

PROCEEDINGS

1 SUPREME COURT OF THE STATE OF NEW YORK
 2 COUNTY OF WESTCHESTER

3 ----- x
 4 ANNMARIE FLANNERY and DAVID FLANNERY
 Plaintiffs

5 - against -

INDEX NO.
 11230/06

6 JOHN MARZANO, D.P.M. & WESTCHESTER
 7 PODIATRIC MEDICINE, P.C.
 Defendants.

8 ----- x
 9 ***TESTIMONY OF EDWIN WOLF, D.P.M.***

10 111 Dr. Martin Luther King, Jr. Blvd.
 11 White Plains, New York 10601
 July 21, 2010

12 B E F O R E:

HON. MARY H. SMITH,
 13 Justice of the Supreme Court.

14 A P P E A R A N C E S:

15 THE LAW OFFICE OF GERALD M. OGINSKI, LLC
 16 Attorney for Plaintiff
 25 Great Neck Road - Suite 4
 17 Great Neck, NY 11021

18 BY: GERALD M. OGINSKI, ESQ.

19 VOUTE, LOHRFINK, MAGRO & COLLINS, LLP
 Attorney for Defendant
 170 Hamilton Avenue
 20 White Plains, NY 10603-1789

21 BY: MARK McANDREW, ESQ.

22
 23 CYNTHIA M. HILLS,
 24 Senior Court Reporter.
 25

PROCEEDINGS

1 THE COURT: All right, good morning,
2 everyone. Please be seated. And we have a jury
3 now. You have your expert?

4 MR. MC ANDREW: We do, Judge.

5 THE COURT: Let's just get started.

6 MR. MC ANDREW: Excellent.

7 MR. OGINSKI: Judge, did you receive my
8 e-mail yesterday?

9 THE COURT: I have not looked at my
10 e-mails. What does it have to do with?

11 MR. OGINSKI: I provided case law about
12 why we need separate itemized verdict on the
13 questions as well as one of the questions we
14 talked about yesterday the error of judgment.

15 THE COURT: Error of judgment, I have done
16 some reading on. I am aware of the provision in
17 PJI for separate verdicts. I will tell you, in
18 the last several years I have done them pretty
19 much like this. If you really -- I don't think
20 you have to do it exactly like that.

21 MR. OGINSKI: The case law indicates that
22 for every claimed departure there should be a
23 separate jury question. And otherwise because
24 if it goes up on appeal the Appellate Court will
25 not know which particular theory they did or did

PROCEEDINGS

1 not rely on.

2 THE COURT: And concomitantly, and I will
3 fill in the rest of the sentence.

4 You know, if you demand it, I will do it.
5 But, I don't think it is mandatory, one. Number
6 two, I think it is risky. But if that's what
7 you want.

8 MR. OGINSKI: Yes, Judge.

9 MR. MC ANDREW: Judge, if I may. It would
10 seem that the cases that were cited by counsel
11 really talk about very different distinguishable
12 facts in that there are multiple --

13 THE COURT: About what?

14 MR. MC ANDREW: About the multiple verdict
15 sheet questions. That there are multiple
16 parties involved, multiple defendants, different
17 departures. Really this case boils down to did
18 the doctor perform the surgery correctly.
19 That's one question. That's our position.

20 As to the medical judgment it seems very
21 clear that Dr. Marzano's position was that, in
22 fact, he recommended to this patient --

23 MR. OGINSKI: I'm sorry, we have the
24 expert in the courtroom. Is there any chance
25 you could ask him to leave.

PROCEEDINGS

1 MR. MC ANDREW: I think we can do this
2 afterwards.

3 THE COURT: Let's not go over the same
4 arguments. That's time wasted.

5 Let's go.

6 COURT OFFICER: Jury entering.

7 (Jury entering courtroom.)

8 THE COURT: Good morning, everybody. Sit
9 down, please.

10 Today we are going to move over to the
11 Defense case. And I believe Mr. McAndrew has a
12 witness, an expert witness.

13 MR. MC ANDREW: Correct, your Honor. At
14 this time we call Doctor Edwin Wolf to the
15 stand.

16 THE COURT: Do you swear the statements
17 you are about to give will be the truth, the
18 whole truth and nothing but the truth, so help
19 you God.

20 THE WITNESS: Yes, I do.

21 EDWIN WOLF, having been first duly sworn,
22 was examined and testified as follows:

23 THE COURT: Be seated, sir, and give us
24 your full name.

25 THE WITNESS: Good morning, my name is

PROCEEDINGS

1 Edwin Wolf. W-O-L-F. E-D-W-I-N.

2 THE COURT: And your professional address,
3 sir?

4 THE WITNESS: One West 85th Street, New
5 York, New York 10024.

6 THE COURT: Your witness, please.

7 MR. MC ANDREW: May I proceed, your Honor?

8 THE COURT: Yes.

9 DIRECT EXAMINATION

10 CONDUCTED BY MR. MC ANDREW:

11 Q Good morning, Doctor Wolf.

12 A Good morning.

13 Q Are you a podiatrist licensed to practice in
14 the State of New York?

15 A Yes, I am.

16 Q Can you tell us about your education and
17 training in the field of podiatry and podiatric
18 training, please?

19 A Certainly. After receiving a Bachelor's
20 Degree from the City University of New York, Queens
21 College, I received a doctorate in podiatric medicine
22 degree from the New York College of Podiatric
23 Medicine. I then pursued a course of study in
24 San Francisco in a residency program sponsored jointly
25 by the University of California Medical School and the

EDWIN WOLF, D.P.M-DIRECT

1 California College of Podiatric Medicine.

2 While I was there I also concomitantly
3 pursued a course of study in education which
4 ultimately lead to a Master's in Surgical Education
5 awarded by the California College of Podiatric
6 Medicine which was finally awarded, I believe, in
7 1981, after successfully submitting and defending a
8 thesis.

9 Q And, Doctor, at some point did you become
10 board certified?

11 A Yes, certainly. I became board certified by
12 both of the boards, the American Board of Podiatric
13 Orthopedics and Primary Podiatric Medicine, I believe,
14 in 1978, and then the American Board of Podiatric
15 Surgery in 1981. I have maintained my board status,
16 of course, as being certified, but I have also
17 maintained a close relationship with both of those
18 boards. Having actually been an oral examiner for the
19 American Board of Podiatric Surgery since about 1984,
20 every year since that year.

21 For several years I actually sat on the exam
22 committee, helped author the exam for several years,
23 and actually chaired one of the subsections of that
24 exam committee for a number of years as well.

25 Q So is it fair to say that you administered

EDWIN WOLF, D.P.M-DIRECT

1 the tests to prospective podiatrists trying to become
2 board certified?

3 A I have and I continue to do so every year on
4 an annual basis. The oral examination is given the
5 weekend after Father's Day in Chicago, and that's
6 where I was this year, as I have been every year,
7 since 1984 or; 85.

8 Q And your work with the committee, did you
9 help to draft the examination, the written portion of
10 the examination?

11 A As I said, for a good number of years I was
12 on the exam committee and actually chaired one of the
13 subsections, yes, sir.

14 Q Doctor, at some point after your training,
15 did you enter into private practice?

16 A Well, immediately after my training I took a
17 full-time teaching position, which I did for several
18 years. And then I cut back on my responsibilities
19 teaching full-time and started a private practice and
20 maintained academic positions throughout. But I do
21 have a private practice where I continue to see
22 patients on a regular basis at the address that I gave
23 you before on 85th and Central Park West, New York
24 City.

25 Q Doctor, are you affiliated with any medical

EDWIN WOLF, D.P.M-DIRECT

1 centers?

2 A Affiliated with several different hospitals.
3 Currently I'm the Chief of Podiatry Service of the
4 Department of Orthopedic Surgery at New York Downtown
5 Hospital. I also have privileges at Beth Israel
6 Hospital, and also at several surgery centers in New
7 York City.

8 Q And, Doctor, currently do you maintain any
9 positions with regard to teaching podiatrists?

10 A Yes. I'm also the Director of Podiatric
11 Medical Education and I'm actually salaried by New
12 York Downtown Hospital at 20 hours a week to
13 administer the residency program, teach residents and
14 oversee the 36-month residency program sponsored by
15 that institution, yes, sir.

16 Q And, Doctor, have you published in the field
17 of podiatry or podiatric medicine at all?

18 A I have published several articles over the
19 years and I have contributed to texts and journals,
20 yes, sir.

21 Q Are you affiliated with any memberships or
22 associations in your field?

23 A Lots of them. Certainly I'm a member of the
24 New York State Podiatric Medical Association, American
25 Podiatric Medical Association, I'm a fellow of the

EDWIN WOLF, D.P.M-DIRECT

1 American College of Foot and Angle Surgeons, past
2 president of the New York division of such. And, yes,
3 a myriad of other organizations having to do with my
4 profession.

5 Q And, Doctor, are you being compensated for
6 your time away from your practice for coming here to
7 testify here in Court today?

8 A Absolutely. We agreed on a rate of \$3,500
9 for the day, as well as being reimbursed for time that
10 I spent reviewing and discussing with you at a rate of
11 \$350 per hour.

12 Q Doctor, is it fair to say that you have
13 testified in the past in Court?

14 A I have, yes, many times. This year, this is
15 the second time in 2010 that I have appeared in Court
16 with this type of activity. And usually it is about
17 three or four times a year over the past good number
18 of years, yes, sir.

19 Q In addition to testifying have you reviewed
20 cases over the years as well, maybe you did not
21 necessarily testify, but you do review a number of
22 cases per year?

23 A Absolutely I have and continue to do so,
24 that's correct.

25 Q Doctor, do you only testify for plaintiffs

EDWIN WOLF, D.P.M-DIRECT

1 or only testified for defendants or something else?

2 A No, I certainly review cases for both
3 Defendants and Plaintiffs. The majority of my
4 appearances in Court clearly have been for Defendants
5 and not for Plaintiffs, absolutely.

6 Q And, Doctor, you and I worked together
7 before, have you reviewed cases for me?

8 A There have been several cases over years,
9 over the years that I reviewed for you. But this is
10 the first opportunity that I was willing to appear in
11 Court on your behalf, that's correct.

12 Q And, Doctor, I'm going to ask you -- and, by
13 the way, did you bring a foot model or anything with
14 you today?

15 A I did. As you requested I did bring a right
16 foot model, plastic model of the usual anatomical
17 presentation of the foot.

18 Q You don't ordinarily walk around with that
19 in your pocket, do you?

20 A You get in a lot of trouble that way,
21 Mr. McAndrew, but, yes, at your request I did bring
22 this one.

23 Q That's a right foot, correct?

24 A That is a -- correct, it is a right foot.

25 Q Right?

EDWIN WOLF, D.P.M-DIRECT

1 A Right, it is a right foot, yes.

2 Q And, Doctor, what I would like for you to do
3 at this point, and the jurors have heard a lot about
4 bunions. What I would like for you to explain to
5 them, and if you want to step down and use the model,
6 just explain to them briefly and concisely what a
7 bunion is and how it affects the foot?

8 A Sure, I would be happy to do that.
9 Obviously it is something that students and residents
10 spend significant amount of time and energy, but we
11 will give you a Readers Digest version. May I use
12 that drawing?

13 Q Of course, that's why it is up there.

14 THE COURT: I would ask you to go on the
15 other side of the drawing so that the reporter
16 can hear you.

17 THE WITNESS: I will.

18 Before we can talk about the abnormal
19 structure known as bunion, or medical
20 terminology is called hallux valgus, let's take
21 a brief moment to look at the ideal anatomical
22 presentation of the foot specifically having to
23 do with the big toe. The big toe called the
24 hallux.

25 The hallux contains two bones, two

EDWIN WOLF, D.P.M-DIRECT

1 phalanges, as they are called. The one furthest
2 away from the center of the body is the distal
3 phalanx, and the one right behind that is called
4 the proximal phalanx. Right behind the big toe,
5 the hallux, is the first metatarsal. The joint
6 between the big toe and the foot where the
7 hallux meets the metatarsal is called the first
8 metatarsal phalangeal joint.

9 If we look at the anatomy in the ideal
10 foot, again, this one being made out of plastic,
11 there are certain parameters we like to see. We
12 like to see the first metatarsal being somewhat
13 parallel to the second metatarsal, basically
14 within a certain number of degrees. We like to
15 see the big toe, the hallux, directly above the
16 first metatarsal when we look at it from the top
17 down. We don't expect it to be abducted, or
18 moving towards the middle of the foot, or
19 adducted, moving away from the middle of the
20 foot. We expect to see it in line.

21 There are two other bones that are
22 supposed to sit underneath the first metatarsal
23 these. Two little bones are called sesamoids.
24 The purpose of the sesamoids is to act as
25 somewhat of a fulcrum for certain muscles and

EDWIN WOLF, D.P.M-DIRECT

1 tendons to help bring the toe down against the
2 ground. That's the function.

3 So when we look at a radiographic
4 appearance, looking at it from top to bottom,
5 also known as anterior to posterior, this is
6 called an AP view. There are certain things we
7 expect to see. We expect to see, once again,
8 the distal phalanx, the proximal phalanx, the
9 first metatarsal, all in line, and in line with
10 the bone right behind the first metatarsal,
11 known as the cuneiform, the joint between the
12 metatarsal and the cuneiform is called a
13 metatarsal cuneiform joint.

14 And these should be, as I said, somewhat
15 parallel to the second metatarsal, and the
16 second toe next to it, the two sesamoids
17 sitting directly underneath the first
18 metatarsal.

19 When we look at the ideal anatomical foot,
20 when weightbearing, with an x-ray view called
21 the lateral view, and what happens is in order
22 to take a lateral view an x-ray plate is put
23 behind the foot and the x-rays are passed
24 through the foot.

25 In those areas where the x-rays are

EDWIN WOLF, D.P.M-DIRECT

1 blocked by something that they cannot go
2 through, such as bone, we see something that is
3 white. Areas that there is nothing blocking
4 them we see black, because the x-rays expose the
5 silver on the plate making them black, and in
6 areas where we have different densities of
7 different tissue or bone we see shades of gray.

8 But when we look at the foot we see that
9 the metatarsals are not parallel to the ground.
10 The normal ideal foot has an angle of
11 inclination, or an angle at which it meets the
12 ground, making it off of the ground coming up
13 off of the foot. So when we look at an x-ray
14 projection of what we would expect to see here
15 of a right foot, we would expect to see a first
16 metatarsal, cuneiform, the hallux, or toe right
17 over here, and the sesamoids underneath it.
18 This being the weightbearing surface like this
19 (Indicating.)

20 THE COURT: Aren't you supposed to be
21 asking him questions?

22 MR. MC ANDREW: Well, Judge, I asked him
23 to explain what a bunion is. He is giving us
24 the anatomy of the foot.

25 THE COURT: We don't have lectures.

EDWIN WOLF, D.P.M-DIRECT

1 MR. MC ANDREW: Sorry?

2 THE COURT: We don't have lectures.

3 MR. MC ANDREW: I don't think it is at
4 this juncture.

5 THE COURT: Well, I do. So why don't you
6 ask him some questions and see if we can connect
7 here.

8 MR. MC ANDREW: Absolutely.

9 Q Doctor, can you demonstrate for us the
10 anatomy of the foot as seen on that lateral x-ray that
11 you were just talking about, please?

12 A Okay. Well, that is again on a normal foot.
13 Now, if I may get directly to the issue of the bunion
14 deformity. The abnormality known as hallux valgus.

15 And so remembering what we have here and
16 what we see on a normal foot, we then see the first
17 metatarsal away from the midline of the foot, the
18 cuneiform looking like that, the big toe being pulled
19 toward the middle of the foot, the sesamoids in an
20 abnormal position over here, the second metatarsal
21 looking somewhat like that, with the second toe over
22 here. So we have got a foot that has a big bump on
23 the outside of the foot.

24 On a lateral view we don't see much
25 pathology because most of the abnormalities, in bunion

EDWIN WOLF, D.P.M-DIRECT

1 deformity is bringing the toe towards the midline of
2 the foot.

3 So this, to answer your question,
4 Mr. McAndrew, is the appearance radiographically and
5 the understanding of a bunion deformity.

6 Q And, Doctor, I think you can probably resume
7 your seat. If you need to demonstrate with the jury
8 again, you can just let us know.

9 A Okay.

10 Q Is it fair to say that over the course of
11 your career you have had some experience with patients
12 with bunions?

13 A Clearly it is quite a common problem that
14 podiatrists deal with and probably one of the more
15 common surgical procedures that we perform.

16 Q Have you done bunion surgeries in the past?

17 A Very many, yes, sir.

18 Q Can you approximate how many?

19 A Well, if I had to approximate I would say
20 around three or four a week, so say 200 or so a year,
21 times way too many, 35 years. So do the math. Yes,
22 it is called a career, yes, sir.

23 Q And out of those surgeries do you -- you
24 have done different types of bunionectomies, for
25 instance, Lapidus bunionectomy, have you done those?

EDWIN WOLF, D.P.M-DIRECT

1 A There are lots of different types of
2 bunionectomies that are performed, depending upon
3 criteria. Certainly a percentage of the ones that I
4 have done over the years have been Lapidus procedures
5 as well.

6 Q Can you approximate in any fashion the
7 Lapidus procedures that you have done?

8 A If I had to approximate, 5, 10 percent.
9 And, again, what do we say, 500 a year. 1500. So
10 times five or 10 percent. 150, 200, would be a
11 generalization, I guess, of the numbers.

12 Q Doctor, you mentioned in your last answer
13 that there are a number of different procedures for
14 bunionectomy. Can you tell us about some of those
15 procedures, please?

16 A Can I go back to my drawings?

17 Q Of course.

18 MR. OGINSKI: Your Honor, I object since
19 there is no other issue about other bunion
20 surgery in this case.

21 THE COURT: Sustained.

22 MR. MC ANDREW: Judge, I think it should
23 be permitted that the doctor explain his basis
24 of knowledge and types of procedures.

25 THE COURT: It is not in this case.

EDWIN WOLF, D.P.M-DIRECT

1 Everybody agreed on the Lapidus procedure.

2 That's what we have done.

3 Q Doctor, would you please explain to the jury
4 then the Lapidus procedure itself, please?

5 A Absolutely, I would be happy to.

6 Well, we are not going to talk about the
7 other types of procedures done specifically. The
8 Lapidus procedure recognizes that there is an increase
9 in the angle between the first and the second
10 metatarsal. That, in fact, there is lots of motion
11 available in this bone. Individuals vary from one to
12 the other in terms of the amount of motion that is
13 available in this bone, depending on the ligamentous
14 structure.

15 So using the other specimens that you have
16 here, this one of course is held together with wire.
17 The bone does not move as much as it might in this one
18 that has elastic holding it together.

19 Well, the human body does not have either
20 metal or elastic. People have different degrees of
21 ligamentous laxity and different structure which is
22 one of the determinants in helping us determine what
23 sort of procedure to perform.

24 The Lapidus procedure is done by fusing this
25 joint right here, the metatarsal cuneiform joint.

EDWIN WOLF, D.P.M-DIRECT

1 That gives more stability to the foot. Now, when the
2 metatarsal cuneiform joint is fused in such a way to
3 correct the bunion, what is done in an attempt to
4 bring this first metatarsal back in line to where it
5 should be ideally anatomically, a wedge of bone is
6 removed and the cartilaginous surface between the two
7 bones is removed, and these two sections -- excuse me,
8 these two sections are removed in such a way that when
9 this is moved back down over here, it would cause the
10 metatarsal to swing back towards the first -- the
11 second metatarsal and stay in that position.

12 Additionally when this procedure is
13 performed it is important to make the cut in such a
14 way that the metatarsal maintains its position against
15 the ground. If we were to take bone out in such a way
16 that it was parallel to the long axis of the first
17 metatarsal, the amount of bone that is removed would
18 shorten the metatarsal that amount. And in shortening
19 it it would lift it up off of the ground that exact
20 amount of bone that is removed.

21 And so when performing this procedure what
22 is done is the cut is made in such a way that it is
23 cut on two plains, one on the transverse plain, this
24 one right here, so that -- this one right here -- in
25 such a way that when this segment of bone is removed,

EDWIN WOLF, D.P.M-DIRECT

1 it swings the bone back towards the second metatarsal,
2 and cut in such a way that it maintains the position
3 of the first metatarsal against the ground. That it
4 brings it down against the ground. Otherwise it lifts
5 it up off of the ground. And lifting it up off of the
6 ground can cause the body to bear weight specifically
7 transferring weight onto the opposite side of the
8 foot.

9 So when a cartilaginous surface is moved off
10 the metatarsal and the cuts are made to plantarflex
11 the first metatarsal, bring it down and to adduct,
12 bring it towards the second metatarsal and a position
13 is achieved as seen on the OR table, the two bony
14 segments are held together and kept that way using
15 some sort of fixation device; screw, plate, pin,
16 whatever the surgeon chooses, in order to accomplish
17 fusion at that point. That's the basis.

18 Now, again, once the bone is moved over this
19 way some work is done at the first metatarsal, the
20 phalangeal joint specifically to realign the soft
21 tissue structures and allow the toe to stay in that
22 position and bring it back where it belongs.

23 Q Doctor, why is a Lapidus procedure done
24 verses any other procedure?

25 A Well, again, there are numerous procedures

EDWIN WOLF, D.P.M-DIRECT

1 that are textbooks of different types of different
2 procedures that we perform. The major indication for
3 Lapidus procedure is usually what is called a
4 hypermobile foot where we find that the first
5 metatarsal is not only in this abnormal position away
6 from the midline of the foot, but it is not bearing
7 weight the way that we would like it to and it is not
8 stable, it is hypermobile. It has more mobility.

9 That hypermobility does not allow the first
10 metatarsal to bear weight during gait when it should,
11 so weight is transferred onto adjacent metatarsals,
12 like the second, causing a lesion or a callous under
13 the second. When the thick skin on the bottom of the
14 foot or of the hand is exposed to frequent
15 intermittent pressure, as would happen when one bears
16 weight excessively, the foot, or uses a hammer on the
17 hand, the body tries to protect itself by building up
18 hard skin known as callous. After a while the callous
19 itself builds up so hard that it becomes painful
20 because the skin loses elasticity and it feels like
21 pebbles on the bottom of the foot. And that's a whole
22 nother issue.

23 Hypermobile first is one of the direct
24 indications to consider a Lapidus procedure for the
25 purpose of stabilizing the first metatarsal, that

EDWIN WOLF, D.P.M-DIRECT

1 whole segment, which is called the first ray.

2 Q Excellent. Doctor, if you could retake your
3 seat.

4 A Thank you.

5 Q At some point, Doctor, we contacted you, I
6 believe it was November of 2007 to take a look at this
7 case for us?

8 A Correct.

9 Q And we sent you some materials?

10 A You did, you sent me a significant amount of
11 material to review.

12 Q Do you remember what materials it was that I
13 sent you?

14 A Well, I believe that you had sent me
15 certainly the records of Dr. Marzano relating to his
16 care and treatment of Mrs. Flannery, the hospital
17 records from the surgical procedure done at St. John's
18 Hospital, Dr. Roberts' records from the Hospital of
19 Special Surgery, some examinations or depositions, as
20 you call them, of Mrs. Flannery and Dr. Marzano, and
21 certainly some x-rays having to do with the care and
22 treatment of Miss Flannery's foot.

23 Q Do you remember I also sent you the
24 deposition of Mr. Flannery?

25 A Correct, I remember.

EDWIN WOLF, D.P.M-DIRECT

1 Q And the Hospital for Special Surgery
2 records?

3 A Yes, I think that came in the original
4 package, yes, sir.

5 Q I did send you the patient's primary care
6 doctor's records, Doctor Caragine?

7 A I believe you did but I don't recall
8 specifically.

9 Q Do you recollect another deposition
10 transcript of Dr. Roberts, the subsequent treating
11 surgeon? Do you remember that transcript as well?

12 A Do I remember that coming at a later date,
13 yes.

14 Q And also, Doctor, more recently each day of
15 Court -- did I e-mail to you a transcripts of the
16 day's proceedings?

17 A Yes, you did, and you asked that I review
18 those as well, and I have.

19 Q And you have reviewed all of the Court
20 testimony of all of the witnesses so far?

21 A Well, I have reviewed everything you sent
22 me. If that's complete then, yes, I have.

23 Q So that would include Dr. Marzano, the
24 Plaintiffs, Dr. Joseph, and of course you already
25 reviewed Dr. Roberts transcript as well?

EDWIN WOLF, D.P.M-DIRECT

1 A I did.

2 Q And, Doctor, is it fair to say that you were
3 familiar with the standard of podiatric medicine and
4 surgery as it existed back in 2000 and 2004?

5 A I believe I am, yes, sir.

6 Q And, Doctor, based upon your review of the
7 records that are here in evidence and the trial
8 testimony in this case, do you have an opinion within
9 a reasonable degree of medical certainty whether the
10 care and treatment provided to Mrs. Flannery by
11 Dr. Marzano was within the standard of care?

12 A I certainly do have an opinion.

13 Q What is that opinion?

14 A My opinion is that it was within the
15 standard of care with the care and treatment provided.

16 Q And, Doctor, do you have an opinion within a
17 reasonable degree of medical certainty whether there
18 was any negligent act or omission by Dr. Marzano that
19 in any way contributed to the patient's injuries?

20 A I do have an opinion.

21 Q What is that opinion?

22 A That there was nothing that Dr. Marzano did
23 or did not do that caused injury, specific injury to
24 Mrs. Flannery.

25 Q And, Doctor, as mentioned, you have had the

EDWIN WOLF, D.P.M-DIRECT

1 opportunity to review the in-Court trial testimony of
2 Dr. Joseph, correct?

3 A I did.

4 Q Okay. I'm going to ask you some questions
5 about what the doctor had to say.

6 First Dr. Joseph at some point suggested
7 that Dr. Marzano took too much bone during the
8 March 25th, 2005 surgery. Do you agree with that?

9 A I disagree with that.

10 Q Can you tell the jury why you disagree with
11 that?

12 A I specifically disagree with that because
13 the amount of bone that is taken out is not a
14 prescribed amount, it is not quarter of an inch, half
15 inch, 2 inches, 10 percent, 30 percent. The amount is
16 enough to assure that the correction is achieved. The
17 correction being achieved means that the first
18 metatarsal has been moved back into its position both
19 on transverse plain: ie, closer to the second
20 metatarsal as shown on the AP view that we reviewed
21 there, as well as assuring that the cut is made in
22 such a way that the bone maintains its weightbearing
23 position on the ground. That, in fact, it does bear
24 weight and so it is plantarflexed an appropriate
25 amount.

EDWIN WOLF, D.P.M-DIRECT

1 The postoperative x-rays that I reviewed
2 showed both on the AP and on the lateral that both of
3 those goals had been achieved through the surgical
4 procedure performed by Dr. Marzano.

5 Q Okay. And, Doctor, Doctor Joseph also
6 indicated in her testimony that Dr. Marzano should not
7 have removed the bone in one cut, that he should have
8 feathered it in multiple cuts. Do you agree with
9 that?

10 A I disagree with that. I mean, there are
11 various techniques that people use in doing any sort
12 of a -- certainly surgical procedure and other things.
13 I mean, one needs to, for example, cut a board to fit
14 into a certain place. Some people will cut it and
15 place it right away, and some people will cut it long
16 and bring it to the cite and make it shorter and
17 shorter.

18 The bottom line is the bottom line. If it
19 fits the way that it is supposed to fit, that's what
20 one wants. If the technique used takes the bone out
21 in one cut and it abducts and plantarflexes the way
22 that it should, the desired result has been achieved.
23 It can be done by feathering as well. That's
24 certainly an acceptable technique. But certainly
25 there is nothing wrong with doing it with one single

EDWIN WOLF, D.P.M-DIRECT

1 solitary cut.

2 Q Okay. And, Doctor, Doctor Joseph mentioned
3 in her testimony that Doctor Marzano shortened the
4 first metatarsal by 1 centimeter. Do you agree with
5 that?

6 A I absolutely disagree with that statement,
7 for a number of reasons. The operative report and the
8 testimony all show that no bone was taken off of the
9 metatarsal. The metatarsal was never shortened. All
10 of the cartilaginous surface, which is not visible on
11 x-ray, was removed from the first metatarsal. But all
12 of the bone that was removed was removed from the
13 cuneiform. That is shown on the x-ray.

14 Now, I can understand why if one were to
15 measure only on the anterior/posterior view one might
16 measure the lengths of the bone differently. But
17 clearly there was no bone removed from the first
18 metatarsal and so it could not have been shortened too
19 much. It was not shortened at all.

20 Q Now, you said you could understand how you
21 could have that impression on the AP view only. Can
22 you explain what you mean by that?

23 A Sure.

24 Q And if you wanted to step down and if you
25 want the x-rays or anything, just let us know.

EDWIN WOLF, D.P.M-DIRECT

1 A Let me see if I can do that from here.
2 First of all, once again, when we look at an x-ray we
3 see spaces between the bones, and there are no spaces
4 in our bodies anywhere. What we see is the area where
5 there is cartilage. Cartilage does not stop x-rays
6 from going through it. It is what is called
7 radiolucent, so it leaves a black image on -- excuse
8 me, a white image -- excuse me, black image on the
9 plate.

10 The more cartilage you have the wider what
11 we call the joint space on x-ray. The bone of course
12 appears white, and that we are able to see. So the
13 length of the bone is the same.

14 However, if we were to take the -- a shadow
15 of this either by x-ray or just the sun, and project
16 it against the screen, it would, if it were
17 perpendicular to this pen, we would see an image that
18 is exactly the length of this pen.

19 If I were to tilt it this way and have the
20 source, the light source or the x-ray source come at
21 this pen, the image that would be left on the x-ray or
22 on the screen would be much smaller, it would be a
23 dot. So it would appear much smaller.

24 Well, the length of the pen or the length of
25 the metatarsal is still the same. But because the

EDWIN WOLF, D.P.M-DIRECT

1 position of it had changed purposefully by virtue of
2 the surgical procedure that was done, the image
3 appears different radiographically in terms of its
4 length and its size. So since no bone was taken off,
5 as documented by the op report, as testified to in
6 Court, the length of the metatarsal could not and did
7 not change. And if we look and measure the lateral
8 x-ray we can see that, in fact, the length of the
9 metatarsal is the same, even though it is in a
10 different position.

11 Q And can you explain why it looks different
12 on an AP view as opposed to the lateral, why it might
13 appear shorter?

14 A Once again if we have two light sources
15 checking this pen, one is coming across this way and
16 the other is coming across this way. The exact length
17 of the pen would still be seen. If I change the
18 position of the pen and the light sources stay the
19 same, the one that was this way, the AP, would make it
20 look like a dot. But the one coming from this way
21 would still show the entire length of the pen or the
22 metatarsal.

23 And so in more appropriate terms, if this
24 were the metatarsal, and the cartilaginous surface,
25 which we can't see, was taken off, and the position

EDWIN WOLF, D.P.M-DIRECT

1 was changed from here. Well, I'll do it so that the
2 jury can see it, from here, to down here. Well, the
3 image that is projected down this way becomes less.
4 But the length of the metatarsal, from the image
5 projected this way, would still be the same, even
6 though it is occupying a different position in space
7 or in the foot.

8 Q I see. And, Doctor, Doctor Joseph mentioned
9 that the positioning or the placement of that first
10 metatarsal in the plantar, which means the going-down
11 position, was inappropriate. Do you agree with that
12 statement of Doctor Joseph?

13 A I disagree with that. Again, the plantar,
14 means the bottom, that's the medical terminology, the
15 bottom of the foot, the plantar aspect. And so the
16 purpose of the procedure, the way in which a procedure
17 should be performed is to plantarflex the metatarsal.
18 Now, how much to plantarflex it, well, that is the art
19 of the surgical procedure.

20 The flippant answer that we give residents
21 is too much but not too much.

22 If it were plantarflexed too much, then it
23 would bear too much weight. If, in fact -- if I can
24 use that drawing for a moment.

25 Q Of course, Doctor. Yes.

EDWIN WOLF, D.P.M-DIRECT

1 A In performing this operation, if the cut
2 were made, as an example like this, when this section
3 over here were put over there, the bone would be
4 pointed down, or plantarflexed too much, and so the
5 bottom of this bone would bear more weight than we
6 would like it to bear.

7 When that happens the body responds by
8 building up a callous, or as even Doctor Joseph told
9 you in certain cases, severe cases, you get ulceration
10 as all of the blood is squeezed out of the tissues and
11 the tissues necrose and die.

12 Not only did she not develop a lesion
13 underneath the first metatarsal, quite the contrary,
14 the weightbearing was increased underneath the second
15 to the point where the lesion exacerbated underneath
16 the second metatarsal. So, no, it was not
17 plantarflexed too much.

18 Q And, Doctor, then we know from Dr. Roberts'
19 records and his testimony that actually what he did
20 was he took that first metatarsal from down and he
21 dorsiflexed it, or brought it up some. Why would he
22 do that?

23 MR. OGINSKI: Objection.

24 THE COURT: Grounds?

25 MR. OGINSKI: Objection as to why

EDWIN WOLF, D.P.M-DIRECT

1 Dr. Roberts would do that particular thing. We
2 have his testimony.

3 THE COURT: Well, you're saying that it is
4 speculative because you cannot read into
5 someone's mind, is that what you are saying?

6 MR. OGINSKI: That's correct, Judge.

7 THE COURT: Thank you. Yes, it clearly is
8 not a good question. Sustained.

9 Q Well, Doctor, what would the purpose be
10 subsequently of dorsiflexing a plantarflexed first
11 metatarsal? In other words, bringing that metatarsal
12 up?

13 A I'm going to sort of agree with Mr. Oginski.
14 I think you better ask Dr. Roberts why he would do
15 that and not me. But he did raise it up. That's
16 clear in his operative report.

17 THE COURT: Do you know what, side bar.

18 (Side bar conference)

19 THE COURT: You are not seriously going to
20 get him to say that Dr. Roberts was negligent.

21 MR. MC ANDREW: Judge, I was not --

22 THE COURT: Well, he started to say that
23 and I'm going to strike it, because that is
24 totally unfair to the Plaintiff.

25 MR. MC ANDREW: He was not going to say

SIDE BAR CONFERENCE

1 Dr. Roberts was negligent.

2 THE COURT: He just did.

3 MR. OGINSKI: He started to.

4 THE COURT: He just did.

5 MR. MC ANDREW: I disagree.

6 THE COURT: Well, read it back. I don't
7 know why he would do that. That's not what is
8 proper. Something of that nature. Right?
9 That's what he said.

10 MR. MC ANDREW: Well, let's read it back.

11 THE COURT: Read it back.

12 (Requested testimony repeated.)

13 MR. MC ANDREW: I don't think he commented
14 upon the characterization of the care of the
15 doctor.

16 THE COURT: Well, look.

17 MR. MC ANDREW: Pardon me, Judge.

18 THE COURT: The tone of his voice was
19 dismissive of Dr. Roberts. And, two, my
20 understanding of the problem was that her toe is
21 dorsiflexed to some extent. That's her
22 testimony. Right?

23 MR. OGINSKI: Yes.

24 THE COURT: So having the doctor raise it
25 up more, that's what he said, he dorsiflexed the

SIDE BAR CONFERENCE

1 foot. I don't know why he did that but he did
2 that. So, that's direct problem. Now, I'm
3 going to strike that testimony.

4 Listen, between you and me, no one is
5 alleging that he cut your client's -- cut the
6 actual -- cut anything but the cuniform bone.

7 MR. MC ANDREW: Okay.

8 THE COURT: Whereas your doctor went on to
9 this long song and dance about, well, you know,
10 the toe was not cut and the bones were not cut,
11 blah, blah, blah. Most of them were not, except
12 for the cuneiform, and the cuneiform is attached
13 to the big toe. Correct?

14 MR. MC ANDREW: Well, to the metatarsal.

15 THE COURT: Well, we are calling that the
16 big toe. I mean, they are all connected, so he
17 kind of mislead the jury, frankly.

18 MR. MC ANDREW: Well, in all fairness,
19 Judge --

20 THE COURT: He said the metatarsal was not
21 cut. Who says it was?

22 MR. MC ANDREW: Well, Judge, Doctor Joseph
23 said the metatarsal was shortened by one
24 centimeter. That's her exact testimony.

25 THE COURT: That's right. And do you know

SIDE BAR CONFERENCE

1 why? Because according to her --

2 MR. MC ANDREW: I don't know why she says
3 anything.

4 THE COURT: Because according to her when
5 you cut that cuneiform bone it kind of shrinks
6 that bone and impacts on the metatarsal. That's
7 why.

8 MR. MC ANDREW: Okay. But that's -- I'm
9 confronting what she said to make it clear.

10 THE COURT: But nobody is saying that the
11 metatarsal was cut, and that's kind of
12 misleading. Nobody is saying that.

13 MR. MC ANDREW: I'm not saying that they
14 did, but Doctor Joseph did say --

15 THE COURT: That's what he said.

16 MR. MC ANDREW: But Doctor Joseph said it
17 was shortened by one centimeter and I had to
18 clarify that to the jury.

19 THE COURT: You have to do it but that is
20 not an argument here.

21 MR. MC ANDREW: Thank you.

22 THE COURT: But I am saying I think he is
23 being -- I'm going to tell the jury and say that
24 the metatarsal itself was cut. Nobody is --

25 MR. MC ANDREW: Judge, I don't think

SIDE BAR CONFERENCE

1 that's necessary.

2 MR. OGINSKI: It is necessary.

3 MR. MC ANDREW: It is their interpretation
4 of the evidence. I don't think it is necessary.
5 They have heard what they heard. The doctor
6 merely reiterated.

7 THE COURT: Why did he testify?

8 MR. MC ANDREW: Because she said it was
9 shortened by one centimeter. It had to be
10 clarified necessarily.

11 MR. OGINSKI: But you addressed it -- she
12 said the metatarsal was removed. That's not
13 what she said.

14 MR. MC ANDREW: He did not say that, she
15 said metatarsal.

16 MR. OGINSKI: Your question --

17 MR. MC ANDREW: No, I did not. I
18 specifically phrased it that it was shortened by
19 one centimeter. That's what she said. I took
20 it right out of the transcript of Doctor
21 Joseph's deposition from Friday. I parroted it.
22 I did not make anything up.

23 THE COURT: All of these bones are
24 connected.

25 MR. MC ANDREW: Excuse me, I apologize. I

SIDE BAR CONFERENCE

1 don't mean it that way. What I mean is I took
2 that exact phraseology from Doctor Joseph's
3 testimony to ask him about it, and that's all I
4 did. I don't think there is any instruction
5 warranted on that.

6 As far as what Dr. Roberts did or did not
7 do, if you want to give an instruction on that
8 or strike that question and answer, okay. I
9 mean, I don't agree but I can understand that.

10 THE COURT: I'm going to say something.

11 MR. MC ANDREW: I don't agree but I can
12 understand it.

13 THE COURT: You have the objection, let's
14 go.

15 (Proceedings resume in open Court.)

16 THE COURT: I just want to clarify
17 something because I think it got a little
18 confusing here. So far in this case, in
19 Plaintiff's case, which is now done, there is no
20 issue on the following grounds: One, there is
21 no issue that Dr. Roberts, the subsequent
22 doctor, was negligent of anything, all right.
23 There is no issue.

24 And, two, of course you have to consider
25 both expert's testimony, which is why I want to

PROCEEDINGS

1 clear this up. There is no issue that the
2 Defendant actually cut into a metatarsal. I
3 believe, and your memory will recall it, it had
4 to do with another bone, which was the cuneiform
5 bone.

6 So, in case you got misled, I'm not
7 saying that the doctor misled you or anything,
8 just in case you did. That's what we are
9 concentrating on, all right. Thank you.

10 MR. MC ANDREW: May I proceed, your Honor?

11 THE COURT: Yes.

12 DIRECT EXAMINATION

13 CONTINUED BY MR. MC ANDREW:

14 Q Doctor Wolf, in Doctor Joseph's testimony
15 she indicated it was improper for Doctor Marzano not
16 to take into account the Plaintiff's long second and
17 third metatarsal in advance of surgery, do you agree
18 with that, preoperatively?

19 A Do I agree with what, sir?

20 Q That it was improper. Doctor Joseph
21 indicated in her testimony that Doctor Marzano did not
22 take into account the long second metatarsal in the
23 patient's foot preoperatively. Do you agree with that
24 statement by Doctor Joseph?

