

1 REDACTED & DE-IDENTIFIED DEPOSITION OF A MEDICINE RESIDENT IN TRAINING
FAILURE TO DIAGNOSE & TREAT SEPSIS FOLLOWING HERNIA REPAIR RESULTING IN DEATH

2 SUPREME COURT OF THE STATE OF NEW YORK

3 COUNTY OF NEW YORK

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5 , as Administrator of the
Estate of , Deceased, and
6 , individually,

7 Plaintiff,

8 -against-

9 , M.D.,

10

11 M.D., , M.D., ,
M.D., , M.D., , M.D.,
12 , M.D., , M.D.

13 and
HOSPITAL,

14 Defendants.

15 - - - - -x

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17 120 Broadway
New York, New York

18 May 5, 2011
10:45 a.m.

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20 EXAMINATION BEFORE TRIAL of ,

21 M.D., a Defendant in the above-entitled

22 action, held at the above time and place,

23 taken before Jennifer Brennan, a Notary

24 Public of the State of New York, pursuant

25 to Order.

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APPEARANCES:

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Attorneys for Defendant
Hospital

BY: , ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED, by and among
the attorneys for the respective parties
hereto, that:

All rights provided by the C.P.L.R.,
and Part 221 of the Uniform Rules for the
Conduct of Depositions, including the
right to object to any question, except
as to form, or to move to strike any
testimony at this examination is
reserved; and in addition, the failure to
object to any question or to move to
strike any testimony at this examination
shall not be a bar or waiver to make such
motion at, and is reserved to, the trial
of this action.

This deposition may be sworn to by the
witness being examined before a Notary
Public other than the Notary Public
before whom this examination was begun,
but the failure to do so or to return the
original of this deposition to counsel,
shall not be deemed a waiver of the
rights provided by Rule 3116, C.P.L.R.,

1 , M.D.

2 A I would not have had an opinion
3 on that.

4 Q Now, you indicated in your note
5 that the patient's beta blocker had been
6 held postoperatively, do you see that?

7 A Yes.

8 Q What did that mean to you?

9 MR. : Objection to form.
10 It's just a fact. I'm not sure what
11 you are asking.

12 MR. OGINSKI: Withdrawn.

13 Q Did you learn that the patient
14 had been on a beta blocker prior to
15 surgery?

16 A I don't recall specifically,
17 but my note says that she has been on
18 Toprol XL, 50 daily.

19 Q Did you learn why she was on
20 Toprol XL?

21 A I don't remember specifically.
22 But based on the note, it seems there was
23 a questionable history of SVT.

24 Q Is that consistent with
25 palpitations?

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C E R T I F I C A T I O N

I, JENNIFER BRENNAN, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

JENNIFER BRENNAN

