, I WAS GOING TO ASK YOU HOW YOUR
16 DAUGHTER'S DEATH HAS AFFECTED YOUR LIFE, BUT I THINK
17 YOU'VE ALREADY ANSWERED THAT QUESTION, SO I'M GOING TO
18 PASS ON AND ASK YOU ONE FINAL QUESTION.

19 DO YOU MISS TARA EVERY DAY OF YOUR LIFE?

20 A DO YOU SEE THIS PIN?

21 Q YES.

22 A THIS IS -- MY DAUGHTER LEFT ME THIS. SHE
23 GAVE IT TO ME, AND THERE'S NOT A DAY OR A GARMENT THAT I
24 DON'T WEAR THIS TO REMIND ME OF MY DAUGHTER AND HER LOSS.
25 NOT A DAY, NOT A MINUTE. EVERY ONE OF MY PASSWORDS HAVE
26 HER NAME IN IT. SHE'S WITH ME ALWAYS.

27 WILL I MISS HER? I CAN'T WAIT TO BE WITH
28 HER. I CAN'T WAIT UNTIL I GO AND LEAVE THIS PLACE AND

1 JOIN UP WITH HER IN GLORY. THIS WAS -- THIS WAS SOMETHING
2 WE GOT FROM THEIR HOUSE WHEN WE WERE OUT THERE. LINDA
3 GAVE ME THIS, AND SHE SAID --

4 Q AFTER HER PASSING?

5 A THIS WAS ON HER REFRIGERATOR. IT SAID,
6 "GIVE GOD THE GLORY," AND THESE ARE LISTS THAT SHE WOULD
7 MAKE OF HER THINGS THAT SHE NEEDED TO REMEMBER TO GET WHEN
8 SHE WOULD GO TO THE STORE: "SCRUBBING BUBBLES, PAPER
9 TOWELS, BONE FOR THE DOG, SOFT SCRUB, DRY SWEEPING
10 REFILLS." THESE ARE MY MEMORIES. THIS IS ALL I HAVE OF
11 HERS.

12 THIS IS A PICTURE OF GRADUATION. THERE'S A
13 KID THAT HAD HERSELF TOGETHER.

14 SHE WASN'T A SCUM. THEY MADE HER OUT TO BE
15 LIKE SOME KIND OF A DRUG ADDICT. SHE WAS NO DRUG ADDICT.
16 SHE HAD TROUBLES AND SHE SOUGHT TO FIND AN ANSWER TO THOSE
17 TROUBLES. AND WHEN SHE COULDN'T, SHE TOOK HER LIFE, AND
18 THAT'S MY TAKE ON IT.

19 MR. NEWHOUSE: NO FURTHER QUESTIONS, YOUR HONOR.

20 THE COURT: ALL RIGHT. CROSS?

21 MS. TAZZARA: YES, YOUR HONOR.

22

23 CROSS-EXAMINATION

24 BY MS. TAZZARA:

25 Q GOOD AFTERNOON, MR. DE ROGATIS.

26 THE COURT: DO YOU NEED TO TAKE A COUPLE MINUTES OR
27 ARE YOU GOOD TO GO FOR ABOUT 10 OR 15 MORE MINUTES?

28 THE WITNESS: YES, YOUR HONOR, THANK YOU.

1 BY MS. TAZZARA:

2 Q JUST A FEW QUESTIONS FOR YOU,
3 MR. DE ROGATIS.

4 A YES.

5 Q I'M GOING TO BRING YOU BACK A LITTLE BIT IN
6 TIME, THEN, AND ASK YOU TO FOCUS A LITTLE BIT ON JUST THE
7 FEW YEARS BEFORE TARA'S DEATH. IF WE GO BACK TO 2007 AND
8 2008 AND 2009, YOU WERE LIVING IN NEW JERSEY, OF COURSE,
9 AND TARA IS LIVING IN LOS ANGELES, AND SHE'S LIVING WITH
10 MR. MAC EACHERN, WHO WE HAVE MET IN THIS COURTROOM; IS
11 THAT TRUE?

12 A THAT IS CORRECT.

13 Q AND AS TARA'S DAD, YOU -- OF COURSE, YOU
14 TOLD US YOU'D SEE HER A FEW TIMES A YEAR, CORRECT?

15 A YES, MORE THAN A FEW.

16 Q AND CERTAINLY EVERY CHRISTMASTIME TARA WOULD
17 SPEND SOME TIME --

18 A DEFINITELY.

19 Q -- IN JERSEY --

20 A ALWAYS.

21 Q -- WITH YOU AND WITH OTHER FAMILY MEMBERS?

22 A ME AND MY ENTIRE FAMILY, FRIENDS. EVERYBODY
23 ADORED TARA.

24 Q AND NOW, YOU WOULD ALSO CALL HER OR YOU
25 WOULD SORT OF CATCH EACH OTHER BY PHONE ABOUT ONCE A WEEK;
26 IS THAT TRUE?