25 A I disagree with that statement.

EDWIN WOLF, D.P.M-DIRECT

1 Specifically that's one of the reasons to perform a
2 Lapidus procedure as opposed to other procedures.
3 Because in performing a Lapidus one is able to move
4 the first metatarsal in two plains. Not only towards
5 the second metatarsal to straighten it out, but to
6 drop it down a bit and stabilize it in such a way that
7 it accommodates for the weightbearing of the second
8 metatarsal. The length of the metatarsal is only
9 important because it determines how much bone --
10 excuse me, how much weight that bone is bearing. I
11 can show you that on this drawing, if I may. Can I?

12 Q Please do.

13 A As I showed you, if too much bone is taken
14 out of the first ray anywhere, then it bears less
15 weight. If anatomically because of what we were born
16 with or for whatever other reason a bone is longer,
17 then when that bone becomes longer, it assumes a
18 position.

19 If we imagine the second metatarsal
20 beforehand being like this, we would expect that first
21 and second are bearing weight and bearing weight
22 equally.

23 If, however, either the second is too long
24 or the first is hypermobile and not bearing weight,
25 then weight is going to be borne on the second. If

EDWIN WOLF, D.P.M-DIRECT

1 the second is too long, not only is it longer, but it
2 assumes a position lower down and increases the
3 weightbearing.

4 So the purpose of doing a Lapidus was to
5 compensate for the fact that the hypermobile first was
6 causing a functional lengthening -- long second
7 because it was not bearing weight appropriately. So
8 the first was plantarflexed at the time of surgery, as
9 it should have been.

10 Q Well, Doctor, Doctor Joseph showed us an
11 x-ray, I believe it was the AP view, and she indicated
12 that on that view the second metatarsal was longer.
13 Can you explain that?

14 A Well, once again, that's why you take more
15 than one view. Because certain views, one is able to
16 evaluate things that we can't on the other. We have
17 to take both views into account. The length of the
18 second metatarsal is difficult to evaluate in lateral
19 view because frequently it is hidden by the first. So
20 what we do is we evaluate the parabola, or the shape
21 of the first metatarsal -- the first metatarsal and
22 the second metatarsal on an AP view by measuring in a
23 certain prescribed fashion. And from that we are able
24 to deduce the relative length, okay.

25 Q Can you explain to the jury what -- how you

EDWIN WOLF, D.P.M-DIRECT

1 do that? Or can you demonstrate for them how do you
2 that?

3 A I absolutely can. What we do, and the best
4 way to do it is from an x-ray. But looking at it even
5 from this right here.

6 Q We have a shadow box and an x-ray if you
7 like.

8 A Well, we will do that too. But let me do it
9 here first and then we will do it on the x-ray if you
10 like. What we do is we bisect the first metatarsal,
11 and we bisect the second metatarsal, and the point at
12 which they cross is considered the apex. We then take
13 a compass, or anything, and run it from the axis here
14 and swing it across and see where it comes in contact
15 with the second metatarsal.

16 On any anatomical view of a foot, we will
17 always look at it in this direction, and see that the
18 second on this view is longer than the first, when we
19 look at it on an AP view, regardless if it is my model
20 or different model. However, when you put the foot on
21 the ground, because of the angle of declination of the
22 metatarsal, they are supposed to be bearing weight at
23 the same time. And during the gait cycle when we
24 walk, the bones are constructed in such a way that
25 when we walk the weight is shifted across the foot in

EDWIN WOLF, D.P.M-DIRECT

1 such a way that it goes across the parabola.

2 So looking at the x-rays the first
3 metatarsal was not short, the second was not long.
4 They were the appropriate length. However, because of
5 the first ray being hypermobile and because of the
6 first bone being swung out further than it should, it
7 was not bearing weight in the way that it was supposed
8 to bear weight. And because of that weight was born
9 on the second. And so when Mrs. Flannery first saw
10 Doctor Marzano at that point she had a lesion
11 underneath the second metatarsal.

12 Q I see. Doctor, would it be instructive for
13 the jury to show that on the shadow box?

14 A I would be happy to do it.

15 MR. MC ANDREW: Judge, for the record,
16 this is the March 10th, 2005 preoperative AP,
17 anterior/posterior view of the patient's right
18 foot.

19 THE COURT: Do you have an evidence number
20 on that, counsel?

21 MR. MC ANDREW: I believe it is Number 2
22 in evidence. We marked the x-rays Number 2 if I
23 am not mistaken.

24 Q Doctor, would you step down here. I think
25 the Judge would want you on this side. Is that right?

EDWIN WOLF, D.P.M-DIRECT

1 A So we can see here that, in fact, the --

2 Q Can everyone see that?

3 A That the lines bisecting the first and
4 bisecting the second have been made to the point where
5 they do intersect. That is considered the apex from
6 which we measure.

7 Of course if we look, just eyeball what this
8 looks like, the second has a, what appears to be a
9 protrusion further out. As it would on any model.
10 But if we were to take this as a compass and make the
11 apex, where my finger is right here, and go from the
12 first metatarsal to the second metatarsal, it is
13 difficult to see because it is a dark film. But they
14 in fact lineup the way that they should lineup.

15 The first metatarsal is neither long nor
16 short. The second metatarsal is neither long nor
17 short. It is appropriate anatomically. The problem
18 was that the first was not bearing the weight that it
19 should have been bearing because of its hypermobility
20 and positioning.

21 Q Thank you, Doctor.

22 Doctor, Doctor Marzano's records contain a
23 consent form that highlights that there is a potential
24 for additional or further surgery postoperatively.
25 And Doctor Marzano came in and testified that if a

EDWIN WOLF, D.P.M-DIRECT

1 complication should arise it may be necessary to
2 undertake an osteotomy of the second and third
3 metatarsals, down the road.

4 Do you agree with that approach?

5 A The approach of putting that on the consent
6 form or the approach of doing an osteotomy? What are
7 you asking?

8 Q Both of those, Doctor.

9 A Well, certainly it is appropriate to let a
10 patient know that potential for complications always
11 exist and document in the form of the consent form.

12 Additionally, yes, shortening the second or
13 third if, in fact, they are bearing too much weight
14 postoperatively is an option in terms of correcting a
15 problem that may occur.

16 Sometimes we just need to shorten the
17 second, sometimes we need to shorten the second and
18 third. I would imagine there are times when you have
19 to do the second, third and fourth. And of course
20 there are other ways in which the issues could be
21 dealt with as well. So, those are appropriate methods
22 of dealing with a problem if postoperatively, for
23 whatever reason, the second and/or the third and/or
24 the fourth are bearing more weight than they should
25 be.

EDWIN WOLF, D.P.M-DIRECT

1 Q And, Doctor, it was the Plaintiff's expert,
2 Doctor Joseph's testimony, that if intraoperatively,
3 back on March 25th, 2005, if Doctor Marzano did not
4 shorten the second and third intraoperatively that he
5 should have done a done a bone graft. Do you agree
6 with that?

7 A Bone graft where?

8 Q I presume of the first metatarsal?

9 A Well, again, we deal with things being
10 relevant. One too short or one too long. Well, the
11 options that you outlined are appropriate.

12 If, in fact, there was a problem, one could
13 either shorten the second or lengthen the first.
14 Well, you can't lengthen it by using Crazy Glue, you
15 have to put some sort of graft there to incorporate
16 the space that would be left because you always want
17 bone-to-bone contact. So using a bone graft would be
18 appropriate if the position were not correct,
19 shortening the second might be an appropriate way of
20 dealing with it.

21 But the x-rays that I saw postoperatively
22 show that the position postoperatively was
23 appropriate, and so I don't agree that that should
24 have been done during the course of the procedure.

25 Q Doctor, why is it that shortening of the

EDWIN WOLF, D.P.M-DIRECT

1 second and third metatarsal should not be done during
2 a Lapidus procedure?

3 A It is not part and parcel of the procedure.
4 The Lapidus procedure was originally designed by
5 Lapidus in such a way that you can reposition the
6 first to make it more stable by fusing it in an
7 appropriate position.

8 There is no reason to go to normal health
9 bones and joints and operate on those to try and
10 stabilize the foot. It can all be done through the
11 one area that one is working on in the Lapidus
12 procedure. It is not indicated to perform operations
13 on normal healthy second and third metatarsals under
14 usual circumstances during a performance of a Lapidus
15 bunionectomy.

16 Q And, Doctor, the Plaintiff's expert
17 indicated that not taking intraoperative x-rays or
18 x-rays immediately following the surgery was improper.
19 Do you agree with that?

20 A Certainly there is nothing wrong with taking
21 x-rays intraoperatively. It is a routine event.
22 Especially now with the use of technology.

23 MR. OGINSKI: Objection as to what is
24 going on now. This is back five years, Judge.

25 THE WITNESS: Even back five years ago

EDWIN WOLF, D.P.M-DIRECT

1 with -- the technology was available. That is
2 something that certainly could have been done.
3 But x-rays give us the ability to see things
4 that otherwise we would not be able to see. If
5 someone is presumed to have a problem with a
6 bone fracture, malposition, or whatever, an
7 x-ray is taken so that you can see what that
8 bone looks like. But when one is doing surgical
9 procedure where the bone is exposed and one can
10 actually see what the bone looks like and where
11 it is, whether the fusion is accomplished, where
12 your screws are, and you're actually able to
13 visualize it, x-rays are somewhat redundant,
14 there is nothing wrong with them.

15 Don't get me wrong, but it is not
16 absolutely necessary that it must be done during
17 the surgical procedure.

18 Q Doctor, before testifying did you have a
19 chance to look at the photographs that have been
20 admitted here into evidence?

21 A I did.

22 Q Can you describe what was seen on those
23 photographs?

24 A Yes. I quite frankly see that -- I was
25 surprised --

EDWIN WOLF, D.P.M-DIRECT

1 THE COURT: What exhibit are they?

2 THE WITNESS: This is Plaintiff's

3 Exhibit 2C. Plaintiff's exhibit --

4 THE COURT: They are 10A, B, C.

5 THE WITNESS: Okay. And this one as well
6 is 10D.

7 THE COURT: 10A, B, C, D. Four
8 photographs.

9 In reading the material that you have been
10 sending me over the last couple days where it
11 said that the toe was up at 90 degrees, I was
12 rather surprised. I did not remember seeing
13 that on the x-rays. 90 degrees of course is
14 perpendicular to the first metatarsal shaft.

15 Certainly the big toe is raised up off of
16 the ground here. I would -- if I had to
17 estimate, 10 to 20 degrees. Certainly not
18 90 degrees. Which, of course, can be caused by
19 scarring or fibrosis or other known
20 complications of a surgical procedure.

21 Q And those scarring, fibrosis, adhesions from
22 the surgery, is that something that you can predict?

23 A Certainly not. I mean, two different
24 patients can have incisions made and I have different
25 types of scars. Actually the same patient can have

EDWIN WOLF, D.P.M-DIRECT

1 more than one incision made. Scarring is something
2 that is somewhat of an unpredictable event. We do
3 things to try to prevent scarring and adhesions from
4 occurring, but in spite of that it can occur. And we
5 know that it did occur in Mrs. Flannery as evidenced
6 by the very least the subsequent records which show
7 that there was scarring and fibrosis intraoperatively
8 in that area during the second operation performed by
9 Dr. Roberts.

10 Q And, Doctor, the Plaintiff's expert stated
11 that the complications that occurred to this patient
12 were not a known risk to the surgery. Do you agree
13 with that?

14 A I disagree.

15 MR. OGINSKI: Objection. Objection, that
16 is not what she said.

17 THE COURT: Read it back, please.

18 (Requested testimony repeated.)

19 THE COURT: I don't recall her saying
20 that.

21 MR. MC ANDREW: I have page 450 to page
22 451 of the transcript, your Honor.

23 THE COURT: Show it to Plaintiff's
24 counsel.

25 MR. MC ANDREW: I'll withdraw the question

EDWIN WOLF, D.P.M-DIRECT

1 for purposes of saving time. I think I can
2 rephrase to it make everyone happy.

3 THE COURT: Okay.

4 Q Doctor, what happened to this patient
5 postoperatively, do you agree that that is a known
6 complication or risk of the procedure that Doctor
7 Marzano performed on the patient?

8 A Yes, I do.

9 Q What is your opinion on that?

10 A My opinion is that one of the risks of a
11 bunionectomy, including certainly this bunionectomy,
12 was that scarring and adhesions and fibrosis causing
13 the toe to lift up off of the ground. That in spite
14 of the efforts to get -- the ability of the foot to
15 bear weight perfectly, weight can be born imperfectly.
16 The mechanics of the foot can cause types of
17 discomforts underneath the second or third metatarsals
18 that of course Mrs. Flannery did suffer from.

19 Q Doctor, do you agree that in every surgery
20 there is no guarantee of an outcome?

21 A That's the general rule, yes.

22 Q And, Doctor, do you agree that in every
23 surgery a surgeon must exercise his discretion and his
24 judgment?

25 A Once again certainly surgeons should

EDWIN WOLF, D.P.M-DIRECT

1 exercise good discretion and judgment in the
2 performance of an operation of course.

3 Q Based upon what you have reviewed the
4 evidence and the testimony, Doctor Marzano exercise
5 his best judgment and discretion in caring for this
6 patient?

7 MR. OGINSKI: Objection.

8 THE COURT: Read it back.

9 (Requested testimony repeated.)

10 THE COURT: Sustained.

11 MR. MC ANDREW: Those are all of the
12 questions that I have for now. Thank you,
13 Doctor.

14 THE WITNESS: Thank you.

15 THE COURT: Let's take a break.

16 Fifteen minutes.

17 (Recess taken.)

18 COURT OFFICER: Jury entering.

19 (Jury entering courtroom.)

20 THE COURT: You may sit down. I remind
21 you, Doctor, that you're still under oath.
22 Understood and agreed?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: I believe now that we will
25 hear from the Plaintiff's counsel, Mr. Oginski,

EDWIN WOLF, D.P.M-DIRECT

1 with regard to cross.

2 MR. OGINSKI: Thank you, your Honor.

3 CROSS-EXAMINATION

4 CONDUCTED BY MR. OGINSKI:

5 Q Good morning, Doctor.

6 A Good morning, sir.

7 Q Your goal in coming into Court here and
8 testify and giving your opinion is to be as objective
9 as possible, correct.

10 A I try to, yes, sir.

11 Q And the purpose of being objective is so
12 that you can give your opinion about the information
13 and records that you reviewed regardless of who hired
14 you, correct?

15 A I try to, yes, sir.

16 Q Your purpose as an expert giving testimony
17 today is designed to give a fair opinion about the
18 interpretation of those records regardless of who it
19 may help and regardless of who it may hurt, correct?

20 A I will try to, yes, sir.

21 Q Anything less would be unfair, true?

22 A Agreed.

23 Q And, Doctor, coming in here and giving your
24 opinion, you would agree, for lack of a better
25 analogy, that if there is a foul ball, you're going to

EDWIN WOLF, D.P.M-CROSS

1 call a foul ball, correct?

2 A Yes, sir.

3 Q And, now, when you evaluate a particular
4 case, you're relying on the records that are provided
5 to you, correct?

6 A To some degree, yes, sir.

7 Q You are also relying on the deposition
8 testimony that has gone on in a particular case, true?

9 A To some degree, yes, sir.

10 Q And, Doctor, and you also rely on x-rays as
11 part of your evaluation, correct?

12 A Also to some degree, yes, sir.

13 Q And, Doctor, if the records are inaccurate
14 then the opinions upon which you may be basing that
15 opinion may be faulty, true?

16 A Possibly.

17 Q If the deposition testimony is inaccurate or
18 incorrect and you base that opinion on the deposition
19 testimony, would you agree that your opinion may be
20 faulty?

21 A Not necessarily. But in general I would
22 have to agree with that.

23 Q And, Doctor, if you are missing information
24 and you come to an opinion about the treatment that's
25 rendered in a particular case, you may be basing your

EDWIN WOLF, D.P.M-CROSS

1 opinion on incomplete information, correct?

2 A Certainly the more information I have to
3 evaluate the better off I would be, yes, sir.

4 Q And that if you had rendered an opinion
5 without having all of the necessary information that
6 you need to come to an answer, come to an opinion,
7 then your opinion may not be entirely accurate, fair?

8 A That might be correct, yes, sir.

9 Q Now, when you were first contacted, I
10 believe it was November of 2007.

11 A Correct.

12 Q Somebody from, on behalf of Doctor Marzano,
13 an attorney, contacted you, correct?

14 A Correct.

15 Q And they said, Doctor Wolf, would you be
16 interested in reviewing this case, in substance?

17 A Something to that effect, correct.

18 Q Now, it was not simply that you got a
19 package in the mail with records and a cover letter
20 saying, Doctor, please evaluate it and let us know
21 what you think?

22 A Pretty much that's what it was. I mean,
23 there was a phone call before that asking me if I had
24 any specific --

25 Q Well, hang on, Doctor. I'm going to go

EDWIN WOLF, D.P.M-CROSS

1 through.

2 A My apologies.

3 Q I want to know, did a phone call precipitate
4 the sending of the records, or did somebody just send
5 you the records unasked and unsolicited?

6 A I really don't recall specifically, but
7 chances are there was a phone call beforehand.

8 Q And tell us who it was that you spoke to
9 during that first encounter with the attorney?

10 A As I say, I really don't recall if there was
11 a phone call back in 2007. I do remember receiving a
12 package from Mr. Levine.

13 Q I'm going to ask you about that.

14 A Sorry.

15 Q As a result of whatever communication you
16 had with the attorney, you knew that that attorney was
17 calling you on behalf of a podiatrist who was being
18 sued, correct?

19 A Was calling me because he represented a
20 podiatrist who was being sued. Not exactly on behalf
21 of. Because as a said I was asked to be objective in
22 my evaluation of the material.

23 Q And it would be correct to say that you
24 asked, Who are you representing, the injured patient
25 or the doctor, correct?

EDWIN WOLF, D.P.M-CROSS

1 A Among other questions, yes.

2 Q Right. But just to understand as a baseline
3 who do you represent, Plaintiff or Defendant, fair?

4 A Of course.

5 Q Okay. Now, at some point you were sent some
6 records to review, correct?

7 A Yes, sir.

8 Q And together with those records there was a
9 cover letter, correct?

10 A Correct.

11 Q Do you have the cover letter with you?

12 A I do not.

13 Q Where is that cover letter?

14 A Sitting on my desk. And I specifically
15 asked if I should bring material with me, and
16 Mr. McAndrew said, No, don't bring anything,
17 everything you need is in Court.

18 Q In that cover letter the attorney indicated
19 what type of case it was, correct?

20 A No, I recall seeing it just yesterday, the
21 cover letter.

22 Q Hang on, I'm going to ask you, Doctor.
23 Would it be too much trouble to have somebody from
24 your office fax that cover letter here to the Court?

25 A Probably because it is probably in the trunk

EDWIN WOLF, D.P.M-CROSS

1 of my car which is parked somewhere near my office and
2 the keys are in my pocket.

3 Q You just told us that that letter was
4 sitting on your desk?

5 A My apologies, it is somewhere between here
6 and my office. As I think about it, it is probably in
7 my car.

8 Q Did that letter give you information about
9 the substance of the claims in this case?

10 A It did not.

11 Q Did that letter indicate the substance of
12 the defense claims in this case?

13 A It did not.

14 Q Was it a one-page or two-page letter?

15 A It was a half-page letter.

16 Q Who wrote that letter?

17 A A gentlemen by the name of Jason Levine is
18 his name.

19 Q And he was the attorney representing Doctor
20 Marzano at the time, correct?

21 A I don't know. He was an attorney who worked
22 for the firm that was representing, I guess, Doctor
23 Marzano, yes, sir.

24 Q And what specific records were provided to
25 you during that first set of materials -- I'm going to

EDWIN WOLF, D.P.M-CROSS

1 rephrase the question.

2 When you got that first package of materials
3 were you given in that packet the Plaintiff's
4 deposition testimony?

5 A I believe I was.

6 Q Were you given Doctor Marzano's medical
7 records?

8 A I believe I was.

9 Q Were you given Doctor Marzano's deposition
10 testimony?

11 A I don't recall.

12 Q And in that cover letter did it itemize and
13 list what records were included?

14 A It did not.

15 Q You know, Doctor, that if you were to bring
16 in any particular writings that you had in your
17 possession I would be able to look at it and then ask
18 you questions about that, correct?

19 A I'm sure you could.

20 Q You know that to be the case, right?

21 A I do, which is why I asked Mr. McAndrew what
22 he wanted me to bring with me today.

23 Q And Mr. McAndrew told you don't bring that
24 letter, correct?

25 A Absolutely told me to bring nothing

EDWIN WOLF, D.P.M-CROSS

1 whatsoever other than the right foot model. Quote,
2 Everything else you need is in Court.

3 Q In addition to Doctor Marzano's records were
4 you also provided with copies of Doctor Marzano's
5 x-rays?

6 A At some point I was. I don't remember if it
7 came with the original packet or later on.

8 Q I'm only asking this first packet of
9 material.

10 A I don't recall specifically.

11 Q Did it indicate in that letter, that cover
12 letter, whether those x-rays came with that first
13 packet of material?

14 A I don't recall specifically.

15 Q Did you receive Dr. Roberts' records with
16 that first packet of material?

17 A I believe so, but once again I don't recall
18 exactly if it came with the first packet of material.

19 Q Did you receive Dr. Roberts' video
20 deposition transcript during that first packet of
21 material?

22 A Absolutely not.

23 Q Did you receive Dr. Roberts x-rays of
24 Anmarie Flannery with that first set of materials?

25 A Probably not, but I don't recall

EDWIN WOLF, D.P.M-CROSS

1 specifically.

2 Q Now, Doctor, when you received these
3 materials to review, how big were they?

4 A I would say it was a looseleaf binder of two
5 and a half, 3-inch variety that was pretty full.

6 Q You said two or 3 inches?

7 A Something like that, yes, sir.

8 Q Where are those records?

9 A They are with the cover letter. That's all
10 together.

11 Q And which is where, in your office?

12 A Unavailable. It is probably in the trunk of
13 my car as I think about it.

14 Q Your car?

15 A I reviewed it in my office. It is probably
16 in the trunk of my car.

17 Q Your car here or in the office in Manhattan?

18 A There.

19 Q Now, when you go through and review these
20 records, Doctor, am I correct that in addition to this
21 particular case that you review other cases as well,
22 you have told us that?

23 A Absolutely.

24 Q And give us an idea of how many cases you
25 review on any given year?

EDWIN WOLF, D.P.M-CROSS

1 A Well, it varies from year to year.

2 Q Approximately?

3 A Certainly more than five and certainly less
4 than 12. So, certainly less than one a month.

5 Q And, Doctor, in order to keep track of
6 everything that is going on in the various cases that
7 you review, would it be fair to say that you will make
8 notes about whatever it is that you are reviewing?

9 A Usually I do not. I try not to.

10 Q You know, when you are going through these
11 records in this case that you received, is it not
12 correct that you make notes on the side, in the
13 margins, for things that you find to be significant?

14 A It is not correct. I did not.

15 Q Do you ever make notes on a separate piece
16 of paper so that you can always remember what you had
17 read?

18 A I certainly did not in this case. I don't
19 remember if I have on other cases or not. But in this
20 case I did not.

21 Q You know, don't you, Doctor, that if you
22 make notes in that record or anything that is sent to
23 you or on a separate piece of paper, that I have the
24 ability to look at those notes and question you about
25 them, correct?

EDWIN WOLF, D.P.M-CROSS

1 A If you tell me so, I believe that, sure.

2 Q Doctor, this is not the first time you're
3 here in Court. You know that to be true, don't you?

4 A Of course.

5 Q So you know that any notations that you make
6 in any record that you review for this case, that I
7 have the ability to ask you questions about that,
8 correct?

9 A You certainly have that right, absolutely.

10 Q Without you bringing those records here into
11 Court I have no way to actually verify or confirm that
12 you made no notations, correct?

13 A You will just have to believe me but that's
14 specifically why I asked Mr. McAndrew what he wanted
15 me to bring.

16 Q But that is true, correct, Doctor?

17 A That's absolutely true.

18 Q You know in the three to four cases in which
19 you have testified for a year over, I believe you
20 said, 35 years you have been testifying?

21 A Well, I have not been testifying for 35
22 years. But, yes, the very many cases I have reviewed.

23 Q Have you testified in over a hundred cases
24 in the course of your career?

25 A Probably not, but it would not surprise me

EDWIN WOLF, D.P.M-CROSS

1 if it approached that. I really have not done the
2 math.

3 Q You know that if you bring your records into
4 Court the attorney has an absolutely right to look at
5 those records and to question you about that, correct?

6 A I do, which is specifically, again, why I
7 asked Mr. McAndrew what he wanted me to bring.

8 Q And did Mr. McAndrew say, and tell you, that
9 if you bring those records here into Court I have an
10 opportunity to now question you about those records?

11 A No, he specifically said, No, don't bring
12 anything with you but that foot. Quote, Everything
13 else you need will be there in Court for you. Okay.

14 Q Now, when you finished reviewing that first
15 set of records --

16 A Yes.

17 Q -- did you find that there was information
18 that you needed in order to come to opinions about
19 whether the treatment was appropriate that you did not
20 have with that first set of materials?

21 A Well, after the first set of materials I
22 came to a preliminary decision but reserved my final
23 decision as further information became available,
24 correct.

25 Q I'm only asking you, Doctor, when you

EDWIN WOLF, D.P.M-CROSS

1 received the first packet of material you were missing
2 information that you as a podiatrist evaluating a case
3 from a medical/legal standpoint wanted to know,
4 correct?

5 A At that point I had enough to come to some
6 conclusions. My final conclusions I did not come to
7 at the very first time I had those records, correct.

8 Q Now, by the way, when you reviewed those
9 materials did you review them all in one sitting, or
10 did you come back to them every once in a while when
11 you had some time?

12 A Probably did it all in one sitting.

13 Q How long did that take you?

14 A Several hours. Two, three, four.

15 Q How many?

16 A Somewhere between two and four.

17 Q Do you have your bill that you sent to the
18 attorney's office for the time that you spent
19 reviewing?

20 A No. And, once again, Mr. Oginski, I have
21 nothing with me here at all other than what you see on
22 my body, my person, and the right foot right there.

23 Q Where is the bill, Doctor?

24 A Once again, if anywhere it would be with
25 that file. It is not here with me.

EDWIN WOLF, D.P.M-CROSS

1 Q You said you charged \$350 an hour, correct?

2 A That's correct.

3 Q For your time to review. That's
4 approximately \$1,400 if you spent four hours reviewing
5 just for the first part?

6 A Probably correct.

7 Q And in your review in preparation for coming
8 here today did you see the bill that you sent to the
9 attorney for the initial review?

10 A I don't recall seeing it, no.

11 Q By the way, Doctor, after you reviewed those
12 first set of records did you make a report about your
13 opinions and thoughts concerning the records that you
14 looked at?

15 A I did not and I was not asked to.

16 Q I'm only asking you if you did.

17 A I did not.

18 Q You know, don't you, Doctor, that if you
19 generate a report for the attorney that I have every
20 right to look at that report and then ask you
21 questions about that report, correct?

22 A I did not generate a report. Yes, I do know
23 that.

24 Q And, Doctor, after completing your review in
25 the first set of records did you contact an attorney

EDWIN WOLF, D.P.M-CROSS

1 on behalf -- who represented Doctor Marzano to talk
2 about your thoughts and your opinions?

3 A I certainly did.

4 Q Did you have that conversation by telephone?

5 A I believe the first conversation was by
6 telephone, yes.

7 Q That was with Mr. Levine?

8 A I don't recall specifically, but I think it
9 was, yes, sir.

10 Q When did that conversation take place?

11 A Some time probably in early 2008.

12 Q And do you have a notation, Doctor, about
13 what you discussed?

14 A I do not.

15 Q Do you have any report or notes about your
16 conversation with that attorney?

17 A I do not.

18 Q And, again, you know if you had made notes I
19 would be able to see them, correct?

20 A You absolutely have the right and the
21 ability to see them, yes.

22 Q And, Doctor, did Doctor Marzano's attorney
23 tell you specifically, do not render a written report
24 after your review?

25 A I think he did, but I don't recall

EDWIN WOLF, D.P.M-CROSS

1 specifically.

2 Q And during that conversation with the
3 attorney did you ask for any additional records so
4 that you could finalize your opinions?

5 A I don't recall. But I certainly --

6 Q Hang on then, I will rephrase it.

7 A Thank you.

8 Q Do you have any notation, any record of
9 anything that you asked the attorney for in order to
10 allow you to generate a final opinion about this case?

11 A No, I do not.

12 Q Now, you told us that you received
13 additional records at some point afterwards, correct?

14 A Correct.

15 Q When was the next time, the very next time
16 that you received any record for this case after the
17 beginning of January of 2008?

18 A Yes, I can't tell you specifically what I
19 did receive when. I do remember what was in the
20 original packet, as I told you. I did tell you that
21 all of the material that I have reviewed over the
22 course of time. I do remember that at a later date
23 specifically Doctor -- a transcript of Dr. Roberts'
24 deposition came. I can't tell you specifically when
25 that was.

EDWIN WOLF, D.P.M-CROSS

1 Q When the second set of information came to
2 you, was there a cover letter?

3 A I don't recall.

4 Q They did not just send you a packet of
5 records without knowing what it was about, right?

6 A I don't recall. I mean, it is quite
7 possible there was a cover letter, but I cannot
8 visualize it nor would I recall what was in it if
9 there was one.

10 Q Where is that cover letter?

11 A Probably with all of the other materials
12 that we have been talking about here.

13 Q In that cover letter, Doctor, did the
14 attorney indicate whatever claims were being made in
15 this case?

16 A Once again, I don't recall.

17 Q Did the attorney indicate what defenses
18 where being claimed in this case?

19 A I have no recollection if there was a
20 letter, so I certainly could not tell you what, if
21 anything, was included in that letter.

22 Q By the way, Doctor, in the first set of
23 records that you received did you see copies of these
24 photographs?

25 A I did not.

EDWIN WOLF, D.P.M-CROSS

1 Q In the second set of records did you see
2 copies of these photographs?

3 A I did not.

4 Q Did you receive the Hospital for Special
5 Surgery records?

6 A In its entirety, I don't believe I did, no.

7 Q You did review, you did see Dr. Roberts'
8 records, correct?

9 A I saw Dr. Roberts records including his
10 operative report from the Hospital for Special
11 Surgery, yes, sir.

12 Q Now, when you got the second set of
13 material, whatever those records were, how much time
14 had elapsed from when you had last reviewed the first
15 set of materials? Was it a week, a month, a year, or
16 something else?

17 A Well, once again, Mr. Oginski, I can't tell
18 you specifically when the second wave did come
19 through, so I can't tell you how much time elapsed.

20 Q Can you approximate for me, Doctor?

21 A Well, again, I first received this in
22 November of 2007. And I probably received that more
23 than a year ago. I would be guessing, Mr. Oginski.
24 I'm not going to do that. I can tell you what I have
25 seen up-to-date, but I can't tell you.

EDWIN WOLF, D.P.M-CROSS

1 Q Hang on. So, now, when you received the
2 second set of materials after having a period of time
3 between when you first reviewed the case and now when
4 you received these other materials, did you have to
5 reread that entire stack of records initially to
6 refresh your memory about what you had read?

7 A Not in its entirety, no.

8 Q Did you have notes to look at, to refresh
9 your memory about what you thought was significant
10 regarding what you read, Doctor?

11 A I did not.

12 Q Did you make any notations about this second
13 batch of materials that you reviewed?

14 A I did not.

15 Q By the way, did you review the surveillance
16 video of Annmarie Flannery taken in this case?

17 A I did not review that.

18 Q Did you know that Annmarie Flannery was
19 videotaped secretly by someone on behalf of the
20 defense?

21 A I do know that there was a videotape taken
22 by a surveillance individual of Mrs. Flannery, yes,
23 sir.

24 Q And, Doctor, in coming to court and giving
25 your opinions about the treatment rendered, would it

EDWIN WOLF, D.P.M-CROSS

1 be important for you to know what problems
2 Annmarie Flannery has today as far as your testimony
3 about this particular case?

4 A Well, to some degree, but not necessarily,
5 no.

6 Q Would it matter to you, Doctor, if
7 Annmarie Flannery told you that she could not walk?
8 You would want to be able to see evidence of that, to
9 some extent, correct?

10 A Well, evidence does not necessarily mean a
11 videotape.

12 Q I'm sorry, I'm going to rephrase the
13 question.

14 Would it be important to you, Doctor, to
15 know whether Annmarie Flannery walks with a limp?

16 A Not necessarily at this point, no.

17 Q Would it be important for you to know what
18 complaints Annmarie Flannery has with regard to her
19 current condition?

20 A Her current condition, not necessarily, no.

21 Q Would it be important for you to know what
22 problems she experiences on a day-to-day basis to
23 determine from your point of view whether those
24 complaints are related to anything that may or may not
25 have been done wrong?

EDWIN WOLF, D.P.M-CROSS

1 A I'm sorry, could you repeat that?

2 Q Sure. Would it be important for you to know
3 as a witness coming in here to tell us your opinion,
4 Doctor, what problems Annmarie Flannery has today and
5 how those complaints affect her on a day-to-day basis?

6 A Not necessarily.

7 Q Would it be important for you to know the
8 problems she has today to determine whether they are
9 in any way related to the treatment that she is
10 claiming was done improperly in this case?

11 A Not necessarily.

12 Q You're saying that in some instances it
13 would help, correct?

14 A No. I mean, you asked me specifically about
15 this case and, what I'm saying --

16 Q That's all right, Doctor, I'll ask a
17 different question.

18 A Okay.

19 Q Now, did you review Dr. Roberts' video
20 testimony?

21 A See the actual video?

22 Q Yes.

23 A I read the transcript of it, I did not see
24 the actual videotape.

25 Q And you had read Annmarie Flannery's

EDWIN WOLF, D.P.M-CROSS

1 deposition transcript?

2 A I did.

3 Q And, Doctor, in addition to reading the
4 first -- I'm sorry, the first set of materials and the
5 second, did you at some point later get another batch
6 of materials to review?

7 A I don't believe I got a batch. They might
8 have been --

9 Q Or whatever it was?

10 A Once again, I don't remember exactly what
11 came when. All I can do is tell you the beginning,
12 what I got in 2007 and what I reviewed up to this very
13 moment. The exact times and dates as to when they
14 came, I can't be any more helpful, Mr. Oginski. I
15 don't remember specifically when they came.

16 Q When did you first see the x-rays taken by
17 Dr. Roberts from the Hospital for Special Surgery?

18 A I don't recall.

19 Q Have you seen those?

20 A Absolutely.

21 Q In preparation for coming here, Doctor, did
22 you rereview all of the materials?

23 A I absolutely did.

24 Q And during the course of reviewing all of
25 these materials, did you make notes?

EDWIN WOLF, D.P.M-CROSS

1 A I did not make any notes at any time, Mr.
2 Oginski, regarding any of the material that I
3 reviewed.

4 Q Now, other than getting the, what is called
5 daily copy of the transcripts from what was going on
6 in this case over the last two weeks, when was the
7 last time you had any contact with an attorney on
8 behalf of Doctor Marzano?

9 A Last night.

10 Q No, no, before that, Doctor, before?

11 A I'm sorry.

12 Q I'll rephrase it.

13 After you had finished reviewing all of the
14 records that were provided to you?

15 A Okay.

16 Q When was that?

17 A I don't recall. Because I don't recall
18 exactly when I did get them.

19 Q Was it in 2008?

20 A Once again, Mr. Oginski, I don't recall. I
21 think you're asking me the last time that I met with
22 an attorney before I got the daily transcripts of the
23 Court testimony. I would say within the last two to
24 three months I probably met with Mr. McAndrew.

25 Q That was the question that was coming too.

EDWIN WOLF, D.P.M-CROSS

1 But I'm asking after you completed your review you had
2 some other communication with the attorney for Doctor
3 Marzano, correct?

4 A Sure.

5 Q And you told them the whole purpose of that
6 communication was to tell them what your thoughts and
7 opinions were at that time, correct?

8 A Absolutely correct.

9 Q And, Doctor, who did you speak to?

10 A I believe it was Mr. McAndrew.

11 Q And during that conversation did you ask
12 Mr. McAndrew whether you should prepare a written
13 report about your final opinions?

14 A No, I was not asked for one and I did not
15 ask him if I should. None was ever prepared.

16 Q You know again, Doctor, that if you had I
17 would be able to look at it?

18 A Absolutely.

19 Q Did you give Mr. McAndrew any notes that you
20 had created about your review?

21 A I could not give him any notes since I never
22 took any, Mr. Oginski.

23 Q How long did your conversation last?

24 A I think I met with him for an hour or so.

25 Q Where was that?

EDWIN WOLF, D.P.M-CROSS

1 A My office.

2 Q When was that?

3 A Several months ago.

4 Q That was the first time that you had met
5 Mr. McAndrew? I'm sorry, in regard to this case?

6 A I believe I had spoken with him on the
7 telephone. But that was the first time that he and I
8 actually sat face-to-face and reviewed the issues
9 having to do with this case, yes, sir.

10 Q And how much time did you spend reviewing
11 the second batch of materials?

12 A There was no second batch of materials.
13 Once again, materials had come in. As I said I had
14 refreshed my recollection from the first materials I
15 received, reviewed the other materials and sat down to
16 meet Mr. McAndrew. In preparation for that meeting I
17 probably spent another hour or two. Probably spent an
18 hour or two with him that date. And, yes, I was
19 reimbursed for all of that time I spent with him.

20 Q Do you have the bill?

21 A I do not.

22 Q Where is the bill. Doctor, I'm not asking
23 facetiously.

24 A But you are because I told you that I have
25 nothing else with me, Mr. Oginski. I can't produce

EDWIN WOLF, D.P.M-CROSS

1 something that I told you several times I do not have
2 with me. All I have with me are the clothes and the
3 right foot that I was asked to bring. And, yes, I
4 will yell at Mr. McAndrew for putting me through this
5 later on, but he specifically told me don't bring
6 anything.

7 Q Doctor, hang on. How do you know
8 Mr. McAndrew?

9 A I had an opportunity to review a case for
10 him several years ago.

11 Q I don't want you to go into details.

12 A I won't.

13 Q Did Mr. McAndrew provide you with a list of
14 questions that he was going to ask you?

15 A No, he did not. He did not provide me with
16 a list. We did review.

17 Q I'm only asking if he provided you with a
18 list?

19 A He did not.

20 Q Doctor, the cases that you review, you said
21 you review cases on behalf of doctors who are being
22 sued, correct, podiatrists?

23 A I do.

24 Q And you have on occasion reviewed cases on
25 behalf of injured patients?

EDWIN WOLF, D.P.M-CROSS

1 A I have.

2 Q You told us that you testify many more times
3 on behalf of the defense, correct?

4 A Absolutely true.

5 Q In this year, doctor how many times have you
6 testified on behalf of an injured patient?

7 A This is my second appearance in Court this
8 year. This is the first time I'm here on behalf of a
9 doctor who is being sued.

10 Q And last year, Doctor, how many times had
11 you testified on behalf of an injured patient?

12 A Probably one or two.

13 Q And the year before, on behalf of an injured
14 patient?

15 A Once again, probably one or two. But I
16 cannot tell you specifically.

17 Q Now, Doctor, would it be fair to say that in
18 the cases that you are asked to review on behalf of
19 the podiatrist, that if you feel that the case is not
20 defensible you have no problem telling the attorney
21 that fact, correct?

22 A Clearly.

23 Q Now, Doctor, you told us that you have
24 published in the past, correct?

25 A I have.

EDWIN WOLF, D.P.M-CROSS

1 Q And do any of your publications concern
2 treatment of Lapidus bunionectomies, specifically that
3 particular bunionectomy?

4 A I do believe that one of them did deal with
5 bunionectomies. I cannot remember if Lapidus was
6 included in that publication or not.

7 Q Did that publication deal with the
8 complications and treatment of Lapidus bunionectomy,
9 Doctor?

10 A I don't recall specifically, but probably
11 not.

12 Q And, now, you treat patients in your office,
13 correct?

14 A I do.

15 Q You observe them when they come into your
16 office?

17 A I do.

18 Q You give them medication when you perform
19 surgery on them, correct?

20 A When appropriate, yes, sir.

21 Q You recommend medical treatment, right?

22 A When appropriate, yes, sir.

23 Q You perform surgery on them?

24 A When appropriate, yes, I do.

25 Q And in this case you never treated Annmarie,

EDWIN WOLF, D.P.M-CROSS

1 correct?

2 A Certainly not.

3 Q Now, Doctor, let's talk about records.

4 Would you agree that a podiatrist who treats patients,
5 that it is important for you as a treating podiatrist
6 to keep accurate records?

7 A It is important to keep records. The
8 definition of accurate is one that is debatable or
9 debated. But, yes, it is important to keep records
10 and they have to have some degree of accuracy.

