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- 1 Q. Doctor, if it's considered 20/40, why do they
2 write it as 20/40 with a minus?
- 3 A. **To indicate that there was some equivocation
4 on one character.**
- 5 Q. What do you mean by "equivocation"?
- 6 A. **That the patient had some unsureness about a
7 single character on the line. That's still
8 considered achieving that line.**
- 9 Q. Doctor, were you aware that Mr. Morgan also
10 had the measurements of 20/40 minus 2 and 20/50?
- 11 A. **The 20/40 -- the 20/50 was not a refraction.**
- 12 Q. And what about the 20/40 minus 2?
- 13 A. **Yes.**
- 14 Q. And is 20/40 minus 2 also considered the same
15 as 20/40?
- 16 A. **It doesn't matter.**
- 17 Q. Why doesn't it matter?
- 18 A. **Because he was on repeat refraction refracted
19 to 20/40 minus and that's 20/40.**
- 20 Q. Doctor, do you see in this inclusion criteria
21 Number 9, and does that say, "Stable manifest
22 refraction defined as less than one-half diopter
23 change in cylinder during year prior to the
24 screening examination"?

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- 1 A. **Yes.**
- 2 Q. Did Mr. Morgan meet that criteria?
- 3 A. **Yes.**
- 4 Q. Doctor, you've told me when he came to see you
5 he had the best vision that he had ever reported in
6 his life. Is that stable?
- 7 MS. NEWMAN: I don't think that she
8 said that, so she can't answer as phrased. The
9 record will speak for itself, what she said. You
10 have taken her words out of context. Ask the
11 information that you want in a different question.
12 She's not answering that one.
- 13 Q. Doctor, how did you determine that his vision
14 had been stable for one year prior to the screening
15 examination?
- 16 A. **By history.**
- 17 Q. Doctor, I want to call your attention to
18 exclusion criteria number 6, which says, "History or
19 current evidence of any other physical condition or
20 illness which would contraindicate outpatient
21 refractive surgery or preclude the patient's
22 participation in this study." Do you see that?
- 23 A. **Yes.**
- 24 Q. Did I read that correctly?

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- 1 A. **Yes.**
- 2 Q. Did Mr. Morgan meet that exclusion criteria?
- 3 A. **Yes.**
- 4 Q. Doctor, are you aware that Mr. Morgan had a
5 prior history of retinopathy of prematurity?
- 6 A. **Yes.**
- 7 Q. And that he had prior strabismus surgery?
- 8 A. **Yes.**
- 9 Q. Are you saying that a history of retinopathy
10 of prematurity is not a contraindication to LASIK
11 surgery?
- 12 A. **That is correct.**
- 13 Q. Are you saying that prior strabismus surgery
14 is not a contraindication to LASIK surgery?
- 15 A. **That is correct.**
- 16 Q. Doctor, I want you to look at pages 1108 and
17 1109. I'll read this and ask you if I've read it
18 correctly. "Informed consent was obtained from all
19 patients prior to the surgical procedure. Patients
20 were considered eligible for LASIK treatment if they
21 were at least 18 years of age and not more than 64
22 years of age, generally had a preoperative best
23 spectacle corrected visual acuity, parenthesis,
24 BSCVA, end parenthesis, of 20/40 in the operated

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- 1 eye, had a stable refraction with the refracted area
2 consisting of myopia between minus 0.0 and minus
3 25.00 diopters with or without astigmatism."
- 4 MS. NEWMAN: What are you reading
5 from? Is that part of the protocol?
- 6 DR. FRIEDMAN: That's the bottom.
- 7 Q. Did I read that correctly?
- 8 MS. NEWMAN: No, no, no. Is that part
9 of the protocol that you're reading or is it from a
10 different document?
- 11 DR. FRIEDMAN: That's part of the
12 protocol.
- 13 MS. NEWMAN: Thank you.
- 14 Q. Doctor, is that part of the protocol?
- 15 A. **(Examines document.) You read that
16 correctly.**
- 17 Q. And continuing on it says, "Patients had no
18 current or significant previous history of ocular
19 diseases or conditions or other systemic disease
20 that prohibited the patients from having refractive
21 surgery and were taking no medications that would
22 interfere with postoperative wound healing." Did I
23 read the next sentence correctly?
- 24 A. **(Examines document.) Yes.**