27 A NO, MORE THAN THAT. WE TALKED SEVERAL TIMES
28 DURING THE WEEK, TWO OR THREE TIMES A WEEK.

1 Q OKAY. AND I THINK YOU MENTIONED THIS, BUT
2 YOU WOULD ACTUALLY -- YOUR AND TARA'S CONVERSATIONS WERE
3 KIND OF DIFFERENT TOPICS THAN YOUR EX-WIFE LINDA'S AND
4 TARA'S CONVERSATIONS?

5 A I ASSUME SO, YES.

6 Q IN OTHER WORDS, TARA AND YOU DID NOT TALK
7 ABOUT PERSONAL THINGS LIKE HER PHYSICAL AND MENTAL HEALTH,
8 AT LEAST UNTIL LATER ON?

9 A MUCH LATER ON FACE TO FACE, AND THEN AGAIN
10 ON THE SKYPE AND A FEW TIMES ON THE PHONE.

11 Q RIGHT. LET'S SAY BEFORE '08, LATE '09, YOU
12 AND TARA WOULD NOT TALK ABOUT WHO HER DOCTORS WERE AND
13 WHAT HER MEDICATIONS WERE AND ALL THOSE DETAILS OF HER
14 DAY-TO-DAY LIFE; IS THAT TRUE?

15 A NOT IN GREAT DETAIL, NO.

16 Q YOU AND TARA SPOKE A LOT ABOUT THE ARTS AND
17 ABOUT ACTING, CORRECT?

18 A YEAH. WE WOULD TALK WHEN SHE HAD AN
19 AUDITION EARLY ON.

20 Q AND, SIR --

21 A WHEN SHE WAS PURSUING IT, YOU KNOW, IN A
22 MORE THAN REGULAR BASIS, SHE WOULD CALL ME WITH THE SIDES,
23 AND WE'D GO OVER THE SCRIPT OR THE SIDE, AND I'D GIVE HER
24 MY ADVICE AND LEAD HER ON --

25 Q AND, SIR --

26 MR. NEWHOUSE: YOUR HONOR, I'M SORRY. I THINK IF
27 THE WITNESS COULD BE ALLOWED TO FINISH HIS RESPONSE.

28 THE COURT: I'M SORRY. GO AHEAD AND FINISH.

1 THE WITNESS: NO. THE -- WHEN I WOULD TALK TO HER
2 ABOUT THE SIDES, LATER ON, LIKE LATE '08, '09, SHE HAD
3 DIFFICULTY WITH DIALECT. WE WERE WORKING ON DIALECT
4 BECAUSE SHE WAS TRYING TO GO FOR A PART WHERE SHE HAD TO
5 HAVE AN ACCENT, AND SHE COULDN'T -- SHE JUST COULDN'T GET
6 IT TO WORK FOR HER. SO I TOLD HER, "JUST DO IT IN YOUR
7 NATURAL VOICE, AND THE DIRECTOR OR WHOMEVER YOU'RE
8 INTERVIEWING WITH OR AUDITIONING FOR WILL WORK WITH YOU ON
9 IT. THEY HAVE COACHES, YOU KNOW, IF YOU GET THE PART."

10 TARA DIDN'T LIKE -- SHE WAS VERY -- VERY
11 DEJECTED WHEN SHE DIDN'T GET CAST, WHICH WAS 90 PERCENT OF
12 THE TIME.

13 BY MS. TAZZARA:

14 Q WHICH IS THE LIFE OF THE ACTOR.

15 SIR, YOU HAVE AN ACTING BACKGROUND YOURSELF.
16 HAVE YOU BEEN --

17 A WELL, I -- IN SCHOOL.

18 Q HAVE YOU BEEN ON THE STAGE?

19 A YES. IN SCHOOL I DID SEVERAL PLAYS,
20 MUSICALS, DRAMAS. I DID SOME WORK -- COMMUNITY THEATER
21 AFTER WORK AS AN AVOCATION. I TEACHED -- I TEACH LITTLE
22 CHILDREN RIGHT NOW WITH COMMUNITY THEATER, TRY TO TEACH
23 THEM SOME OF THE BASICS OF ACTING, AND WE'RE DOING A PLAY
24 ON -- IT'S CALLED -- IT'S PIPPIN. COMING UP SOON.

25 Q OKAY. SIR, LET ME DIRECT YOU A BIT HERE.

26 YOU WERE NOT -- IF I WERE TO ASK YOU, AND I
27 AM, WHO TARA'S DOCTORS WERE IN '07 AND '08 AND '09, OTHER
28 THAN DR. BOHN AND DR. LATIMER, DID YOU KNOW OTHER DOCTORS

1 THAT TARA SAW?

2 A NO, I DID NOT, DID NOT KNOW ANY OTHER
3 DOCTORS EXCEPT DR. BOHN AND DR. LATIMER.

4 Q AND IN '07 AND '08, DID YOU KNOW AT THAT
5 TIME WHAT MEDICATIONS TARA WAS TAKING, WHETHER THEY BE
6 DRUGS FROM DR. BOHN OR FROM THE ANY OTHER DOCTORS?