11 Q Would you agree, Doctor, that it is
12 important to have complete records?

13 A Once again, the definition of complete is a
14 difficult one for me to deal with. But it is
15 important to have records that of a patient's care and
16 treatment, yes, sir.

17 Q Would you agree that it is important to have
18 detailed records?

19 A Again, detail is a difficult adjective to
20 put in here. But it is important to keep records, I
21 absolutely agree with that.

22 Q Doctor, in the course of your duties as an
23 educational director of the residency program, you
24 teach podiatry residents what is good practice,
25 correct?

EDWIN WOLF, D.P.M-CROSS

1 A That's one of the things that I do, yes,
2 sure.

3 Q And as part of your teaching duties you
4 teach these doctors in training how to take accurate
5 records, correct?

6 A I teach them how to keep records as part of
7 their training, yes.

8 Q I'm asking about accurate records?

9 A Well, accurate is a very difficult term to
10 define. What one may --

11 Q I'll rephrase it then.

12 A Fine.

13 Q You teach them to create records that are
14 complete, correct?

15 A Again, complete is a very difficult term to
16 define.

17 Q You teach them to create records that are
18 detailed, surely you teach them that?

19 A Again, there is levels of detail, and I
20 teach them to keep records that are appropriate for
21 the pathology which is being evaluated that are useful
22 records.

23 Q You would agree, Doctor, that it is good
24 podiatric practice to keep accurate records, correct?

25 A It is important to keep records. I don't

EDWIN WOLF, D.P.M-CROSS

1 know what your definition of "accurate" is. That
2 varies from individual to individual. They have to be
3 truthful, there is no question about that, and I would
4 certainly agree with that. But what you mean by
5 "accurate," I think you will have to define that
6 point, Mr. Oginski.

7 Q If the records are inaccurate, Doctor, that
8 would represent careless recordkeeping, would it not?

9 A It can, certainly.

10 Q If the records are incomplete that also
11 would represent careless records, recordkeeping, true?

12 A Again it depends on what the incompleteness
13 is, but it certainly might.

14 Q If the records are simply wrong that again
15 would represent careless recordkeeping, true?

16 A It might, yes.

17 Q Now, Doctor, in your office, in your own
18 personal practice, if the records are inaccurate, that
19 would be inexcusable to you as a practicing
20 podiatrist, right?

21 A If they are not untruthful.

22 Q I'm not talking about truthful.

23 A Well then please define "accurate" for me.

24 Q If you did not keep complete records,
25 Doctor, where the significant findings and history and

EDWIN WOLF, D.P.M-CROSS

1 other relevant information is recorded in your record,
2 you would consider that to be inexcusable
3 recordkeeping for a podiatrist, true?

4 A I can't answer that question the way that
5 you have asked me, Mr. Oginski.

6 Q I'll rephrase it.

7 A Please.

8 Q If a podiatrist failed to keep accurate
9 records that reflected what treatment he provided,
10 that to you would be inexcusable, true?

11 A It might or might not. Depends on the
12 situation. Again you keep using the word accurate,
13 Mr. Oginski, and I don't know what you define as
14 accurate.

15 Q Well, Doctor, if a podiatrist indicates that
16 he performed an Austin bunionectomy when, in fact, he
17 never did, you would consider that to be careless
18 recordkeeping, true?

19 MR. MC ANDREW: Objection, your Honor.

20 THE COURT: Overruled.

21 THE WITNESS: And sloppy, yes, I do agree.

22 Q Okay. And you personally feel that that
23 would be inexcusable if that occurred in your office,
24 true?

25 A I don't think inexcusable is appropriate. I

EDWIN WOLF, D.P.M-CROSS

1 would not be happy to learn that that had occurred.

2 But there are certain things that are excusable.

3 Q If the residents that you teach, if you
4 learn that those residents are putting information in
5 the notes about the patients that they are treating
6 and they are indicating that the procedure being
7 performed or had been performed was not the procedure
8 that they had actually performed, you would have a
9 problem with that, correct?

10 A That would not make me happy and I would
11 have a problem with that, yes.

12 Q In fact, you would take that resident to
13 task most likely, true?

14 A It depends on the resident. Some of them
15 are bigger than I am, so.

16 Q Well, you would certainly bring it to their
17 attention to make sure that it did not happen again,
18 correct?

19 A Of course, we try to correct errors in the
20 records at all times, absolutely.

21 Q Doctor, the purpose of keeping accurate
22 records has a dual purpose, true?

23 A The purpose of keeping records has many
24 purposes, that's correct.

25 Q Let me go through some of them and ask you

EDWIN WOLF, D.P.M-CROSS

1 if you agree.

2 A Sure.

3 Q One of the primary purposes of keeping
4 accurate records is that you want to be able to know
5 what you did and what the patient's problems were at
6 any given date, correct?

7 A To some degree.

8 Q So that at any later time down the road when
9 the patient returned you can simply look back to those
10 records to see what problems the patient had, what
11 your exam was, what your findings were and what you
12 did for the patient, true?

13 A To some degree that is true.

14 Q And in addition any other health care
15 professional who takes a look at those records would
16 automatically know right away what complaints the
17 patient had and what you had found and done for the
18 patient, true?

19 A Well, one needs to look at the record as a
20 whole, that's correct.

21 Q Doctor, if those records are inaccurate then
22 any health care professional who now looks at those
23 records might not get a true understanding of exactly
24 what was done at a given point in time, true?

25 A Depends on the case. That might be true,

EDWIN WOLF, D.P.M-CROSS

1 that might not be true, Mr. Oginski.

2 Q In other words, if all that the health care
3 provider had to look at was simply records, and the
4 records themselves were inaccurate, it might give the
5 person who was looking at those records a view of what
6 was done, but it might be an incorrect view, correct?

7 A Well, all of the -- if all of the records
8 had the same inaccuracy certainly it would skew the
9 observer's decision making and ability to discern what
10 had occurred, that's correct.

11 Q Now, you coming into Court as a podiatrist
12 and giving us testimony about what your opinions are,
13 you would agree that it is important for any
14 podiatrist, especially a board certified podiatrist,
15 to know and make a note in the record about which foot
16 they are treating, true?

17 A Of course.

18 Q And you as a podiatrist have three options
19 when treating a patient's feet, correct?

20 A Two. Right and left.

21 Q And bilateral, both?

22 A Very good. You're right. That's correct.

23 Q So we have right, left and treating both
24 feet.

25 A All right.

EDWIN WOLF, D.P.M-CROSS

1 Q That's something that you want to know
2 about, which foot is involved?

3 A Every so often I do have an amputee. But I
4 don't want to be flippant. But, yes, it is important
5 to know which foot is being taken care of by Mr.
6 Oginski. I have made many mistakes over my years.

7 Q Hang on, Doctor, I'm not asking about
8 mistakes. I'm asking specifically about this case.

9 A Okay.

10 Q I know you have testified before and I know
11 you have treated lots of patients. If you can I just
12 want to focus on this case. Because you know that
13 there are certain issues in this case, right?

14 A Correct.

15 Q You know that one of the issues in this case
16 is that it is our claim that too much bone or
17 cartilage was removed from the first metatarsal?

18 A From the first metatarsal?

19 THE COURT: No. No.

20 Q Let me rephrase that, that was incorrect.

21 MR. OGINSKI: Sorry, Judge, my apologies.

22 THE COURT: Cuneiform.

23 THE WITNESS: Very good.

24 THE COURT: That's the only bone we are
25 talking about now.

EDWIN WOLF, D.P.M-CROSS

1 THE WITNESS: Very good.

2 Q You know that that is one of the issues in
3 this case, correct?

4 A I do.

5 Q You also know that one of the issues in this
6 case is that the manner in which the first metatarsal
7 was positioned was improper?

8 A That's one of the claims, correct.

9 Q Okay. And you also know that one of the
10 claims in this case is that the patient's second and
11 third metatarsals were not shortened at or about the
12 time of the first Lapidus surgery, correct?

13 A Yes, I understand that is one of your
14 claims, sir.

15 Q You also understand that the claim about
16 lack of informed consent is out, that has nothing to
17 do with this case any more, right?

18 A So I am told, yes, sir.

19 Q All right. Now, Doctor, the failure to
20 correctly identify which foot was involved would make
21 it impossible for you as a reviewing podiatrist to
22 give an accurate opinion in this case, true?

23 A If it were consistent throughout all the
24 records and I was mislead, yes, that's absolutely
25 true.

EDWIN WOLF, D.P.M-CROSS

1 Q Now, and also the failure to correctly
2 identify which surgical procedure was performed would
3 also mean that your opinion might be skewed and
4 incorrect?

5 A If I were consistently given the wrong
6 information and I did not have the correct knowledge
7 of what procedure was done, yes, that would be true.

8 Q And would you agree that the failure to
9 correctly note whether a patient is weightbearing or
10 not would have some impact on your opinion in this
11 case?

12 A It depends at what point and it depends for
13 what reason.

14 Q In other words, Doctor, if the record
15 indicates that the patient was not weightbearing 11
16 weeks after the surgery then you would want to know
17 why isn't the patient weightbearing at that point,
18 correct?

19 A I might, or might not, depending on the
20 issue I'm trying to evaluate.

21 Q And if there was nothing in the records to
22 answer that question about why the patient is not
23 weightbearing, that might alter your opinion about
24 whether the treatment was appropriate in this
25 particular case, true?

EDWIN WOLF, D.P.M-CROSS

1 A That depends what I'm trying to evaluate,
2 Mr. Oginski. It depends what issue that relates to.

3 Q You do recognize, Doctor, that there are
4 certain points within Doctor Marzano's records where
5 he has indicated that the patient's weightbearing --
6 was not weightbearing when, in fact, she was, you're
7 aware of that, right?

8 A I am aware of that.

9 Q And did you learn that from the records
10 themselves? I'm sorry, I'm going to rephrase that.

11 Did you learn that information from Doctor
12 Marzano's office record itself?

13 A From the records themselves, just that one
14 piece, no.

15 Q Did you learn from Doctor Marzano's record
16 that this patient underwent an Austin bunionectomy?

17 A I learned from his record that there are
18 certain times when he wrote that an Austin was
19 performed, which at first gave me pause, but realized
20 that that was incorrect.

21 Q What was it within the note -- I'm sorry.
22 Let's focus on Doctor Marzano's records. Not his
23 operative report, just the records.

24 A But the op report are in the records.

25 Q Hang on. I'm going to get to that. As you

EDWIN WOLF, D.P.M-CROSS

1 are initially reviewing this patient's records and you
2 see that the Austin bunionectomy is the procedure that
3 he performed of -- that that is what he performed, are
4 you asking yourself, What are they talking about here?
5 Is this an Austin bunionectomy that was performed?

6 A There did come a point, when going through
7 the records sequentially, knowing that a Lapidus was
8 planned and knowing that a Lapidus was done, that I
9 saw Austin, I said, Well, what the hell. What, what
10 is this, and then did realize that it was incorrect.

11 Q Okay. Did you receive a copy of the claims
12 that we have made, known as a Bill of Particulars?

13 A I believe I did.

14 Q And you saw in that document that we were
15 claiming that the Lapidus procedure was not properly
16 done, correct?

17 A Correct.

18 Q But judging from the records itself, from
19 Doctor Marzano's records itself, there was no way for
20 you to definitively determine what actual procedure he
21 performed, true?

22 A Untrue.

23 Q Putting aside his operative report from St.
24 John's Hospital, Doctor.

25 A I can't put that aside. It was part of his

EDWIN WOLF, D.P.M-CROSS

1 record.

2 Q Hang on. I'm going to get that.

3 THE COURT: Well, wait. Wait. Wait. You
4 have to follow the question of the witness. If
5 you can't answer the question legitimately, tell
6 him.

7 THE WITNESS: Yes, your Honor.

8 THE COURT: We can't decide what you're
9 going to consider and what you're not going to
10 consider. He is the examiner.

11 THE WITNESS: Okay, your Honor, I will try
12 and do that.

13 MR. OGINSKI: May I proceed, Judge?

14 THE COURT: Yes.

15 Q Doctor, when you were going through just
16 Doctor Marzano's records separate from the operative
17 report, were you able to tell what surgical procedure
18 was done in this case?

19 A Yes, I was.

20 Q Are there indications that this patient had
21 an Austin bunionectomy according to Doctor Marzano's
22 office record, correct?

23 A There are places in the record where it does
24 say Austin bunionectomy, that's correct.

25 Q And you know at some later point in time he

EDWIN WOLF, D.P.M-CROSS

1 does refer to a Lapidus procedure, correct?

2 A Some later points and some earlier points,
3 correct.

4 Q And you know from the operative report that
5 he actually performed a Lapidus procedure, true?

6 A Yes, sir.

7 Q The failure by Doctor Marzano to keep
8 accurate records about which procedure he performed on
9 a repetitive basis, you would not consider that to be
10 good recordkeeping, would you?

11 A As I said, there is some degree of
12 sloppiness in there, that's correct.

13 Q That would be a departure from good
14 recordkeeping, would it not?

15 MR. MC ANDREW: Objection, your Honor.

16 THE COURT: Sustained. I don't think
17 there is a cause of action.

18 Q Doctor, if the patient was walking and there
19 are notes in the doctor's records that says that the
20 patient was not walking, is that something that you
21 would want to know postoperatively?

22 MR. MC ANDREW: Objection, asked and
23 answered.

24 MR. OGINSKI: I asked about weightbearing.

25 THE COURT: I'll allow it.

EDWIN WOLF, D.P.M-CROSS

1 THE WITNESS: Once again, it depends on
2 what I'm trying to evaluate. It would be
3 helpful or not useful at all.

4 Q If a patient -- by the way, following a
5 Lapidus procedure there is a period of healing time,
6 recuperation, correct?

7 A Correct.

8 Q At some point after that the cast is removed
9 and now they are told they can begin to weight bear,
10 true?

11 A That's correct.

12 Q And in order to begin weightbearing I want
13 to place more weight on that foot to see how it does,
14 correct?

15 A I'm sorry.

16 Q I'll rephrase it.

17 After the cast is off and the patient now
18 begins to put some weight on their foot, that is done
19 for a specific purpose, true?

20 A I don't understand your question.

21 Q You want the patient to begin weightbearing
22 after the bone has healed, correct?

23 A At some point certain.

24 Q You one of the reasons is to allow the bone
25 to strength then?

EDWIN WOLF, D.P.M-CROSS

1 A No. One of the reasons is to get them back
2 into their normal life.

3 Q Okay. And if the patient was not walking in
4 a timely fashion after surgery, you, as a podiatrist,
5 would want to know why?

6 A It depends on the timing. It depends on
7 many other factors, but certainly that's taken into
8 consideration.

9 Q And you, as a podiatrist, if the patient was
10 not walking, you would ask the patient, why aren't you
11 walking, what is the problem?

12 A That's correct.

13 Q And good practice tells you you make a note
14 of that in the chart to indicate why the patient is
15 not walking at that time, correct?

16 A If there is some issue that it is important
17 for, of course.

18 Q You did not see any such notes in this
19 particular case, true?

20 A Such notes about what, sir?

21 Q About whether Annmarie Flannery was walking
22 or not walking postoperatively?

23 A I don't recall specifically.

24 Q Now, in addition to never having treated
25 Annmarie Flannery, you did not perform any

EDWIN WOLF, D.P.M-CROSS

1 medical/legal examination of her foot as part of this
2 litigation process, correct?

3 A Absolutely correct, I did not.

4 Q In fact, you have never seen or touched her
5 feet as far as your evaluation goes, correct?

6 A I never have, that's correct.

7 Q Now, you told us that you reviewed Doctor
8 Marzano's records, correct?

9 A I did.

10 Q Sorry, I meant to say Dr. Matthew Roberts'
11 records.

12 A I did review Dr. Roberts' records, yes, sir.

13 Q You know that Dr. Roberts is a -- you read
14 his notes. I'm sorry, you read his testimony that
15 indicated he graduated from medical school, from the
16 University of Texas?

17 A That's my understanding.

18 Q And that he was also the valedictorian of
19 his medical school class?

20 A Congratulations.

21 Q You read that, right?

22 A I did.

23 Q You read that he had done an orthopedic
24 surgery residency at the Hospital for Special Surgery,
25 correct?

EDWIN WOLF, D.P.M-CROSS

1 A I don't remember where his residency was,
2 but I know that he is at the Hospital for Special
3 Surgery now.

4 Q Now, I want you to assume, Doctor, that
5 Dr. Roberts did his surgical residency at the Hospital
6 for Special Surgery, and that -- are you aware that
7 this was a five-year surgical residency program?

8 A Orthopedic surgical residencies are, yes,
9 sir.

10 Q And you're also aware that he did a
11 fellowship, which is an additional postgraduate year
12 of training in foot and angle surgery, you're aware of
13 that?

14 A Yes, I am.

15 Q And you are aware that Dr. Roberts is board
16 certified in the field of orthopedic surgery, correct?

17 A That's correct.

18 Q Now, after you, Doctor, graduated from
19 podiatry school, you told us that you went to
20 California for some surgical training, correct?

21 A Two years, yes, sir.

22 Q I was just going to ask you how long it was.
23 Thank you.

24 A You're welcome.

25 Q After completing those two years, did you do

EDWIN WOLF, D.P.M-CROSS

1 any additional postgraduate training?

2 A Over the years I have done significant
3 postgraduate training.

4 Q No, no, I apologize. I was wrong. My
5 question was not right. As a part of a residency
6 training program, did you do any additional training
7 beyond those two years?

8 A Two year residency forefoot and ankle only,
9 that's correct.

10 Q Now, when Doctor -- when you read
11 Dr. Roberts' deposition -- sorry, this pre-trial
12 deposition transcript, that was videotaped, you saw
13 that he had examined Annmarie Flannery in January of
14 2006, correct?

15 A I believe so, yes.

16 Q And based upon his examination he makes
17 certain findings about the condition of her foot at
18 that time, correct?

19 A He did make certain findings, yes, sir.

20 Q And one of the findings that he needed was
21 that the metatarsal was in a too far down position.
22 You are aware of that, true?

23 A I believe he said it was plantarflexed,
24 correct.

25 Q And not in the position that you would

EDWIN WOLF, D.P.M-CROSS

1 normally see that. Is that your understanding of what
2 he said?

3 A No, I don't remember him saying not in the
4 position that you would normally find it.

5 Q Let me read to you from his transcript,
6 Doctor, that's in evidence. The video is in evidence.

7 MR. MC ANDREW: If I may get the
8 transcript, your Honor. Got it, thank you.

9 Q Before I actually get to the transcript, I
10 am going to read to you from his record, Doctor, for
11 the January 23rd, 2006 exam, and that's
12 Plaintiff's 5 in evidence. Under assessment and plan
13 it says, she also has pain in the second and third
14 metatarsal region. You don't dispute that complaint
15 of pain, do you?

16 A Certainly not.

17 Q He continues by saying, Which is related to
18 that being too long and the first ray is relatively
19 shortened at this point through the tarsometatarsal
20 joint.

21 Do you take issue with that finding?

22 A To some degree, yes.

23 Q You don't agree with it?

24 A No. Did you not say that?

25 Q I'll rephrase it, I'm sorry.

EDWIN WOLF, D.P.M-CROSS

1 You did not exam Annmarie Flannery at any
2 time?

3 A Absolutely not.

4 Q Okay. And you don't dispute or have any
5 issue with Dr. Roberts' credentials as being a
6 qualified orthopedist, being able to make accurate
7 observations, do you?

8 A I have no opinion on that.

9 THE COURT: Counsel.

10 MR. MC ANDREW: Objection, your Honor.

11 THE COURT: We had a side bar on this
12 subject.

13 MR. OGINSKI: Okay.

14 THE COURT: It is like it never happened.

15 MR. OGINSKI: Okay.

16 Q Now, doctor --

17 THE COURT: Move on, please.

18 Q Doctor, page two, I'm reading from
19 Dr. Roberts' deposition.

20 THE COURT: Are you going to move on or
21 not?

22 MR. OGINSKI: Yes, your Honor. This is
23 his observation, nothing else.

24 THE COURT: Let's take a side bar.

25 (Side bar conference.)

SIDE BAR CONFERENCE

1 THE COURT: What the hell are you doing?

2 What are you doing?

3 MR. OGINSKI: This is his observation

4 about the exam.

5 THE COURT: I covered this. You have a

6 real slick operator there. You don't think he

7 can outwit you on this? Of course he can. He

8 is going to make him negligent and he will do it

9 within the first two questions you ask.

10 MR. MC ANDREW: I think he is opening the

11 door here, Judge.

12 THE COURT: He is. You wanted to have a

13 setoff, you're going to get one.

14 MR. OGINSKI: Here is the observation that

15 the metatarsal was too far down and it healed in

16 that position.

17 I am going to ask him whether he agrees

18 with that statement or not.

19 THE COURT: He will say no.

20 MR. OGINSKI: Fine, then I move on.

21 MR. MC ANDREW: But, Judge, this was the

22 whole point. You would not let me talk about

23 it.

24 MR. OGINSKI: It has nothing to do with

25 it.

SIDE BAR CONFERENCE

1 THE COURT: You're not asking these
2 questions. You're not asking these questions.
3 That's the end of that story. Nothing about
4 Dr. Roberts.

5 (Proceedings resume in open Court.)

6 BY MR. OGINSKI:

7 Q Doctor Wolf, when you reviewed Doctor
8 Marzano's deposition testimony for the purposes of
9 evaluating this case, did you believe everything that
10 Doctor Marzano said in his deposition?

11 A Everything? That's a broad statement. I
12 mean, probably not everything.

13 Q When you read Annmarie Flannery's deposition
14 testimony in preparation for evaluating this case, did
15 you believe everything in her deposition?

16 A I am the true New York cynic, Mr. Oginski.
17 I don't believe anything, everything, anybody says.

18 Q Now, you know, you know, Doctor, that in
19 December of 2005, the last visit that
20 Annmarie Flannery saw Doctor Marzano, you know that
21 that was the very first time that there is any
22 indication that Doctor Marzano recommended another
23 surgery for her to address her problems, true?

24 A I don't recall specifically, but that's
25 possible.

EDWIN WOLF, D.P.M.-CROSS

1 Q I want you to assume -- no, I don't want you
2 to assume. I want you to turn to Doctor Marzano's
3 records, please, that are in evidence. Plaintiff's 1
4 for identification. I'm sorry, Plaintiff's 1 in
5 evidence.

6 And specifically the visit for
7 December 15th, 2005, and it is a two-page note,
8 Doctor. You have seen that note before, true?

9 A I have.

10 Q And in that note it indicates for the very
11 first time that Doctor Marzano now proposed a
12 corrective surgery for the second and third
13 metatarsal, true?

14 A That was what was proposed here for the very
15 first time, correct.

16 Q Okay. And the patient had made complaints.
17 Let me go back. On the second page under Impression
18 and Assessment, three lines down, it says, Resultant
19 shortening of the first ray has lead to failure of
20 hallux purchase during ambulation.

21 Do you see that?

22 A I do.

23 Q That is something that is known to occur
24 with this Lapidus procedure, true?

25 A Among the other things that it says here,

EDWIN WOLF, D.P.M.-CROSS

1 yes.

2 Q And that is something that a podiatrist
3 should tell a patient about during their discussion
4 before surgery, true?

5 MR. MC ANDREW: Objection, your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: I'm sorry, what was that,
8 sir? Repeat that.

9 Q As a result of performing a Lapidus surgery
10 they can expect to have the first metatarsal or the
11 first ray to be shortened?

12 A That it may be, yes.

13 Q May?

14 A May.

15 Q Are you saying, Doctor, that when you
16 perform a Lapidus surgery, that first metatarsal will
17 never reduce in size?

18 A In certain cases when a Lapidus procedure,
19 Lapidus are performed, there is no shortening of the
20 first ray, correct.

21 Q In this case there is a shortening of the
22 first ray, true?

23 A Correct.

24 Q Okay. Now, it also says on the third line
25 from the bottom of that paragraph, shortening of the

EDWIN WOLF, D.P.M.-CROSS

1 first ray has lead to an increase in right second and
2 third metatarsal head, plantar pressures, and
3 resultant plantar hyperkeratosis. Did I read that
4 right?

5 A You did read it correctly.

6 Q So here he is indicating that the cause, the
7 first ray has been shortened, the patient now has
8 pressure under the second and third metatarsals?

9 A Among the other things that you did not read
10 here, yes, he does say that.

11 Q I'm only talking about this particular
12 sentence, Doctor.

13 A Okay.

14 Q That's what that sentence refers to?

15 A Taken out of context, yes, that is correct.

16 Q Let's go up, please, to the middle of the
17 top paragraph where it says "x-ray shows."

18 Do you see that?

19 A I do.

20 Q X-ray shows relative shortening of the first
21 metatarsal. Do you see that?

22 A I do.

23 Q Okay. And that will occur with a Lapidus
24 surgery, true?

25 A It can.

EDWIN WOLF, D.P.M.-CROSS

1 Q In this case it did. It did, correct?

2 A Not necessarily, no.

3 THE COURT: No, no, no. If you -- there
4 are three answers to these questions. Yes, no,
5 or I don't know. This is what he is looking
6 for.

7 THE WITNESS: Okay. So if you would be so
8 kind as to...

9 THE COURT: The question will be repeated.
10 Please ask the question again.

11 Q In this case, this patient had a shortening
12 of the first metatarsal, true?

13 A No.

14 Q Doctor Marzano's note says, X-ray shows
15 relative shortening of the first metatarsal.

16 Did I not read that correctly, Doctor?

17 A That you read correctly. It does say
18 "relative shortening of the first metatarsal."

19 THE COURT: There is no question before
20 you.

21 Q Now, you looked at the patient's
22 postoperative x-ray from March 25th, 2005, correct?

23 A I did.

24 Q And, Doctor, this is the enlargement of that
25 x-ray. Correct?

EDWIN WOLF, D.P.M.-CROSS

1 A May I see it? Yes, this is an x-ray that
2 is --

3 THE COURT: Yes, it is an x-ray. Next
4 question.

5 Q Can you see the first metatarsal in that
6 x-ray?

7 A I can.

8 Q And can you determine from this x-ray
9 whether the positioning was proper and the placement
10 was proper regarding the first metatarsal based upon
11 this postoperative x-ray?

12 A On this x-ray, no.

13 Q You also saw the June 1st postoperative
14 x-ray taken three months later or two and a half
15 months later, correct?

16 A I did.

17 Q And this is a lateral view, a side view?

18 A It is.

19 Q And you were able to visualize the first
20 metatarsal in that x-ray, true?

21 A I did and I am, yes, sir.

22 Q And the first metatarsal in that x-ray,
23 Doctor, in your opinion, is that the appropriate
24 positioning for that metatarsal?

25 A Yes, it is.

EDWIN WOLF, D.P.M.-CROSS

1 Q That is pointing in a downward fashion,
2 correct?

3 A Correct.

4 Q And as a result, the big toe or the first
5 metatarsal is sticking up, correct?

6 A This x-ray, all of the, in this x-ray, all
7 of the toes are sticking up, correct.

8 THE COURT: No, the answer is yes or no.
9 Yes?

10 THE WITNESS: Yes.

11 Q Thank you.

12 Now, you know from reading the patient's
13 preoperative records that she had a long second and
14 third metatarsal relative to a short first metatarsal,
15 correct?

16 A I don't know that, no.

17 Q You don't know that this patient's records
18 indicate that the second and third metatarsals were
19 long to begin with?

20 A I'm sorry, I don't know what you are
21 referring to. I don't know where in the record you
22 are referring to, sir.

23 Q Before Annmarie Flannery had her surgery,
24 she had x-rays taken, correct?

25 A Correct.

EDWIN WOLF, D.P.M.-CROSS

1 Q And those preoperative x-rays indicate that
2 she had long second and third metatarsals, true?

3 A I can't answer that question.

4 Q Those x-rays indicate that as far as the
5 first metatarsal, that she had a long second and third
6 metatarsal relative to the first metatarsal, correct?

7 A Incorrect.

8 Q Now, Doctor, you know that before Annmarie
9 had surgery that when she first appeared in Doctor
10 Marzano's office she had a callous under her second
11 metatarsal, correct?

12 A Correct.

13 Q That's something significant among the other
14 things for you as a podiatrist to know prior to
15 planning surgical treatment, correct?

16 A Among other things, yes, it is.

17 Q And one of the reasons why it is important
18 to know that she had this existing condition is
19 because you want to be able to treat the patient, in
20 addition to the bunion itself, you know that if you
21 remove too much bone the forces of her foot are now
22 going to cascade to the other parts of her foot.
23 True?

24 A Not necessarily. Not true.

25 Q You told us earlier, in response to

EDWIN WOLF, D.P.M.-CROSS

1 Mr. McAndrew, that if you remove too much bone, and
2 you drew it up here, that what will happen is the
3 forces will now shift to the other parts of the foot.
4 True?

5 A They can if the amount of bone taken is
6 inappropriately taken. That's correct.

7 Q Now, in order to determine whether or not
8 the amount of bone was properly removed, you have to
9 do a number of things to evaluate that, true?

10 A I don't know what you are referring to, Mr.
11 Oginski.

12 Q Well, you told us that if the inappropriate
13 amount of bone was removed, the patient would now
14 experience this cascade where the forces would now
15 move over to the other parts of the foot, correct?

16 A That's not what I said, sir.

17 Q My question, Doctor, is in order for you to
18 determine how much bone is taken out, you have to look
19 at a number of things, correct?

20 A At a number of things, yes, sir.

21 Q You have to look at the preoperative x-rays,
22 right?

23 A Correct.

24 Q You have to look at the postoperative
25 x-rays?

EDWIN WOLF, D.P.M.-CROSS

1 A I do.

2 Q You have to look at any intraoperative
3 x-rays taken during surgery, if any were taken,
4 correct?

5 A Not necessarily.

6 Q It would be helpful to see what the
7 positioning was at the time that surgery is going on,
8 would it not?

9 A It would not because -- do you want to know
10 why or should I give a yes or no?

11 Q That's fine, Doctor.

12 It would also be important for you to know
13 from pathology how much bone was actually removed and
14 sent off to pathology to be evaluated, correct?

15 A Not necessarily.

16 Q In some instances it would be, correct?

17 A Possibly.

18 Q And you know, Doctor, that when you remove
19 bone or cartilage from the patient, during the course
20 of surgery, you will then send that specimen -- you
21 call that a specimen, right?

22 A It is.

23 Q To pathology so that they can look at it
24 under the microscope, right?

25 A Not necessarily.

EDWIN WOLF, D.P.M.-CROSS

1 Q They look at it and give you a visual of it,
2 right?

3 A That's called a gross evaluation, yes. Many
4 times it is a gross evaluation. Just a gross
5 evaluation is what is asked for.

6 Q And there are times when the doctor, who is
7 in the pathology department, known as the pathologist,
8 will actually look under the microscope to see what is
9 there, right?

10 A There are times, yes, sir.

11 Q And it is the function of a pathologist, who
12 gets that specimen, to record whatever it is that they
13 have received, true?

14 A They should, yes, sir.

15 Q And as part of what they receive, they
16 indicate the size, the dimensions of that particular
17 specimen, true?

18 A Of all of the specimens they receive,
19 correct.

20 Q And that -- and in order for you to
21 determine how much bone or cartilage was removed, you
22 can turn to the pathology report to see what the
23 dimensions of this specimen was, correct?

24 A Incorrect.

25 Q Is there anything in this patient's records

EDWIN WOLF, D.P.M.-CROSS

1 from the Pathology Department of St. John's Hospital
2 that indicate the dimensions of the amount of either
3 bone or cartilage that was removed during this
4 surgical procedure on March 25th, 2005?

5 A There is. The pathology report does
6 identify four fragments of bone, and it gives the
7 dimensions of each fragment, but does not say where
8 those fragments come from.

9 Q Wouldn't that be important for you to know
10 in order to determine whether or not the appropriate
11 amount of bone was removed?

12 A It is not.

13 Q Wouldn't it be helpful for you to know that
14 information, Doctor?

15 A It is not. And I would be happy to tell you
16 why if would you like to know.

17 Q For the purposes of coming into Court here
18 and telling us your opinions about whether too much
19 bone or cartilage was removed, it would be useful to
20 know precisely how much was actually removed, correct?

21 A Incorrect.

22 Q Now, I want you to assume, Doctor, that --
23 let me go back. When you perform a Lapidus surgery,
24 you know at the outset that there is a chance that
25 that first ray is going to be shortened, true?

EDWIN WOLF, D.P.M.-CROSS

1 A Correct.

2 Q And is it appropriate for you as a
3 podiatrist to know that before, as far as planning
4 purposes, true?

5 A Correct.

6 Q And if you fail to recognize that during the
7 course of the planning process, that would be a
8 departure from good and accepted care, true?

9 A It could be.

10 Q Would it be?

11 A Not necessarily, but it could be.

12 Q And, Doctor, if the podiatrist who is
13 planning this procedure did not address the likelihood
14 or the effect that reducing this first metatarsal
15 would have on the second or third metatarsals, in that
16 instance, you would agree that that would be a
17 departure from good and accepted care, true?

18 A Not necessarily. It could be, but not
19 necessarily.

20 Q Now, I want you to assume the following
21 facts. I want you to assume that Annmarie Flannery
22 had a severe bunion on her right foot. I also want
23 you to assume that she had what has been described as
24 an unstable or a hypermobile foot. I also want you to
25 assume that her foot, the right foot, was painful

EDWIN WOLF, D.P.M.-CROSS

1 because of the bunion, and that she had a callous
2 underneath the second metatarsal.

3 Assuming those facts to be true, if you know
4 at the beginning of planning a Lapidus surgery, you
5 would agree, Doctor, that it would be important for
6 the doctor who is going to do the surgery to plan for
7 the possibility that the pressure will now shift, the
8 weight forces will now shift to the second and third
9 metatarsals?

10 A I absolutely do agree with that.

11 Q And the failure to consider that would be a
12 departure from good and accepted care, true?

13 A If it were not considered, yes, I would
14 agree with that.

15 Q And, now, if you also know at the outset,
16 using those same facts, assuming those same facts to
17 be true, if you also know that there is a chance that
18 this patient's callous under her second metatarsal is
19 not going to be alleviated as a result of this Lapidus
20 procedure, the podiatrist has an obligation to talk to
21 the patient about options that are available to her at
22 that time, true?

23 A I'm sorry, no, you lost me there, Mr.
24 Oginski.

25 Q Okay. I want you to assume that

EDWIN WOLF, D.P.M.-CROSS

1 Annmarie Flannery has this severe bunion, she has got
2 pain, she has a callous under her second toe. You
3 know that performing a Lapidus procedure, that there
4 is a chance and you told us this, that it can affect
5 the second and third metatarsals, correct?

6 A Correct.

7 Q And that you have to plan for that.

8 Now, if you know at the outset that there is
9 a chance that this surgery is not going to correct the
10 problem regarding that second callous and possibly
11 affect the third metatarsal, it would be appropriate
12 at that point to talk with the patient about what
13 other surgical options are available to her that might
14 be addressed during the first surgery. True?

15 A That's the decision as to which procedure or
16 procedures to perform, which is why a Lapidus is
17 chosen over others given the scenario that you're
18 giving me. So, yes, it is important to discuss
19 procedures, absolutely.

20 Q I am only talking now about the Lapidus
21 procedure. We know what condition she had?

22 A Correct.

23 Q We know that she had this problem under her
24 second metatarsal. We know and we have heard that
25 this surgery may not solve the problem under her

EDWIN WOLF, D.P.M.-CROSS

1 second metatarsal, correct? Second metatarsal,
2 correct?

3 A May not, but it may, correct.

4 Q And if you know at the very outset that
5 there is a chance that this surgery will not address
6 and fix that particular problem, then it will be
7 incumbent upon the podiatrist to talk to the patient,
8 say, Do you know what, this, we have to do something
9 else during this Lapidus surgery that will address
10 this. Would you agree?

11 THE COURT: Yes or no?

12 THE WITNESS: No.

13 THE COURT: He says no.

14 Q Now, there has been much discussion in this
15 case about the consent form. You know, don't you,
16 Doctor, that when a patient comes into your office for
17 treatment and you recommend a surgery, when they are
18 at the hospital, the time that they get the hospital
19 consent form is either at the admitting office when
20 they are filling out papers work, true?

21 A It depends on the hospital, depends on the
22 case, depends on a number of things. But, yes, that's
23 certainly in the immediate preoperative period.

24 Q So it can come when they are going to be
25 admitted and they are filling out the payment and

EDWIN WOLF, D.P.M.-CROSS

1 insurance information, true?

2 A It can.

3 Q And a nurse or somebody at the desk gives
4 them a bunch of papers to sign, correct?

5 A Usually not.

6 Q Another option is that it can be done in the
7 holding area right outside of the operating room,
8 true?

9 A It can.

10 Q And you know that when the patient is given
11 those papers to sign, they are simply told sign this
12 so that you can go ahead and have the surgery,
13 correct?

14 MR. MC ANDREW: Objection.

15 THE WITNESS: No, that's not the way that
16 it usually works.

17 Q Doctor, when a patient goes to the hospital
18 and they are now waiting to have the surgery done, and
19 if they are outside in the waiting area, the holding
20 area, and an anesthesiologist comes to talk to them,
21 after whatever talk they have, the anesthesiologist
22 gives the paper to the patient and says sign, they
23 can't do the surgery without this, true?

24 A For the anesthesia consent, correct.

25 Q And you know that when a patient goes to a

EDWIN WOLF, D.P.M.-CROSS

1 podiatrist and the podiatrist talks to the patient
2 that you are obligated to have a patient sign a
3 consent form, true?

4 A At some point.

5 Q And the purpose of having the patient sign a
6 consent form is so that it gives you permission to go
7 ahead and cut into them during the course of this
8 proposed surgery, true?

9 A I don't know if that's legally why it is
10 done.

11 THE COURT: Well, your answer is yes or no
12 or you don't know.

13 THE WITNESS: I can't answer that.

14 Q You know, Doctor, that you can't have
15 surgery unless the patient actually signs that piece
16 of paper, true?

17 A You can do surgery. It is not appropriate
18 to do surgery.

19 THE COURT: The answer is yes or no?

20 THE WITNESS: I can't answer like that.

21 Q You also know that the majority of patients
22 who are given those forms at the hospital to sign, the
23 hospital consent forms, the majority of them do not
24 read those forms, true?

25 MR. MC ANDREW: Objection, your Honor.

EDWIN WOLF, D.P.M.-CROSS

1 THE COURT: If he knows.

2 Q You know that in your career?

3 THE COURT: Yes, no, I don't know?

4 THE WITNESS: I don't know.

5 Q You know that when the patient is in the
6 podiatrist's office and the podiatrist talks to them
7 about what they are going to do, you know that it is
8 typically not the actual podiatrist who hands them the
9 form to sign, but rather the receptionist or a nurse?

10 A Not true at all.

11 Q You know that the majority of patients,
12 Doctor, don't read the consent form, true?

13 A No, I don't know that at all.

14 Q You know that because a lot of patients
15 don't read the consent form it is incumbent upon the
16 doctor to talk to the patient about that, true?

17 A Nothing to do with the form. I do agree
18 that it is incumbent with the doctor to discuss the
19 surgical procedure with the patient, absolutely.

20 Q Now, Doctor, as part of the consent form and
21 the risks associated with that, you would agree that
22 one of the risks that, of undergoing surgery is that
23 the patient could die, true?

24 A Of course.

25 Q And you know that since that is the most

EDWIN WOLF, D.P.M.-CROSS

1 severe or horrendous outcome of any type of surgery,
2 that if you told that risk to every single patient who
3 you were proposing surgery for, you know that nobody
4 would ever agree to have surgery, true?

5 A No, not true. I mean even in the face of
6 that, certainly --

7 Q I'll rephrase it. Patients who are
8 undergoing elective surgery, if you told them that
9 there was a risk that they could die, the majority of
10 patients are not going to accept that possible risk,
11 true?

12 A I can't agree or disagree with that. I
13 don't know what the majority of patients would or
14 would not do, and it depends on the elective surgical
15 procedure that you're talking about.

16 Q We are talking about surgery to the feet,
17 elective surgery to the feet?

18 A Correct.

19 Q If the patient is told that this is a risk
20 of the surgery, you know that most people will not go
21 ahead with the surgery, true?

22 A It is not a usual and customary risk.

23 THE COURT: I don't know where we are
24 going with this. I do know that we are going to
25 lunch.

EDWIN WOLF, D.P.M.-CROSS

1 MR. OGINSKI: Judge, I have a few more
2 questions and I am done.

3 THE COURT: And he has redirect.

4 MR. MC ANDREW: I'll be short.

5 MR. OGINSKI: Can I finish up?

6 THE COURT: Proceed.

7 Q Doctor, this consent form that we have been
8 talking about does not give the podiatrist a license
9 to do whatever they please during surgery?

