

32. This is a request to produce a copy of the current web site, especially those parts which discuss the results of refractive eye surgery by defendants, from previous times.
33. Do you maintain an appointment and privilege list of Dr. Deglin?
34. This is a request to produce such list.
35. Do you use Snellen eye charts?
36. This is a request to produce a copy of the Snellen eye chart used at the City Line Avenue and New Jersey offices.
37. Have you ever leased or purchased Summit excimer lasers? Specify which.
38. If so, give applicable dates of usage.
39. For patients going to have LASIK, describe how you decide whether to use the Nevyas Excimer Laser or another laser.
40. What is the difference in NEV-97-001 between an investigator and a sponsor, or investigator-sponsor.
41. Do you or your agents, including Dr. Sterling and Dr. Barbara Fant, maintain copies of the data given to agent Dr. Fant, for her to prepare for submission to the IRB and/or FDA?
42. This is a request for copies of all such data. The names of patients other than Mr. Morgan may be redacted. Up to now such requests have been answered by you presuming this or that about such information, or have been otherwise non-responsive or evasive. For example, Dr. Sterling and Dr. H. Nevyas both said in deposition that Dr. Sterling submits data to agent Dr. Fant to be processed for forwarding to the IRB and FDA, but no-one has specifically answered plaintiff's request for the information sent to Dr. Fant. Accordingly, plaintiff will not be satisfied without answers which are verified in writing by your agents, in the form of declaration or affidavit.

Date: 1/4/02



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Attorney for Plaintiff