7 A WELL, NOT PARTICULARLY, BUT I REMEMBER
8 DURING ONE OF THE HOLIDAY SEASONS, MUST HAVE BEEN '08 OR
9 '09, THAT SHE HAD -- I HAD TO PICK HER UP. SHE WAS COMING
10 TO MY HOME IN PREPARATION FOR THE HOLIDAY FOR A FEW DAYS,
11 AND SHE'D GO BACK AND FORTH TO HER MOM'S AND MY HOUSE.

12 AND I NOTICED -- I HAD TO STOP AT THE
13 DRUGSTORE BECAUSE SHE HAD A PRESCRIPTION THERE. AND WHEN
14 WE GOT THERE, SHE PULLED OUT A BAGGIE, PLASTIC BAG OF
15 ABOUT 15 DIFFERENT VIALS OF MEDICATIONS, AND I SAID,
16 "TARA," I SAID, "ARE YOU TAKING ALL THESE THINGS?"

17 SHE GOES, "AT TIMES." SHE SAID, "SOME OF
18 THEM ARE VITAMINS, DAD. SOME OF THEM ARE VITAMINS."

19 Q SO IN OTHER WORDS, IN THE CHRISTMASTIME OF
20 '08 WHEN YOU SAW THAT TARA HAD A BIG BAG OF BOTTLES AND
21 YOU -- IT'S FAIR TO SAY, YOU DIDN'T KNOW WHAT THEY WERE.
22 THEY COULD HAVE BEEN VITAMINS FOR ALL YOU KNEW?

23 A RIGHT. SHE SAID SOME OF THEM -- BUT I COULD
24 TELL THE DIFFERENCE BETWEEN A VITAMIN BOTTLE AND A VIAL --
25 YOU KNOW, A PRESCRIPTION BOTTLE, AND SHE HAD SEVERAL
26 PRESCRIPTION BOTTLES.

27 Q OKAY. AGAIN, YOU WERE NOT PERSONALLY
28 INVOLVED IN WHO'S THE DOCTOR, WHAT'S THE DRUG, WHAT'S IT

1 FOR, THAT TYPE OF THING?

2 A NOT PARTICULARLY. AGAIN, HER MOM WAS ON
3 THAT REGULARLY, AND IT WAS NEWS TO ME WHEN I FOUND OUT HOW
4 SICK SHE REALLY WAS, WHY IT WAS KEPT FROM ME.

5 I FELT KIND OF HURT THAT MY DAUGHTER DIDN'T
6 SHARE THAT, BUT I UNDERSTOOD WHY SHE DIDN'T. BECAUSE,
7 AGAIN, OUR BOND WAS DIFFERENT THAN HER AND HER MOM'S, YOU
8 KNOW.

9 Q FAIR ENOUGH. SIR, IS IT FAIR TO SAY THAT IT
10 WAS NOT UNTIL THE TIME OF TARA'S DEATH, AFTER HER DEATH,
11 THAT YOU LEARNED THAT TARA HERSELF HAD USED CRYSTAL METH,
12 HAD USED METHAMPHETAMINES OVER A NUMBER OF YEARS ON MANY
13 OCCASIONS? YOU DIDN'T KNOW THAT WHEN SHE WAS ALIVE; IS
14 THAT TRUE?

15 A NO, I DIDN'T KNOW MUCH OF TARA'S, YOU KNOW,
16 RECREATIONAL USE OF METH.

17 Q OKAY. IN THE SAME WAY, YOU DID NOT KNOW --
18 YOU CERTAINLY KNEW AND HAD CONVERSATIONS OVER THE YEARS
19 WITH DAVID MAC EACHERN OR MAC EACHERN, THE OLDER MAN WHO
20 LIVED WITH TARA? YOU KNEW HIM -- CORRECT? --

21 A YES, I DID.

22 Q -- FOR YEARS?

23 YOU DID NOT KNOW THAT HE WAS A USER OF
24 METHAMPHETAMINE, AS HE CALLED IT, OVER A MANY-YEAR PERIOD
25 WHILE HE WAS LIVING WITH YOUR DAUGHTER?

26 A YOU KNOW WHAT, I WOULDN'T SAY A MANY-YEAR
27 PERIOD BECAUSE I HAD BEEN OUT THERE SEVERAL TIMES FROM
28 '06, YOU KNOW, EARLY '05, '06. THEY NEVER USED METH WITH

1 ME WHEN I WAS THERE.

2 Q SO IN OTHER WORDS, YOU DIDN'T KNOW THAT
3 MR. MAC EACHERN WAS A METH USER TO YOUR OBSERVATION AND
4 YOUR KNOWLEDGE WHILE TARA WAS STILL ALIVE; IS THAT TRUE?