10 A No form does, correct.

11 Q And the consent form does not give the
12 doctor a license to improperly perform that surgery,
13 true?

14 A Nothing gives a doctor a license to
15 improperly perform a procedure.

16 Q And you know, don't you, Doctor, that that
17 particular form, that Doctor Marzano's form was
18 generated in the same way that he generated his other
19 medical records, do you understand that?

20 A I don't know that specifically, no.

21 Q I want you to assume that this medical
22 record, that this consent form is a template and that
23 Doctor Marzano fills in certain parts of it. Okay.
24 Assuming that to be true, you know from reviewing
25 Doctor Marzano's records that his overall

EDWIN WOLF, D.P.M.-CROSS

1 recordkeeping is sloppy, true?

2 A To some degree.

3 Q And you don't know whether everything that
4 he talked about is contained in this note, true?

5 A I was not there. I certainly do not know.

6 Q And you are not rendering any opinion about
7 the information contained here, correct, because you
8 were not there?

9 A Correct.

10 MR. OGINSKI: I have nothing further at
11 this time, Judge.

12 THE COURT: Thank you.

13 MR. MC ANDREW: Judge, I have about five
14 minutes. Is that okay?

15 THE COURT: Sure.

16 REDIRECT EXAMINATION

17 CONDUCTED BY MR. MC ANDREW:

18 Q Good afternoon, Doctor.

19 A Good morning, Mr. McAndrew.

20 Q Just a few questions to clarify.

21 A Of course.

22 Q Mr. Oginski went over with you a fact
23 pattern a few moments ago about a severe bunion, pain,
24 hypermobile ray, et cetera. And he ultimately got to
25 the point that with Lapidus in this case, or in a case

EDWIN WOLF, D.P.M-REDIRECT

1 such as this, that it is incumbent upon the doctor to
2 tell the patient that they have to do something else
3 with the second and third metatarsal. Do you remember
4 the question he asked you?

5 A I think that's where he was going to, yes,
6 sir.

7 Q Why didn't you agree with Mr. Oginski? Can
8 you tell the jury?

9 A Sure, I disagreed with that this morning.
10 The purpose of doing a Lapidus as opposed to many
11 other types of procedure is because the Lapidus gives
12 you the ability to plantarflex the first metatarsal in
13 an attempt to have it bear more weight, to take the
14 pressure off of the second and third, as well as
15 lengthening or stabilizing the first ray so that if
16 you do have a hypermobile first ray and if more weight
17 had been thrown onto the second, for whatever reason,
18 you do have an opportunity, by performance of the
19 Lapidus, that that will go away.

20 Q So in this case was the second and third
21 shortening on March 25th, 2005, was that necessary
22 for this patient?

23 A Not only it was not necessary, it would have
24 been inappropriate.

25 Q Thank you, Doctor.

EDWIN WOLF, D.P.M-REDIRECT

1 And then there was some discussion going
2 back a little farther about the pathology report and
3 determining the amount of bone that was removed and
4 you asked Mr. Oginski if you could explain that.

5 A Sure.

6 Q At this time we will give you that
7 opportunity.

8 A Thank you. The pathology report, as I
9 remember, because I did look for it, gives a gross
10 evaluation. By the way, the pathology report, after
11 it says four pieces submitted, it then says no
12 specimen submitted, so the validity of that report is
13 questionable to me. However, it says four pieces
14 submitted. It does not say where they are. One of
15 the pieces certainly was the bump along the medial
16 eminence that is in Doctor Marzano's report that he
17 took off. That is a three-centimeter piece in length.
18 It does not say the width. It does not identify which
19 piece comes from where. So the four pieces are
20 certainly consistent with the surgical procedures that
21 were done, but don't identify which piece came from
22 where. And if you have that report I would be happy
23 to give it to you and tell you.

24 Q Sure. It is in the St. John's records here.

25 If I may.

EDWIN WOLF, D.P.M-REDIRECT

1 THE COURT: Well, in efforts of moving
2 this case along.

3 MR. MC ANDREW: I'll find it, Judge.

4 THE COURT: Either you find it.

5 MR. MC ANDREW: I did find it. The
6 pressure was on and I found it.

7 THE COURT: Okay.

8 Q Do you have that report, doctor?

9 A I do have it. There is no microscopic
10 evaluation of the bone, nor should there be. This is
11 not cancerous bones. This is just sent to pathology
12 for verification that bone was removed, and basically
13 the description, the gross description says that the
14 specimen was received informally, labeled as bunion
15 right foot first metatarsal, consists of four pieces
16 of white and pink hard bone tissue fragments measuring
17 from 0.5 to 3 centimeters. No specimen submitted.

18 Made no sense to me, what that means, but
19 let's presume that the four pieces that were sent were
20 from .5 to 3 centimeters. That certainly is
21 consistent with the types of pieces of bone that
22 should and were removed during a performance of a
23 Lapidus bunionectomy.

24 Q Does that report delineate the dimensions of
25 each and every piece of bone or does did give the

EDWIN WOLF, D.P.M-REDIRECT

1 general spectrum?

2 A Again, it says four pieces measuring from .5
3 to 3 centimeters. It does not say which is from
4 where, nor the exact dimensions of any one piece.

5 Q And then, Doctor, Mr. Oginski was asking you
6 about using films to determine how much bone was
7 removed, and he talked about pre-op, post-op, and you
8 agreed those were important in making that
9 determination. But then he asked you about
10 intraoperative films and were those important, and you
11 said not necessarily. And it seemed like you wanted
12 to explain, if you would?

13 A No, but as I said this morning, the films
14 that would be taken intraoperatively are
15 non-weightbearing and the angulation is rather
16 difficult. And when we are looking at an x-ray we are
17 looking at the presentation of a shadow and they can
18 be difficult to evaluate.

19 The x-rays taken intraoperatively are
20 classically taken not to determine position, because
21 it is very hard to position a patient on the OR table.
22 They are classically done to determine whether the
23 screws you put in are biting correctly, are in the
24 appropriate bones, are too long, or are too short.

25 That's not an issue here. That's not what

EDWIN WOLF, D.P.M-REDIRECT

1 we are talking about. To use the intraoperative x-ray
2 to determine the appropriate weightbearing position of
3 any bone in relation to the others would not have been
4 appropriate in this case.

5 Q Thank you, Doctor.

6 THE COURT: Last question.

7 MR. MC ANDREW: Just two more, Judge,
8 please.

9 THE COURT: Because I have been patient
10 and heard on so many cases two more, and then
11 the next hour goes by.

12 MR. MC ANDREW: I think I can do one
13 question, Judge.

14 THE COURT: Do one more question. That's
15 it.

16 MR. MC ANDREW: To abide by your
17 instruction.

18 Q With regard to Mr. Oginski's questions about
19 that last visit in December, I think it was the
20 15th, 2005, the patient had with Doctor Marzano, and
21 he went over with you some findings there, and
22 particularly with regard to the x-rays and relative
23 shortening of the first to the second metatarsal. You
24 wanted to explain that as well. Here is your chance.

25 A Well, basically he read pieces and missed a

EDWIN WOLF, D.P.M-REDIRECT

1 sentence in between that says, Dorsal soft tissue
2 contracture is contributory to this condition.

3 Yes, all of the things are identified here,
4 put together form the pieces of a jigsaw puzzle that
5 give you the complete picture. You can't take one
6 piece of the puzzle and say, oh, see, see what you
7 have got here. No, it's the whole thing together.

8 So, the entire thing is correct, that, in
9 fact, relatively what was happening was the second and
10 third were bearing more weight. We know that.
11 Various options were considered. Several things
12 contributed to it, which I agree.

13 MR. MC ANDREW: Well thank you very much,
14 Doctor.

15 THE WITNESS: Thank you.

16 MR. OGINSKI: I have to follow up to that
17 answer.

18 THE COURT: You only have one. Choose it
19 carefully.

20 MR. OGINSKI: Thank you, your Honor.

21 RECROSS-EXAMINATION

22 CONDUCTED BY MR. OGINSKI:

23 Q Where is the information in Doctor Marzano's
24 records that show that this patient had all of these
25 problems leading up to the December 15th information

EDWIN WOLF, D.P.M-RE CROSS

1 that is in his records, the pain and the problems that
2 she is complaining of?

3 A There are indications of problems in terms
4 of thickening, dorsal skin contracture, keeps hallux
5 in dorsiflex position.

6 I think your Honor would kill me if I went
7 through each of the records now. But certainly that
8 record, at the end here, is a culmination of the
9 events. But there are indications throughout the
10 record of issues that are less than the ideal and
11 perfect situation.

12 THE COURT: Thank you.

13 THE WITNESS: Thank you, your Honor.

14 (Witness excused.)

15

16

17

* * * *

18

19 I, Cynthia M. Hills, do hereby certify

20 That the within proceedings are a true and accurate

21 Transcript of the original stenographic record's.

22

23

24

Cynthia M. Hills, RPR, CRR

25

EDWIN WOLF, D.P.M-RECROSS

1 THE COURT: Okay. We are going to break
2 now. We will reconvene tomorrow at 2 o'clock.
3 Am I correct?

4 MR. OGINSKI: Yes.

5 MR. MC ANDREW: Yes.

6 THE COURT: 2 o'clock for summations.

7 Thank you very much.

8 (Jury excused.)

9 THE COURT: You.

10 THE COURT: You may step down, Doctor.

11 THE WITNESS: Thank you.

12 THE COURT: I would like to address with
13 counsel a little more with the verdict
14 SHRAOEFPLT we are not having any more testimony
15 today.

16 MR. MC ANDREW: That's right, Judge.

17 THE COURT: Does the defense rest?

18 THE COURT: Well, can he do that tomorrow
19 morning.

20 MR. MC ANDREW: Can I do that tomorrow
21 afternoon. I think there might be one thing I
22 wants to do, Judge still. Just reading
23 testimony, that's all.

24 THE COURT: I want do address the verdict
25 sleet. Did you get a copy of the Plaintiff's

EDWIN WOLF, D.P.M-RECROSS

1 verdict sheet, Mr. McAndrew, the new one.

2 MR. MC ANDREW: I got it \has\last
3 evening, Judge. And I did print it out but I
4 apparently left it on my desk. So I'm going to
5 try to pull it up on my blackberry, as well some
6 notes I made.

7 THE COURT: So Plaintiff now submits the
8 following: He wants a more factual verdict
9 sheet, specific verdict sheet which he is
10 entitled to but frankly this is the first time a
11 Plaintiff in my experience has ever posit Ted
12 such a request. Usually it is defense.

13 The question is this, was the amount of
14 bone or cartilage removed by Defendant during
15 Annmarie Flannery's surgery on March 25th,
16 2005 a departure from good and accepted
17 podiatric care.

18 Any objection to that?

19 MR. MC ANDREW: Yes, Judge.

20 THE COURT: What is it?

21 MR. MC ANDREW: First of all I don't think
22 there has ever been an allegation or testimony
23 about cartilage being removed.

24 THE COURT: I never heard that except this
25 morning.

EDWIN WOLF, D.P.M-RECROSS

1 MR. MC ANDREW: Judge unfortunately I
2 don't have that e-mail in front of me.

3 THE COURT: Well, that is tough TPHUG
4 TKPWAOTES because I had to operate the same way
5 when you had all of these objections to the
6 deposition. So what is good for the goose is
7 good for the began TKER.

8 MR. MC ANDREW: If you bear with me,
9 Judge.

10 THE COURT: I'm not bearing with you, I
11 had to do it myself; you made me do it.

12 MR. OGINSKI: Judge, Doctor Marzano said
13 during his direct examination that he removed
14 cartilage and did not remove bone. So that's
15 where I got the testimony. The statement that
16 he removed cartilage.

17 MR. MC ANDREW: That's not a departure
18 that's not what the Plaintiff's expert said.

19 THE COURT: Do you have your BPs?

20 MR. OGINSKI: Yes.

21 THE COURT: Did you allege that in your
22 BPs?

23 MR. OGINSKI: That too much bone was
24 removed.

25 THE COURT: What.

EDWIN WOLF, D.P.M-RECROSS

1 MR. OGINSKI: That too much bone was
2 removed, an inappropriate amount of bone.

3 MR. MC ANDREW: It said nothing about
4 cartilage is my recollection, Judge. And Doctor
5 Joseph said no such thing.

6 Additionally I have said this before and I
7 don't wish to be repetitive but I do need to
8 make a record here. That this, the cases cited
9 by counsel cited by counsel indicate that there
10 are different Defendants involved, there are
11 different departures involved. All of these
12 departures revolve around was that procedure
13 done properly. Was too much bone removed was it
14 plantarflexed too much. Those are the issues,
15 your Honor.

16 THE COURT: Could what.

17 MR. MC ANDREW: So I think it should be
18 one question not four or two or three.

19 THE COURT: I don't remember any
20 cartilage.

21 MR. OGINSKI: Okay.

22 MR. MC ANDREW: That's right.

23 THE COURT: So I'm taking that out.

24 The next he thing question two was the
25 Defendant's position of the Annmarie Flannery's

EDWIN WOLF, D.P.M-RECROSS

1 first metatarsal during surgery on March 25th,
2 a departure from good and accepted podiatric
3 care.

4 Did you prove that.

5 MR. OGINSKI: Yes.

6 THE COURT: Where.

7 MR. OGINSKI: Plaintiff's expert Doctor
8 Joseph said looking at the x-rays that the first
9 metatarsal was placed there too many of a
10 plantarflexion, placed too far down.

11 Dr. Roberts said that in his video dope
12 significance and also in the transcript that it
13 was too far down.

14 THE COURT: Was the Defendant's failure to
15 recommend to Annmarie Flannery that her second
16 and third metatarsals should be shortened at the
17 time of her Lapidus surgery a departure from
18 good and accepted podiatric yacht trick care.

19 MR. MC ANDREW: Judge that's the same
20 question as number four and additionally.

21 THE COURT: They are very similar
22 questions.

23 MR. MC ANDREW: Additionally
24 recommendation that really goes towards the
25 withdrawn claim of alleged lack of informed

EDWIN WOLF, D.P.M-RECROSS

1 consent.

2 THE COURT: Well, it TOUFPS on it I'm not
3 sure if it-

4 MR. OGINSKI: Eye.

5 MR. OGINSKI: I'll tell you the reason why
6 it is important at least I think it is important
7 is because if the jury is presented with the
8 question about whether Doctor Marzano's failure
9 to shorten the second and third metatarsals
10 during the surgery, the obvious question will
11 come back as you can't do surgery unless the
12 doctor TKELS her about it first.

13 THE COURT: I know about that.

14 Q So that's why I?

15 MR. OGINSKI: So that's why I put in that
16 question because otherwise they are going to be
17 confused and say but you are missing that piece.

18 THE COURT: Well, it should say was
19 Defendant's failure to.

20 MR. MC ANDREW: Judge can I interrupt a
21 moment.

22 THE COURT: Can I say something.

23 MR. MC ANDREW: Sure.

24 THE COURT: Gee that would be great.

25 MR. MC ANDREW: I apologize for

EDWIN WOLF, D.P.M-RE CROSS

1 interrupting, your Honor. I just did not want
2 you to write it twice.

3 THE COURT: Question four.

4 MR. MC ANDREW: Judge I did not hear the
5 last part.

6 THE COURT: Question four. Was TKEFTD's
7 failure to recommend preoperatively a shortening
8 of Annmarie Flannery's second and third
9 metatarsals during her surgery -- wait a minute.
10 Was Defendant's failure to recommend
11 preoperatively and then intraoperatively to
12 SHORTD ten Annmarie Flannery's second and third
13 metatarsals during her surgery a departure. We
14 will do it in one question.

15 MR. MC ANDREW: That's prefer TPER able to
16 do questions. But I don't think the word
17 recommend should be in there and failure should
18 not be in there. That's a connotation that
19 immediately gives a sense that something was
20 done wrong. Was it a departure for the doctor
21 not to speak to or recommend and then go on and
22 perform the surgery.

23 THE COURT: Was it a departure.

24 MR. MC ANDREW: That's what I was going to
25 say and that's why I interrupted you Judge I did

EDWIN WOLF, D.P.M-RECROSS

1 not mean to do that earlier I apologize.

2 CONDUCTED BY

3 MR. OGINSKI: But that's our allegation.

4 THE COURT: Let me explain the problem to
5 you ofth I'm going to do it one more time. You
6 have one question in your verdict sheet. Did
7 Defendant depart from good and accepted
8 standards of podiatric care and surgical
9 practice in the operative procedure he performed
10 an Annmarie Flannery's right foot?

11 That's one question. Yes or no and a
12 causation.

13 You have now three questions and three
14 causations. And that's a tougher burden for
15 you.

16 MR. OGINSKI: I don't think so, Judge
17 because now they are addressing each one
18 individually.

19 THE COURT: What about your failure to
20 tell me about, in your Request to Charge, about
21 the husband.

22 MR. OGINSKI: Sorry, Judge.

23 THE COURT: Isn't the husband a Plaintiff.

24 MR. OGINSKI: Yes, Judge.

25 THE COURT: Yes. Good to know.

EDWIN WOLF, D.P.M-RECROSS

1 MR. OGINSKI: Okay.

2 THE COURT: So don't you need to put a
3 question in there about his damages, if any.

4 MR. OGINSKI: Yes, Judge.

5 THE COURT: Otherwise he loses.

6 MR. OGINSKI: Right, but that's separate
7 and distinct from the three liability and
8 causation questions.

9 THE COURT: I'm just concerned because it
10 is very rare that Plaintiff will want those
11 questions in there.

12 MR. OGINSKI: According to the case law I
13 have no choice but to ask for it because again
14 if it goes up on appeal, the appellate AP
15 division will not be able to decipher and
16 determine what the jury's factual issue was.

17 THE COURT: And that's-then connect the
18 next sentence to it.

19 MR. MC ANDREW: Judge those cases, though,
20 that he is referring to.

21 THE COURT: I never have been reversed on
22 a medical malpractice case.

23 MR. OGINSKI: I'm not saying anything like
24 that Judge.

25 MR. MC ANDREW: Judge if I may.

EDWIN WOLF, D.P.M-RECROSS

1 THE COURT: Just think what that inference
2 means.

3 MR. MC ANDREW: Judge if I may.

4 MR. OGINSKI: I can't help but look at the
5 case law that says for every departure that we
6 are claiming we are required or entitled to
7 separate question.

8 THE COURT: You are entitled but in the
9 Court's discretion.

10 MR. OGINSKI: That is entirely correct
11 Judge.

12 THE COURT: That is entirely correct. The
13 Court is not forced to do that.

14 MR. MC ANDREW: That's right Judge and
15 those cases that are cited by counsel and is he
16 referencing now again they -- it is not one
17 surgery by one Doctor on one date. It is a
18 period of time, it is different departures
19 sometimes by different doctors or nurses or
20 hospitals. This is a very different situation,
21 very distinguishable and I'm objecting to more
22 than one question. I think the originally
23 proposed question that this Court submitted to
24 us the other day, yesterday during the charge
25 conference was the appropriate and proper

EDWIN WOLF, D.P.M-RECROSS

1 question. With all due respect your Honor.

2 MR. OGINSKI: The PJI calf jot says each
3 claimed debar tour from accepted medical
4 practice should be the subject of a separate
5 jury question.

6 THE COURT: I know what the PJI says.

7 MR. MC ANDREW: Judge.

8 THE COURT: 8 million words have been
9 expended on this case. And everybody says
10 something at least ten times. I usually get it
11 the first time. I really do. So, as a result I
12 get very tired.

13 MR. MC ANDREW: I'm sorry.

14 THE COURT: I'll reserve on that and I'll
15 tell you tomorrow before we do the the --

16 MR. OGINSKI: WHRAURS deSKEUGS regarding
17 the error of judgment issue?

18 THE COURT: I'm not going to give that
19 (what was your decision .)

20 MR. MC ANDREW: Judge if I may be heard on
21 that again.

22 THE COURT: No, you're not. Because that
23 would be the 11 time.

24 MR. MC ANDREW: Well you told us would RAO
25 would you would reserve until this witness

EDWIN WOLF, D.P.M-RECROSS

1 testified here today. And he specifically
2 testified that there were a number of different
3 choices or procedures that could be done.

4 THE COURT: But that's not an issue in
5 this case.

6 MR. MC ANDREW: It is not --

7 THE COURT: Will you let me finish.

8 MR. MC ANDREW: Yes, Judge I will.

9 THE COURT: There is no issue that the
10 Plaintiffs and the doctor decided on the Lapidus
11 surgery. There Lapidus procedure. There is no
12 issue. There is no issue that it was a
13 medically correct procedure. No one has said it
14 was not. So, therefore, he went in he did the
15 procedure and the allegation is that he did the
16 procedure as a departure. It was a departure
17 from podiatric care.

18 MR. MC ANDREW: By not doing another part
19 of the procedure the second and third shortening
20 of the metatarsal SALS.

21 THE COURT: If in fact that's another part
22 of the procedure your doctor just lied.

23 MR. MC ANDREW: I don't know what you mean
24 by that, Judge, but I --

25 THE COURT: He said it was not part of the

EDWIN WOLF, D.P.M-RECROSS

1 procedure.

2 MR. MC ANDREW: It was not part of this
3 procedure, correct.

4 THE COURT: He says it was not necessarily
5 part of the procedure.

6 MR. MC ANDREW: Could I take my exception.
7 I don't --

8 THE COURT: You did not listen carefully
9 to what he said.

10 MR. MC ANDREW: That's possible too,
11 Judge. I note my exception.

12 THE COURT: He made that very clear
13 because is he trying to cover your position that
14 the doctor did not necessarily have to do the
15 metatarsal shortening.

16 MR. MC ANDREW: I agree with that.

17 THE COURT: That's your position.

18 MR. MC ANDREW: I absolutely agree with
19 that.

20 THE COURT: That's what he said.

21 MR. MC ANDREW: That's not what I was
22 talking about but okay, Judge.

23 THE COURT: He is saying that it should be
24 part of the procedure. You're saying that two
25 does not have to be part of the procedure. Your

EDWIN WOLF, D.P.M-RE CROSS

1 Doctor covered that.

2 MR. MC ANDREW: Okay. (KHRO*P KHRO*P all
3 of this .)

4 MR. MC ANDREW: That's fine.

5 MR. OGINSKI: 2 o'clock tomorrow.

6 THE COURT: Tomorrow at 1:30. We are
7 going to have to discuss this verdict sheet.
8 You are going to have to come to me tomorrow
9 with your husband damages questions.

10 MR. OGINSKI: Okay.

11 THE COURT: Because I have not and at this
12 point I'm not going to create them.

13 MR. OGINSKI: May I e-mail them to you,
14 Judge?

15 MR. MC ANDREW: Can I have that tonight?

16 MR. OGINSKI: Absolutely.

17 MR. MC ANDREW: I assumed you would do
18 that.

19 THE COURT: Yes, you can e-mail them to
20 me.

21 MR. OGINSKI: Thank you.

22 THE COURT: Thank you.

23

24

25

\$	8	922/8 923/20 929/15 addition [7] 819/19 869/3 870/20 883/3 895/14 905/24 919/20 additional [6] 853/24 877/3 877/13 907/11 908/1 908/6 additionally [5] 829/12 854/12 944/6 945/20 945/23 address [8] 815/2 817/22 912/23 924/13 927/5 927/9 941/12 941/24 addressed [2] 846/11 926/14 addressing [1] 948/17 adduct [1] 830/11 adducted [1] 822/19 adhesions [3] 858/21 859/3 860/12 adjacent [1] 831/11 adjective [1] 890/19 administer [1] 818/13 administered [1] 816/25 admitted [2] 857/20 927/25 admitting [1] 927/19 advance [1] 848/17 affect [3] 882/5 926/4 926/11 affects [1] 821/7 affiliated [3] 817/25 818/2 818/21 after [23] 815/19 816/7 817/5 817/14 817/16 831/18 873/21 875/11 875/24 876/24 877/16 880/2 884/13 885/1 899/16 904/8 904/17 904/22 905/4 907/18 907/25 928/21 935/10 afternoon [2] 933/18 941/21 afterwards [2] 814/2 877/13 again [40] 822/10 823/7 825/12 826/8 827/9 830/18 830/25 838/2 839/14 840/13 850/14 855/9 860/25 869/17 873/6 874/20 874/24 876/18 878/16 879/17 879/21 883/10 884/20 885/16 886/13 888/15 890/13 890/19 891/15 891/19 892/12 892/14 893/12 894/17 904/1 916/10 937/2 949/13 950/16 951/21 against [6] 811/4 823/1 829/14 830/3 830/4 838/16 ago [5] 856/25 879/23 886/3 887/10 933/23 agree [45] 835/8 836/8 837/4 840/11 842/13 847/9 847/11 848/17 848/19 848/23 854/4 855/5 855/23 856/19 859/12 860/5 860/19 860/22 862/24 863/19 863/22 890/4 890/11 890/17 890/21 891/23 892/4 893/21 895/1 896/13 899/8 909/23 924/16 925/5 925/10 925/14 927/10 930/17 930/21 931/4 931/12 934/7 939/12 953/16 953/18 agreed [5] 819/8 828/1 861/22 862/22 937/8 agrees [1] 911/17 ahead [3] 928/12 929/7 931/21 all [54] 812/1 818/17 823/9 833/19 833/20 837/8 837/9 837/11 837/19 838/2 841/10 844/16 844/18 846/23 847/3 847/22 848/9 856/10 861/11 864/5 870/9 874/9 874/12 874/21 877/21 878/11 882/16 883/11 883/22 883/24 884/13 886/19 887/2 894/20 896/2 896/7 896/7 896/25 898/19 898/23 904/3 918/6 918/6 922/18 930/10 930/13 939/3 939/24 941/23 942/21 943/5 944/11 951/1 954/2 allegation [3] 942/22 948/3 952/15 allege [1] 943/21 alleged [1] 945/25 alleging [1] 844/5 alleviated [1] 925/19 allow [5] 830/21 831/9 877/10 903/25 904/24 along [2] 935/15 936/2 already [1] 833/24 also [31] 816/2 816/16 818/5 818/6 818/10 823/5 832/23 833/14 836/5 863/7 863/10
\$1,400 [1] 875/4 \$3,500 [1] 819/8 \$350 [2] 819/11 875/1	8 million [1] 951/8 85 [1] 817/7 85th and [1] 817/23 85th Street [1] 815/4	
.	9	
.5 [2] 936/20 937/2	90 degrees [3] 858/11 858/13 858/18	
0	A	
0.5 [1] 936/17 06 [1] 811/5	abducted [1] 822/17 abducts [1] 836/21 abide [1] 938/16 ability [7] 857/3 860/14 871/24 872/7 876/21 896/9 934/12 able [17] 838/12 849/3 850/15 850/23 857/4 857/12 868/17 876/19 881/8 885/17 895/4 902/17 910/6 917/19 919/19 947/15 949/15 abnormal [3] 821/18 825/20 831/5 abnormalities [1] 825/25 abnormality [1] 825/14 about [104] 812/11 812/14 813/11 813/13 813/14 814/17 815/16 816/19 819/16 821/3 821/18 825/11 827/14 827/19 828/6 835/5 844/9 847/3 862/12 862/17 863/24 865/13 867/6 867/8 868/18 870/13 871/8 871/24 872/7 873/5 873/10 873/18 875/12 875/21 876/2 876/12 876/15 877/10 878/5 878/12 880/6 880/9 880/12 880/25 881/3 882/14 885/13 885/20 890/3 891/8 892/3 892/22 894/5 896/12 896/15 897/2 897/7 897/8 897/25 898/11 898/15 899/22 899/23 901/4 903/8 903/24 905/20 905/21 908/17 911/4 911/22 912/3 914/3 915/11 923/18 925/21 926/12 926/20 927/15 930/7 930/16 931/15 931/16 932/8 933/4 933/6 933/13 933/23 935/2 937/6 937/7 937/9 938/1 938/18 942/23 944/3 946/8 946/12 946/13 948/19 948/20 948/20 949/3 953/22	
1	above [1] 822/15 absolutely [30] 819/8 819/23 820/5 825/8 828/5 837/6 851/3 857/16 868/25 869/22 870/23 872/9 872/17 873/4 876/20 883/20 883/23 885/8 885/18 888/4 890/21 894/20 898/24 906/3 910/3 925/10 926/19 930/19 953/18 954/16 academic [1] 817/20 accept [1] 931/10 acceptable [1] 836/24 accepted [8] 924/8 924/17 925/12 942/16 945/2 945/18 948/7 951/3 accommodates [1] 849/7 accomplish [1] 830/16 accomplished [1] 857/11 according [4] 845/1 845/4 902/21 949/12 account [3] 848/16 848/22 850/17 accuracy [1] 890/10 accurate [19] 864/7 890/6 890/8 891/4 891/8 891/9 891/24 892/1 892/5 892/23 893/8 893/12 893/14 894/21 895/4 898/22 903/8 910/6 940/20 achieved [5] 830/13 835/16 835/17 836/3 836/22 across [5] 839/15 839/16 851/14 851/25 852/1 act [2] 822/24 834/18 action [1] 903/17 activity [1] 819/16 actual [5] 844/6 882/21 882/24 901/20 930/8 actually [19] 816/18 816/21 816/23 817/12 818/11 841/19 848/2 857/10 857/12 858/25 872/11 886/8 894/8 903/5 909/9 921/13	
10 [1] 858/17 10 percent [3] 827/8 827/10 835/15 10024 [1] 815/5 10601 [1] 811/10 10603-1789 [1] 811/20 10A [2] 858/4 858/7 10D [1] 858/6 10th [1] 852/16 11 [2] 899/15 951/23 11021 [1] 811/16 111 [1] 811/10 11230/06 [1] 811/5 12 [1] 871/4 150 [1] 827/10 1500 [1] 827/9 15th [3] 913/7 938/20 939/25 170 [1] 811/19 1789 [1] 811/20 1978 [1] 816/14 1981 [2] 816/7 816/15 1984 [2] 816/19 817/7 1:30 [1] 954/6 1st [1] 917/13		
2		
2 inches [1] 835/15 2 o'clock [3] 941/2 941/6 954/5 20 [1] 818/12 20 degrees [1] 858/17 200 [2] 826/20 827/10 2000 [1] 834/4 2004 [1] 834/4 2005 [10] 835/8 852/16 855/3 912/19 913/7 916/22 923/4 934/21 938/20 942/16 2006 [2] 908/14 909/11 2007 [5] 832/6 864/10 865/11 879/22 883/12 2008 [3] 876/11 877/17 884/19 2010 [2] 811/11 819/15 21 [1] 811/11 23rd [1] 909/11 25 [1] 811/16 25th [7] 835/8 855/3 916/22 923/4 934/21 942/15 945/1 2C [1] 858/3		
3		
3 centimeters [3] 936/17 936/20 937/3 3 inches [1] 870/6 3-inch [1] 870/5 30 percent [1] 835/15 35 [3] 826/21 872/20 872/21 36-month [1] 818/14		
4		
450 [1] 859/21 451 [1] 859/22		
5		
500 [1] 827/9		

<p>A</p> <p>also... [20] 863/12 869/4 892/10 898/5 898/9 898/15 899/1 899/3 906/18 907/10 909/13 914/24 917/13 921/12 924/22 924/24 925/15 925/17 929/21 945/12</p> <p>alter [1] 899/23</p> <p>always [4] 851/17 854/10 855/16 871/16</p> <p>am [17] 812/16 815/15 834/5 845/22 852/23 870/20 894/15 898/18 900/8 907/14 909/10 911/17 912/16 917/21 926/20 932/2 941/3</p> <p>ambulation [1] 913/20</p> <p>American [5] 816/12 816/14 816/19 818/24 819/1</p> <p>among [5] 866/1 913/25 915/9 919/13 919/16</p> <p>amount [18] 821/10 828/12 829/17 829/18 829/20 832/10 835/13 835/14 835/15 835/25 920/5 920/8 920/13 923/2 923/11 935/3 942/13 944/2</p> <p>amputee [1] 897/3</p> <p>analogy [1] 862/25</p> <p>anatomical [4] 820/16 821/21 823/19 851/16</p> <p>anatomically [3] 829/5 849/15 853/17</p> <p>anatomy [3] 822/9 824/24 825/10</p> <p>and/or [2] 854/23 854/23</p> <p>ANDREW [3] 815/10 848/13 933/17</p> <p>anesthesia [1] 928/24</p> <p>anesthesiologist [2] 928/20 928/21</p> <p>angle [6] 819/1 824/10 824/11 828/9 851/21 907/12</p> <p>angulation [1] 937/15</p> <p>ankle [1] 908/8</p> <p>ANNMARIE [27] 811/3 869/24 880/16 880/18 881/2 881/7 881/15 881/18 882/4 882/25 889/25 905/21 905/25 908/13 910/1 912/13 912/20 918/23 919/8 924/21 926/1 942/15 944/25 945/15 947/8 947/12 948/10</p> <p>Annmari Flannery [17] 869/24 880/16 880/18 881/2 881/7 881/15 881/18 882/4 905/21 905/25 908/13 910/1 912/20 918/23 924/21 926/1 945/15</p> <p>Annmari Flannery's [7] 882/25 912/13 942/15 944/25 947/8 947/12 948/10</p> <p>annual [1] 817/4</p> <p>another [8] 833/9 848/4 883/5 886/17 912/22 928/6 952/18 952/21</p> <p>answer [15] 826/3 827/12 840/20 847/8 864/6 893/4 899/22 902/5 918/8 919/3 929/11 929/13 929/19 929/20 939/17</p> <p>answered [1] 903/23</p> <p>answers [1] 916/4</p> <p>anterior [3] 823/5 837/15 852/17</p> <p>anterior/posterior [2] 837/15 852/17</p> <p>any [56] 813/24 817/25 818/8 818/21 827/6 830/24 834/18 834/19 836/11 847/4 851/16 853/9 864/24 868/16 870/25 872/5 872/6 876/15 877/3 877/8 877/8 877/16 880/12 882/9 883/14 884/1 884/1 884/2 884/7 885/19 885/21 885/22 889/1 895/6 895/8 895/14 895/22 896/13 898/17 905/18 905/25 908/1 908/6 910/1 910/4 912/21 921/2 921/3 931/1 933/6 937/4 938/3 941/14 942/18 944/19 949/3</p> <p>anybody [1] 912/17</p> <p>anything [19] 820/13 837/25 844/6 845/3 846/22 847/22 848/7 851/13 862/21 866/16 871/22 873/12 877/9 878/21 881/24 887/6 912/17 922/25 949/23</p> <p>anywhere [3] 838/4 849/14 874/24</p> <p>AP [11] 823/6 835/20 836/2 837/21 839/12 839/19 850/11 850/22 851/19 852/16 949/14</p>	<p>apex [3] 851/12 853/5 853/11</p> <p>apologies [3] 865/2 867/5 897/21</p> <p>apologize [4] 846/25 908/4 946/25 948/1</p> <p>apparently [1] 942/4</p> <p>appeal [2] 812/24 949/14</p> <p>appear [3] 820/10 838/23 839/13</p> <p>appearance [3] 823/4 826/4 888/7</p> <p>appearances [1] 820/4</p> <p>appeared [2] 819/15 919/9</p> <p>appears [3] 838/12 839/3 853/8</p> <p>appellate [2] 812/24 949/14</p> <p>approach [3] 854/4 854/5 854/6</p> <p>approached [1] 873/1</p> <p>appropriate [27] 835/24 839/23 852/4 853/17 854/9 854/21 855/11 855/18 855/19 855/23 856/7 873/19 889/20 889/22 889/24 891/20 893/25 899/24 917/23 923/10 924/2 926/11 929/17 937/24 938/2 938/4 950/25</p> <p>appropriately [1] 850/7</p> <p>approximate [5] 826/18 826/19 827/6 827/8 879/20</p> <p>approximately [2] 871/2 875/4</p> <p>are [167]</p> <p>area [6] 838/4 856/11 859/8 928/7 928/19 928/20</p> <p>areas [3] 823/25 824/3 824/6</p> <p>aren't [2] 824/20 905/10</p> <p>argument [1] 845/20</p> <p>arguments [1] 814/4</p> <p>arise [1] 854/1</p> <p>around [3] 820/18 826/20 944/12</p> <p>art [1] 840/18</p> <p>articles [1] 818/18</p> <p>as [122] 812/13 812/13 813/20 814/22 816/16 816/24 817/6 817/11 819/9 819/9 819/20 820/15 821/19 822/1 822/24 823/5 823/11 823/14 824/2 825/10 825/14 827/5 828/17 828/17 830/13 831/15 831/18 832/19 833/11 833/18 833/25 834/4 834/25 835/20 835/21 835/21 836/23 839/5 839/5 839/12 841/2 841/8 841/10 841/25 847/6 847/6 849/2 849/13 850/8 853/9 853/10 854/21 856/23 858/5 859/5 862/8 862/9 862/16 863/10 865/10 865/15 865/21 866/2 867/6 870/13 870/21 873/23 874/2 877/20 881/2 881/2 882/3 883/13 886/13 890/5 890/22 891/3 891/6 892/19 893/13 895/19 896/11 896/18 898/21 900/25 901/12 903/11 905/4 905/9 906/1 906/5 906/5 908/5 910/5 914/9 916/8 918/4 919/4 919/4 919/14 922/7 922/15 924/2 924/3 924/3 924/23 925/19 926/15 930/20 934/1 934/10 934/14 934/14 935/8 936/14 937/13 938/24 942/5 945/20 946/11 951/11 952/16</p> <p>aside [2] 901/23 901/25</p> <p>ask [24] 813/25 820/12 821/14 825/6 835/4 842/14 847/3 865/13 866/22 868/17 872/7 875/20 877/3 882/16 885/11 885/15 887/14 894/25 905/10 907/22 911/9 911/17 916/10 949/13</p> <p>asked [21] 824/22 833/17 865/21 865/24 866/15 868/21 872/14 873/7 875/15 877/9 882/14 885/14 887/3 888/18 893/5 903/22 903/24 922/5 934/4 935/4 937/9</p> <p>asking [17] 824/21 854/7 864/23 869/8 873/25 875/16 884/21 885/1 886/22 887/17 891/8 897/7 897/8 901/4 912/1 912/2 937/5</p> <p>aspect [1] 840/15</p> <p>assessment [2] 909/12 913/18</p> <p>associated [1] 930/21</p> <p>Association [2] 818/24 818/25</p> <p>associations [1] 818/22</p> <p>assume [10] 907/4 913/1 913/2 923/22</p>	<p>924/20 924/21 924/23 924/25 925/25 932/21</p> <p>assumed [1] 954/17</p> <p>assumes [2] 849/17 850/2</p> <p>assuming [3] 925/3 925/16 932/24</p> <p>assure [1] 835/16</p> <p>assuring [1] 835/21</p> <p>at [123] 812/9 814/13 816/9 817/14 817/22 818/4 818/5 818/6 818/12 818/17 819/10 820/21 821/3 821/21 822/9 822/16 823/3 823/4 823/19 824/8 824/11 824/13 825/3 830/17 830/19 832/5 832/6 832/17 833/12 835/6 837/19 838/2 838/20 850/8 851/4 851/11 851/17 851/19 851/22 852/2 852/10 857/19 858/11 866/5 867/20 868/17 869/6 871/24 873/4 874/5 874/7 874/21 875/14 875/20 877/13 877/22 880/8 881/16 883/5 884/1 885/7 885/17 887/4 894/20 895/5 895/8 895/15 895/19 895/22 895/24 896/3 896/5 898/11 899/12 899/17 900/19 902/25 904/3 904/8 904/23 905/15 906/24 907/2 907/5 908/17 909/19 910/1 916/21 920/19 920/20 920/21 920/24 921/2 921/7 921/23 922/1 923/24 925/4 925/15 925/21 926/8 926/12 927/4 927/18 927/19 928/3 929/4 929/22 930/10 930/13 933/10 935/6 937/16 937/17 940/8 941/2 945/8 945/16 946/6 950/4 951/10 954/6 954/11</p> <p>attached [1] 844/12</p> <p>attempt [2] 829/3 934/13</p> <p>attention [1] 894/17</p> <p>attorney [23] 811/15 811/19 864/13 865/9 865/16 865/16 866/18 867/19 867/21 873/4 875/9 875/19 875/25 876/16 876/22 877/3 877/9 878/14 878/17 884/7 884/22 885/2 888/20</p> <p>attorney's [1] 874/18</p> <p>Austin [8] 893/16 900/16 900/18 901/2 901/5 901/9 902/21 902/24</p> <p>author [1] 816/22</p> <p>automatically [1] 895/16</p> <p>available [6] 828/11 828/13 857/1 873/23 925/21 926/13</p> <p>Avenue [1] 811/19</p> <p>awarded [2] 816/5 816/6</p> <p>aware [8] 812/16 900/7 900/8 907/6 907/10 907/12 907/15 908/22</p> <p>away [8] 819/6 822/2 822/19 825/17 831/5 836/15 895/16 934/19</p> <p>axis [2] 829/16 851/13</p>
B		
<p>Bachelor's [1] 815/19</p> <p>back [25] 817/18 827/16 829/4 829/9 829/10 830/1 830/22 834/4 835/18 843/6 843/10 843/11 855/3 856/24 856/25 859/17 861/8 865/11 874/10 895/9 905/1 913/17 923/23 935/2 946/11</p> <p>ball [2] 862/25 863/1</p> <p>bar [5] 842/17 842/18 910/11 910/24 910/25</p> <p>base [1] 863/18</p> <p>based [4] 834/6 861/3 908/16 917/10</p> <p>baseline [1] 866/2</p> <p>basically [3] 822/13 936/12 938/25</p> <p>basing [2] 863/14 863/25</p> <p>basis [7] 817/4 817/22 827/23 830/17 881/22 882/5 903/9</p> <p>batch [5] 880/13 883/5 883/7 886/11 886/12</p> <p>be [139] 812/2 812/22 814/17 814/23 821/8 822/17 823/14 824/20 827/10 827/23 828/5 829/5 836/23 838/21 838/22 838/22 839/17 840/5 840/17 841/3 842/9 846/9 849/25 851/22 852/12 852/14 853/8 854/1 854/20</p>		

