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1 Q. Following that it says, "Patients who had a  
 2 visually impaired fellow eye, parenthesis, 20/50 or  
 3 worse BSCVA, closed parenthesis, were also  
 4 uneligible for LASIK surgery," period. Did I read  
 5 that correctly?

6 MS. NEWMAN: The "period" being at the  
 7 end of the sentence as part of the grammar and not  
 8 as a word; correct?

9 DR. FRIEDMAN: Yes, grammar.

10 A. (Examines document.) Yes.

11 Q. And the last sentence of that paragraph says,  
 12 "The current postoperative visit schedule is one  
 13 day, four days, two weeks, one month, three months,  
 14 six months and 12 months after LASIK surgery." Did  
 15 I read that correctly?

16 A. (Examines document.) Yes.

17 Q. Now, did Mr. Morgan have a preoperative best  
 18 spectacle corrected visual acuity of 20/40 in the  
 19 operated eye?

20 A. Yes.

21 Q. Where is that reflected in the record?

22 A. 3/24/97, the subjective refraction.

23 Q. You're talking about the 20/40 minus in both  
 24 eyes?

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1 went through this -- four days after his left eye  
 2 was done did he not complain about the vision?

3 A. He did.

4 Q. Did Mr. Morgan have a complication of LASIK  
 5 surgery in either eye?

6 A. No.

7 Q. Did Mr. Morgan have an adverse event of LASIK  
 8 surgery in either eye?

9 MS. NEWMAN: As of when?

10 DR. FRIEDMAN Anytime after the LASIK  
 11 surgery was performed.

12 MS. NEWMAN: Up until the last time she  
 13 saw him?

14 DR. FRIEDMAN: Yes.

15 A. No.

16 Q. And why do you say he did not have any adverse  
 17 event?

18 MS. SANDS: I'm sorry?

19 MS. NEWMAN: Can you answer that as  
 20 phrased?

21 THE WITNESS: No. I can't answer that,  
 22 no.

23 MS. NEWMAN: I object to the form.  
 24 It's a badly worded question.

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1 A. Yes, I am.

2 Q. Doctor, I want to show you pages 1133 and 1134  
 3 of what were previously given to me by attorney for  
 4 Dr. Herbert Nevyas, and I want to call your  
 5 attention to where it says, "complications and  
 6 adverse events," and what it lists under those  
 7 complications and adverse events.

8 A. (Examines document.)

9 MS. NEWMAN: Do you have a question,  
 10 Counsel?

11 DR. FRIEDMAN: I want her just to look  
 12 at that.

13 Q. Now, Doctor, are you aware of what  
 14 Mr. Morgan's present visual acuity is?

15 A. No.

16 Q. But, Doctor, were you aware that he was not  
 17 pleased with his vision after he had the LASIK  
 18 surgery performed?

19 MS. NEWMAN: When?

20 DR. FRIEDMAN: Starting with the very  
 21 first visit back after his left eye he complained.

22 MS. NEWMAN: Are you asking if he  
 23 wasn't pleased after the first visit?

24 Q. Were you aware that he had complained -- we

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1 Q. Doctor, I'm going to read what it defines  
 2 adverse events as: "Postoperative complications  
 3 that are serious in nature of vision or life  
 4 threatening and all unanticipated adverse device  
 5 effects should be recorded as adverse events. LASIK  
 6 adverse events should include, but are not limited  
 7 to," and it gives a list.

8 Was Mr. Morgan's visual acuity  
 9 postoperative an anticipated or unanticipated  
 10 event?

11 MS. NEWMAN: Can you pick a date?

12 Because she said already that early after the  
 13 surgery that she would expect the vision -- at one  
 14 time she was talking about where it was recorded as  
 15 20/70 postoperatively, and there were a lot of  
 16 visits afterwards and in between.

17 Q. Doctor, when was the last time Mr. Morgan was  
 18 seen at Nevyas Eye Associates?

19 A. 3/27/2000.

20 Q. And 3/27/2000 was almost two years after the  
 21 surgery was performed, just about a month shy of  
 22 being two years after surgery.

23 A. Is that a question?

24 Q. Is that correct? Is that a correct statement?