5 A NO, I DIDN'T.

6 Q AND THE SAME -- AND I THINK YOU'VE HEARD
7 TESTIMONY IN THIS COURTROOM ABOUT TARA HAVING USED, DURING
8 HER LIFETIME, COCAINE, ECSTASY, MUSHROOMS. YOU DIDN'T
9 KNOW ANY OF THAT DURING THE TIME THAT TARA WAS ALIVE?
10 THAT'S NOT SOMETHING SHE OR ANYONE ELSE SHARED WITH YOU
11 DURING HER LIFE; IS THAT TRUE?

12 A THAT IS TRUE. SHE NEVER SHARED THAT WITH
13 ME, BUT I COULDN'T SEE -- MY DAUGHTER WAS NOT AN ADDICT.
14 SHE WAS NOT AN ABUSER OF THOSE DRUGS. SHE MAY HAVE USED
15 IT -- I FIND OUT NOW THROUGH THE TESTIMONY AND THE
16 DOCUMENTS IN PREPARATION OF COMING HERE THAT SHE MAY HAVE
17 RECREATIONALLY USED IT, BUT SHE WAS NOT SEEKING IT AS IF
18 SHE WERE A DRUG ADDICT JUNKIE IN THE STREET, YOU KNOW,
19 DYING FOR IT.

20 MY DAUGHTER WAS SEEKING OPIATES, AS I CAN
21 UNDERSTAND IT, TO RELIEVE THE PAIN AND TORMENT THAT WAS
22 KILLING HER SLOWLY.

23 MS. TAZZARA: YOUR HONOR, I'M JUST GOING TO MOVE TO
24 STRIKE THE END OF THAT AS NONRESPONSIVE.

25 THE COURT: STRICKEN.

26 BY MS. TAZZARA:

27 Q WE WILL GET THERE, SIR, IF YOU CAN LISTEN TO
28 MY QUESTIONS.

1 A I'M SORRY.

2 Q I DON'T HAVE A WHOLE LOT MORE. I JUST WANT
3 TO GET YOU THROUGH A FEW MORE QUESTIONS.

4 A I GET IT.

5 Q I APPRECIATE IT.

6 SIR, IS IT TRUE THAT IN -- WELL, FIRST OF
7 ALL, IN THE CHRISTMASTIME, I UNDERSTAND THAT IN '07 AND
8 '08 IT WAS TARA AND DAVID THAT VISITED EVERYBODY --

9 A YES.

10 Q -- BUT THEN '09, THE LAST CHRISTMAS WITH
11 YOU, DAVID WASN'T THERE; IT WAS JUST TARA; IS THAT TRUE?

12 A THAT IS TRUE.

13 Q OKAY. AND IF I AM RECALLING, DO YOU
14 REMEMBER WE HAD YOUR DEPOSITION IN JANUARY OF 2012?

15 I TOOK YOUR DEPOSITION. DO YOU RECALL THAT?

16 A I DO RECALL.

17 Q AM I CORRECT THAT IN CHRISTMAS OF 2008 WAS
18 THE FIRST TIME THAT YOU LEARNED FROM TARA THAT SHE WAS --
19 THAT SHE TOLD YOU THAT SHE WAS HEARING VOICES? DO YOU
20 REMEMBER THAT?

21 A YEAH, I DO, BUT IT ACTUALLY WAS IN 2007. IN
22 '7 SHE TOLD ME SHE WAS GOING FOR HER WORKUP AND THAT SHE
23 HAD PAIN AND THERE WERE SOME VOICES.

24 AND AT THAT TIME SHE WAS SEEKING SPIRITUAL
25 TRUTH, AND SHE HAD GONE TO MACHU PICCHU, PERU. AND SHE
26 WOULD TELL ME THAT SHE WAS SEEKING SPIRITUAL TRUTH, AND
27 THAT SHE WOULD HEAR AN ANGEL SPEAK TO HER, AND SHE
28 COMMUNICATED WITH THIS ANGEL. AND THAT STARTED THE QUEST

1 WITH TARA ON TRUTH AND FAITH, WHICH BROUGHT HER BACK TO
2 THE CATHOLIC CHURCH WHERE SHE, YOU KNOW, WAS FIGHTING FOR
3 HER LIFE, ASKING FOR A MIRACLE AND PRAYER, AND I WOULD
4 PRAY WITH HER ON THE PHONE ABOUT IT.

5 Q OKAY, SIR. AND I APPRECIATE THAT.

6 LET ME JUST FOCUS YOU ON CHRISTMAS 2008.

7 DO YOU REMEMBER TELLING TARA, "IF YOU'RE
8 HAVING THESE VOICES, WE'LL GET TO THE BOTTOM OF IT, AND
9 I'M GOING TO GET OUT A TAPE RECORDER, AND MAYBE WE CAN
10 FIGURE OUT WHAT'S GOING ON"?