<p>B</p> <p>be... [110] 854/25 855/16 855/17 855/19 856/1 856/10 857/4 857/16 858/18 860/15 862/8 862/21 863/14 863/15 863/19 863/25 864/3 864/7 864/8 864/15 865/21 865/23 866/23 868/17 868/20 871/7 871/13 872/3 873/13 874/24 876/19 879/23 881/1 881/8 881/14 881/17 881/21 882/2 882/7 883/14 885/17 888/17 892/2 892/19 893/2 893/10 893/17 893/23 894/1 895/4 895/25 896/1 896/6 897/4 899/3 899/7 903/9 903/13 904/2 914/11 914/12 916/7 916/9 919/19 921/6 921/12 921/14 921/16 923/9 923/13 923/15 923/19 923/25 924/7 924/9 924/10 924/11 924/16 924/18 925/3 925/5 925/11 925/17 925/19 926/11 926/14 927/6 927/24 928/6 932/4 932/24 935/22 936/10 937/14 937/18 941/21 944/7 944/17 945/16 946/16 946/24 947/17 947/18 949/15 951/4 951/20 951/23 952/3 953/23 953/25</p> <p>bear [11] 830/6 831/10 835/23 840/23 841/5 841/6 852/8 860/15 904/9 934/13 943/8</p> <p>bearing [14] 831/6 849/10 849/21 849/21 849/24 850/7 851/22 852/7 853/18 853/19 854/13 854/24 939/10 943/10</p> <p>bears [2] 831/15 849/14</p> <p>became [2] 816/11 873/23</p> <p>because [49] 812/23 824/4 825/25 831/20 835/12 838/25 842/4 842/23 845/1 845/4 846/8 847/17 849/3 849/9 849/15 850/7 850/15 850/19 851/21 852/4 852/5 852/8 853/13 853/19 855/16 865/19 865/21 866/25 884/17 886/24 897/12 919/19 921/9 925/1 930/14 933/7 934/11 935/9 937/20 938/9 943/4 946/7 946/16 948/17 949/9 949/13 951/22 953/13 954/11</p> <p>become [2] 816/9 817/1</p> <p>becomes [3] 831/19 840/3 849/17</p> <p>been [34] 814/21 816/18 817/6 820/4 820/8 827/4 835/18 836/3 836/22 837/18 850/9 853/4 853/19 855/24 857/2 857/19 858/9 872/20 872/21 878/12 881/25 883/8 894/7 915/7 924/23 927/14 932/7 934/17 934/24 938/3 938/9 942/22 949/21 951/8</p> <p>before [19] 817/23 820/7 821/18 857/18 864/23 884/10 884/10 884/22 888/13 897/10 909/9 913/8 914/4 916/19 918/23 919/8 924/3 944/6 951/15</p> <p>beforehand [2] 849/20 865/7</p> <p>begin [1] 943/7</p> <p>begin [4] 904/9 904/12 904/21 918/19</p> <p>beginning [3] 877/17 883/11 925/4</p> <p>begins [1] 904/18</p> <p>behalf [15] 820/11 864/12 865/17 865/20 876/1 880/19 884/8 887/21 887/25 888/3 888/6 888/8 888/11 888/13 888/18</p> <p>behind [4] 822/3 822/4 823/10 823/23</p> <p>being [27] 816/16 819/5 819/9 822/10 822/12 824/18 825/18 835/17 845/23 849/20 852/5 852/6 855/9 862/11 865/17 865/20 878/14 878/18 887/21 888/9 891/21 894/6 897/5 909/18 910/5 910/6 942/23</p> <p>believe [30] 814/11 816/6 816/13 832/6 832/14 833/7 834/5 848/3 850/11 852/21 861/24 864/10 868/5 868/8 869/17 872/1 872/13 872/19 876/5 879/6 883/7 885/10 886/6 889/4 901/13 908/15 908/23 912/9 912/15 912/17</p> <p>belongs [1] 830/22</p> <p>best [2] 851/3 861/5</p> <p>Beth [1] 818/5</p> <p>better [3] 842/14 862/24 864/3</p>	<p>between [10] 822/6 823/11 828/9 829/6 838/3 844/4 867/5 874/16 880/3 939/1</p> <p>beyond [1] 908/7</p> <p>big [12] 821/23 821/23 822/4 822/6 822/15 825/18 825/22 844/13 844/16 858/15 870/3 918/4</p> <p>bigger [1] 894/15</p> <p>bilateral [1] 896/21</p> <p>bill [6] 874/17 874/23 875/8 886/20 886/22 901/12</p> <p>blinder [1] 870/4</p> <p>bisect [2] 851/10 851/11</p> <p>bisecting [2] 853/3 853/4</p> <p>bit [1] 849/6</p> <p>biting [1] 937/23</p> <p>black [4] 824/4 824/5 838/7 838/8</p> <p>blackberry [1] 942/5</p> <p>blah [3] 844/11 844/11 844/11</p> <p>blocked [1] 824/1</p> <p>blocking [1] 824/3</p> <p>blood [1] 841/10</p> <p>Blvd [1] 811/10</p> <p>board [10] 816/10 816/11 816/12 816/14 816/15 816/19 817/2 836/13 896/14 907/15</p> <p>boards [2] 816/12 816/18</p> <p>bodies [1] 838/4</p> <p>body [6] 822/2 828/19 830/6 831/17 841/7 874/22</p> <p>boils [1] 813/17</p> <p>bone [78] 823/10 824/2 824/7 828/11 828/13 828/17 829/5 829/15 829/17 829/20 829/25 830/1 830/18 835/7 835/13 835/22 836/7 836/20 837/8 837/12 837/16 837/17 838/11 838/13 839/4 841/3 841/5 844/6 845/5 845/6 848/4 848/5 849/9 849/10 849/13 849/16 849/17 852/6 855/5 855/7 855/17 855/17 855/17 857/6 857/8 857/9 857/10 897/16 897/24 904/22 904/24 919/21 920/1 920/5 920/8 920/13 920/18 921/13 921/19 922/21 923/3 923/6 923/11 923/19 935/3 936/10 936/12 936/16 936/21 936/25 937/6 938/3 942/14 943/14 943/23 944/1 944/2 944/13</p> <p>bone-to-bone [1] 855/17</p> <p>bones [11] 821/25 822/21 822/23 829/7 838/3 844/10 846/23 851/24 856/9 936/11 937/24</p> <p>bony [1] 830/13</p> <p>born [3] 849/15 852/8 860/15</p> <p>borne [1] 849/25</p> <p>both [11] 816/12 816/17 820/2 835/18 836/2 836/2 847/25 850/17 854/8 896/21 896/23</p> <p>bottom [9] 823/4 831/13 831/21 836/18 836/18 840/14 840/15 841/5 914/25</p> <p>box [2] 851/6 852/13</p> <p>BPs [2] 943/19 943/22</p> <p>break [2] 861/15 941/1</p> <p>brief [1] 821/21</p> <p>briefly [1] 821/6</p> <p>bring [23] 820/13 820/15 820/21 823/1 829/4 830/11 830/12 830/22 836/16 866/15 866/16 868/15 868/22 868/23 868/25 872/15 873/3 873/7 873/9 873/11 887/3 887/5 894/16</p> <p>bringing [3] 826/1 842/11 872/10</p> <p>brings [1] 830/4</p> <p>broad [1] 912/11</p> <p>brought [1] 841/21</p> <p>building [2] 831/17 841/8</p> <p>builds [1] 831/19</p> <p>bump [2] 825/22 935/15</p> <p>bunch [1] 928/4</p> <p>union [15] 821/7 821/19 824/23 825/13</p>	<p>825/25 826/5 826/16 827/19 829/3 919/20 924/22 925/1 926/1 933/23 936/14</p> <p>unionectomies [4] 826/24 827/2 889/2 889/5</p> <p>unionectomy [14] 826/25 827/14 856/15 860/11 860/11 869/3 889/8 893/16 900/16 901/2 901/5 902/21 902/24 936/23</p> <p>unions [2] 821/4 826/12</p> <p>burden [1] 948/14</p> <p>but [106] 813/5 813/6 814/18 816/16 817/20 819/21 820/9 820/21 821/10 824/8 831/6 833/7 836/24 837/11 837/16 838/25 839/20 840/4 840/21 842/15 844/1 844/6 845/8 845/10 845/14 845/16 845/19 845/22 846/11 847/9 847/11 849/5 850/1 851/4 851/8 853/10 853/13 855/21 857/3 857/8 857/15 859/4 863/21 865/6 866/2 869/17 869/25 871/19 872/13 872/16 872/22 872/25 873/12 873/22 876/8 876/25 877/5 878/7 879/25 881/4 885/1 886/7 886/24 887/5 888/15 889/10 890/9 890/14 890/20 892/4 892/13 894/2 896/6 897/3 897/4 900/19 900/24 901/18 905/7 907/2 911/21 912/24 923/7 924/11 924/18 927/3 927/22 930/9 935/21 936/18 937/9 937/13 940/7 940/9 942/3 942/10 944/7 946/17 947/16 948/3 949/6 949/13 950/4 952/4 952/24 953/22</p> <p>butin [1] 950/8</p> <hr/> <p>C</p> <p>calf [1] 951/2</p> <p>California [4] 815/25 816/1 816/5 907/20</p> <p>call [9] 814/14 832/20 838/11 863/1 864/23 865/3 865/7 865/11 921/21</p> <p>called [15] 821/20 821/23 822/1 822/3 822/7 822/23 823/6 823/12 823/20 826/22 831/3 832/1 838/6 884/4 922/3</p> <p>calling [3] 844/15 865/17 865/19</p> <p>callous [9] 831/12 831/18 831/18 841/8 919/10 925/1 925/18 926/2 926/10</p> <p>came [12] 833/3 853/25 869/7 869/12 869/18 873/22 877/24 878/1 883/11 883/14 883/15 935/21</p> <p>can [81] 814/1 815/16 821/16 821/18 825/6 825/9 826/6 826/8 826/18 827/6 827/14 827/16 830/6 835/10 836/23 837/14 837/21 838/1 839/8 839/11 840/2 840/23 847/9 847/11 849/11 849/11 850/13 850/25 851/1 851/3 853/1 853/2 856/5 856/10 857/7 857/9 857/22 858/18 858/22 858/24 858/25 859/4 860/1 860/15 860/16 862/12 871/16 879/20 879/24 883/11 892/9 895/9 897/11 904/9 911/7 911/7 914/10 915/25 917/5 917/7 917/8 920/5 921/23 922/22 926/4 927/24 928/2 928/6 928/9 928/12 929/17 932/5 934/7 937/17 938/12 941/18 941/20 946/20 946/22 954/15 954/19</p> <p>can't [23] 839/25 850/16 855/14 877/18 877/24 879/17 879/19 879/25 883/14 886/25 893/4 901/25 902/5 902/8 919/3 928/23 929/13 929/14 929/20 931/12 939/5 946/11 950/4</p> <p>cancerous [1] 936/11</p> <p>cannot [5] 824/1 842/4 878/7 888/16 889/5</p> <p>car [6] 867/1 867/7 870/13 870/14 870/16 870/17</p> <p>Caragine [1] 833/6</p> <p>care [21] 832/16 832/21 833/5 834/10 834/11 834/15 834/15 843/14 890/15 895/14 895/22 896/2 897/5 924/8 924/17 925/12 942/17 945/3 945/18 948/8 952/17</p> <p>career [4] 826/11 826/22 872/24 930/2</p> <p>carefully [2] 939/19 953/8</p>
---	---	--

<p>C</p> <p>careless [4] 892/8 892/11 892/15 893/17</p> <p>caring [1] 861/5</p> <p>cartilage [14] 838/5 838/5 838/10 897/17 921/19 922/21 923/3 923/19 942/14 942/23 943/14 943/16 944/4 944/20</p> <p>cartilaginous [4] 829/6 830/9 837/10 839/24</p> <p>cascade [2] 919/22 920/14</p> <p>case [72] 812/11 812/21 813/17 814/11 827/20 827/25 832/7 834/8 847/18 847/19 848/6 848/8 863/4 863/8 863/25 864/16 866/19 867/9 867/12 868/20 870/21 871/11 871/18 871/20 872/6 874/2 877/10 877/16 878/15 878/18 880/3 880/16 881/3 882/10 882/15 884/6 886/5 886/9 887/9 888/19 889/25 895/25 897/8 897/12 897/13 897/15 898/3 898/6 898/10 898/17 898/22 899/11 899/25 902/18 905/19 912/9 912/14 914/21 916/1 916/11 927/15 927/22 933/25 933/25 934/20 936/2 938/4 949/12 949/22 950/5 951/9 952/5</p> <p>cases [24] 813/10 819/20 819/22 820/2 820/7 820/8 841/9 841/9 870/21 870/24 871/6 871/19 872/18 872/22 872/23 887/20 887/21 887/24 888/18 914/18 938/10 944/8 949/19 950/15</p> <p>cast [2] 904/8 904/17</p> <p>causation [2] 948/12 949/8</p> <p>causations [1] 948/14</p> <p>cause [5] 829/9 830/6 860/16 903/17 915/6</p> <p>caused [2] 834/23 858/18</p> <p>causing [3] 831/12 850/6 860/12</p> <p>center [1] 822/2</p> <p>centers [2] 818/1 818/6</p> <p>centimeter [6] 837/4 844/24 845/17 846/9 846/19 935/17</p> <p>centimeters [3] 936/17 936/20 937/3</p> <p>Central [1] 817/23</p> <p>certain [17] 822/11 822/14 822/25 823/6 836/14 841/9 850/15 850/23 894/2 897/13 900/4 900/18 904/23 908/17 908/19 914/18 932/23</p> <p>certainly [43] 815/19 816/11 818/23 820/2 827/3 832/15 832/21 834/12 836/12 836/24 836/24 854/9 856/20 857/2 858/15 858/17 858/23 860/11 860/25 864/2 871/3 871/3 871/4 871/18 872/9 876/3 877/5 878/20 890/2 892/4 892/9 892/13 894/16 896/8 905/7 909/16 927/23 931/6 933/5 935/15 935/20 936/20 940/7</p> <p>certainty [2] 834/9 834/17</p> <p>certified [6] 816/10 816/11 816/16 817/2 896/14 907/16</p> <p>certify [1] 940/19</p> <p>cetera [1] 933/24</p> <p>chaired [2] 816/23 817/12</p> <p>chance [8] 813/24 857/19 923/24 925/17 926/4 926/9 927/5 938/24</p> <p>chances [1] 865/7</p> <p>change [2] 839/7 839/17</p> <p>changed [2] 839/1 840/1</p> <p>characterization [1] 843/14</p> <p>charge [2] 948/20 950/24</p> <p>charged [1] 875/1</p> <p>chart [1] 905/14</p> <p>checking [1] 839/15</p> <p>Chicago [1] 817/5</p> <p>Chief [1] 818/3</p> <p>choice [1] 949/13</p> <p>choices [1] 952/3</p> <p>Choose [1] 939/18</p> <p>chooses [1] 830/16</p>	<p>chosen [1] 926/17</p> <p>circumstances [1] 856/14</p> <p>cite [1] 836/16</p> <p>cited [4] 813/10 944/8 944/9 950/15</p> <p>City [3] 815/20 817/24 818/7</p> <p>claim [3] 897/16 898/15 945/25</p> <p>claimed [3] 812/22 878/18 951/3</p> <p>claiming [3] 882/10 901/15 950/6</p> <p>claims [7] 867/9 867/12 878/14 898/8 898/10 898/14 901/11</p> <p>clarified [1] 846/10</p> <p>clarify [3] 845/18 847/16 933/20</p> <p>class [1] 906/19</p> <p>classically [2] 937/20 937/22</p> <p>clear [5] 813/21 842/16 845/9 848/1 953/12</p> <p>clearly [5] 820/4 826/13 837/17 842/7 888/22</p> <p>client's [1] 844/5</p> <p>close [1] 816/17</p> <p>closer [1] 835/19</p> <p>clothes [1] 887/2</p> <p>College [5] 815/21 815/22 816/1 816/5 819/1</p> <p>COLLINS [1] 811/18</p> <p>come [16] 838/20 863/24 864/6 864/6 873/18 874/5 874/6 874/10 879/18 886/13 889/15 901/6 923/8 927/24 946/11 954/8</p> <p>comes [4] 851/14 927/16 928/20 935/19</p> <p>coming [15] 819/6 824/12 833/12 839/15 839/16 839/20 862/7 862/23 875/7 880/24 882/3 883/21 884/25 896/11 923/17</p> <p>commented [1] 843/13</p> <p>committee [4] 816/22 816/24 817/8 817/12</p> <p>common [2] 826/13 826/15</p> <p>communication [3] 865/15 885/2 885/6</p> <p>compass [2] 851/13 853/10</p> <p>compensate [1] 850/5</p> <p>compensated [1] 819/5</p> <p>complaining [1] 940/2</p> <p>complaint [1] 909/14</p> <p>complaints [5] 881/18 881/24 882/5 895/16 913/16</p> <p>complete [7] 833/22 890/12 890/13 891/14 891/15 892/24 939/5</p> <p>completed [1] 885/1</p> <p>completing [2] 875/24 907/25</p> <p>complication [2] 854/1 860/6</p> <p>complications [4] 854/10 858/20 859/11 889/8</p> <p>concentrating [1] 848/9</p> <p>concern [1] 889/1</p> <p>concerned [1] 949/9</p> <p>concerning [1] 875/13</p> <p>concisely [1] 821/6</p> <p>conclusions [2] 874/6 874/6</p> <p>concomitantly [2] 813/2 816/2</p> <p>condition [6] 881/19 881/20 908/17 919/18 926/21 939/2</p> <p>CONDUCTED [4] 815/10 862/4 933/17 939/22</p> <p>conference [3] 842/18 910/25 950/25</p> <p>confirm [1] 872/11</p> <p>confronting [1] 845/9</p> <p>confused [1] 946/17</p> <p>confusing [1] 847/18</p> <p>Congratulations [1] 906/20</p> <p>connect [2] 825/6 949/17</p> <p>connected [2] 844/16 846/24</p> <p>connotation [1] 947/18</p> <p>consent [17] 853/23 854/5 854/11 898/16 927/15 927/19 928/24 929/3 929/6 929/23 930/12 930/15 930/20 932/7 932/11 932/22 946/1</p> <p>consider [8] 831/24 847/24 893/2 893/17 902/9 902/10 903/9 925/11</p> <p>consideration [1] 905/8</p>	<p>considered [4] 851/12 853/5 925/13 939/11</p> <p>consistent [3] 898/23 935/20 936/21</p> <p>consistently [1] 899/5</p> <p>consists [1] 936/15</p> <p>constructed [1] 851/24</p> <p>contact [4] 851/14 855/17 875/25 884/7</p> <p>contacted [3] 832/5 864/9 864/13</p> <p>contain [1] 853/22</p> <p>contained [2] 933/4 933/7</p> <p>contains [1] 821/25</p> <p>context [1] 915/15</p> <p>continue [3] 817/3 817/21 819/23</p> <p>CONTINUED [1] 848/13</p> <p>continues [1] 909/17</p> <p>contracture [2] 939/2 940/4</p> <p>contrary [1] 841/13</p> <p>contributed [3] 818/19 834/19 939/12</p> <p>contributory [1] 939/2</p> <p>conversation [7] 876/4 876/5 876/10 876/16 877/2 885/11 885/23</p> <p>copies [3] 869/4 878/23 879/2</p> <p>copy [3] 884/5 901/11 941/25</p> <p>correct [163]</p> <p>correcting [1] 854/14</p> <p>correction [2] 835/16 835/17</p> <p>corrective [1] 913/12</p> <p>correctly [8] 813/18 898/20 899/1 899/9 915/5 916/16 916/17 937/23</p> <p>could [24] 813/25 832/2 837/18 837/20 837/21 839/6 854/20 855/12 857/2 868/19 877/4 878/20 881/7 882/1 885/21 924/9 924/11 924/18 930/23 931/9 935/4 944/16 952/3 953/6</p> <p>counsel [9] 813/10 852/20 859/24 861/25 910/9 941/13 944/9 944/9 950/15</p> <p>COUNTY [1] 811/1</p> <p>couple [1] 858/10</p> <p>course [33] 815/23 816/3 816/16 821/13 826/10 827/17 828/16 833/24 838/11 840/25 847/24 853/7 854/19 855/24 858/13 858/18 860/18 861/2 866/4 872/4 872/24 877/22 883/24 890/22 894/19 896/17 905/17 911/7 921/19 924/7 929/7 930/24 933/21</p> <p>court [31] 811/1 811/13 811/23 812/24 819/7 819/13 819/15 820/4 820/11 833/15 833/19 835/1 839/6 847/15 862/7 866/17 866/24 869/2 872/3 872/11 873/4 873/9 873/13 880/24 884/23 888/7 896/11 912/5 923/17 950/13 950/23</p> <p>Court's [1] 950/9</p> <p>courtroom [3] 813/24 814/7 861/19</p> <p>cover [15] 864/19 866/9 866/11 866/13 866/18 866/21 866/24 868/12 869/11 870/9 878/2 878/7 878/10 878/13 953/13</p> <p>covered [2] 911/5 954/1</p> <p>Crazy [1] 855/14</p> <p>create [3] 891/13 891/17 954/12</p> <p>created [1] 885/20</p> <p>credentials [1] 910/5</p> <p>criteria [1] 827/3</p> <p>cross [3] 851/12 862/1 862/3</p> <p>CROSS-EXAMINATION [1] 862/3</p> <p>CRR [1] 940/24</p> <p>culmination [1] 940/8</p> <p>cuneiform [13] 823/11 823/12 823/13 824/16 825/18 828/25 829/2 837/13 844/12 844/12 845/5 848/4 897/22</p> <p>cunifom [1] 844/6</p> <p>current [2] 881/19 881/20</p> <p>currently [2] 818/3 818/8</p> <p>customary [1] 931/22</p> <p>cut [24] 817/18 829/13 829/22 829/23 830/2</p>
--	--	--

<p>C</p> <p>cut... [19] 835/21 836/7 836/13 836/14 836/15 836/21 837/1 841/1 844/5 844/5 844/6 844/10 844/10 844/21 845/5 845/11 845/24 848/2 929/7</p> <p>cuts [2] 830/10 836/8</p> <p>cycle [1] 851/23</p> <p>cynic [1] 912/16</p> <p>CYNTHIA [3] 811/23 940/19 940/24</p>	<p>899/12 899/12 900/1 900/2 904/1 905/6 905/6 927/21 927/21 927/22 931/14</p> <p>deposition [19] 832/24 833/9 846/21 863/7 863/17 863/18 868/4 868/9 869/20 877/24 883/1 908/11 908/12 910/19 912/8 912/10 912/13 912/15 943/6</p> <p>depositions [1] 832/19</p> <p>describe [1] 857/22</p> <p>described [1] 924/23</p> <p>description [2] 936/13 936/13</p> <p>designed [2] 856/4 862/17</p> <p>desired [1] 836/22</p> <p>desk [4] 866/14 867/4 928/3 942/4</p> <p>deSKEUGS [1] 951/16</p> <p>detail [2] 890/19 891/19</p> <p>detailed [2] 890/18 891/18</p> <p>details [1] 887/11</p> <p>determinants [1] 828/22</p> <p>determination [1] 937/9</p> <p>determine [14] 828/22 881/23 882/8 901/20 917/8 920/7 920/18 922/21 923/10 937/6 937/20 937/22 938/2 949/16</p> <p>determines [1] 849/9</p> <p>determining [1] 935/3</p> <p>develop [1] 841/12</p> <p>device [1] 830/15</p> <p>did [182]</p> <p>didn't [1] 934/7</p> <p>die [3] 841/11 930/23 931/9</p> <p>different [26] 813/11 813/16 818/2 824/6 824/7 826/24 827/1 827/13 828/20 828/21 831/1 831/1 839/3 839/10 839/11 840/6 851/20 858/23 858/24 882/17 944/10 944/11 950/18 950/19 950/20 952/2</p> <p>differently [1] 837/16</p> <p>difficult [8] 850/18 853/13 890/14 890/19 891/9 891/15 937/16 937/18</p> <p>Digest [1] 821/11</p> <p>dimensions [6] 922/16 922/23 923/2 923/7 936/24 937/4</p> <p>direct [5] 815/9 831/23 844/2 848/12 943/13</p> <p>direction [1] 851/17</p> <p>directly [3] 822/15 823/17 825/13</p> <p>director [2] 818/10 890/23</p> <p>disagree [10] 835/9 835/10 835/12 836/10 837/6 840/13 843/5 848/25 859/14 931/12</p> <p>disagreed [1] 934/9</p> <p>discern [1] 896/9</p> <p>discomforts [1] 860/17</p> <p>discretion [4] 860/23 861/1 861/5 950/9</p> <p>discuss [3] 926/18 930/18 954/7</p> <p>discussed [1] 876/13</p> <p>discussing [1] 819/10</p> <p>discussion [3] 914/3 927/14 935/1</p> <p>dismissive [1] 843/19</p> <p>dispute [2] 909/14 910/4</p> <p>distal [2] 822/2 823/8</p> <p>distinct [1] 949/7</p> <p>distinguishable [2] 813/11 950/21</p> <p>division [2] 819/2 949/15</p> <p>do [173]</p> <p>doctor [236]</p> <p>doctor's [2] 833/6 903/19</p> <p>doctorate [1] 815/21</p> <p>doctors [3] 887/21 891/4 950/19</p> <p>document [2] 854/11 901/14</p> <p>documented [1] 839/5</p> <p>does [25] 812/10 828/17 828/19 831/9 835/23 838/5 881/10 902/23 903/1 904/13 915/10 916/17 923/5 923/7 932/8 932/10 932/11 935/14 935/18 935/18 936/24 936/25 937/3 941/17 953/25</p> <p>doing [9] 836/11 836/25 850/4 854/6 857/8</p>	<p>911/1 911/2 934/10 952/18</p> <p>don't [102] 812/19 813/5 820/18 822/17 824/25 825/2 825/3 825/5 825/24 833/7 843/6 843/13 844/1 845/2 845/25 846/4 847/1 847/4 847/9 847/11 855/23 857/15 859/19 865/6 865/10 866/16 867/21 868/11 868/23 869/6 869/10 869/14 869/17 869/25 871/18 871/21 872/3 873/11 875/10 875/18 876/8 876/25 877/5 878/3 878/6 878/16 879/6 883/7 883/10 883/15 883/18 884/17 884/17 884/20 887/5 887/11 889/10 891/25 893/13 893/25 897/4 903/16 904/20 905/23 907/1 909/3 909/14 909/23 910/4 911/6 912/17 912/24 913/1 916/5 918/16 918/17 918/20 918/21 920/10 927/15 929/9 929/12 930/3 930/4 930/12 930/13 930/15 931/13 931/23 932/16 932/20 933/3 935/21 942/21 943/2 944/7 944/19 947/16 948/16 949/2 952/23 953/7</p> <p>done [47] 812/15 812/18 826/16 826/24 826/25 827/4 827/7 828/2 828/7 828/24 829/3 829/22 830/19 830/23 832/17 836/23 839/2 847/19 855/5 855/5 855/24 856/1 856/10 857/2 857/16 873/1 881/25 882/10 895/17 895/24 896/6 899/7 901/8 901/16 902/18 904/18 906/23 908/2 928/6 928/18 929/10 932/2 935/21 937/22 944/13 947/20 952/3</p> <p>door [1] 911/11</p> <p>dope [1] 945/11</p> <p>dorsal [2] 939/1 940/4</p> <p>dorsiflex [1] 940/5</p> <p>dorsiflexed [3] 841/21 843/21 843/25</p> <p>dorsiflexing [1] 842/10</p> <p>dot [2] 838/23 839/20</p> <p>down [27] 813/17 814/9 821/5 822/17 823/1 829/9 830/4 830/11 837/24 840/2 840/3 840/10 841/4 841/20 849/6 850/2 852/24 854/3 861/20 886/15 895/8 908/21 911/15 913/18 941/10 945/10 945/13</p> <p>Downtown [2] 818/4 818/12</p> <p>downward [1] 918/1</p> <p>Dr [1] 811/10</p> <p>Dr. [43] 813/21 832/15 832/18 832/20 833/10 833/23 833/24 833/25 834/11 834/18 834/22 835/2 835/6 835/7 836/4 836/6 841/18 842/1 842/14 842/20 843/1 843/19 847/6 847/21 859/9 869/15 869/19 869/23 877/23 879/7 879/9 882/19 883/17 906/10 906/12 906/13 907/5 907/15 908/11 910/5 910/19 912/4 945/11</p> <p>Dr. Joseph [3] 833/24 835/2 835/6</p> <p>Dr. Marzano [9] 832/15 832/20 833/23 834/11 834/18 834/22 835/7 836/4 836/6</p> <p>Dr. Marzano's [1] 813/21</p> <p>Dr. Matthew Roberts' [1] 906/10</p> <p>Dr. Roberts [18] 833/10 833/25 842/1 842/14 842/20 843/1 843/19 847/6 847/21 859/9 869/23 879/9 883/17 906/13 907/5 907/15 912/4 945/11</p> <p>Dr. Roberts' [11] 832/18 841/18 869/15 869/19 877/23 879/7 882/19 906/12 908/11 910/5 910/19</p> <p>draft [1] 817/9</p> <p>drawing [4] 821/12 821/15 840/24 849/11</p> <p>drawings [1] 827/16</p> <p>drew [1] 920/2</p> <p>drop [1] 849/6</p> <p>dual [1] 894/22</p> <p>due [1] 951/1</p> <p>duly [1] 814/21</p> <p>during [32] 831/10 835/7 851/23 855/24 856/1 856/14 857/16 859/8 865/9 867/25</p>
---	---	---

<p>D</p> <p>during... [22] 869/20 877/2 883/24 885/11 913/20 914/3 921/3 921/19 923/3 924/6 926/14 927/9 929/7 932/9 936/22 942/14 943/13 945/1 946/10 947/9 947/13 950/24</p> <p>duties [2] 890/22 891/3</p>	<p>exacerbated [1] 841/15</p> <p>exact [6] 829/19 839/16 844/24 847/2 883/13 937/4</p> <p>exactly [7] 812/20 838/18 865/20 869/18 883/10 884/18 895/23</p> <p>exam [8] 816/21 816/22 816/24 817/12 895/11 909/11 910/1 911/4</p> <p>examination [11] 815/9 817/4 817/9 817/10 848/12 862/3 906/1 908/16 933/16 939/21 943/13</p> <p>examinations [1] 832/19</p> <p>examined [2] 814/22 908/13</p> <p>examiner [2] 816/18 902/10</p> <p>example [2] 836/13 841/2</p> <p>Excellent [2] 812/6 832/2</p> <p>except [2] 844/11 942/24</p> <p>exception [2] 953/6 953/11</p> <p>excessively [1] 831/16</p> <p>excusable [1] 894/2</p> <p>excuse [5] 829/7 838/7 838/8 846/25 849/10</p> <p>excused [2] 940/14 941/8</p> <p>exercise [3] 860/23 861/1 861/4</p> <p>exhibit [3] 858/1 858/3 858/3</p> <p>Exhibit 2C [1] 858/3</p> <p>exist [1] 854/11</p> <p>existed [1] 834/4</p> <p>existing [1] 919/18</p> <p>expect [8] 822/17 822/20 823/7 823/7 824/14 824/15 849/20 914/10</p> <p>expended [1] 951/9</p> <p>experience [3] 826/11 920/14 942/11</p> <p>experiences [1] 881/22</p> <p>expert [9] 812/3 813/24 814/12 855/1 856/16 859/10 862/16 943/18 945/7</p> <p>expert's [1] 847/25</p> <p>explain [13] 821/4 821/6 824/23 827/23 828/3 837/22 839/11 850/13 850/25 935/4 937/12 938/24 948/4</p> <p>expose [1] 824/4</p> <p>exposed [2] 831/14 857/9</p> <p>extent [2] 843/21 881/9</p> <p>Eye [1] 946/4</p> <p>eyeball [1] 853/7</p>	<p>feel [2] 888/19 893/22</p> <p>feels [1] 831/20</p> <p>feet [5] 896/19 896/24 906/5 931/16 931/17</p> <p>fellow [1] 818/25</p> <p>fellowship [1] 907/11</p> <p>few [3] 932/1 933/20 933/23</p> <p>fibrosis [4] 858/19 858/21 859/7 860/12</p> <p>field [4] 815/17 818/16 818/22 907/16</p> <p>Fifteen [1] 861/16</p> <p>file [1] 874/25</p> <p>fill [1] 813/3</p> <p>filling [2] 927/20 927/25</p> <p>fills [1] 932/23</p> <p>film [1] 853/13</p> <p>films [3] 937/6 937/10 937/13</p> <p>final [4] 873/22 874/6 877/10 885/13</p> <p>finalize [1] 877/4</p> <p>finally [1] 816/6</p> <p>find [7] 831/4 871/13 873/17 909/4 936/3 936/4 936/5</p> <p>finding [1] 909/21</p> <p>findings [6] 892/25 895/11 908/17 908/19 908/20 938/21</p> <p>fine [4] 891/12 911/20 921/11 954/4</p> <p>finger [1] 853/11</p> <p>finish [2] 932/5 952/7</p> <p>finished [2] 873/14 884/13</p> <p>firm [1] 867/22</p> <p>first [134] 814/21 820/10 822/5 822/7 822/12 822/16 822/22 823/9 823/10 823/17 824/15 825/16 828/9 829/4 829/10 829/16 830/3 830/11 830/19 831/4 831/9 831/23 831/25 832/1 835/6 835/17 837/4 837/11 837/17 838/2 840/9 841/13 841/20 842/10 849/4 849/14 849/20 849/24 850/5 850/8 850/19 850/21 850/21 851/9 851/10 851/18 852/2 852/5 852/6 852/9 853/3 853/12 853/15 853/18 855/8 855/13 856/6 858/14 864/9 865/9 867/25 868/2 869/8 869/12 869/16 869/18 869/20 869/24 872/2 873/14 873/20 873/21 874/1 874/7 875/5 875/12 875/25 876/5 878/22 879/14 879/21 880/3 883/4 883/4 883/16 886/4 886/7 886/14 888/8 897/17 897/18 898/6 898/12 900/19 909/18 911/9 912/21 913/11 913/15 913/19 914/10 914/11 914/16 914/20 914/22 915/1 915/7 915/20 916/12 916/15 916/18 917/5 917/10 917/19 917/22 918/4 918/14 919/5 919/6 919/9 923/25 924/14 926/14 934/12 934/15 934/16 936/15 938/23 942/10 942/21 945/1 945/8 946/12 951/11</p> <p>fit [2] 836/13 836/19</p> <p>fits [1] 836/19</p> <p>five [6] 827/10 856/24 856/25 871/3 907/7 933/13</p> <p>five-year [1] 907/7</p> <p>fix [1] 927/6</p> <p>fixation [1] 830/15</p> <p>FLANNERY [28] 811/3 811/3 832/16 832/20 832/24 834/10 834/24 852/9 859/5 860/18 869/24 880/16 880/18 880/22 881/2 881/7 881/15 881/18 882/4 905/21 905/25 908/13 910/1 912/20 918/23 924/21 926/1 945/15</p> <p>Flannery's [8] 832/22 882/25 912/13 942/15 944/25 947/8 947/12 948/10</p> <p>flippant [2] 840/20 897/4</p> <p>focus [2] 897/12 900/22</p> <p>follow [2] 902/4 939/16</p> <p>following [5] 847/20 856/18 904/4 924/20 942/8</p> <p>follows [1] 814/22</p> <p>foot [71] 819/1 820/13 820/16 820/17 820/23 820/24 821/1 821/7 821/22 822/6 822/10</p>
<p>E</p> <p>E-D-W-I-N [1] 815/1</p> <p>e-mail [5] 812/8 833/15 943/2 954/13 954/19</p> <p>e-mails [1] 812/10</p> <p>each [6] 833/14 923/7 936/25 940/7 948/17 951/2</p> <p>earlier [3] 903/2 919/25 948/1</p> <p>early [1] 876/11</p> <p>education [4] 815/16 816/3 816/4 818/11</p> <p>educational [1] 890/23</p> <p>EDWIN [4] 811/8 814/14 814/21 815/1</p> <p>effect [2] 864/17 924/14</p> <p>efforts [2] 860/14 936/1</p> <p>either [7] 828/19 838/15 849/23 855/13 923/2 927/19 936/4</p> <p>elapsed [2] 879/14 879/19</p> <p>elastic [2] 828/18 828/20</p> <p>elasticity [1] 831/20</p> <p>elective [3] 931/8 931/14 931/17</p> <p>else [8] 820/1 869/2 873/13 879/16 886/25 910/23 927/9 934/2</p> <p>eminence [1] 935/16</p> <p>encounter [1] 865/9</p> <p>end [2] 912/3 940/8</p> <p>energy [1] 821/10</p> <p>enlargement [1] 916/24</p> <p>enough [2] 835/16 874/5</p> <p>enter [1] 817/15</p> <p>entering [4] 814/6 814/7 861/18 861/19</p> <p>entire [3] 839/21 880/5 939/8</p> <p>entirely [3] 864/7 950/10 950/12</p> <p>entirety [2] 879/6 880/7</p> <p>entitled [3] 942/10 950/6 950/8</p> <p>equally [1] 849/22</p> <p>error [3] 812/14 812/15 951/17</p> <p>errors [1] 894/19</p> <p>especially [2] 856/22 896/14</p> <p>ESQ [2] 811/17 811/21</p> <p>estimate [1] 858/17</p> <p>et [1] 933/24</p> <p>evaluate [11] 850/16 850/18 850/20 863/3 864/3 864/20 899/20 900/1 904/2 920/9 937/18</p> <p>evaluated [2] 891/21 921/14</p> <p>evaluating [3] 874/2 912/9 912/14</p> <p>evaluation [8] 863/11 865/22 906/5 922/3 922/4 922/5 935/10 936/10</p> <p>even [6] 839/9 840/5 841/8 851/4 856/25 931/5</p> <p>evening [1] 942/3</p> <p>event [2] 856/21 859/2</p> <p>events [1] 940/9</p> <p>ever [5] 871/15 885/15 931/4 942/11 942/22</p> <p>every [12] 812/22 816/20 817/3 817/6 860/19 860/22 874/10 875/19 897/3 931/2 936/25 950/5</p> <p>everybody [3] 814/8 828/1 951/9</p> <p>everyone [3] 812/2 853/2 860/2</p> <p>everything [11] 833/21 866/17 869/2 871/6 873/12 912/9 912/11 912/12 912/15 912/17 933/3</p> <p>evidence [13] 834/7 846/4 852/19 852/22 857/20 861/4 881/8 881/10 909/6 909/6 909/12 913/3 913/5</p> <p>evidenced [1] 859/5</p>	<p>F</p> <p>face [3] 886/8 886/8 931/5</p> <p>face-to-face [1] 886/8</p> <p>facetiously [1] 886/23</p> <p>fact [18] 813/22 828/10 835/23 839/8 840/23 850/5 853/1 853/14 854/13 855/12 888/21 893/16 894/12 900/6 906/4 933/22 939/9 952/21</p> <p>factors [1] 905/7</p> <p>facts [5] 813/12 924/21 925/3 925/16 925/16</p> <p>factual [2] 942/8 949/16</p> <p>fail [1] 924/6</p> <p>failed [1] 893/8</p> <p>failure [13] 898/19 899/1 899/8 903/7 913/19 925/11 945/14 946/8 946/19 947/7 947/10 947/17 948/19</p> <p>fair [9] 816/25 819/12 826/10 834/2 862/17 864/7 866/3 871/7 888/17</p> <p>fairness [1] 844/18</p> <p>familiar [1] 834/3</p> <p>far [11] 833/20 847/6 847/18 881/2 906/5 908/21 911/15 919/4 924/3 945/10 945/13</p> <p>farther [1] 935/2</p> <p>fashion [4] 827/6 850/23 905/4 918/1</p> <p>Father's [1] 817/5</p> <p>faulty [2] 863/15 863/20</p> <p>fax [1] 866/24</p> <p>feathered [1] 836/8</p> <p>feathering [1] 836/23</p>	<p>feel [2] 888/19 893/22</p> <p>feels [1] 831/20</p> <p>feet [5] 896/19 896/24 906/5 931/16 931/17</p> <p>fellow [1] 818/25</p> <p>fellowship [1] 907/11</p> <p>few [3] 932/1 933/20 933/23</p> <p>fibrosis [4] 858/19 858/21 859/7 860/12</p> <p>field [4] 815/17 818/16 818/22 907/16</p> <p>Fifteen [1] 861/16</p> <p>file [1] 874/25</p> <p>fill [1] 813/3</p> <p>filling [2] 927/20 927/25</p> <p>fills [1] 932/23</p> <p>film [1] 853/13</p> <p>films [3] 937/6 937/10 937/13</p> <p>final [4] 873/22 874/6 877/10 885/13</p> <p>finalize [1] 877/4</p> <p>finally [1] 816/6</p> <p>find [7] 831/4 871/13 873/17 909/4 936/3 936/4 936/5</p> <p>finding [1] 909/21</p> <p>findings [6] 892/25 895/11 908/17 908/19 908/20 938/21</p> <p>fine [4] 891/12 911/20 921/11 954/4</p> <p>finger [1] 853/11</p> <p>finish [2] 932/5 952/7</p> <p>finished [2] 873/14 884/13</p> <p>firm [1] 867/22</p> <p>first [134] 814/21 820/10 822/5 822/7 822/12 822/16 822/22 823/9 823/10 823/17 824/15 825/16 828/9 829/4 829/10 829/16 830/3 830/11 830/19 831/4 831/9 831/23 831/25 832/1 835/6 835/17 837/4 837/11 837/17 838/2 840/9 841/13 841/20 842/10 849/4 849/14 849/20 849/24 850/5 850/8 850/19 850/21 850/21 851/9 851/10 851/18 852/2 852/5 852/6 852/9 853/3 853/12 853/15 853/18 855/8 855/13 856/6 858/14 864/9 865/9 867/25 868/2 869/8 869/12 869/16 869/18 869/20 869/24 872/2 873/14 873/20 873/21 874/1 874/7 875/5 875/12 875/25 876/5 878/22 879/14 879/21 880/3 883/4 883/4 883/16 886/4 886/7 886/14 888/8 897/17 897/18 898/6 898/12 900/19 909/18 911/9 912/21 913/11 913/15 913/19 914/10 914/11 914/16 914/20 914/22 915/1 915/7 915/20 916/12 916/15 916/18 917/5 917/10 917/19 917/22 918/4 918/14 919/5 919/6 919/9 923/25 924/14 926/14 934/12 934/15 934/16 936/15 938/23 942/10 942/21 945/1 945/8 946/12 951/11</p> <p>fit [2] 836/13 836/19</p> <p>fits [1] 836/19</p> <p>five [6] 827/10 856/24 856/25 871/3 907/7 933/13</p> <p>five-year [1] 907/7</p> <p>fix [1] 927/6</p> <p>fixation [1] 830/15</p> <p>FLANNERY [28] 811/3 811/3 832/16 832/20 832/24 834/10 834/24 852/9 859/5 860/18 869/24 880/16 880/18 880/22 881/2 881/7 881/15 881/18 882/4 905/21 905/25 908/13 910/1 912/20 918/23 924/21 926/1 945/15</p> <p>Flannery's [8] 832/22 882/25 912/13 942/15 944/25 947/8 947/12 948/10</p> <p>flippant [2] 840/20 897/4</p> <p>focus [2] 897/12 900/22</p> <p>follow [2] 902/4 939/16</p> <p>following [5] 847/20 856/18 904/4 924/20 942/8</p> <p>follows [1] 814/22</p> <p>foot [71] 819/1 820/13 820/16 820/17 820/23 820/24 821/1 821/7 821/22 822/6 822/10</p>

