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1 MS. NEWMAN: It sounds to me which toe  
2 is more effective for your balancing, the middle one  
3 or the one next to it. Go on.

4 Q. When you saw Mr. Morgan in March and April of  
5 1998 preoperatively, did he have any indication of  
6 cataracts in his eyes?

7 A. No.

8 Q. Is it your understanding that Mr. Morgan has  
9 developed cataracts in his eyes since his LASIK  
10 surgery has occurred? Your understanding and I'm  
11 talking to the period up to the last time you saw  
12 Mr. Morgan in the Nevyas Eye Associates group, which  
13 was about almost two years after the surgery.

14 MR. LAPAT: Objection.

15 MS. NEWMAN: I believe it was March of  
16 2000. You can answer.

17 A. Yes.

18 Q. And would you tell me what you found in terms  
19 of his cataracts?

20 A. "Oil drop nuclear sclerosis, worse o.d. than  
21 o.s., even with hard contact lenses in both eyes to  
22 neutralize the potential, open quote, oil drop,  
23 closed quote, effect of corneal ablation." What was  
24 the question?

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1 Q. Where are you reading from?

2 A. **My Impression on March 27th.**

3 Q. March 27th, 2000?

4 A. Yes.

5 Q. And where is that at, under Impression?

6 A. **The bottom of the page.**

7 Q. Okay. Finish reading it then.

8 A. **"However, laser interferometry and potential  
9 acuity meter do not show improved retinal acuity.  
10 Cataract surgery o.d. could possibly help visual  
11 acuity, but probably no real change. No change in  
12 ghost image with hard contact lenses."**

13 MS. NEWMAN: Wait one second. Let's  
14 take a break.

15 (A break was taken from 3:25 p.m. to  
16 3:30 p.m.)

17 Q. Doctor, you were reading under the Impression  
18 about the oil drop nuclear sclerosis. Does that  
19 mean a cataract?

20 A. Yes.

21 Q. And had you finished reading what you wrote  
22 there?

23 A. **I think I finished.**

24 Q. What are ghost images?

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1 A. **Seeing a second image as a ghost next to the  
2 first, an outline of a second image.**

3 Q. Was Mr. Morgan complaining of a ghost image?

4 A. Yes.

5 Q. When was this nuclear sclerosis first detected  
6 by you or anybody else in your group?

7 A. 3/9/2000.

8 Q. And who detected that?

9 A. **Dr. Herbert Nevyas.**

10 Q. Can you read what he says about that, just his  
11 handwriting?

12 A. **Just his handwriting. "Dilated, some nuclear  
13 sclerosis both eyes," then I'm going to have to turn  
14 to the narrative.**

15 Q. What narrative is that?

16 A. **Dictated off the chart notes.**

17 Q. Is this something that's part of the patient's  
18 chart?

19 MS. NEWMAN: No, it's not.

20 A. **No. "Difficult to evaluate in read reflex  
21 because of LASIK ablation. Ophthalmoscopic  
22 Examination: ROP," retinopathy of prematurity.  
23 "Number two, dragged disc both eyes, question of  
24 nuclear sclerosis, write to Hopkins, return six**

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1 months."

2 Q. Question of nuclear sclerosis.

3 A. **No, it doesn't say that. It says, "some  
4 nuclear sclerosis."**

5 DR. FRIEDMAN: Are you saying that I'm  
6 not entitled to have the typed things in my  
7 production requests?

8 MS. NEWMAN: I'm not sure. They're not  
9 part of the chart.

10 DR. FRIEDMAN: Have you indicated to me  
11 that you have such things but that you are not going  
12 to be producing them and why?

13 MS. NEWMAN: I don't know. There have  
14 been a lot of discovery requests.

15 DR. FRIEDMAN: Aren't you supposed to  
16 tell me what you are going to produce and why?

17 MS. NEWMAN: I don't know. There have  
18 been numerous discovery requests in this case, the  
19 hundreds of interrogatories and requests for  
20 production of documents, what you have asked for in  
21 this case and what my answers have been and whether  
22 or not you are entitled to them.

23 DR. FRIEDMAN: Don't you think it would  
24 be nice if you did note what I had asked for?