11 A YES. I TOLD HER -- I SAID, "YOU KNOW WHAT,
12 TARA? MAYBE IF YOU TRY TO RECORD THESE VOICES," BECAUSE I
13 DIDN'T KNOW WHAT TO DO FOR HER OR HOW TO HELP HER AND HOW
14 A YOUNG WOMAN COULD BE EXPERIENCING -- BE EXPERIENCING
15 VOICES ALL DAY LONG AND STILL BE ABLE TO FUNCTION. SO I
16 SAID, "YOU KNOW WHAT? MAYBE -- HERE'S AN IDEA. LET'S GET
17 A RECORDER, AND EVERY TIME YOU HEAR SOMETHING YOU CAN
18 IDENTIFY IN A VOICE, SPEAK INTO THE RECORDER AND WRITE IT
19 DOWN." I SAID, "WHO KNOWS? MAYBE OUT OF IT, IF SOMETHING
20 MAKES SENSE, WE CAN PATCH IT TOGETHER, AND MAYBE WE CAN
21 MAKE A BOOK, YOU KNOW, CREATE A BOOK OR SOMETHING OF THAT
22 NATURE."

23 Q THAT WAS YOUR AND TARA'S RELATIONSHIP, AND
24 YOU WERE KIND OF THE PROBLEM-SOLVER, AND THAT WAS
25 COMFORTING TO TARA?

26 A IT WAS VERY COMFORTING. TARA WOULD SHARE
27 WITH ME ABOUT THINGS THAT -- YOU KNOW, THAT SHE WANTED TO
28 DO IN LIFE. SHE WANTED TO GET MARRIED. SHE WANTED TO

1 HAVE A CHILD.

2 Q AGAIN, I'M GOING TO --

3 A I'M SORRY.

4 MS. TAZZARA: NO DISRESPECT. I'M GOING TO MOVE TO
5 STRIKE THAT BECAUSE THAT WASN'T MY QUESTION.

6 THE COURT: STRICKEN.

7 BY MS. TAZZARA:

8 Q FOCUS AGAIN. CHRISTMAS '08 WAS THE TIME
9 THAT SHE TOLD YOU ABOUT THESE VOICES AND YOU ALL TALKED
10 ABOUT THE TAPE RECORDER. DOES THAT SOUND RIGHT? THAT
11 SOUNDS LIKE THE RIGHT TIME FRAME, CORRECT?

12 A YES, YES.

13 Q AM I CORRECT, THEN, THAT THE FIRST TIME,
14 THOUGH, THAT TARA EVER SPOKE TO YOU ABOUT HAVING PAIN OR
15 BURNING PAIN IN HER BODY AND JOINTS WAS THE NEXT YEAR,
16 WHICH WAS CHRISTMAS OF '09, THAT CHRISTMAS WHEN SHE WAS
17 ALONE WITHOUT DAVID AND SHE WAS VISITING YOU?

18 DO YOU REMEMBER THAT?

19 A IF I RECALL CORRECTLY, IT WAS LATE '08,
20 EARLY '09, AND THEN CONTINUING INTO THE HOLIDAY SEASON OF
21 '09, GOING INTO '10.

22 Q SIR, BECAUSE I'M GOING TO ASK YOU, DO YOU
23 REMEMBER IN YOUR DEPOSITION, AND THIS IS ON PAGE 58, LINE
24 21 TO 25, THE QUESTION REGARDING --

25 MR. NEWHOUSE: CAN I HAVE ONE MOMENT, YOUR HONOR,
26 TO EXAMINE THAT?

27 THE COURT: YES.

28 MR. NEWHOUSE: 58, COUNSEL, FROM WHERE TO WHERE?

1 MS. TAZZARA: FROM LINES 21 TO 25.

2 Q AND DO YOU REMEMBER THIS QUESTION:

3 "WHEN YOU BECOME AWARE" -- "WHEN YOU
4 BECAME AWARE OF THE BURNING...SYMPTOM, WHEN WAS
5 THAT"?

6 MR. NEWHOUSE: "BURNING PAIN SYMPTOM," COUNSEL.

7 BY MS. TAZZARA:

8 Q I'M SORRY. "BURNING PAIN SYMPTOM." THANK
9 YOU. "BURNING PAIN SYMPTOM, WHEN WAS THAT?"

10 THE ANSWER WAS, "THAT WAS IN '09, PRIOR TO
11 THIS -- THIS WAS DURING THE -- PRIOR TO THE HOSPITAL,
12 DURING THAT STAY."