<p>F</p> <p>foot... [60] 822/18 822/20 823/19 823/23 823/24 824/8 824/10 824/13 824/15 824/24 825/10 825/12 825/16 825/17 825/19 825/22 825/23 826/2 829/1 830/8 831/4 831/6 831/14 831/16 831/21 832/22 840/7 840/15 844/1 848/23 851/16 851/20 851/25 852/18 856/10 860/14 860/16 869/1 873/12 874/22 887/3 896/15 897/2 897/5 898/20 904/13 904/18 906/1 907/12 908/17 919/21 919/22 920/3 920/15 924/22 924/24 924/25 924/25 936/15 948/10</p> <p>forced [1] 950/13</p> <p>forces [4] 919/21 920/3 920/14 925/8</p> <p>forefoot [1] 908/8</p> <p>form [20] 853/23 854/6 854/11 854/11 927/15 927/19 929/3 929/6 930/9 930/12 930/15 930/17 930/20 932/7 932/10 932/11 932/17 932/17 932/22 939/4</p> <p>forms [3] 929/22 929/23 929/24</p> <p>foul [2] 862/25 863/1</p> <p>found [2] 895/17 936/6</p> <p>four [18] 819/17 826/20 858/7 872/18 874/14 874/16 875/4 923/6 935/11 935/13 935/19 936/15 936/19 937/2 944/18 945/20 947/3 947/6</p> <p>fourth [2] 854/19 854/24</p> <p>fracture [1] 857/6</p> <p>fragment [1] 923/7</p> <p>fragments [3] 923/6 923/8 936/16</p> <p>Francisco [1] 815/24</p> <p>frankly [3] 844/17 857/24 942/10</p> <p>frequent [1] 831/14</p> <p>frequently [1] 850/19</p> <p>Friday [1] 846/21</p> <p>front [1] 943/2</p> <p>fulcrum [1] 822/25</p> <p>full [4] 814/24 817/17 817/19 870/5</p> <p>full-time [2] 817/17 817/19</p> <p>function [2] 823/2 922/11</p> <p>functional [1] 850/6</p> <p>further [5] 852/6 853/9 853/24 873/23 933/10</p> <p>furthest [1] 822/1</p> <p>fused [1] 829/2</p> <p>fusing [2] 828/24 856/6</p> <p>fusion [2] 830/17 857/11</p>	<p>932/14 934/11 935/9 947/19</p> <p>giving [7] 824/23 862/8 862/16 862/23 880/24 896/12 926/18</p> <p>Glue [1] 855/14</p> <p>go [20] 814/3 814/5 821/14 824/1 827/16 847/14 853/11 856/8 864/25 870/19 887/11 894/25 913/17 915/16 923/23 928/12 929/6 931/20 934/19 947/21</p> <p>goal [1] 862/7</p> <p>goals [1] 836/3</p> <p>God [1] 814/19</p> <p>goes [8] 812/24 852/1 906/5 928/17 928/25 938/11 945/24 949/14</p> <p>going [61] 814/10 820/12 828/6 835/4 838/6 840/10 842/13 842/19 842/23 842/25 844/3 845/23 847/10 849/25 856/24 862/25 864/25 865/13 866/22 867/25 871/6 871/10 879/24 881/12 884/5 887/14 900/10 900/25 901/6 902/2 902/9 902/9 902/15 907/22 909/10 910/20 911/8 911/13 911/17 919/22 921/7 923/25 925/6 925/19 926/9 927/24 930/7 931/10 931/24 931/24 934/5 935/1 941/1 942/4 946/16 947/24 948/5 951/18 954/7 954/8 954/12</p> <p>going-down [1] 840/10</p> <p>gone [1] 863/8</p> <p>good [31] 812/1 814/8 814/25 815/11 815/12 817/11 819/17 842/8 861/1 862/5 862/6 890/24 891/23 896/22 897/23 898/1 903/10 903/13 905/13 924/8 924/17 925/12 933/18 933/19 942/16 943/6 943/7 945/2 945/18 948/7 948/25</p> <p>goose [1] 943/6</p> <p>got [15] 825/22 847/17 848/6 864/18 868/2 879/12 883/7 883/12 884/22 909/8 926/1 933/24 939/7 942/2 943/15</p> <p>graduated [2] 906/15 907/18</p> <p>graft [4] 855/5 855/7 855/15 855/17</p> <p>gray [1] 824/7</p> <p>great [3] 811/16 811/16 946/24</p> <p>gross [5] 922/3 922/4 922/4 935/9 936/13</p> <p>ground [14] 823/2 824/9 824/12 824/12 829/15 829/19 830/3 830/4 830/5 830/6 835/23 851/21 858/16 860/13</p> <p>grounds [2] 841/24 847/20</p> <p>guarantee [1] 860/20</p> <p>guess [2] 827/11 867/22</p> <p>guessing [1] 879/23</p>	<p>happen [3] 831/15 894/17 920/2</p> <p>happened [2] 860/4 910/14</p> <p>happening [1] 939/9</p> <p>happens [2] 823/21 841/7</p> <p>happy [8] 821/8 828/5 852/14 860/2 894/1 894/10 923/15 935/22</p> <p>hard [4] 831/18 831/19 936/16 937/21</p> <p>has [35] 814/11 824/10 825/22 828/18 831/8 835/18 836/22 853/8 863/8 873/4 881/2 881/18 882/4 882/8 894/22 894/23 898/16 900/5 904/22 909/13 911/24 913/19 915/1 915/7 915/7 924/23 925/20 926/1 926/1 926/2 927/14 932/3 942/11 942/22 952/13</p> <p>have [207]</p> <p>having [12] 814/21 816/18 819/3 821/22 832/21 843/24 864/5 880/2 886/9 905/24 929/5 941/14</p> <p>he [113] 813/22 824/23 836/7 841/19 841/20 841/20 841/21 842/14 842/15 842/22 842/25 843/2 843/3 843/4 843/7 843/9 843/13 843/25 843/25 844/1 844/1 844/5 844/16 844/20 845/15 845/22 846/7 846/14 855/4 865/19 867/19 867/21 868/22 872/14 873/7 873/11 876/25 886/7 887/5 887/14 887/15 887/15 887/17 887/19 893/9 893/16 893/16 900/5 900/18 901/3 901/3 901/20 902/10 902/25 903/5 903/8 906/15 906/18 906/23 907/2 907/10 908/13 908/16 908/19 908/20 908/23 909/2 909/17 911/6 911/7 911/7 911/8 911/10 911/12 911/17 911/19 915/6 915/10 916/5 927/13 930/1 932/3 932/18 933/4 933/24 934/4 934/5 935/16 937/7 937/9 938/21 938/25 941/18 942/8 942/9 943/13 943/16 944/24 948/9 949/5 949/20 950/15 952/1 952/14 952/14 952/15 952/25 953/4 953/9 953/12 953/13 953/20 953/23</p> <p>head [1] 915/2</p> <p>healed [2] 904/22 911/15</p> <p>healing [1] 904/5</p> <p>health [4] 856/8 895/14 895/22 896/2</p> <p>healthy [1] 856/13</p> <p>hear [3] 821/16 861/25 947/4</p> <p>heard [7] 821/3 846/5 846/5 926/24 938/10 942/24 951/20</p> <p>held [2] 828/16 830/14</p> <p>hell [2] 901/9 911/1</p> <p>help [6] 814/18 817/9 823/1 862/19 882/13 950/4</p> <p>helped [1] 816/22</p> <p>helpful [4] 883/14 904/3 921/6 923/13</p> <p>helping [1] 828/22</p> <p>her [35] 836/6 837/3 843/20 843/21 844/24 845/1 845/4 848/21 859/19 881/18 881/20 882/5 906/1 906/4 908/17 912/15 912/23 912/23 918/23 919/10 919/21 919/22 924/22 924/25 925/18 925/21 926/2 926/13 926/23 926/25 945/15 945/17 946/12 947/9 947/13</p> <p>here [63] 819/6 819/7 824/14 824/17 825/7 825/15 825/20 825/22 828/16 828/25 829/9 829/24 829/24 834/7 838/1 840/1 840/2 840/2 841/3 845/20 847/18 851/5 851/9 851/13 852/24 853/1 853/11 857/20 858/16 862/7 862/23 866/24 867/5 870/17 872/3 872/10 873/9 874/21 874/25 875/8 878/12 882/3 883/21 888/8 890/20 901/4 911/11 911/14 913/14 913/25 915/6 915/10 920/2 923/17 933/7 935/24 937/25 938/24 939/3 939/7 940/8 944/8 952/1</p> <p>hereby [1] 940/19</p> <p>hidden [1] 850/19</p> <p>highlights [1] 853/23</p>
<p>G</p> <p>gait [2] 831/10 851/23</p> <p>gave [2] 817/22 900/19</p> <p>Gee [1] 946/24</p> <p>general [3] 860/21 863/21 937/1</p> <p>generalization [1] 827/11</p> <p>generate [3] 875/19 875/22 877/10</p> <p>generated [2] 932/18 932/18</p> <p>gentlemen [1] 867/17</p> <p>GERALD [2] 811/15 811/17</p> <p>get [20] 812/5 820/20 825/13 841/9 842/20 857/15 860/14 883/5 884/18 895/23 900/25 902/2 905/1 909/7 909/9 911/13 927/18 941/25 951/10 951/12</p> <p>gets [1] 922/12</p> <p>getting [1] 884/4</p> <p>give [24] 814/17 814/23 821/11 840/20 847/7 857/3 862/12 862/17 867/8 870/24 885/19 885/21 889/18 896/4 898/22 921/10 922/1 932/8 932/11 935/6 935/23 936/25 939/5 951/18</p> <p>given [11] 817/4 868/3 868/6 868/9 870/25 895/6 895/24 899/5 926/17 928/10 929/22</p> <p>gives [9] 829/1 923/6 928/3 928/22 929/6</p>	<p>H</p> <p>had [71] 826/11 826/19 827/8 832/14 834/25 835/5 836/3 839/1 845/17 846/9 848/3 852/10 858/16 864/4 864/23 865/16 868/16 871/16 874/5 874/7 874/11 876/18 879/14 879/14 880/6 882/25 884/7 884/13 885/1 885/16 885/20 886/4 886/6 886/13 886/13 887/9 888/10 894/1 894/7 894/8 895/10 895/17 895/17 896/3 896/8 896/10 902/20 906/23 908/13 910/11 913/16 916/11 918/13 918/23 918/24 919/2 919/5 919/9 919/10 919/18 924/22 924/23 925/1 926/21 926/23 934/17 938/20 939/24 943/4 943/5 943/11</p> <p>half [4] 835/14 867/15 870/5 917/14</p> <p>half-page [1] 867/15</p> <p>hallux [10] 821/20 821/24 821/25 822/5 822/7 822/15 824/16 825/14 913/20 940/4</p> <p>Hamilton [1] 811/19</p> <p>hammer [1] 831/16</p> <p>hand [2] 831/14 831/17</p> <p>hands [1] 930/8</p> <p>hang [8] 864/25 866/22 877/6 880/1 887/7 897/7 900/25 902/2</p>	

H
HILLS [3] 811/23 940/19 940/24
him [17] 813/25 824/21 824/22 825/6 842/20 847/3 885/15 885/21 885/24 886/6 886/18 886/19 887/10 902/6 909/3 911/8 911/17
hired [1] 862/13
his [32] 827/23 832/15 841/19 842/2 842/16 843/18 860/23 860/23 861/5 867/18 879/9 900/17 900/22 901/23 901/25 906/14 906/14 906/19 907/1 907/5 908/16 909/5 909/10 910/23 911/3 912/10 932/18 932/25 940/1 943/13 945/11 949/3
history [1] 892/25
holding [3] 828/18 928/7 928/19
HON [1] 811/12
Honor [21] 814/13 815/7 827/18 848/10 859/22 862/2 893/19 902/7 902/11 903/15 909/8 910/10 910/22 914/5 929/25 939/20 940/6 940/13 944/15 947/1 951/1
horrendous [1] 931/1
hospital [21] 818/5 818/6 818/12 832/16 832/18 832/18 833/1 879/4 879/10 883/17 901/24 906/24 907/2 907/5 923/1 927/18 927/18 927/21 928/17 929/22 929/23
hospitals [2] 818/2 950/20
hour [6] 819/11 875/1 885/24 886/17 886/18 938/11
hours [3] 818/12 874/14 875/4
how [29] 821/7 826/18 837/20 840/18 849/9 849/10 850/25 851/1 870/3 870/24 874/13 874/15 879/13 879/19 882/5 885/23 886/10 887/7 888/5 888/10 891/4 891/6 904/13 907/22 920/18 921/13 922/21 923/20 937/6
however [5] 838/14 849/23 851/20 852/4 935/13
human [1] 828/19
hundred [1] 872/23
hurt [1] 862/19
husband [3] 948/21 948/23 954/9
hyperkeratosis [1] 915/3
hypermobile [9] 831/4 831/8 831/23 849/24 850/5 852/5 924/24 933/24 934/16
hypermobility [2] 831/9 853/19

I
I'll [15] 840/1 859/25 882/16 884/12 891/11 893/6 903/25 904/16 909/25 931/7 932/4 936/3 946/5 951/14 951/14
I'm [68] 813/23 818/3 818/10 818/11 818/23 818/25 820/12 835/4 842/13 842/23 844/2 845/8 845/13 845/23 847/10 848/6 864/25 865/13 866/22 867/25 868/19 869/8 873/25 875/16 879/24 881/12 881/12 882/1 882/15 883/4 884/11 885/1 886/5 886/22 887/17 888/8 891/8 892/22 897/7 897/8 899/20 900/1 900/10 900/10 900/21 900/25 902/2 904/2 904/15 906/14 909/25 910/18 913/4 914/7 915/11 918/20 925/23 942/4 943/10 944/23 946/2 948/5 949/9 949/23 950/21 951/13 951/18 954/12
idea [1] 870/24
ideal [5] 821/21 822/9 823/19 824/10 940/10
ideally [1] 829/5
identification [1] 913/4
identified [1] 939/3
identify [5] 898/20 899/2 923/6 935/18 935/21
ie [1] 835/19
if [150]
image [8] 838/7 838/8 838/8 838/17 838/21 839/2 840/3 840/4
imagine [2] 849/19 854/18

immediate [1] 927/23
immediately [3] 817/16 856/18 947/19
impact [1] 899/10
impacts [1] 845/6
imperfectly [1] 860/15
important [28] 829/13 849/9 881/1 881/14 881/17 881/21 882/2 882/7 890/5 890/7 890/9 890/12 890/15 890/17 890/20 891/25 896/13 897/4 905/16 919/17 921/12 923/9 925/5 926/18 937/8 937/10 946/6 946/6
impossible [1] 898/21
impression [2] 837/21 913/17
improper [4] 848/15 848/20 856/18 898/7
improperly [3] 882/10 932/12 932/15
in [351]
in-Court [1] 835/1
inaccuracy [1] 896/8
inaccurate [6] 863/13 863/17 892/7 892/18 895/21 896/4
inappropriate [4] 840/11 920/12 934/24 944/2
inappropriately [1] 920/6
inch [3] 835/14 835/15 870/5
inches [2] 835/15 870/6
incision [1] 859/1
incisions [1] 858/24
inclination [1] 824/11
include [1] 833/23
included [3] 868/13 878/21 889/6
including [2] 860/11 879/9
incomplete [2] 864/1 892/10
incompleteness [1] 892/12
incorporate [1] 855/15
incorrect [9] 863/18 896/6 897/20 899/4 900/20 901/10 919/7 922/24 923/21
increase [2] 828/8 915/1
increased [1] 841/14
increases [1] 850/2
incumbent [4] 927/7 930/15 930/18 934/1
INDEX [1] 811/4
indicate [11] 867/11 869/11 878/14 878/17 905/14 918/18 919/1 919/4 922/16 923/2 944/9
indicated [9] 836/6 848/15 848/21 850/11 856/12 856/17 866/18 900/5 906/15
indicates [4] 812/21 893/15 899/15 913/10
indicating [3] 824/19 894/6 915/6
indication [2] 831/2 912/22
indications [4] 831/24 902/20 940/3 940/9
individual [3] 880/22 892/2 892/2
individually [1] 948/18
Individuals [1] 828/11
inexcusable [5] 892/19 893/2 893/10 893/23 893/25
Inference [1] 950/1
informally [1] 936/14
information [19] 862/12 863/23 864/1 864/2 864/5 867/8 873/17 873/23 874/2 878/1 893/1 894/4 899/6 900/11 923/14 928/1 933/7 939/23 939/25
informed [2] 898/16 945/25
initial [1] 875/9
initially [2] 880/5 901/1
injured [5] 865/24 887/25 888/6 888/11 888/13
Injuries [1] 834/19
injury [2] 834/23 834/23
instance [2] 826/25 924/16
instances [2] 882/12 921/16
institution [1] 818/15
instruction [3] 847/4 847/7 938/17
instructive [1] 852/12
insurance [1] 928/1
interested [1] 864/16

intermittent [1] 831/15
interpretation [2] 846/3 862/18
interrupt [1] 946/20
interrupted [1] 947/25
interrupting [1] 947/1
intersect [1] 853/5
into [21] 817/15 835/18 836/14 842/4 848/2 848/16 848/22 850/17 857/20 862/7 872/10 873/3 873/9 887/11 889/15 896/11 905/2 905/7 923/17 927/16 929/7
Intraoperative [4] 856/17 921/2 937/10 938/1
intraoperatively [7] 855/2 855/4 856/21 859/7 937/14 937/19 947/11
involved [5] 813/16 897/2 898/20 944/10 944/11
is [430]
isn't [2] 899/17 948/23
Israel [1] 818/5
issue [19] 825/13 827/19 831/22 847/20 847/21 847/23 848/1 899/20 900/2 905/16 909/21 910/5 937/25 949/16 951/17 952/4 952/9 952/12 952/12
Issues [8] 854/20 886/8 897/13 897/15 898/2 898/5 940/10 944/14
it [446]
it's [1] 939/7
Itemize [1] 868/12
Itemized [1] 812/12
its [8] 829/14 835/18 835/22 839/3 839/4 853/19 879/6 880/7
itself [8] 828/4 831/17 831/19 845/24 900/12 901/18 901/19 919/20

J
January [3] 877/17 908/13 909/11
January 23rd [1] 909/11
Jason [1] 867/17
Jigsaw [1] 939/4
JOHN [1] 811/6
John's [4] 832/17 901/24 923/1 935/24
Joint [10] 822/5 822/8 823/11 823/13 828/25 828/25 829/2 830/20 838/11 909/20
Jointly [1] 815/24
joints [1] 856/9
Joseph [16] 833/24 835/2 835/6 836/5 837/2 840/8 840/12 841/8 844/22 845/14 845/16 848/20 848/24 850/10 944/5 945/8
Joseph's [4] 846/21 847/2 848/14 855/2
jot [1] 951/2
Journals [1] 818/19
Jr [1] 811/10
Judge [54] 812/4 812/7 813/8 813/9 824/22 827/22 842/6 842/21 843/17 844/19 844/22 845/25 852/15 852/25 856/24 897/21 902/13 911/11 911/21 932/1 933/11 933/13 936/3 938/7 938/13 941/16 941/22 942/3 942/19 943/1 943/9 943/12 944/4 945/19 946/20 947/4 947/25 948/16 948/22 948/24 949/4 949/19 949/24 949/25 950/3 950/11 950/14 951/7 951/20 952/8 952/24 953/11 953/22 954/14
judging [1] 901/18
judgment [7] 812/14 812/15 813/20 860/24 861/1 861/5 951/17
July [1] 811/11
junction [1] 825/4
June [1] 917/13
June 1st [1] 917/13
jurors [1] 821/3
jury [19] 812/2 812/23 814/6 814/7 826/7 828/3 835/10 840/2 844/17 845/18 845/23 850/25 852/13 861/18 861/19 934/8 941/8 946/7 951/5

J
Jury's [1] 949/16
just [33] 812/5 821/6 825/11 826/8 837/25 838/15 843/2 843/4 847/16 848/8 853/7 854/16 865/4 866/2 866/20 867/3 872/13 875/5 878/4 897/11 900/13 900/23 902/15 907/22 922/4 933/20 936/11 938/7 941/22 947/1 949/9 950/1 952/22
Justice [1] 811/13

K
keep [13] 871/5 890/6 890/7 890/9 890/20 891/6 891/20 891/24 891/25 892/24 893/8 893/12 903/7
keeping [3] 894/21 894/23 895/3
keeps [1] 940/4
kept [1] 830/14
keys [1] 867/2
KHRO [2] 954/2 954/2
kill [1] 940/6
kind [4] 844/17 845/5 845/11 916/8
King [1] 811/10
knew [1] 865/16
know [123] 812/25 813/4 826/8 837/25 841/18 842/17 843/7 844/1 844/9 844/25 845/2 854/10 859/5 864/20 865/3 867/21 868/15 868/20 871/10 871/21 872/3 872/5 872/18 873/3 874/3 875/18 875/22 876/18 880/18 880/21 881/1 881/15 881/17 881/21 882/2 882/7 885/16 887/7 892/1 893/13 895/4 895/16 896/15 897/1 897/5 897/10 897/10 897/12 897/15 898/2 898/5 898/9 899/16 902/25 903/4 903/21 905/5 906/13 907/2 912/18 912/18 912/20 916/5 918/12 918/16 918/17 918/20 918/21 919/8 919/14 919/18 919/20 920/10 921/9 921/12 921/18 923/9 923/13 923/16 923/20 923/24 924/3 925/3 925/15 925/17 926/3 926/8 926/21 926/23 926/24 927/4 927/8 927/15 928/10 928/25 929/9 929/12 929/14 929/21 930/2 930/3 930/4 930/5 930/7 930/11 930/13 930/14 930/25 931/3 931/13 931/20 931/23 931/24 932/16 932/20 932/24 933/3 933/5 939/10 946/13 948/25 951/6 952/23
knowing [3] 878/5 901/7 901/8
knowledge [2] 827/24 899/6
known [11] 821/19 823/5 823/11 825/14 831/18 858/19 859/12 860/5 901/12 913/23 922/7
knows [1] 930/1

L
labeled [1] 936/14
lack [3] 862/24 898/16 945/25
Lapidus [49] 826/25 827/4 827/7 828/1 828/4 828/8 828/24 830/23 831/3 831/24 849/2 849/3 850/4 856/2 856/4 856/5 856/11 856/14 889/2 889/5 889/8 898/12 901/7 901/8 901/15 903/1 903/5 904/5 913/24 914/9 914/16 914/18 914/19 915/23 923/23 925/4 925/19 926/3 926/16 926/20 927/9 933/25 934/10 934/11 934/19 936/23 945/17 952/10 952/11
last [15] 812/18 827/12 858/10 879/14 884/6 884/7 884/9 884/21 884/23 885/23 888/10 912/19 938/6 938/19 947/5
later [10] 833/12 869/7 877/22 883/5 887/5 895/8 902/25 903/2 917/14 917/15
lateral [9] 823/21 823/22 825/10 825/24 836/2 839/7 839/12 850/18 917/17
law [5] 811/15 812/11 812/21 949/12 950/5
laxity [1] 828/21

lead [3] 816/4 913/19 915/1
leading [1] 939/25
learn [5] 894/1 894/4 900/9 900/11 900/15
learned [1] 900/17
least [3] 859/6 946/6 951/10
leave [1] 813/25
leaves [1] 838/7
lectures [2] 824/25 825/2
left [5] 838/21 855/16 896/20 896/23 942/4
legal [2] 874/3 906/1
legally [1] 929/9
legitimately [1] 902/5
length [15] 838/13 838/18 838/24 838/24 839/4 839/6 839/8 839/16 839/21 840/4 849/8 850/17 850/24 852/4 935/17
lengthen [2] 855/13 855/14
lengthening [2] 850/6 934/15
lengths [1] 837/16
less [6] 840/3 849/14 862/21 871/3 871/4 940/10
lesson [4] 831/12 841/12 841/15 852/10
let [14] 826/8 837/25 838/1 851/8 854/9 864/20 894/25 897/20 909/5 911/22 913/17 923/23 948/4 952/7
let's [12] 812/5 814/3 814/5 821/20 843/10 847/13 861/15 890/3 900/22 910/24 915/16 936/19
letter [24] 864/19 866/9 866/11 866/13 866/18 866/21 866/24 867/3 867/8 867/11 867/14 867/15 867/16 868/12 868/24 869/11 869/12 870/9 878/2 878/7 878/10 878/13 878/20 878/21
levels [1] 891/19
Levine [3] 865/12 867/17 876/7
liability [1] 949/7
license [3] 932/8 932/12 932/14
licensed [1] 815/13
lied [1] 952/22
life [1] 905/2
lift [2] 829/19 860/13
lifting [1] 830/5
lifts [1] 830/4
ligamentous [2] 828/13 828/21
light [3] 838/20 839/14 839/18
like [29] 812/19 812/20 821/2 821/4 822/11 822/12 822/14 824/18 825/18 825/21 831/7 831/12 831/20 839/20 841/2 841/6 849/20 851/7 851/10 853/8 857/8 857/10 870/7 910/14 923/16 929/20 937/11 941/12 949/23
likelihood [1] 924/13
likely [1] 894/13
limp [1] 881/15
line [7] 822/20 823/9 823/9 829/4 836/18 836/18 914/24
lines [2] 853/3 913/18
lineup [2] 853/14 853/14
list [4] 868/13 887/13 887/16 887/18
listen [2] 844/4 953/8
litigation [1] 906/2
little [4] 822/23 847/17 935/2 941/13
LLC [1] 811/15
LLP [1] 811/18
LOHRFINIK [1] 811/18
long [21] 829/16 836/15 844/9 848/16 848/22 849/23 850/1 850/6 852/3 853/15 853/16 855/10 874/13 885/23 907/22 909/18 918/13 918/19 919/2 919/5 937/24
longer [5] 849/16 849/17 850/1 850/12 851/18
look [35] 821/21 822/9 822/16 823/3 823/19 824/8 824/13 832/6 838/2 839/7 839/20 843/16 851/17 851/19 853/7 857/19 868/17

871/24 873/4 875/20 880/8 885/17 895/9 895/15 895/19 896/3 920/18 920/21 920/24 921/2 921/23 922/1 922/8 935/9 950/4
looked [3] 812/9 875/14 916/21
looking [10] 823/4 825/18 825/21 851/4 852/2 896/5 916/5 937/16 937/17 945/8
looks [5] 839/11 853/8 857/8 857/10 895/22
looseleaf [1] 870/4
loses [2] 831/20 949/5
lost [1] 925/23
lot [3] 820/20 821/3 930/14
lots [4] 818/23 827/1 828/10 897/11
lower [1] 850/2
lunch [1] 931/25
Luther [1] 811/10

M
ma'am [1] 861/23
made [18] 822/10 829/22 830/10 835/21 841/2 853/4 858/24 859/1 872/12 876/18 878/14 897/6 901/12 913/16 936/18 942/6 943/11 953/12
MAGRO [1] 811/18
mail [6] 812/8 833/15 864/19 943/2 954/13 954/19
mails [1] 812/10
maintain [1] 818/8
maintained [3] 816/15 816/17 817/20
maintains [3] 829/14 830/2 835/22
major [1] 831/2
majority [6] 820/3 929/21 929/23 930/11 931/9 931/13
make [26] 829/13 836/16 839/19 845/9 846/22 853/10 856/6 860/2 871/7 871/12 871/15 871/22 872/5 875/12 880/12 883/25 884/1 894/10 894/17 896/15 898/20 905/13 908/19 910/6 911/8 944/8
makes [1] 908/16
making [4] 824/5 824/12 896/9 937/8
malposition [1] 857/6
malpractice [1] 949/22
mandatory [1] 813/5
Manhattan [1] 870/17
manner [1] 898/6
many [17] 819/14 826/17 826/18 826/21 870/24 872/22 874/15 888/2 888/5 888/10 894/23 897/6 905/7 922/3 934/10 938/10 945/9
March [8] 835/8 852/16 855/3 916/22 923/4 934/21 942/15 945/1
March 10th [1] 852/16
March 25th [7] 835/8 855/3 916/22 923/4 934/21 942/15 945/1
margins [1] 871/13
MARK [1] 811/21
marked [1] 852/22
Martin [1] 811/10
MARY [1] 811/12
MARZANO [32] 811/6 832/15 832/20 833/23 834/11 834/18 834/22 835/7 836/4 836/6 837/3 848/15 848/21 852/10 853/25 855/3 860/7 861/4 864/12 867/20 867/23 876/1 884/8 885/3 903/7 912/10 912/20 912/22 913/11 932/23 938/20 943/12
Marzano's [24] 813/21 853/22 868/6 868/9 869/3 869/4 876/22 900/4 900/12 900/15 900/22 901/19 902/16 902/21 906/8 912/8 913/2 916/14 919/10 932/17 932/25 935/16 939/23 946/8
Master's [1] 816/4
material [13] 832/11 858/9 865/22 866/15 869/9 869/13 869/16 869/18 869/21 874/1 877/21 879/13 884/2

<p>M</p> <p>materials [23] 832/9 832/12 867/25 868/2 869/24 870/3 873/20 873/21 874/9 878/11 879/15 880/2 880/4 880/13 883/4 883/6 883/22 883/25 886/11 886/12 886/13 886/14 886/15</p> <p>math [2] 826/21 873/2</p> <p>matter [1] 881/6</p> <p>Matthew [1] 906/10</p> <p>may [34] 813/9 815/7 821/11 825/13 848/10 849/11 854/1 854/15 861/20 862/19 862/19 863/14 863/15 863/19 863/25 864/7 881/24 881/24 891/10 902/13 909/7 914/12 914/13 914/14 917/1 926/25 927/3 927/3 935/25 941/10 949/25 950/3 951/20 954/13</p> <p>maybe [1] 819/20</p> <p>MC [3] 815/10 848/13 933/17</p> <p>McANDREW [22] 811/21 814/11 820/21 826/4 866/16 868/21 868/23 872/14 873/7 873/8 884/24 885/10 885/12 885/19 886/5 886/16 887/4 887/8 887/13 920/1 933/19 942/1</p> <p>me [62] 820/7 829/7 832/10 832/14 833/22 838/1 838/8 838/8 842/15 843/17 844/4 846/25 849/10 851/8 857/15 858/10 864/23 865/19 866/15 868/22 868/22 868/25 872/1 872/13 872/15 872/25 873/7 874/21 874/25 879/20 882/14 884/21 886/25 887/2 887/2 887/4 887/5 887/15 890/14 892/23 893/5 894/10 894/25 897/20 900/19 909/5 911/22 913/17 923/23 925/23 926/18 935/13 936/18 940/6 943/2 943/8 943/11 948/4 948/20 952/7 954/8 954/20</p> <p>mean [18] 836/10 836/13 837/22 844/16 847/1 847/1 847/9 858/23 864/22 878/6 881/10 882/14 892/4 899/3 912/12 931/5 948/1 952/23</p> <p>means [5] 835/17 840/10 840/14 936/18 950/2</p> <p>meant [1] 906/10</p> <p>measure [4] 837/15 837/16 839/7 853/6</p> <p>measuring [3] 850/22 936/16 937/2</p> <p>mechanics [1] 860/16</p> <p>medial [1] 935/15</p> <p>medical [20] 813/20 815/25 817/25 818/11 818/24 818/25 821/19 834/9 834/17 840/14 868/6 874/3 889/21 906/1 906/15 906/19 932/19 932/21 949/22 951/3</p> <p>medical/legal [2] 874/3 906/1</p> <p>medically [1] 952/13</p> <p>medication [1] 889/18</p> <p>medicine [8] 811/6 815/21 815/23 816/1 816/6 816/13 818/17 834/3</p> <p>meet [1] 886/16</p> <p>meeting [1] 886/16</p> <p>meets [2] 822/7 824/11</p> <p>member [1] 818/23</p> <p>memberships [1] 818/21</p> <p>memory [3] 848/3 880/6 880/9</p> <p>mentioned [4] 827/12 834/25 837/2 840/8</p> <p>merely [1] 846/6</p> <p>met [4] 884/21 884/24 885/24 886/4</p> <p>metal [1] 828/20</p> <p>metatarsal [129] 822/5 822/7 822/8 822/12 822/13 822/16 822/22 823/9 823/10 823/12 823/13 823/15 823/18 824/16 825/17 825/20 828/10 828/25 829/2 829/4 829/10 829/11 829/14 829/17 829/18 830/1 830/3 830/10 830/11 830/12 830/19 831/5 831/10 831/25 835/18 835/20 837/4 837/9 837/9 837/11 837/18 838/25 839/6 839/9 839/22 839/24 840/4 840/10 840/17 841/13 841/16 841/20 842/11 842/11 844/14 844/20</p>	<p>844/23 845/6 845/11 845/24 846/12 846/15 848/2 848/17 848/22 849/4 849/5 849/8 849/8 849/19 850/12 850/18 850/21 850/21 850/21 850/22 851/10 851/11 851/15 851/22 852/3 852/11 853/12 853/12 853/15 853/16 855/8 856/1 858/14 897/17 897/18 898/6 908/21 909/14 911/15 913/13 914/10 914/16 915/2 915/21 916/12 916/15 916/18 917/5 917/10 917/20 917/22 917/24 918/5 918/14 918/14 919/5 919/6 919/6 919/11 924/14 925/2 925/18 926/11 926/24 927/1 927/1 934/3 934/12 936/15 938/23 945/1 945/9 952/20 953/15</p> <p>metatarsals [16] 824/9 831/11 854/3 856/13 860/17 898/11 915/8 918/18 919/2 924/15 925/9 926/5 945/16 946/9 947/9 947/13</p> <p>methods [1] 854/21</p> <p>microscope [2] 921/24 922/8</p> <p>microscopic [1] 936/9</p> <p>middle [4] 822/18 822/19 825/19 915/16</p> <p>midline [3] 825/17 826/1 831/6</p> <p>might [21] 828/17 837/15 839/12 855/19 864/8 883/7 892/13 892/16 893/11 893/11 895/23 895/25 896/1 896/4 896/6 899/3 899/19 899/19 899/23 926/13 941/21</p> <p>million [1] 951/8</p> <p>mind [1] 842/5</p> <p>minute [1] 947/9</p> <p>minutes [2] 861/16 933/14</p> <p>mislead [4] 844/17 848/6 848/7 898/24</p> <p>misleading [1] 845/12</p> <p>Miss [1] 832/22</p> <p>missed [1] 938/25</p> <p>missing [3] 863/23 874/1 946/17</p> <p>mistaken [1] 852/23</p> <p>mistakes [2] 897/6 897/8</p> <p>mobility [1] 831/8</p> <p>model [8] 820/13 820/16 820/16 821/5 851/19 851/20 853/9 869/1</p> <p>moment [4] 821/21 840/24 883/13 946/21</p> <p>moments [1] 933/23</p> <p>month [3] 818/14 871/4 879/15</p> <p>months [4] 884/24 886/3 917/14 917/15</p> <p>more [31] 826/14 829/1 831/8 833/14 838/10 839/23 841/5 843/25 850/14 854/24 856/6 859/1 864/2 871/3 879/22 883/14 888/2 898/17 904/13 932/1 934/13 934/16 938/7 938/10 938/14 939/10 941/13 941/14 942/8 948/5 950/21</p> <p>morning [12] 812/1 814/8 814/25 815/11 815/12 862/5 862/6 933/19 934/9 937/13 941/19 942/25</p> <p>most [5] 825/25 844/11 894/13 930/25 931/20</p> <p>motion [2] 828/10 828/12</p> <p>move [7] 814/10 828/17 849/3 910/17 910/20 911/20 920/15</p> <p>moved [4] 829/9 830/9 830/18 835/18</p> <p>moving [3] 822/18 822/19 936/1</p> <p>MIR [30] 815/10 842/13 848/13 861/25 862/4 874/20 879/17 879/23 883/14 884/1 884/20 885/22 886/25 892/6 893/5 893/13 896/1 897/5 900/2 912/6 912/16 920/10 925/23 933/17 933/22 934/7 935/4 937/5 938/18 939/22</p> <p>Mr. [24] 814/11 820/21 826/4 832/24 865/12 866/16 868/21 868/23 872/14 873/7 873/8 876/7 884/24 885/10 885/12 885/19 886/5 886/16 887/4 887/8 887/13 920/1 933/19 942/1</p> <p>Mr. Flannery [1] 832/24</p> <p>Mr. Levine [2] 865/12 876/7</p> <p>Mr. McAndrew [21] 814/11 820/21 826/4</p>	<p>866/16 868/21 868/23 872/14 873/7 873/8 884/24 885/10 885/12 885/19 886/5 886/16 887/4 887/8 887/13 920/1 933/19 942/1</p> <p>Mrs. [8] 832/16 832/20 834/10 834/24 852/9 859/5 860/18 880/22</p> <p>Mrs. Flannery [8] 832/16 832/20 834/10 834/24 852/9 859/5 860/18 880/22</p> <p>much [39] 812/19 825/24 828/17 835/7 837/19 838/22 838/23 840/18 840/21 840/21 840/22 840/23 841/4 841/17 849/9 849/10 849/13 854/13 864/22 866/23 879/13 879/19 886/10 897/16 919/21 920/1 920/18 921/13 922/21 923/18 923/20 927/14 937/6 939/13 941/7 943/23 944/1 944/13 944/14</p> <p>multiple [5] 813/12 813/14 813/15 813/16 836/8</p> <p>muscles [1] 822/25</p> <p>must [2] 857/16 860/23</p> <p>my [44] 812/7 812/9 814/25 816/15 817/16 817/18 819/3 820/3 827/16 834/14 843/19 851/19 853/11 860/10 865/2 865/22 866/14 867/1 867/1 867/2 867/5 867/6 867/7 870/13 870/15 870/16 873/22 874/6 874/22 874/22 886/1 886/14 888/7 897/6 897/21 906/17 908/4 920/17 942/4 942/5 942/11 944/4 953/6 953/11</p> <p>myriad [1] 819/3</p> <p>myself [1] 943/11</p>
N		
<p>name [4] 814/24 814/25 867/17 867/18</p> <p>nature [1] 843/8</p> <p>near [1] 867/1</p> <p>necessarily [20] 819/21 846/10 863/21 881/4 881/10 881/16 881/20 882/6 882/11 916/2 919/24 921/5 921/15 921/25 924/11 924/18 924/19 937/11 953/4 953/14</p> <p>necessary [8] 846/1 846/2 846/4 854/1 857/16 864/5 934/21 934/23</p> <p>Neck [2] 811/16 811/16</p> <p>necrose [1] 841/11</p> <p>need [10] 812/12 826/7 854/16 854/17 864/6 866/17 869/2 873/13 944/7 949/2</p> <p>needed [2] 873/18 908/20</p> <p>needs [2] 836/13 895/19</p> <p>negligent [5] 834/18 842/20 843/1 847/22 911/8</p> <p>neither [2] 853/15 853/16</p> <p>never [11] 837/9 885/21 889/25 893/17 905/24 906/4 906/6 910/14 914/17 942/24 949/21</p> <p>new [15] 811/1 811/10 815/4 815/5 815/14 815/20 815/22 817/23 818/4 818/6 818/11 818/24 819/2 912/16 942/1</p> <p>next [7] 823/16 877/15 877/15 917/3 938/11 944/24 949/18</p> <p>night [1] 884/9</p> <p>no [90] 811/4 820/2 827/19 837/8 837/17 838/3 839/4 841/16 844/4 846/17 847/19 847/21 847/23 848/1 856/8 860/20 866/16 866/20 872/11 872/12 873/11 873/11 874/20 875/10 877/11 878/19 879/6 880/7 881/5 881/16 881/20 882/14 884/10 884/10 885/14 886/12 887/15 888/20 892/3 897/19 897/19 900/14 901/19 905/1 908/4 908/4 909/3 909/24 910/8 911/19 913/1 914/19 916/2 916/3 916/3 916/3 916/4 916/13 916/19 917/12 918/8 918/8 918/16 921/10 925/23 927/11 927/12 927/13 928/15 929/11 929/19 930/3 930/13 931/5 932/10 932/20 935/11 936/9 936/17 936/18 937/13 939/7 944/5 948/11 949/13 951/22 952/9</p>		

