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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?