13 DO YOU REMEMBER THAT TESTIMONY?

14 A YES, I DO.

15 Q AND THAT HOSPITAL STAY WAS IN DECEMBER '09,
16 CORRECT?

17 A YES.

18 Q NOW, DO YOU REMEMBER -- DURING THAT DECEMBER
19 '09 WHEN TARA WAS HAVING THE PAIN, TELLING YOU ABOUT THE
20 PAINS, AND I UNDERSTAND SHE ALSO HAD THE VOICES, DO YOU
21 REMEMBER TELLING HER SOMETHING TO THE EFFECT, "MAYBE
22 THERE'S SOMETHING MEDICALLY WRONG WITH YOU. YOU NEED TO
23 GO SEE SOME MEDICAL DOCTORS AND SEE IF THEY CAN WORK YOU
24 UP AND GET AN M.R.I. AND DO ALL KIND OF TESTS"?

25 DO YOU REMEMBER THAT?

26 A SURE. YOU KNOW, I WAS KIND OF OUT OF
27 SUGGESTIONS BECAUSE IT SEEMED LIKE SHE HAD BEEN GOING TO
28 THE DOCTOR ON A REGULAR BASIS AND GETTING THESE WORKUPS

1 AND GETTING FOLLOW-UPS AND GETTING ALL THE THINGS THAT
2 MOST DOCTORS PROVIDE FOR THEIR PATIENTS.

3 Q SO --

4 A SO I THOUGHT SHE WAS IN GOOD HANDS AND SHE
5 WAS BEING TAKEN CARE OF.

6 Q BUT MY QUESTION IS A LITTLE BIT DIFFERENT.

7 I'M ASKING YOU IF YOU REMEMBER IN DECEMBER
8 '09 SAYING, "YOU NEED TO GO AND PURSUE MEDICALLY WITH
9 DOCTORS WHAT'S GOING ON WITH THIS PAIN IN YOUR BODY,
10 MEDICAL DOCTORS, AND GOING FOR AN M.R.I."?

11 DO YOU REMEMBER TELLING HER?

12 A WELL, NOT SPECIFICALLY AN M.R.I., BUT
13 CERTAINLY DOCTORS, MEDICAL DOCTORS. AND THAT WAS PRIOR
14 TO, YOU KNOW, HER BEING ADMITTED INTO THE PSYCHIATRIC
15 WARD, WHICH SHE SPENT A WEEK IN MOUNTAINSIDE HOSPITAL.

16 Q DID YOU BELIEVE THAT TARA WAS RECEPTIVE TO
17 YOUR RECOMMENDATION THAT -- I TAKE IT ONCE SHE GOT BACK TO
18 LOS ANGELES IN HER HOME, DID YOU THINK SHE WOULD INDEED
19 PURSUE MEDICAL DOCTORS AND WHATEVER KIND OF TESTING WOULD
20 BE NECESSARY TO --

21 A IT WAS MY HOPE --

22 MR. NEWHOUSE: HOLD ON. OBJECTION. CALLS FOR
23 SPECULATION. LACK OF FOUNDATION.

24 THE COURT: SUSTAINED.

25 BY MS. TAZZARA:

26 Q DID TARA GIVE YOU ANY INDICATION WHEN YOU
27 WERE GIVING HER THIS RECOMMENDATION TO PURSUE MEDICAL
28 WORKUP AND ANY KIND OF TESTS DECEMBER '09 -- DID YOU HAVE

1 AN IMPRESSION AS TO WHAT HER RESPONSE WAS, WHETHER SHE
2 WOULD DO IT?

3 A YEAH. I KNEW THAT SHE WAS SUFFERING AT THAT
4 TIME BECAUSE I HAD HAD THE CONVERSATION WITH HER MOM AND
5 HER ABOUT SEEING THE PSYCHIATRIST. NOW I KNEW IT WAS
6 PSYCHOLOGICAL AND I -- AND I MADE SURE WHEN I TOLD HER,
7 "YOU HAVE TO PURSUE THIS. YOU HAVE TO -- YOU HAVE TO BE
8 DILIGENT IN YOUR MEDICINE. YOU HAVE TO GO AND GET A
9 SECOND OPINION, AND, IN FACT, I SUGGEST THAT WE ADMIT YOU,
10 THAT WE GET YOU 30, 60 DAYS OF REHABILITATION, CLEAN
11 EVERYTHING OUT OF YOU AND START FRESH WITH COGNITIVE
12 THERAPY, WITH GROUP THERAPY," WHICH SHE NEVER HAD AND, I
13 DON'T BELIEVE, WAS EVER SUGGESTED TO HER.