<p>N</p> <p>no... [3] 952/11 952/12 952/13</p> <p>nobody [4] 845/10 845/12 845/24 931/3</p> <p>non [1] 937/15</p> <p>non-weightbearing [1] 937/15</p> <p>None [1] 885/15</p> <p>nor [5] 853/15 853/16 878/8 936/10 937/4</p> <p>normal [6] 824/10 825/12 825/16 856/8 856/13 905/2</p> <p>normally [2] 909/1 909/4</p> <p>not [269]</p> <p>notation [2] 876/12 877/8</p> <p>notations [3] 872/5 872/12 880/12</p> <p>note [10] 896/15 899/9 900/21 905/13 913/7 913/8 913/10 916/14 933/4 953/11</p> <p>notes [18] 871/8 871/12 871/15 871/22 871/24 876/15 876/18 880/8 883/25 884/1 885/19 885/21 894/5 903/19 905/18 905/20 906/14 942/6</p> <p>nother [1] 831/22</p> <p>nothing [18] 814/18 824/3 834/22 836/25 856/20 857/14 868/25 874/21 886/25 898/16 899/21 910/23 911/24 912/3 930/17 932/14 933/10 944/3</p> <p>November [3] 832/6 864/10 879/22</p> <p>now [75] 812/3 825/13 829/1 830/18 837/14 837/20 840/18 844/2 847/19 856/22 856/24 861/12 861/24 863/3 864/9 864/18 866/5 870/2 870/19 873/10 873/14 874/8 877/12 879/12 880/1 880/3 882/19 884/4 888/17 888/23 889/12 890/3 892/17 895/22 896/11 897/25 898/19 899/1 904/9 904/17 905/24 906/7 907/3 907/4 907/18 908/10 910/16 912/18 913/11 914/24 915/7 916/21 918/12 919/8 919/21 920/3 920/7 920/13 920/14 923/22 924/20 925/7 925/8 925/15 926/8 926/20 927/14 928/18 930/20 940/7 941/2 942/7 948/13 948/17 950/16</p> <p>number [17] 813/5 816/24 817/11 819/17 819/21 822/14 827/13 837/7 852/19 852/21 852/22 920/9 920/19 920/20 927/22 945/20 952/2</p> <p>Number 2 [1] 852/21</p> <p>numbers [1] 827/11</p> <p>numerous [1] 830/25</p> <p>nurse [2] 928/3 930/9</p> <p>nurses [1] 950/19</p> <p>NY [2] 811/16 811/20</p>	<p>off [16] 824/12 824/13 829/19 830/5 830/5 830/9 837/8 839/4 839/25 858/15 860/13 864/3 904/17 921/14 934/14 935/17</p> <p>office [19] 811/15 866/24 867/1 867/6 870/11 870/15 870/17 874/18 886/1 889/12 889/16 892/17 893/23 900/12 902/22 919/10 927/16 927/19 930/6</p> <p>often [1] 897/3</p> <p>ofth [1] 948/5</p> <p>OGINSKI [28] 811/15 811/17 842/13 861/25 862/4 874/20 879/17 879/23 883/14 884/2 884/20 885/22 886/25 892/6 893/5 893/13 896/1 897/6 900/2 912/6 912/16 920/11 925/24 933/22 934/7 935/4 937/5 939/22</p> <p>Oginski's [1] 938/18</p> <p>oh [1] 939/6</p> <p>okay [39] 825/12 826/9 835/4 836/5 837/2 844/7 845/8 847/8 850/24 858/5 860/3 866/5 873/13 882/18 884/15 893/22 897/9 898/9 901/11 902/11 905/3 910/4 910/13 910/15 913/16 914/24 915/13 915/23 916/7 925/25 932/23 933/14 936/7 941/1 944/21 949/1 953/22 954/2 954/10</p> <p>omission [1] 834/18</p> <p>on [167]</p> <p>once [18] 823/7 830/18 838/2 839/14 850/14 860/25 869/17 874/10 874/20 874/24 878/16 879/17 883/10 884/20 886/13 888/15 890/13 904/1</p> <p>one [97] 812/13 813/5 813/19 815/4 816/23 817/12 820/22 822/1 822/3 822/10 826/14 828/11 828/16 828/17 828/22 829/23 829/24 829/24 831/15 831/23 836/7 836/13 836/20 836/21 836/25 837/14 837/15 839/15 839/19 839/20 844/4 844/23 845/17 846/9 846/19 847/20 849/1 849/3 850/15 850/15 855/10 855/10 855/12 856/11 856/11 857/8 857/9 858/5 859/1 860/10 867/14 871/4 874/9 874/12 878/9 885/14 888/12 888/15 889/4 890/8 890/14 891/1 891/10 895/3 895/19 897/15 898/2 898/5 898/8 898/9 898/13 900/13 904/24 905/1 908/20 911/13 919/17 930/22 935/14 937/4 938/12 938/14 939/5 939/18 941/21 942/1 944/18 947/14 948/5 948/6 948/11 948/17 950/16 950/17 950/17 950/22 952/13</p> <p>one-page [1] 867/14</p> <p>ones [1] 827/3</p> <p>only [19] 819/25 820/1 831/5 837/15 837/21 841/12 849/4 849/8 850/1 869/8 873/25 875/16 887/17 897/24 908/8 915/11 926/20 934/23 939/18</p> <p>onto [3] 830/7 831/11 934/17</p> <p>op [4] 839/5 900/24 937/7 937/7</p> <p>open [2] 847/15 912/5</p> <p>opening [1] 911/10</p> <p>operate [2] 856/9 943/4</p> <p>operating [1] 928/7</p> <p>operation [3] 841/1 859/8 861/2</p> <p>operations [1] 856/12</p> <p>operative [8] 837/7 842/16 879/10 900/23 901/23 902/16 903/4 948/9</p> <p>operator [1] 911/6</p> <p>opinion [30] 834/8 834/12 834/13 834/14 834/16 834/20 834/21 860/9 860/10 862/8 862/12 862/17 862/24 863/15 863/18 863/19 863/24 864/1 864/4 864/6 864/7 877/10 882/3 898/22 899/3 899/10 899/23 910/8 917/23 933/6</p> <p>opinions [10] 863/14 873/18 875/13 876/2 877/4 880/25 885/7 885/13 896/12 923/18</p> <p>opportunity [6] 820/10 835/1 873/10 887/9 934/18 935/7</p>	<p>opposed [3] 839/12 849/2 934/10</p> <p>opposite [1] 830/7</p> <p>option [2] 854/14 928/6</p> <p>options [5] 855/11 896/18 925/21 926/13 939/11</p> <p>or [135] 812/25 817/7 818/17 818/21 819/17 820/1 820/1 820/13 821/19 822/17 822/18 824/7 824/11 824/16 826/20 826/20 827/10 828/20 830/13 831/12 831/14 831/16 832/19 834/18 834/23 837/25 838/15 838/20 838/21 838/24 839/21 840/7 840/9 841/4 841/8 841/21 847/6 847/8 848/7 849/16 849/24 850/20 851/1 851/13 851/20 853/24 854/6 854/12 854/23 854/23 855/10 855/13 856/17 857/6 858/19 858/19 860/6 860/17 863/17 865/4 865/25 866/3 867/14 869/7 870/6 870/17 871/19 871/22 871/23 872/11 874/9 876/15 879/15 881/24 883/9 885/24 886/17 886/18 888/12 888/15 889/6 890/8 893/11 894/7 897/16 898/11 899/9 899/19 904/3 905/22 906/4 910/4 910/20 911/18 914/10 916/5 917/14 918/4 918/8 920/7 921/10 921/10 921/19 922/21 923/3 923/10 923/19 924/14 924/15 924/24 926/15 927/11 928/3 929/11 929/12 929/19 930/9 931/1 931/12 931/13 933/25 934/15 936/25 937/21 937/24 942/14 942/22 944/18 944/18 947/21 948/11 950/6 950/19 950/19 952/3</p> <p>oral [2] 816/18 817/4</p> <p>order [10] 823/21 830/16 871/5 873/18 877/9 904/12 920/7 920/17 922/20 923/10</p> <p>ordinarily [1] 820/18</p> <p>organizations [1] 819/3</p> <p>original [4] 833/3 869/7 877/20 940/21</p> <p>originally [2] 856/4 950/22</p> <p>orthopedic [4] 818/4 906/23 907/8 907/16</p> <p>Orthopedics [1] 816/13</p> <p>orthopedist [1] 910/6</p> <p>osteotomy [2] 854/2 854/6</p> <p>other [43] 819/3 821/15 822/21 827/19 827/19 828/7 828/12 828/15 830/24 836/12 839/16 842/11 849/2 849/16 850/16 854/20 858/19 866/1 869/1 870/21 871/19 874/21 878/11 880/4 884/4 885/2 886/15 893/1 895/14 896/2 899/14 905/7 913/25 915/9 919/13 919/16 919/22 920/3 920/15 926/13 932/18 934/11 950/24</p> <p>others [2] 926/17 938/3</p> <p>otherwise [5] 812/23 830/4 857/4 946/16 949/5</p> <p>our [4] 813/19 838/4 897/16 948/3</p> <p>out [18] 822/10 826/23 829/15 835/13 836/20 841/10 846/20 849/5 849/14 852/6 853/9 898/16 915/15 920/18 927/20 927/25 942/3 944/23</p> <p>outcome [2] 860/20 931/1</p> <p>outlined [1] 855/11</p> <p>outset [4] 923/24 925/15 926/8 927/4</p> <p>outside [3] 825/23 928/7 928/19</p> <p>outwit [1] 911/7</p> <p>over [27] 814/3 814/10 818/18 819/17 819/20 820/8 820/9 824/17 825/20 825/21 826/10 827/4 829/9 830/18 841/3 841/3 858/10 872/19 872/23 877/21 884/6 897/6 908/2 920/15 926/17 933/22 938/21</p> <p>overall [1] 932/25</p> <p>Overruled [2] 893/20 914/6</p> <p>oversee [1] 818/14</p> <p>own [1] 892/17</p>
<p>O</p> <p>o'clock [3] 941/2 941/6 954/5</p> <p>oath [1] 861/21</p> <p>object [1] 827/18</p> <p>objecting [1] 950/21</p> <p>objection [15] 841/23 841/25 847/13 856/23 859/15 859/15 861/7 893/19 903/15 903/22 910/10 914/5 928/14 929/25 942/18</p> <p>objections [1] 943/5</p> <p>objective [3] 862/8 862/11 865/21</p> <p>obligated [1] 929/2</p> <p>obligation [1] 925/20</p> <p>observation [3] 910/23 911/3 911/14</p> <p>observations [1] 910/7</p> <p>observe [1] 889/15</p> <p>observer's [1] 896/9</p> <p>obvious [1] 946/10</p> <p>Obviously [1] 821/9</p> <p>occasion [1] 887/24</p> <p>occupying [1] 840/6</p> <p>occur [5] 854/15 859/4 859/5 913/23 915/23</p> <p>occurred [4] 859/11 893/23 894/1 896/10</p> <p>occurring [1] 859/4</p>	<p>P</p> <p>P.C [1] 811/6</p>	<p>P</p> <p>P.C [1] 811/6</p>

<p>P</p> <p>package [4] 833/4 864/19 865/12 868/2</p> <p>packet [10] 868/3 869/7 869/8 869/13 869/16 869/18 869/20 874/1 877/20 878/4</p> <p>page [8] 859/21 859/21 867/14 867/14 867/15 910/18 913/7 913/17</p> <p>pain [5] 909/13 909/15 926/2 933/23 940/1</p> <p>painful [2] 831/19 924/25</p> <p>paper [4] 871/16 871/23 928/22 929/16</p> <p>papers [3] 927/20 928/4 928/11</p> <p>parabola [2] 850/20 852/1</p> <p>paragraph [2] 914/25 915/17</p> <p>parallel [4] 822/13 823/15 824/9 829/16</p> <p>parameters [1] 822/11</p> <p>parcel [1] 856/3</p> <p>Pardon [1] 843/17</p> <p>Park [1] 817/23</p> <p>parked [1] 867/1</p> <p>parroted [1] 846/21</p> <p>part [18] 856/3 863/11 875/5 891/3 891/6 901/25 906/1 908/5 922/15 930/20 947/5 952/18 952/21 952/25 953/2 953/5 953/24 953/25</p> <p>particular [15] 812/25 842/1 863/3 863/8 863/25 868/16 870/21 881/3 889/3 899/25 905/19 915/11 922/16 927/6 932/17</p> <p>particularly [1] 938/22</p> <p>Particulars [1] 901/12</p> <p>parties [1] 813/16</p> <p>parts [4] 919/22 920/3 920/15 932/23</p> <p>passed [1] 823/23</p> <p>past [5] 819/1 819/13 819/17 826/16 888/24</p> <p>pathologist [2] 922/7 922/11</p> <p>pathology [13] 825/25 891/21 921/13 921/14 921/23 922/7 922/22 923/1 923/5 935/2 935/8 935/10 936/11</p> <p>patient [62] 813/22 854/10 858/25 859/11 860/4 860/7 861/6 865/24 888/6 888/11 888/14 895/9 895/10 895/12 895/17 895/18 899/9 899/15 899/17 899/22 900/16 902/20 903/18 903/20 904/4 904/17 904/21 905/3 905/9 905/10 905/14 913/16 914/3 915/7 916/11 919/19 920/13 921/19 925/21 926/12 927/7 927/16 928/10 928/17 928/22 928/25 929/1 929/2 929/5 929/15 930/5 930/16 930/19 930/23 931/2 931/19 934/2 934/22 937/21 938/9 938/20 939/24</p> <p>patient's [15] 833/5 834/19 848/23 852/17 890/15 895/5 896/19 898/10 900/5 901/1 916/21 918/12 918/17 922/25 925/18</p> <p>patients [14] 817/22 826/11 858/24 887/25 889/12 890/4 894/5 897/11 929/21 930/11 930/14 931/7 931/10 931/13</p> <p>pattern [1] 933/23</p> <p>pause [1] 900/19</p> <p>payment [1] 927/25</p> <p>pebbles [1] 831/21</p> <p>pen [8] 838/17 838/18 838/21 838/24 839/15 839/17 839/18 839/21</p> <p>people [5] 828/20 836/11 836/14 836/15 931/20</p> <p>per [2] 819/11 819/22</p> <p>percent [4] 827/8 827/10 835/15 835/15</p> <p>percentage [1] 827/3</p> <p>perfect [1] 940/11</p> <p>perfectly [1] 860/15</p> <p>perform [15] 813/18 826/15 828/23 831/2 849/1 856/12 889/18 889/23 905/25 914/16 923/23 926/16 932/12 932/15 947/22</p> <p>performance [4] 856/14 861/2 934/18 936/22</p> <p>performed [20] 827/2 829/13 836/4 840/17 859/8 860/7 893/16 894/7 894/7 894/8</p>	<p>899/2 900/19 901/3 901/3 901/5 901/21 903/5 903/8 914/19 948/9</p> <p>performing [5] 829/21 841/1 849/3 914/9 926/3</p> <p>period [4] 880/2 904/5 927/23 950/18</p> <p>permission [1] 929/6</p> <p>permitted [1] 827/23</p> <p>perpendicular [2] 838/17 858/14</p> <p>person [2] 874/22 896/5</p> <p>personal [1] 892/18</p> <p>personally [1] 893/22</p> <p>phalangeal [2] 822/8 830/20</p> <p>phalanges [1] 822/1</p> <p>phalanx [4] 822/3 822/4 823/8 823/8</p> <p>phone [4] 864/23 865/3 865/7 865/11</p> <p>photographs [5] 857/19 857/23 858/8 878/24 879/2</p> <p>phrased [1] 846/18</p> <p>phraseology [1] 847/2</p> <p>picture [1] 939/5</p> <p>piece [11] 871/15 871/23 900/14 929/15 935/17 935/19 935/21 936/25 937/4 939/6 946/17</p> <p>pieces [10] 935/11 935/13 935/15 935/19 936/15 936/19 936/21 937/2 938/25 939/4</p> <p>pin [1] 830/15</p> <p>pink [1] 936/16</p> <p>PJI [3] 812/17 951/2 951/6</p> <p>place [4] 836/14 836/15 876/10 904/13</p> <p>placed [2] 945/9 945/10</p> <p>placement [2] 840/9 917/9</p> <p>places [1] 902/23</p> <p>plain [2] 829/23 835/19</p> <p>plains [4] 811/10 811/20 829/23 849/4</p> <p>Plaintiff [7] 811/15 842/24 866/3 942/7 942/11 948/23 949/10</p> <p>Plaintiff's [16] 847/19 848/16 855/1 856/16 858/2 858/3 859/10 859/23 861/25 868/3 909/12 913/3 913/4 941/25 943/18 945/7</p> <p>Plaintiff's 1 [2] 913/3 913/4</p> <p>Plaintiff's 5 [1] 909/12</p> <p>plaintiffs [6] 811/3 819/25 820/3 820/5 833/24 952/10</p> <p>plan [3] 909/12 925/6 926/7</p> <p>planned [1] 901/8</p> <p>planning [5] 919/15 924/3 924/7 924/13 925/4</p> <p>plantar [5] 840/10 840/13 840/15 915/2 915/3</p> <p>plantarflex [4] 830/10 840/17 840/18 934/12</p> <p>plantarflexed [8] 835/24 840/22 841/4 841/17 842/10 850/8 908/23 944/14</p> <p>plantarflexes [1] 836/21</p> <p>plantarflexion [1] 945/10</p> <p>plastic [2] 820/16 822/10</p> <p>plate [4] 823/22 824/5 830/15 838/9</p> <p>please [19] 812/2 814/9 815/6 815/18 825/11 827/15 828/3 828/4 849/12 859/17 864/20 892/23 893/7 910/17 913/3 915/16 916/10 932/9 938/8</p> <p>pocket [2] 820/19 867/2</p> <p>podiatric [21] 811/6 815/17 815/21 815/22 816/1 816/5 816/12 816/13 816/14 816/19 818/10 818/17 818/24 818/25 834/3 891/24 942/17 945/2 945/18 948/8 952/17</p> <p>podiatrist [29] 815/13 865/17 865/20 874/2 888/19 890/4 890/5 892/20 893/3 893/8 893/15 896/11 896/14 896/14 896/18 898/21 905/4 905/9 914/2 919/14 924/3 924/12 925/20 927/7 929/1 929/1 930/6 930/8 932/8</p> <p>podiatrist's [1] 930/6</p> <p>podiatrists [4] 817/1 818/9 826/14 887/22</p>	<p>podiatry [5] 815/17 818/3 818/17 890/24 907/19</p> <p>point [31] 816/9 817/14 821/3 830/17 832/5 835/6 841/15 851/11 852/10 853/4 866/5 869/6 874/5 877/13 881/16 881/23 883/5 892/6 895/24 899/12 899/17 901/6 902/25 904/8 904/23 909/19 911/22 926/12 929/4 933/25 954/12</p> <p>pointed [1] 841/4</p> <p>pointing [1] 918/1</p> <p>points [3] 900/4 903/2 903/2</p> <p>portion [1] 817/9</p> <p>posit [1] 942/11</p> <p>position [34] 813/19 813/21 817/17 825/20 829/11 829/14 830/2 830/12 830/22 831/5 835/18 835/23 839/1 839/10 839/18 839/25 840/6 840/11 849/18 850/2 855/18 855/22 856/7 908/21 908/25 909/4 911/16 937/20 937/21 938/2 940/5 944/25 953/13 953/17</p> <p>positioned [1] 898/7</p> <p>positioning [5] 840/9 853/20 917/9 917/24 921/7</p> <p>positions [2] 817/20 818/9</p> <p>possession [1] 868/17</p> <p>possibility [1] 925/7</p> <p>possible [5] 862/9 878/7 912/25 931/10 953/10</p> <p>possibly [3] 863/16 921/17 926/10</p> <p>post [1] 937/7</p> <p>post-op [1] 937/7</p> <p>posterior [3] 823/5 837/15 852/17</p> <p>postgraduate [3] 907/11 908/1 908/3</p> <p>postoperative [5] 836/1 916/22 917/11 917/13 920/24</p> <p>postoperatively [8] 853/24 854/14 854/22 855/21 855/22 860/5 903/21 905/22</p> <p>potential [2] 853/23 854/10</p> <p>practice [11] 815/13 817/15 817/19 817/21 819/6 890/24 891/24 892/18 905/13 948/9 951/4</p> <p>practicing [1] 892/19</p> <p>pre [2] 908/11 937/7</p> <p>pre-op [1] 937/7</p> <p>pre-trial [1] 908/11</p> <p>precipitate [1] 865/3</p> <p>precisely [1] 923/20</p> <p>predict [1] 858/22</p> <p>prefer [1] 947/15</p> <p>preliminary [1] 873/22</p> <p>preoperative [5] 852/16 918/13 919/1 920/21 927/23</p> <p>preoperatively [4] 848/18 848/23 947/7 947/11</p> <p>preparation [4] 875/7 883/21 886/16 912/14</p> <p>prepare [1] 885/12</p> <p>prepared [1] 885/15</p> <p>prescribed [2] 835/14 850/23</p> <p>presentation [3] 820/17 821/22 937/17</p> <p>presented [1] 946/7</p> <p>president [1] 819/2</p> <p>pressure [5] 831/15 915/8 925/7 934/14 936/6</p> <p>pressures [1] 915/2</p> <p>presume [2] 855/8 936/19</p> <p>presumed [1] 857/5</p> <p>pretty [3] 812/18 864/22 870/5</p> <p>prevent [1] 859/3</p> <p>primary [3] 816/13 833/5 895/3</p> <p>print [1] 942/3</p> <p>prior [1] 919/14</p> <p>private [3] 817/15 817/19 817/21</p> <p>privileges [1] 818/5</p> <p>probably [21] 826/6 826/14 866/25 866/25</p>
---	--	--

P
probably... [17] 867/6 869/25 870/12 870/15 872/25 874/12 875/6 876/11 878/11 879/22 884/24 886/17 886/17 888/12 888/15 889/10 912/12
problem [17] 826/13 843/20 844/2 853/17 854/15 854/22 855/12 857/5 888/20 894/9 894/11 905/11 926/10 926/23 926/25 927/6 948/4
problems [10] 881/1 881/22 882/4 882/8 895/5 895/10 912/23 939/25 940/1 940/3
procedure [65] 828/1 828/4 828/8 828/23 828/24 829/12 829/21 830/23 830/24 831/3 831/24 832/17 836/4 836/12 839/2 840/16 840/16 840/19 849/2 855/24 856/2 856/3 856/4 856/12 857/9 857/17 858/20 860/6 894/6 894/7 899/2 899/7 901/2 901/15 901/20 902/17 903/1 903/5 903/8 904/5 913/24 914/18 923/4 924/13 925/20 926/3 926/15 926/21 930/19 931/15 932/15 934/11 944/12 948/9 952/11 952/13 952/15 952/16 952/19 952/22 953/1 953/3 953/5 953/24 953/25
procedures [14] 826/15 827/4 827/7 827/13 827/15 827/24 828/7 830/25 831/2 849/2 926/16 926/19 935/20 952/3
proceed [4] 815/7 848/10 902/13 932/6
proceedings [4] 833/16 847/15 912/5 940/20
process [2] 906/2 924/7
produce [1] 886/25
profession [1] 819/4
professional [3] 815/2 895/15 895/22
program [6] 815/24 818/13 818/14 890/23 907/7 908/6
project [1] 838/15
projected [2] 840/3 840/5
projection [1] 824/14
proper [4] 843/8 917/9 917/10 950/25
properly [3] 901/15 920/8 944/13
proposed [4] 913/11 913/14 929/8 950/23
proposing [1] 931/3
prospective [1] 817/1
protect [1] 831/17
protrusion [1] 853/9
prove [1] 945/4
provide [2] 887/13 887/15
provided [9] 812/11 834/10 834/15 863/4 867/24 869/4 884/14 887/17 893/9
provider [1] 896/3
provision [1] 812/16
proximal [2] 822/4 823/8
publication [2] 889/6 889/7
publications [1] 889/1
published [3] 818/16 818/18 888/24
pull [1] 942/5
pulled [1] 825/18
purchase [1] 913/20
purpose [14] 822/24 831/25 840/16 842/9 850/4 862/11 862/16 885/5 894/21 894/22 894/23 904/19 929/5 934/10
purposefully [1] 839/1
purposes [6] 860/1 894/24 895/3 912/8 923/17 924/4
pursued [2] 815/23 816/3
put [11] 823/22 841/3 851/20 855/15 890/20 901/25 904/18 937/23 939/4 946/15 949/2
putting [4] 854/5 887/4 894/4 901/23
puzzle [2] 939/4 939/6

Q
qualified [1] 910/6
quarter [1] 835/14

Queens [1] 815/20
question [49] 812/23 813/19 826/3 842/8 846/16 847/8 859/25 868/1 871/24 873/5 873/10 881/13 882/17 884/25 892/3 893/4 899/22 902/4 902/5 904/20 908/5 916/9 916/10 916/19 917/4 919/3 920/17 934/4 938/6 938/13 938/14 942/13 944/18 944/24 945/20 946/8 946/10 946/16 947/3 947/6 947/14 948/6 948/11 949/3 950/7 950/22 950/23 951/1 951/5
questionable [1] 935/13
questions [25] 812/13 812/13 813/15 824/21 825/6 835/4 861/12 866/1 868/18 872/7 875/21 887/14 911/9 912/2 912/2 916/4 932/2 933/20 938/18 945/22 947/16 948/13 949/8 949/11 954/9
quite [4] 826/13 841/13 857/24 878/6
Quote [2] 869/1 873/12

R
radiographic [1] 823/3
radiographically [2] 826/4 839/3
radiolucent [1] 838/7
raise [2] 842/15 843/24
raised [1] 858/15
RAO [1] 951/24
rare [1] 949/10
rate [2] 819/8 819/10
rather [3] 858/12 930/9 937/15
ray [49] 823/20 823/22 824/13 825/10 832/1 837/11 837/13 838/2 838/11 838/15 838/20 838/21 839/8 849/14 850/11 851/4 851/6 851/9 852/5 857/7 909/18 913/19 914/11 914/20 914/22 915/1 915/7 915/17 915/20 916/14 916/22 916/25 917/1 917/3 917/6 917/8 917/11 917/12 917/14 917/20 917/22 918/6 918/6 923/25 933/24 934/15 934/16 937/16 938/1
rays [30] 823/23 823/25 824/4 832/21 836/1 837/25 838/5 852/2 852/22 855/21 856/17 856/18 856/21 857/3 857/13 858/13 863/10 869/5 869/12 869/23 883/16 918/24 919/1 919/4 920/21 920/25 921/3 937/19 938/22 945/8
read [28] 842/4 843/6 843/10 843/11 859/17 861/8 871/17 880/6 880/10 882/23 882/25 906/13 906/14 906/21 906/23 908/10 909/5 909/10 912/13 915/3 915/5 915/9 916/16 916/17 929/24 930/12 930/15 938/25
Readers [4] 821/11
reading [6] 812/16 858/9 883/3 910/18 918/12 941/22
real [1] 911/6
realign [1] 830/20
realize [1] 901/10
realized [1] 900/19
really [8] 812/19 813/11 813/17 865/6 865/10 873/1 945/24 951/11
reason [6] 849/16 854/23 856/8 899/13 934/17 946/5
reasonable [2] 834/9 834/17
reasons [5] 837/7 849/1 904/24 905/1 919/17
recall [26] 833/7 848/3 859/19 865/6 865/10 866/20 868/11 869/10 869/14 869/17 869/25 875/10 876/8 876/25 877/5 878/3 878/6 878/8 878/16 883/18 884/17 884/17 884/20 889/10 905/23 912/24
receive [9] 812/7 869/15 869/19 869/23 877/19 879/4 901/11 922/15 922/18
received [14] 815/21 870/2 871/11 874/1 877/12 877/16 878/23 879/21 879/22 880/1 880/4 886/15 922/13 936/14
receiving [2] 815/19 865/11

recently [1] 833/14
receptionist [1] 930/9
Recess [1] 861/17
recognize [2] 900/3 924/6
recognizes [1] 828/8
recollect [1] 833/9
recollection [3] 878/19 886/14 944/4
recommend [7] 889/21 927/17 945/15 947/7 947/10 947/17 947/21
recommendation [1] 945/24
recommended [2] 813/22 912/22
reconvene [1] 941/2
record [22] 852/15 871/22 872/6 877/8 877/16 893/1 895/19 896/15 899/14 900/12 900/15 900/17 902/1 902/22 902/23 909/10 918/21 922/12 932/22 940/8 940/10 944/8
record's [1] 940/21
recorded [1] 893/1
recordkeeping [8] 892/8 892/11 892/15 893/3 893/18 903/10 903/14 933/1
records [111] 832/15 832/17 832/18 833/2 833/6 834/7 841/19 853/22 859/6 862/13 862/18 863/4 863/13 864/19 865/4 865/5 866/6 866/8 867/24 868/7 868/13 869/3 869/15 870/8 870/20 871/11 872/10 873/3 873/5 873/9 873/10 873/15 874/7 875/12 875/13 875/25 877/3 877/13 878/5 878/23 879/1 879/5 879/8 879/9 879/13 880/5 884/14 890/3 890/6 890/7 890/9 890/12 890/15 890/18 890/20 891/5 891/6 891/8 891/13 891/17 891/20 891/22 891/24 891/25 892/7 892/10 892/11 892/14 892/18 892/24 893/9 894/20 894/22 894/23 895/4 895/10 895/15 895/21 895/23 896/3 896/4 896/5 896/7 898/24 899/21 900/4 900/9 900/13 900/22 900/23 900/24 901/1 901/7 901/18 901/19 902/16 903/8 903/19 906/8 906/11 906/12 913/3 918/13 918/17 922/25 932/19 932/25 935/24 939/24 940/1 940/7
RECCROSS [1] 939/21
RECCROSS-EXAMINATION [1] 939/21
recuperation [1] 904/6
redirect [2] 932/3 933/16
reduce [1] 914/17
reducing [1] 924/14
redundant [1] 857/13
refer [1] 903/1
referencing [1] 950/16
referring [4] 918/21 918/22 920/10 949/20
refers [1] 915/14
reflected [1] 893/9
refresh [2] 880/6 880/8
refreshed [1] 886/14
regard [6] 818/9 862/1 881/18 886/5 938/18 938/22
regarding [5] 880/10 884/2 917/10 926/10 951/16
regardless [4] 851/19 862/13 862/18 862/19
region [1] 909/14
regular [1] 817/22
reimbursed [2] 819/9 886/19
reiterated [1] 846/6
related [3] 881/24 882/9 909/17
relates [1] 900/2
relating [1] 832/15
relation [1] 938/3
relationship [1] 816/17
relative [7] 850/24 915/20 916/15 916/18 918/14 919/6 938/22
relatively [2] 909/18 939/9
relevant [2] 855/10 893/1
rely [2] 813/1 863/10
relying [2] 863/4 863/7

R
remember [20] 832/12 832/23 832/25 833/11 833/12 858/12 865/11 869/6 871/16 871/19 877/19 877/22 883/10 883/15 889/5 907/1 909/3 934/3 935/9 944/19
remembering [1] 825/15
remind [1] 861/20
remove [4] 919/21 920/1 921/18 943/14
removed [33] 829/6 829/7 829/8 829/17 829/20 829/25 836/7 837/11 837/12 837/17 846/12 897/17 904/8 920/8 920/13 921/13 922/21 923/3 923/11 923/19 923/20 935/3 936/12 936/22 937/7 942/14 942/23 943/13 943/16 943/24 944/2 944/13
render [1] 876/23
rendered [3] 863/25 864/4 880/25
rendering [1] 933/6
repeat [2] 882/1 914/8
repeated [4] 843/12 859/18 861/9 916/9
repetitive [2] 903/9 944/7
rephrase [12] 860/2 868/1 877/6 881/12 884/12 891/11 893/6 897/20 900/10 904/16 909/25 931/7
report [27] 837/7 839/5 842/16 875/12 875/19 875/20 875/21 875/22 876/15 876/23 879/10 885/13 900/23 900/24 901/23 902/17 903/4 922/22 923/5 935/2 935/8 935/10 935/12 935/16 935/22 936/8 936/24
reporter [2] 811/23 821/15
reposition [1] 856/5
represent [4] 866/3 892/8 892/11 892/15
represented [2] 865/19 876/1
representing [3] 865/24 867/19 867/22
request [3] 820/21 942/12 948/20
requested [4] 820/15 843/12 859/18 861/9
required [1] 950/6
reread [1] 880/5
rereview [1] 883/22
reserve [2] 951/14 951/25
reserved [1] 873/22
residencies [1] 907/8
residency [10] 815/24 818/13 818/14 890/23 906/24 907/1 907/5 907/7 908/5 908/8
resident [2] 894/12 894/14
residents [6] 818/13 821/9 840/20 890/24 894/3 894/4
respect [1] 951/1
responds [1] 841/7
response [1] 919/25
responsibilities [1] 817/18
rest [2] 813/3 941/17
result [6] 836/22 865/15 914/9 918/4 925/19 951/11
resultant [2] 913/18 915/3
resume [3] 826/6 847/15 912/5
retake [1] 832/2
returned [1] 895/9
reversed [1] 949/21
review [32] 819/21 820/2 832/11 833/17 834/6 835/1 866/6 870/3 870/19 870/21 870/25 871/7 872/6 874/9 875/3 875/7 875/9 875/24 876/24 879/7 880/15 880/17 882/19 883/6 885/1 885/20 887/9 887/16 887/20 887/21 888/18 906/12
reviewed [25] 819/19 820/7 820/9 833/19 833/21 833/25 835/20 836/1 861/3 862/13 870/15 872/22 874/8 875/11 877/21 879/14 880/3 880/13 883/12 884/3 886/8 886/15 887/24 906/7 912/7
reviewing [12] 819/10 864/16 871/8 873/14 874/19 875/4 883/24 884/13 886/10 898/21

901/1 932/24
revolve [1] 944/12
right [67] 812/1 820/15 820/23 820/24 820/25 821/1 821/1 822/3 822/4 823/10 824/15 824/16 828/25 829/24 829/24 836/15 843/8 843/22 844/25 846/20 847/22 848/9 851/5 852/17 852/25 853/11 866/2 868/20 869/1 872/9 873/4 874/22 874/22 875/20 876/20 878/5 882/16 887/3 889/21 892/20 895/16 896/20 896/22 896/23 896/25 897/13 898/17 898/19 900/7 906/21 908/5 915/1 915/4 920/22 921/21 921/24 922/2 922/9 924/22 924/25 928/7 936/15 941/16 944/22 948/10 949/6 950/14
risk [7] 859/12 860/6 931/2 931/9 931/10 931/19 931/22
risks [3] 860/10 930/21 930/22
risky [1] 813/6
road [3] 811/16 854/3 895/8
Roberts [18] 833/10 833/25 842/1 842/14 842/20 843/1 843/19 847/6 847/21 859/9 869/23 879/9 883/17 906/13 907/5 907/15 912/4 945/11
Roberts' [12] 832/18 841/18 869/15 869/19 877/23 879/7 882/19 906/10 906/12 908/11 910/5 910/19
room [1] 928/7
routine [1] 856/21
RPR [1] 940/24
rule [1] 860/21
run [1] 851/13

