

1 Q. Okay. This says functioning is considerably
2 compromised by wearing spectacles because of the
3 considerable distortion induced by such thick spectacle
4 lenses, how did you come to make that statement?

MS. NEWMAN: And she said she got it
from Ms. Fiorelli.

MR. KAFRISSEN: The second, the next
sentence down, I believe, she said she got
from Ms. Fiorelli, I didn't ask about that
statement.

MS. NEWMAN: You're right, I'm sorry.

THE WITNESS: I got it from Ms.
Fiorelli.

BY MR. KAFRISSEN:

Q. When you presented it to Blue Cross, did you tell
Blue Cross that these are Ms. Fiorelli's opinions not
your own?

A. I described her history and my findings and
opinions.

Q. Why did you write to Blue Cross at all?

A. Because Ms. Fiorelli asked whether in her case
they might make an exception and cover the refractive
surgery.

Q. Okay.

1 A. It doesn't.

2 Q. Does this letter mention any visual effects that
3 Cheryl Fiorelli had or mentioned to you, and by visual
4 effects I'll just define my terms, glare, halos star
5 burst, double vision?

6 A. No.

7 Q. The next letter you wrote to Dr. Scenerino was
8 when?

9 A. March 3rd.

10 Q. And the March 3rd letter, that's a one page
11 letter, March 3, 1997?

12 A. Yes.

13 Q. Does that letter document any of the substances
14 of the conversation that you had with Cheryl Fiorelli?

15 A. Part of it, yes.

16 Q. Tell me what part of it is documented here?

17 A. I have discussed matters in detail with Ms.
18 Fiorelli. Discussed in detail means that in itself, in
19 detail.

MS. NEWMAN: Just tell him what you
said.

THE WITNESS: She is interested in
having refractive surgery, and we discussed
the lasik procedure. She understands that

1 A. If I were to present to them why she should
qualify.

2 Q. Okay. Did you indicate with regard to that
3 functioning and functioning at work that those were her
4 statements and were not your own opinion?

MS. NEWMAN: Did you make any
statements other than what is in this
letter to Blue Cross?

THE WITNESS: Did I make any
statements to Blue Cross other than what's
in this letter?

MS. NEWMAN: Correct.

THE WITNESS: No.

MS. NEWMAN: It says what it says.

BY MR. KAFRISSEN:

Q. 18th of February, the letter you wrote to Dr.
Scenerino, you had referenced this letter because you
wanted -- when we were discussing your discussion with
Cheryl Fiorelli and the documentation of that
discussion, do you remember that?

A. Yes.

Q. And tell me how does this letter document your
discussions on February 10 and February 18 with Cheryl
Fiorelli?

her best spectacle corrected acuity is in
the 20/60 to 20/70 range and that is the
expected postoperative best corrected
acuity as well.

BY MR. KAFRISSEN:

Q. Anywhere in your letter does it's mention that
Cheryl told you that she had halos or glare or any of
the other visual effects that we discussed?

A. No.

Q. Now, the next time you saw, I think, that the
next time you had any contact concerning Cheryl was not
an actual visit; is that right?

A. After the 3rd of March?

Q. After the 3rd, right.

A. That is right.

Q. And what was that?

A. Response to a telephone message.

Q. Tell me what you did?

A. I left a message on the patient's answering
machine to continue the Flarex three times a day until
the day of surgery.

Q. There's a notation go for OD, do you see that?

A. Yes.

Q. What's that notation about?