14 Q SIR --

15 A THEN I REMEMBER -- IF I MAY.

16 MS. TAZZARA: I WOULD JUST MOVE TO STRIKE THIS
17 AS --

18 THE WITNESS: IF I COULD GET THIS OUT.

19 THE COURT: WAIT JUST ONE SECOND.

20 THE WITNESS: SORRY, YOUR HONOR.

21 THE COURT: I THINK YOU ANSWERED THE QUESTION.

22 NEXT QUESTION.

23 BY MS. TAZZARA:

24 Q THANK YOU, SIR. I'M GOING TO ASK YOU
25 ANOTHER QUESTION.

26 DID YOU KNOW -- I'M GOING TO TURN TO THE
27 TIME THAT TARA DID GO BACK TO LOS ANGELES IN JANUARY --
28 ACTUALLY IT WAS CHRISTMAS DAY OF 2009, CORRECT?

1 A YES, IT WAS.

2 Q AND DID YOU KNOW -- WERE YOU AWARE AT THE
3 TIME THAT TARA WAS PURSUING MEDICAL DOCTORS, THAT SHE WAS
4 GOING TO A PAIN --

5 A WELL, I KNEW AT THAT TIME --

6 Q -- AN INTERNIST?

7 A YEAH.

8 Q GO AHEAD.

9 MR. NEWHOUSE: YOU NEED TO ALLOW HER TO FINISH HER
10 QUESTION. JUST RELAX.

11 THE WITNESS: I'M SORRY.

12 BY MS. TAZZARA:

13 Q DID YOU KNOW THAT TARA WAS FOLLOWING WHAT I
14 UNDERSTAND TO BE YOUR RECOMMENDATION THAT SHE PURSUE
15 MEDICAL DOCTORS TO GET TO THE BOTTOM OF WHAT WAS GOING ON?

16 A WELL, I NEVER FOUND OUT WHETHER SHE SAW
17 MEDICAL DOCTORS AFTER THAT TRIP. I SIMPLY RECOMMENDED
18 THAT, AND SHE TOLD ME SHE WAS GOING TO GO BACK, SHE WAS
19 GOING TO GET OVER THIS, SHE WAS GOING TO OVERCOME IT, SHE
20 WAS GOING TO GO HOLISTIC, SHE WAS GOING TO GET DOCTORS,
21 OTHER OPINIONS. AND SHE EVEN CONSIDERED THE POSSIBILITY
22 OF -- OF GETTING INTO AN INSTITUTION TO CLEANSE HERSELF OF
23 ALL THE DRUGS, ALL OF THE MEDICATIONS AND THINGS THAT SHE
24 HAD BEEN GIVEN.

25 SHE WANTED TO HAVE A CHILD. SHE WANTED TO
26 GET MARRIED IN DECEMBER. SHE WAS MAKING HER CONFIRMATION
27 THE FOLLOWING COUPLE OF WEEKS DOWN THE ROAD. THIS WAS NOT
28 A GIRL THAT WASN'T FIGHTING FOR HER LIFE. THIS WAS A

1 WOMAN WHO WANTED TO LIVE. SHE WANTED TO LIVE, AND SHE WAS
2 TORMENTED COMPLETELY AND ENTIRELY.

3 Q AND YOU CERTAINLY FELT WHEN YOU LAST SAW HER
4 ON CHRISTMAS IN 2009 THAT TARA WANTED TO GET BETTER, SHE
5 WANTED TO PURSUE, SHE WANTED TO FIGHT, AND SHE WANTED TO
6 GO TO WHATEVER DOCTORS AND DO WHATEVER WAS NECESSARY TO
7 GET BETTER? YOU BELIEVED THAT --

8 A IT WAS MY STRONG PRAYER AND BELIEF THAT
9 THAT'S WHAT SHE WAS GOING TO PURSUE, THAT THAT WOULD BE
10 THE DIRECTION. THE NEXT STEP WAS GETTING TO DO SOMETHING
11 HARD AND FAST ABOUT THIS, GET HER INTO AN INSTITUTE, GET
12 HER TO CONVINCED HERSELF THAT SHE NEEDED THIS HELP, SHE
13 NEEDED THIS TYPE OF THERAPY, 60 DAYS -- 30, 60 DAYS
14 MINIMUM.

15 Q NOW, SIR, WERE YOU AWARE AT THE TIME THAT
16 TARA WAS ACTUALLY TAKING ACTING CLASSES AT STELLA ADLER
17 DURING --

18 A TARA WENT BACK --

19 MR. NEWHOUSE: OBJECTION. VAGUE AS TO TIME, YOUR
20 HONOR.

21 BY MS. TAZZARA:

22 Q I'M SORRY. DURING THOSE MONTHS -- I'LL
23 REPHRASE.

24 IN JANUARY, FEBRUARY, AND MARCH OF 2010, AT
25 THE TIME WERE YOU AWARE THAT TARA WAS TAKING CLASSES WITH
26 STELLA ADLER?

27 A YEAH. HER MOM HAD GOT HER A SEVERAL-WEEK
28 CLASS AT STELLA ADLER, AND SHE -- AND I REMEMBER

1 SPECIFICALLY TALKING TO HER ABOUT THAT, GOING TO THE
2 CLASSES AND FEELING THAT SHE WAS THERE, BUT THAT SHE
3 COULDN'T REALLY COMPREHEND A LOT ABOUT THE SCENE. AND SHE
4 FELT VERY SELF- -- VERY SELF-CENTERED ABOUT NOT BEING ABLE
5 TO PORTRAY HERSELF IN THE CHARACTER AND THEN DROPPING HER
6 LINES. SO SHE WOULD KIND OF HOLD BACK AND SHE WASN'T
7 GETTING A LOT OUT OF IT, BUT SHE WAS CONTINUING TO GO.

8 AND THAT'S WHY I WOULD CALL HER, YOU KNOW,
9 WHEN SHE WOULD HAVE -- EVER HAVE TO STUDY FOR HER CLASS,
10 TO PREP HER, TO PREPARE HER ON HOW TO -- YOU KNOW, "LET'S
11 THINK ABOUT WHAT YOU'RE DOING HERE. LET'S TAKE IT APART.
12 LET'S FIGURE OUT WHAT WE'RE DOING. WHAT DO YOU WANT?
13 WHAT ARE YOUR OBSTACLES? WHAT ARE YOUR ACTIONS? DO YOU
14 SUCCEED? DO YOU FAIL? KEEP THAT IN YOUR MIND."

15 Q SO, SIR, YOU AGREED -- DID YOU KNOW THAT
16 TARA KEPT GOING TO THOSE CLASSES, THAT SHE PERSISTED AND
17 KEPT FIGHTING THROUGH AND WENT TO ALL THE CLASSES?

18 A SHE WAS THE STRONGEST FIGHTING KID -- I
19 SWEAR, I MEAN, THIS GIRL FOUGHT.

20 THE COURT: SIR, CAN YOU JUST ANSWER "YES" OR "NO."

21 THE WITNESS: YES, SHE DID. SHE FOUGHT. SHE WAS A
22 FIGHTER.

23 SHE WANTED TO GO -- SHE WENT TO CHURCH EVERY
24 DAY TOO, BY THE WAY.

25 BY MS. TAZZARA:

26 Q YES. AND YOU WERE AWARE THAT SHE WAS GOING
27 TO CHURCH --

28 A YES.

1 Q AND ALSO SHE WAS STUDYING AND TAKING CLASSES
2 FOR HER CONFIRMATION?

3 A SHE WAS TRYING TO DO HER BEST IN THIS STATE,
4 YES.

5 MS. TAZZARA: THANK YOU, SIR. I HAVE NO OTHER
6 QUESTIONS.

7 THE COURT: REDIRECT?

8 MR. NEWHOUSE: NO REDIRECT, YOUR HONOR.

9 THE COURT: I THANK VERY MUCH, SIR.

10 SHALL WE TAKE OUR AFTERNOON RECESS?

11 MR. NEWHOUSE: ACTUALLY, YOUR HONOR.

12 THE COURT: SEE COUNSEL AT THE SIDEBAR.

13
14 (AN UNREPORTED CONFERENCE WAS HELD
15 IN CHAMBERS.)

16
17 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, WE
18 ARE DONE FOR THE DAY. WE HAVE RUN OUT OF WITNESSES.
19 WE'RE GOING TO START TOMORROW MORNING AT NINE O'CLOCK WITH
20 OUR EXPERT WITNESSES.

21 HAVE A GOOD EVENING. PLEASE REMEMBER THE
22 ADMONITION OF THE COURT. DO NOT DISCUSS THE FACTS OF THIS
23 CASE AMONGST YOURSELVES OR WITH ANYBODY ELSE. DO NOT FORM
24 ANY OPINIONS OR CONCLUSIONS ON THIS MATTER UNTIL IT'S
25 FINALLY SUBMITTED TO YOU.

26 COURT'S IN RECESS UNTIL 9:00 A.M. HAVE A
27 GOOD EVENING.

28

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

4

5 THE COURT: IF WE CAN JUST REMAIN ON THE RECORD --
6 YOU CAN HAVE A SEAT. IF THE LAWYERS COULD MEET AND
7 CONFER, THEN, IN THE NEXT HOUR, AND SUBMIT TO CINDY, THEN,
8 AN AGREED-UPON VERDICT FORM AND YOUR JURY INSTRUCTIONS,
9 AND LET ME REVIEW THOSE.

10 MR. NEWHOUSE: THEN WE CAN GO HOME, TOO?

11 THE COURT: THEN YOU CAN GO HOME, TOO. GET THAT
12 DONE, AND WE'RE ALL SET. ALL RIGHT.

13

14 (AT 2:39 P.M. THE PROCEEDINGS WERE
15 ADJOURNED UNTIL TUESDAY, NOVEMBER 5,
16 2013, AT 9:00 A.M.)

17

18

19

20

21

22

23

24

25

26

27

28