S
said [45] 817/11 823/14 837/20 843/9 843/25 844/20 844/23 845/9 845/15 845/16 846/8 846/12 846/13 846/15 846/19 858/11 859/16 864/15 865/21 866/16 870/6 872/20 873/11 875/1 886/13 887/20 901/9 903/11 908/23 909/2 912/10 920/16 937/11 937/13 943/12 943/18 944/3 944/5 944/6 945/8 945/11 952/13 952/25 953/9 953/20
salaried [1] 818/11
SALS [1] 952/20
same [14] 814/3 838/13 838/25 839/9 839/19 840/5 851/23 858/25 896/8 925/16 925/16 932/18 943/4 945/19
San [1] 815/24
San Francisco [1] 815/24
sat [3] 816/21 886/8 886/15
saving [1] 860/1
saw [8] 852/9 855/21 879/9 901/9 901/14 908/12 912/20 917/13
say [38] 816/25 819/12 826/10 826/19 826/20 827/9 834/2 835/5 842/20 842/22 842/25 845/14 845/23 846/14 847/10 865/10 865/23 870/4 871/7 873/8 884/23 888/17 902/24 906/10 909/24 911/19 915/10 916/17 923/7 927/8 935/14 935/18 937/3 939/6 946/17 946/18 946/22 947/25
saying [17] 842/3 842/5 845/10 845/12 845/13 845/22 848/7 859/19 864/20 882/12 882/15 909/3 909/17 914/15 949/23 953/23 953/24
says [23] 844/21 845/2 903/19 909/13 912/17 913/18 913/25 914/24 915/17 916/14 927/13 928/22 935/11 935/11 935/13 936/13 937/2 939/1 950/5 951/2 951/6 951/9 953/4
scaring [1] 859/3
scarring [5] 858/19 858/21 859/1 859/7 860/12
scars [1] 858/25
scenario [1] 926/17

school [4] 815/25 906/15 906/19 907/19
screen [2] 838/16 838/22
screw [1] 830/15
screws [2] 857/12 937/23
seat [2] 826/7 832/3
seated [2] 812/2 814/23
second [93] 819/15 822/13 823/15 823/16 825/20 825/21 828/9 829/11 830/1 830/12 831/12 831/13 835/19 841/14 841/16 848/16 848/22 849/5 849/7 849/19 849/21 849/23 849/25 850/1 850/6 850/12 850/18 850/22 851/11 851/15 851/18 852/3 852/9 852/11 853/4 853/8 853/12 853/16 854/2 854/12 854/17 854/17 854/19 854/23 855/4 855/13 855/19 856/1 856/13 859/8 860/17 878/1 879/1 879/12 879/18 880/2 880/12 883/5 886/11 886/3 888/7 898/10 909/13 913/12 913/17 915/1 915/8 918/13 918/18 919/2 919/5 919/10 924/15 925/2 925/8 925/18 926/2 926/5 926/10 926/24 927/1 927/1 934/3 934/14 934/17 934/20 938/23 939/9 945/15 946/9 947/8 947/12 952/19
secretly [1] 880/19
section [1] 841/2
sections [2] 829/7 829/8
see [63] 817/21 822/11 822/12 822/15 822/20 823/7 823/7 824/2 824/4 824/7 824/8 824/14 824/15 825/6 825/16 825/16 825/24 838/1 838/3 838/4 838/12 838/17 839/8 839/25 840/2 840/8 851/14 851/17 852/12 853/1 853/2 853/13 857/3 857/4 857/7 857/10 857/24 874/21 875/8 876/19 876/21 878/23 879/1 879/7 881/8 882/21 882/23 883/16 895/10 901/2 904/13 905/18 909/1 913/21 915/18 915/21 917/1 917/5 921/6 922/8 922/22 939/6 939/6
seeing [3] 858/12 866/20 875/10
seem [1] 813/10
seemed [1] 937/11
seems [1] 813/20
seen [8] 825/10 830/13 839/17 857/22 879/25 883/19 906/4 913/8
segment [2] 829/25 832/1
segments [1] 830/14
send [4] 833/5 865/4 878/4 921/20
sending [2] 858/10 865/4
Senior [1] 811/23
sense [2] 936/18 947/19
sent [13] 832/9 832/10 832/13 832/14 832/23 833/21 866/5 871/22 874/17 875/8 921/14 936/11 936/19
sentence [5] 813/3 915/12 915/14 939/1 949/18
separate [9] 812/12 812/17 812/23 871/15 871/23 902/16 949/6 950/7 951/4
sequentially [1] 901/7
seriously [1] 842/19
Service [1] 818/3
sesamoids [5] 822/23 822/24 823/16 824/17 825/19
set [14] 867/25 869/24 873/15 873/20 873/21 875/12 875/25 878/1 878/22 879/1 879/12 879/15 880/2 883/4
setoff [1] 911/13
several [13] 812/18 816/21 816/22 817/17 818/2 818/6 818/18 820/8 874/14 886/3 887/1 887/10 939/11
severe [5] 841/9 924/22 926/1 931/1 933/23
shades [1] 824/7
shadow [4] 838/14 851/6 852/13 937/17
shaft [1] 858/14
shape [1] 850/20
she [32] 841/12 845/2 845/9 846/8 846/11

<p>S</p> <p>she... [27] 846/13 846/14 846/19 848/15 850/11 852/10 859/16 881/7 881/22 882/8 882/9 900/6 909/13 918/13 918/24 919/2 919/5 919/9 919/10 919/18 924/23 925/1 926/1 926/2 926/21 926/23 940/2</p> <p>sheet [6] 813/15 942/1 942/9 942/9 948/6 954/7</p> <p>shift [3] 920/3 925/7 925/8</p> <p>shifted [1] 851/25</p> <p>short [7] 852/3 853/16 853/17 855/10 918/14 932/4 937/24</p> <p>SHORTD [1] 947/12</p> <p>shorten [6] 829/18 854/16 854/17 855/4 855/13 946/9</p> <p>shortened [14] 837/3 837/9 837/18 837/19 844/23 845/17 846/9 846/18 898/11 909/19 914/11 915/7 923/25 945/16</p> <p>shortening [17] 829/18 854/12 855/19 855/25 913/19 914/19 914/21 914/25 915/20 916/11 916/15 916/18 934/21 938/23 947/7 952/19 953/15</p> <p>shorter [3] 836/16 836/17 839/13</p> <p>should [34] 812/22 823/14 827/22 829/5 831/10 836/6 836/7 836/22 840/17 850/9 852/6 853/14 853/19 854/1 854/24 855/5 855/23 856/1 860/25 866/15 885/12 885/15 914/3 921/10 922/14 936/10 936/22 944/17 945/16 946/18 947/17 947/17 951/4 953/23</p> <p>show [8] 837/8 839/21 849/11 852/13 855/22 859/6 859/23 939/24</p> <p>showed [3] 836/2 849/13 850/10</p> <p>shown [2] 835/20 837/13</p> <p>shows [3] 915/17 915/20 916/14</p> <p>SHRAOEPLT [1] 941/14</p> <p>shrinks [1] 845/5</p> <p>side [10] 821/15 830/7 842/17 842/18 852/25 871/12 910/11 910/24 910/25 917/17</p> <p>sign [8] 928/4 928/11 928/11 928/22 929/2 929/5 929/22 930/9</p> <p>significance [1] 945/12</p> <p>significant [7] 821/10 832/10 871/13 880/9 892/25 908/2 919/13</p> <p>signs [1] 929/15</p> <p>silver [1] 824/5</p> <p>similar [1] 945/21</p> <p>simply [5] 864/18 892/14 895/9 896/3 928/11</p> <p>since [7] 816/19 816/20 817/7 827/18 839/4 885/21 930/25</p> <p>single [2] 836/25 931/2</p> <p>sir [47] 814/23 815/3 817/13 818/15 818/20 819/18 826/17 826/22 833/4 834/5 848/19 862/6 862/10 862/15 862/20 863/2 863/6 863/9 863/12 864/3 864/8 866/7 867/23 870/7 876/9 879/11 880/23 886/9 889/20 889/22 890/16 898/14 898/18 903/6 905/20 906/12 907/9 907/21 908/19 914/8 917/21 918/22 920/16 920/20 922/10 922/14 934/6</p> <p>sit [3] 814/8 822/22 861/20</p> <p>sitting [5] 823/17 866/14 867/4 874/9 874/12</p> <p>situation [3] 893/12 940/11 950/20</p> <p>size [3] 839/4 914/17 922/16</p> <p>skew [1] 896/8</p> <p>skewed [1] 899/3</p> <p>skin [4] 831/13 831/18 831/20 940/4</p> <p>sleet [1] 941/25</p> <p>slick [1] 911/6</p> <p>sloppiness [1] 903/12</p> <p>sloppy [2] 893/21 933/1</p> <p>smaller [2] 838/22 838/23</p> <p>SMITH [1] 811/12</p>	<p>so [92] 814/18 816/25 817/3 819/23 821/15 823/3 824/13 825/5 825/15 825/22 826/3 826/20 826/20 826/21 827/9 828/15 829/21 829/24 830/9 831/11 831/19 833/20 833/23 835/24 837/18 838/7 838/12 838/23 839/4 839/23 840/1 840/15 841/4 841/16 843/24 844/2 844/16 847/18 848/6 850/4 850/7 850/19 852/2 852/9 853/1 854/21 855/17 855/23 857/7 862/11 869/17 871/4 871/16 872/1 872/5 877/3 878/20 879/19 880/1 885/24 894/15 895/8 896/23 897/3 898/18 908/15 915/6 916/7 916/7 921/23 926/18 927/24 928/12 929/6 934/15 934/20 935/12 935/19 938/10 939/8 942/4 942/7 943/6 943/14 944/17 944/23 946/14 946/15 948/16 949/2 951/11 952/14</p> <p>soft [2] 830/20 939/1</p> <p>solitary [1] 837/1</p> <p>solve [1] 926/25</p> <p>some [56] 812/16 816/9 817/14 825/6 826/11 827/14 830/15 830/19 832/5 832/9 832/19 832/21 835/4 835/6 836/14 836/15 841/21 843/21 855/15 863/6 863/9 863/12 866/5 866/5 869/6 874/5 874/11 876/11 877/13 881/4 881/9 882/12 883/5 885/2 890/10 894/14 894/25 895/7 895/13 899/10 902/25 903/2 903/2 903/11 904/8 904/18 904/23 905/16 907/20 909/22 921/16 929/4 933/2 935/1 938/21 942/5</p> <p>somebody [4] 864/12 865/4 866/23 928/3</p> <p>someone [2] 857/5 880/19</p> <p>someone's [1] 842/5</p> <p>something [24] 820/1 821/9 824/1 824/2 843/8 847/10 847/17 857/2 858/22 859/1 864/17 870/7 879/16 887/1 897/1 903/20 913/23 914/2 919/13 927/8 934/2 946/22 947/19 951/10</p> <p>sometimes [3] 854/16 854/17 950/19</p> <p>somewhat [6] 822/12 822/25 823/14 825/21 857/13 859/2</p> <p>somewhere [3] 867/1 867/5 874/16</p> <p>song [1] 844/9</p> <p>sorry [22] 813/23 825/1 865/14 881/12 882/1 883/4 884/11 886/5 897/21 900/10 900/21 904/15 906/10 906/14 908/11 909/25 913/4 914/7 918/20 925/23 948/22 951/13</p> <p>sort [5] 828/23 830/15 836/11 842/13 855/15</p> <p>source [3] 838/20 838/20 838/20</p> <p>sources [2] 839/14 839/18</p> <p>space [3] 838/11 840/6 855/16</p> <p>spaces [2] 838/3 838/3</p> <p>speak [2] 885/9 947/21</p> <p>Special [8] 832/19 833/1 879/4 879/10 883/17 906/24 907/2 907/6</p> <p>specific [5] 834/23 864/24 867/24 904/19 942/9</p> <p>specifically [35] 821/22 828/7 830/6 830/20 833/8 835/12 846/18 849/1 865/6 866/14 869/10 869/14 870/1 872/14 873/6 873/11 876/8 876/23 877/1 877/18 877/23 877/24 879/18 882/14 883/15 887/5 888/16 889/2 889/10 897/8 905/23 912/24 913/6 932/20 952/1</p> <p>specimen [8] 921/20 921/21 922/12 922/17 922/23 935/12 936/14 936/17</p> <p>specimens [2] 828/15 922/18</p> <p>spectrum [1] 937/1</p> <p>speculative [1] 842/4</p> <p>spend [2] 821/10 886/10</p> <p>spent [6] 819/10 874/18 875/4 886/17 886/17 886/19</p> <p>spite [2] 859/4 860/13</p> <p>spoke [1] 865/8</p>	<p>spoken [1] 886/6</p> <p>sponsored [2] 815/24 818/14</p> <p>squeezed [1] 841/10</p> <p>St [4] 832/17 901/23 923/1 935/24</p> <p>stability [1] 829/1</p> <p>stabilize [2] 849/6 856/10</p> <p>stabilizing [2] 831/25 934/15</p> <p>stable [2] 831/8 856/6</p> <p>stack [4] 880/5</p> <p>stand [1] 814/15</p> <p>standard [3] 834/3 834/11 834/15</p> <p>standards [1] 948/8</p> <p>standpoint [1] 874/3</p> <p>started [4] 812/5 817/19 842/22 843/3</p> <p>STATE [3] 811/1 815/14 818/24</p> <p>stated [1] 859/10</p> <p>statement [7] 837/6 840/12 848/24 848/25 911/18 912/11 943/15</p> <p>statements [1] 814/16</p> <p>status [1] 816/15</p> <p>stay [3] 829/11 830/21 839/18</p> <p>stenographic [1] 940/21</p> <p>step [4] 821/5 837/24 852/24 941/10</p> <p>sticking [2] 918/5 918/7</p> <p>still [6] 838/25 839/17 839/21 840/5 861/21 941/22</p> <p>stop [1] 838/5</p> <p>story [1] 912/3</p> <p>straighten [1] 849/5</p> <p>Street [1] 815/4</p> <p>strength [1] 904/25</p> <p>strike [3] 842/23 844/3 847/8</p> <p>structure [3] 821/19 828/14 828/21</p> <p>structures [1] 830/21</p> <p>students [1] 821/9</p> <p>study [2] 815/23 816/3</p> <p>subject [2] 910/12 951/4</p> <p>submits [1] 942/7</p> <p>submitted [5] 935/11 935/12 935/14 936/17 950/23</p> <p>submitting [1] 816/7</p> <p>subsections [2] 816/23 817/13</p> <p>subsequent [3] 833/10 847/21 859/6</p> <p>subsequently [1] 842/10</p> <p>substance [3] 864/16 867/9 867/11</p> <p>successfully [1] 816/7</p> <p>such [19] 819/2 824/2 829/2 829/8 829/13 829/15 829/22 829/25 830/2 835/22 849/6 851/24 852/1 856/5 905/18 905/20 934/1 942/12 944/5</p> <p>sued [4] 865/18 865/20 887/22 888/9</p> <p>suffer [1] 860/18</p> <p>suggested [1] 835/6</p> <p>Suite [1] 811/16</p> <p>summations [1] 941/6</p> <p>sun [1] 838/15</p> <p>supposed [5] 822/22 824/20 836/19 851/22 852/7</p> <p>SUPREME [2] 811/1 811/13</p> <p>sure [15] 821/8 837/23 868/19 872/1 882/2 885/4 891/2 894/17 895/2 933/15 934/9 935/5 935/24 946/3 946/23</p> <p>surely [1] 891/18</p> <p>surface [5] 824/18 829/6 830/9 837/10 839/24</p> <p>surgeon [3] 830/16 833/11 860/23</p> <p>surgeons [2] 819/1 860/25</p> <p>surgeries [2] 826/16 826/23</p> <p>surgery [80] 813/18 816/15 816/19 818/4 818/6 827/20 832/19 833/1 834/4 835/8 848/17 850/8 853/24 856/18 858/22 859/12 860/19 860/23 879/5 879/11 883/17 889/19 889/23 898/12 899/16 905/4 906/24 906/24</p>
---	---	---

<p>S</p> <p>surgery... [52] 907/3 907/6 907/12 907/16 912/23 913/12 914/4 914/9 914/16 915/24 918/23 919/9 921/3 921/7 921/20 923/23 925/4 925/6 926/9 926/14 926/25 927/5 927/9 927/17 928/12 928/18 928/23 929/8 929/15 929/17 929/18 930/22 931/1 931/3 931/4 931/8 931/16 931/17 931/20 931/21 932/9 932/12 942/15 945/1 945/17 946/10 946/11 947/9 947/13 947/22 950/17 952/11</p> <p>surgical [23] 816/4 826/15 832/17 836/3 836/12 839/2 840/19 857/8 857/17 858/20 899/2 902/17 907/5 907/7 907/8 907/20 919/15 923/4 926/13 930/19 931/14 935/20 948/8</p> <p>surprise [1] 872/25</p> <p>surprised [2] 857/25 858/12</p> <p>surveillance [2] 880/15 880/22</p> <p>Sustained [4] 827/21 842/8 861/10 903/16</p> <p>swear [1] 814/16</p> <p>swing [2] 829/10 851/14</p> <p>swings [1] 830/1</p> <p>sworn [1] 814/21</p> <p>swung [1] 852/6</p>	<p>952/1 952/2</p> <p>testify [6] 819/7 819/21 819/25 846/7 862/8 888/2</p> <p>testifying [4] 819/19 857/18 872/20 872/21</p> <p>testimony [38] 811/8 833/20 834/8 835/1 836/6 837/3 837/8 841/19 842/2 843/12 843/22 844/3 844/24 847/3 847/25 848/14 848/21 855/2 859/18 861/4 861/9 862/16 863/8 863/17 863/19 868/4 868/10 881/2 882/20 884/23 896/12 906/14 912/8 912/14 941/14 941/23 942/22 943/15</p> <p>tests [1] 817/1</p> <p>Texas [1] 906/16</p> <p>textbooks [1] 831/1</p> <p>texts [4] 818/19</p> <p>than [16] 841/5 850/15 851/18 852/6 854/24 859/1 869/1 871/3 871/4 871/4 874/21 879/23 884/4 894/15 940/10 950/22</p> <p>thank [25] 832/4 842/7 845/21 848/9 853/21 861/12 861/14 862/2 877/7 907/23 909/8 918/11 933/12 934/25 935/8 938/5 939/13 939/15 939/20 940/12 940/13 941/7 941/11 954/21 954/22</p> <p>that [852]</p> <p>that's [109] 813/6 813/19 813/19 814/4 817/5 819/24 820/11 820/23 821/13 823/2 828/2 830/17 831/21 833/22 836/19 836/23 840/14 842/6 842/15 843/7 843/9 843/21 843/25 844/2 844/24 844/25 845/6 845/8 845/11 845/15 846/1 846/12 846/19 847/3 848/8 849/1 850/14 860/21 863/24 864/22 870/9 872/13 872/17 875/2 875/3 882/16 891/1 894/24 895/20 896/10 896/22 897/1 897/24 898/8 898/24 902/24 903/12 904/11 905/7 905/12 906/6 906/17 907/17 908/9 909/6 909/11 912/3 912/11 912/24 915/14 919/13 920/6 920/16 921/11 922/3 926/15 927/22 928/15 929/9 934/5 937/25 937/25 938/14 941/16 941/23 943/14 943/17 943/18 944/22 945/19 946/14 946/15 947/15 947/18 947/24 947/25 948/3 948/11 948/14 949/6 949/17 950/14 952/4 952/21 953/10 953/17 953/20 953/21 954/4</p> <p>that's-then [1] 949/17</p> <p>their [6] 846/3 891/7 894/16 904/18 905/2 914/3</p> <p>them [41] 812/18 818/23 821/5 821/6 824/4 824/5 832/20 844/11 851/1 857/14 871/25 874/9 874/10 876/19 876/21 884/18 885/5 885/6 889/4 889/15 889/18 889/19 889/23 891/6 891/13 891/17 891/18 891/20 894/14 894/25 905/1 928/4 928/20 929/7 929/23 930/6 930/8 931/8 954/12 954/13 954/19</p> <p>themselves [3] 896/4 900/10 900/13</p> <p>then [35] 815/23 816/14 817/18 825/16 828/4 833/22 840/22 841/18 849/14 849/17 849/25 851/9 851/12 863/14 864/7 868/17 875/20 877/6 891/11 892/23 895/21 899/16 901/10 904/25 911/20 921/20 927/6 935/1 935/11 937/5 937/9 938/10 947/11 947/21 949/17</p> <p>theory [1] 812/25</p> <p>there [114] 812/22 813/12 813/15 813/24 816/2 820/8 821/13 822/11 822/21 823/6 824/3 827/1 827/13 827/19 828/8 828/10 830/25 834/17 834/22 835/21 836/10 836/25 837/17 838/3 838/5 841/3 847/4 847/19 847/20 847/23 848/1 853/23 854/18 854/20 855/12 855/15 856/8 856/20 857/14 859/7 860/20 862/25 864/23 865/7 865/10 866/8 870/18 873/13 873/17 874/22 878/2 878/7 878/9 878/19 880/21 886/12 891/19 892/3 894/2 897/13 899/21 900/3 900/17</p>	<p>901/6 901/19 902/20 902/23 903/11 903/12 903/17 903/18 904/5 905/16 911/6 912/21 914/19 914/21 916/3 916/19 922/6 922/9 922/10 922/25 923/5 923/24 925/17 925/23 926/3 926/8 927/5 927/14 931/9 933/5 933/8 935/1 936/9 936/10 938/21 940/3 940/9 941/21 942/22 944/9 944/10 945/9 947/17 947/18 949/3 949/11 952/2 952/9 952/11 952/11 952/12</p> <p>therefore [1] 952/14</p> <p>these [19] 822/23 823/14 829/7 829/8 846/23 870/2 870/19 871/10 878/23 879/2 880/4 883/25 891/4 912/1 912/2 916/4 939/24 943/5 944/11</p> <p>thesis [1] 816/8</p> <p>they [66] 812/25 822/1 824/1 844/16 845/13 846/5 846/5 851/12 851/22 852/4 853/5 853/13 853/14 854/13 854/24 858/1 858/4 864/15 870/3 870/9 878/4 882/8 883/7 883/13 883/15 889/15 890/10 892/2 892/21 894/5 894/6 894/8 896/16 901/4 904/9 904/9 914/10 920/5 921/23 922/1 922/12 922/14 922/15 922/15 922/18 927/17 927/18 927/20 927/24 927/25 928/11 928/18 928/19 928/21 928/22 930/7 931/9 932/9 934/2 935/14 937/17 937/22 945/21 946/16 948/17 950/16</p> <p>thick [1] 831/13</p> <p>thickening [1] 940/4</p> <p>thing [6] 842/1 939/7 939/8 941/21 944/5 944/24</p> <p>things [19] 823/6 836/12 850/16 855/9 857/3 859/3 871/13 891/1 894/2 913/25 915/9 919/14 919/16 920/9 920/19 920/20 927/22 939/3 939/11</p> <p>think [41] 812/19 813/5 813/6 814/1 825/3 826/6 827/22 833/3 842/14 843/13 845/22 845/25 846/4 847/4 847/17 852/24 860/1 864/21 867/6 870/13 876/8 876/25 884/21 885/24 892/5 893/25 903/16 911/6 911/10 934/5 938/12 938/19 940/6 941/21 942/21 944/17 946/6 947/16 948/16 950/1 950/22</p> <p>third [33] 848/17 854/2 854/13 854/18 854/19 854/23 855/4 856/1 856/13 860/17 898/11 909/13 913/12 914/24 915/2 915/8 918/14 918/18 919/2 919/5 924/15 925/8 926/5 926/11 934/3 934/14 934/20 939/10 945/16 946/9 947/8 947/12 952/19</p> <p>this [205]</p> <p>those [52] 816/17 823/25 826/23 826/25 827/14 833/18 836/3 854/8 854/21 856/9 857/22 858/21 861/11 862/18 866/8 869/12 870/8 871/24 872/10 873/5 873/9 873/10 874/7 874/8 875/11 879/13 881/23 882/5 883/19 894/4 895/9 895/15 895/21 895/22 896/5 907/25 908/7 919/1 919/4 923/8 925/3 925/16 925/16 928/11 929/22 929/24 937/8 937/10 944/14 949/10 949/19 950/15</p> <p>though [3] 839/9 840/6 949/19</p> <p>thought [1] 880/9</p> <p>thoughts [3] 875/13 876/2 885/6</p> <p>three [14] 819/17 826/20 872/18 874/14 884/24 896/18 913/18 916/4 917/14 935/17 944/18 948/13 948/13 949/7</p> <p>three-centimeter [1] 935/17</p> <p>through [15] 823/24 824/2 836/3 838/6 856/10 865/1 870/19 871/10 879/19 887/4 894/25 901/6 902/15 909/19 940/7</p> <p>throughout [3] 817/20 898/23 940/9</p> <p>thrown [1] 934/17</p> <p>tilt [1] 838/19</p> <p>time [55] 814/4 814/14 817/17 817/19 819/6 819/9 819/15 821/10 850/8 851/23 860/1</p>
<p>T</p> <p>table [2] 830/13 937/21</p> <p>take [21] 821/20 823/22 829/15 832/6 838/14 848/16 848/22 850/14 850/17 851/12 853/10 861/15 874/13 876/10 891/4 894/12 909/21 910/24 934/13 939/5 953/6</p> <p>taken [23] 835/13 837/8 839/4 839/25 849/13 857/7 861/17 880/16 880/21 883/16 897/5 905/7 915/15 917/14 918/24 920/5 920/6 920/18 921/3 921/3 937/14 937/19 937/20</p> <p>takes [2] 836/20 895/15</p> <p>taking [3] 856/17 856/20 944/23</p> <p>talk [12] 813/11 821/18 828/6 876/1 890/3 911/22 925/20 926/12 927/7 928/20 928/21 930/16</p> <p>talked [3] 812/14 933/4 937/7</p> <p>talking [12] 825/11 878/12 892/22 897/25 901/4 915/11 926/20 931/15 931/16 932/8 938/1 953/22</p> <p>talks [2] 929/1 930/6</p> <p>tarsometatarsal [1] 909/19</p> <p>task [1] 894/13</p> <p>teach [9] 818/13 890/24 891/4 891/6 891/13 891/17 891/18 891/20 894/3</p> <p>teaching [4] 817/17 817/19 818/9 891/3</p> <p>technique [2] 836/20 836/24</p> <p>techniques [1] 836/11</p> <p>technology [2] 856/22 857/1</p> <p>Ted [1] 942/11</p> <p>telephone [3] 876/4 876/6 886/7</p> <p>tell [31] 812/17 815/16 827/14 835/10 845/23 865/8 872/1 873/8 876/23 877/18 877/20 877/24 878/20 879/17 879/19 879/24 879/25 882/3 883/11 885/6 888/16 902/5 902/17 914/3 923/15 934/2 934/8 935/23 946/5 948/20 951/15</p> <p>telling [2] 888/20 923/18</p> <p>tells [1] 905/13</p> <p>template [1] 932/22</p> <p>ten [2] 947/12 951/10</p> <p>tendons [1] 823/1</p> <p>term [2] 891/9 891/15</p> <p>terminology [2] 821/20 840/14</p> <p>terms [5] 828/12 839/3 839/23 854/14 940/3</p> <p>testified [12] 814/22 819/13 820/1 839/5 853/25 872/19 872/23 888/6 888/11 897/10</p>		

<p>T</p> <p>time... [44] 867/20 872/2 874/7 874/11 874/18 875/3 876/11 877/15 877/15 877/22 879/13 879/19 880/2 884/1 884/7 884/21 885/7 886/4 886/7 886/10 886/19 888/8 895/8 895/24 898/12 902/25 904/5 905/15 908/18 910/2 912/21 913/11 913/15 921/7 925/22 927/18 933/11 935/6 942/10 945/17 948/5 950/18 951/11 951/23</p> <p>timely [1] 905/4</p> <p>times [16] 819/14 819/17 826/21 827/10 854/18 883/13 887/1 888/2 888/5 888/10 894/20 900/18 922/4 922/6 922/10 951/10</p> <p>timing [1] 905/6</p> <p>tired [1] 951/12</p> <p>tissue [4] 824/7 830/21 936/16 939/1</p> <p>tissues [2] 841/10 841/11</p> <p>TKFTD's [1] 947/6</p> <p>TKELS [1] 946/12</p> <p>TKER [1] 943/7</p> <p>TKPWAQES [1] 943/4</p> <p>today [11] 814/10 819/7 820/14 862/17 868/22 875/8 881/2 882/4 882/8 941/15 952/1</p> <p>toe [21] 821/23 821/23 822/4 822/6 822/15 823/1 823/16 824/16 825/18 825/21 826/1 830/21 843/20 844/10 844/13 844/16 858/11 858/15 860/13 918/4 926/2</p> <p>toes [1] 918/7</p> <p>together [8] 820/6 828/16 828/18 830/14 866/8 870/10 939/4 939/7</p> <p>told [26] 841/8 867/3 868/23 868/25 870/22 877/12 877/20 881/7 885/5 886/24 887/1 887/5 888/2 888/23 898/18 904/9 906/7 907/19 919/25 920/12 926/4 928/11 931/2 931/8 931/19 951/24</p> <p>tomorrow [7] 941/2 941/18 941/20 951/15 954/5 954/6 954/8</p> <p>tone [1] 843/18</p> <p>tonight [1] 954/15</p> <p>too [35] 826/21 835/7 837/18 840/21 840/21 840/22 840/23 841/4 841/17 849/13 849/23 850/1 851/8 854/13 855/10 855/10 866/23 884/25 897/16 908/21 909/18 911/15 919/21 920/1 923/18 937/24 937/24 943/23 944/1 944/13 944/14 945/9 945/10 945/13 953/10</p> <p>took [7] 817/16 835/7 841/20 846/19 847/1 885/22 935/17</p> <p>top [3] 822/16 823/4 915/17</p> <p>totally [1] 842/24</p> <p>touched [1] 906/4</p> <p>TOUFPs [1] 946/2</p> <p>tough [1] 943/3</p> <p>tougher [1] 948/14</p> <p>tour [1] 951/3</p> <p>toward [1] 825/19</p> <p>towards [7] 822/18 826/1 829/10 830/1 830/12 849/4 945/24</p> <p>TPER [1] 947/15</p> <p>TPHUG [1] 943/3</p> <p>track [1] 871/5</p> <p>training [12] 815/17 815/18 817/14 817/16 891/4 891/7 907/12 907/20 908/1 908/3 908/6 908/6</p> <p>transcript [15] 833/10 833/11 833/25 846/20 859/22 869/20 877/23 882/23 883/1 908/12 909/5 909/8 909/9 940/21 945/12</p> <p>transcripts [3] 833/15 884/5 884/22</p> <p>transferred [1] 831/11</p> <p>transferring [1] 830/7</p> <p>transverse [2] 829/23 835/19</p>	<p>treat [2] 889/12 919/19</p> <p>treated [3] 889/25 897/11 905/24</p> <p>treating [6] 833/10 890/5 894/5 896/16 896/19 896/23</p> <p>treatment [16] 832/16 832/22 834/10 834/15 863/24 873/19 880/25 882/9 889/2 889/8 889/21 890/16 893/9 899/24 919/15 927/17</p> <p>treats [1] 890/4</p> <p>trial [3] 834/7 835/1 908/11</p> <p>trick [1] 945/18</p> <p>tries [1] 831/17</p> <p>trouble [2] 820/20 866/23</p> <p>true [80] 862/21 863/8 863/15 872/3 872/16 872/17 888/4 892/11 892/15 893/3 893/10 893/18 893/24 894/13 894/22 895/12 895/13 895/18 895/23 895/24 895/25 896/1 896/16 898/22 898/25 899/7 899/25 901/21 903/5 904/10 904/19 905/19 908/22 912/16 912/23 913/8 913/13 913/24 914/4 914/22 915/24 916/12 917/20 919/2 919/23 919/24 920/4 920/9 922/13 922/17 923/25 924/4 924/8 924/17 925/3 925/12 925/17 925/22 926/14 927/20 928/1 928/8 928/23 929/3 929/8 929/16 929/24 930/10 930/12 930/16 930/23 931/4 931/5 931/11 931/21 932/13 932/24 933/1 933/4 940/20</p> <p>trunk [3] 866/25 870/12 870/16</p> <p>truth [3] 814/17 814/18 814/18</p> <p>truthful [2] 892/3 892/22</p> <p>try [9] 856/9 859/3 862/10 862/15 862/20 871/9 894/19 902/11 942/5</p> <p>trying [5] 817/1 899/20 900/1 904/2 953/13</p> <p>turn [2] 913/2 922/22</p> <p>twice [1] 947/2</p> <p>two [41] 813/6 821/25 821/25 822/21 822/23 823/16 829/6 829/7 829/8 829/23 830/13 839/14 843/19 847/24 849/4 858/23 867/14 870/4 870/6 874/14 874/16 884/6 884/23 886/17 886/18 888/12 888/15 896/20 907/21 907/25 908/7 908/8 910/18 911/9 913/7 917/14 938/7 938/10 944/18 944/24 953/24</p> <p>two-page [2] 867/14 913/7</p> <p>type [3] 819/16 866/19 931/1</p> <p>types [9] 826/24 827/1 827/24 828/7 831/1 858/25 860/16 934/11 936/21</p> <p>typically [1] 930/8</p> <p>U</p> <p>ulceration [1] 841/9</p> <p>ultimately [2] 816/4 933/24</p> <p>unasked [1] 865/5</p> <p>Unavailable [1] 870/12</p> <p>under [13] 831/12 856/13 861/21 909/12 913/17 915/8 919/10 921/24 922/8 925/18 926/2 926/23 926/25</p> <p>undergoing [2] 930/22 931/8</p> <p>underneath [9] 822/22 823/17 824/17 841/13 841/14 841/15 852/11 860/17 925/2</p> <p>understand [9] 837/14 837/20 847/9 847/12 866/2 898/13 898/15 904/20 932/19</p> <p>understanding [5] 826/5 843/20 895/23 906/17 909/1</p> <p>Understood [1] 861/22</p> <p>undertake [1] 854/2</p> <p>underwent [1] 900/16</p> <p>unfair [2] 842/24 862/21</p> <p>unfortunately [1] 943/1</p> <p>University [3] 815/20 815/25 906/16</p> <p>unless [2] 929/15 946/11</p> <p>unpredictable [1] 859/2</p> <p>unsolicited [1] 865/5</p> <p>unstable [1] 924/24</p>	<p>until [1] 951/25</p> <p>Untrue [1] 901/22</p> <p>untruthful [1] 892/21</p> <p>up [29] 812/24 821/13 824/12 829/19 830/5 830/5 831/17 831/19 841/8 841/21 842/12 842/15 843/25 846/22 848/1 858/11 858/15 860/13 879/25 883/12 915/16 918/5 918/7 920/2 932/5 939/16 939/25 942/5 949/14</p> <p>up-to-date [1] 879/25</p> <p>upon [10] 827/2 834/6 843/14 861/3 863/14 908/16 917/10 927/7 930/15 934/1</p> <p>us [29] 814/23 815/16 824/23 825/9 826/8 827/14 828/22 832/7 837/25 850/10 857/3 864/20 865/8 867/3 870/22 870/24 877/12 882/3 888/2 888/23 896/12 906/7 907/19 919/25 920/12 923/18 926/4 950/24 951/24</p> <p>use [6] 821/5 821/11 836/11 840/24 856/22 938/1</p> <p>used [1] 836/20</p> <p>useful [3] 891/21 904/3 923/19</p> <p>uses [1] 831/16</p> <p>using [7] 828/15 830/14 855/14 855/17 893/12 925/16 937/6</p> <p>usual [3] 820/16 856/14 931/22</p> <p>usually [7] 819/16 831/3 871/9 928/5 928/16 942/12 951/10</p> <p>V</p> <p>valedictorian [1] 906/18</p> <p>valgus [2] 821/20 825/14</p> <p>validity [1] 935/12</p> <p>varies [2] 871/1 892/2</p> <p>variety [1] 870/5</p> <p>various [3] 836/11 871/6 939/11</p> <p>vary [1] 828/11</p> <p>verdict [9] 812/12 813/14 941/13 941/24 942/1 942/8 942/9 948/6 954/7</p> <p>verdicts [1] 812/17</p> <p>verification [1] 936/12</p> <p>verify [1] 872/11</p> <p>verses [1] 830/24</p> <p>version [1] 821/11</p> <p>very [26] 813/11 813/20 826/17 859/6 872/22 874/7 877/15 883/12 891/9 891/15 896/22 897/23 898/1 912/21 913/10 913/14 927/4 937/21 939/13 941/7 945/21 949/10 950/20 950/21 951/12 953/12</p> <p>video [6] 869/19 880/16 882/19 882/21 909/6 945/11</p> <p>videotape [3] 880/21 881/11 882/24</p> <p>videotaped [2] 880/19 908/12</p> <p>view [23] 823/6 823/20 823/21 823/22 825/24 835/20 837/15 837/21 839/12 850/11 850/12 850/15 850/19 850/22 851/16 851/18 851/19 852/17 881/23 896/5 896/6 917/17 917/17</p> <p>views [2] 850/15 850/17</p> <p>virtue [1] 839/1</p> <p>visible [1] 837/10</p> <p>visit [3] 912/19 913/6 938/19</p> <p>visual [1] 922/1</p> <p>visualize [3] 857/13 878/8 917/19</p> <p>voice [1] 843/18</p> <p>VOUTE [1] 811/18</p> <p>W</p> <p>W-O-L-F [1] 815/1</p> <p>wait [4] 902/3 902/3 902/3 947/9</p> <p>waiting [2] 928/18 928/19</p> <p>walk [4] 820/18 851/24 851/25 881/7</p> <p>walking [8] 903/18 903/20 905/3 905/10 905/11 905/15 905/21 905/22</p> <p>walks [1] 881/15</p>
---	---	---

W

want [36] 813/7 821/5 837/25 847/7 847/16 847/25 852/25 855/16 865/3 881/8 887/11 895/4 897/1 897/4 897/12 899/16 903/21 904/12 904/21 905/5 907/4 913/1 913/1 913/2 919/19 921/9 923/22 924/20 924/21 924/22 924/24 925/25 932/21 941/24 947/1 949/10

wanted [8] 837/24 868/22 872/14 873/7 874/3 911/12 937/11 938/24

wants [3] 836/20 941/22 942/8

warranted [1] 847/5

was [252]

wasted [1] 814/4

wave [1] 879/18

way [47] 820/13 820/20 826/21 829/2 829/8 829/14 829/15 829/22 829/25 830/2 830/14 830/19 831/7 834/19 835/22 836/19 836/21 838/19 839/15 839/16 839/19 839/20 840/3 840/5 840/16 847/1 849/6 851/4 851/24 852/1 852/7 853/14 855/19 856/5 872/11 874/8 875/11 878/22 880/15 882/9 893/4 901/19 904/4 928/15 932/18 935/10 943/4

ways [1] 854/20

we [130] 812/2 812/4 812/12 812/13 813/23 814/1 814/10 814/14 819/8 821/10 821/18 822/9 822/11 822/11 822/14 822/16 822/17 822/20 823/3 823/6 823/7 823/19 824/2 824/4 824/6 824/7 824/8 824/8 824/13 824/14 824/15 824/25 825/2 825/6 825/15 825/16 825/16 825/22 825/24 826/15 827/9 828/2 828/6 829/15 831/2 831/4 831/7 832/5 832/9 835/20 838/2 838/2 838/4 838/11 838/12 838/14 838/17 839/7 839/8 839/14 839/25 840/20 841/5 841/18 842/1 844/15 848/8 849/15 849/19 849/20 850/16 850/16 850/20 850/20 850/23 851/3 851/6 851/8 851/9 851/10 851/10 851/11 851/12 851/16 851/18 851/23 851/25 852/22 853/1 853/6 853/7 853/10 854/16 854/17 855/9 857/4 859/2 859/4 861/24 878/12 887/16 894/19 896/23 897/24 901/12 901/14 902/8 910/11 926/21 926/23 926/24 926/24 927/8 931/16 931/23 931/24 932/7 935/6 937/16 937/16 938/1 939/10 941/1 941/2 941/14 947/13 950/5 950/6 951/15 954/6

wedge [1] 829/5

week [3] 818/12 826/20 879/15

weekend [1] 817/5

weeks [2] 884/6 899/16

weight [33] 830/6 830/7 831/7 831/10 831/11 831/16 835/24 840/23 841/5 849/10 849/15 849/21 849/21 849/24 849/25 850/7 851/22 851/25 852/7 852/8 852/8 853/18 854/13 854/24 860/15 860/15 904/9 904/13 904/18 925/8 934/13 934/16 939/10

weightbearing [17] 823/20 824/18 835/22 841/14 849/7 850/3 899/9 899/15 899/17 899/23 900/5 900/6 903/24 904/12 904/21 937/15 938/2

welcome [1] 907/24

well [74] 812/13 816/24 817/16 819/9 819/20 824/22 825/5 825/12 826/19 827/5 828/6 828/19 830/25 832/14 833/11 833/18 833/21 833/25 835/21 836/23 838/24 840/1 840/2 840/18 842/3 842/9 842/22 843/6 843/10 843/16 844/9 844/14 844/15 844/18 844/22 850/10 850/14 851/8 854/9 854/21 855/9 855/10 855/14 858/5 864/25 870/21 871/1 872/21 873/21 879/17 879/21 881/4 881/10 891/9 892/23 893/15 894/16 895/19 896/7 901/9 902/3 920/12 929/11 934/14

936/1 938/24 938/25 939/13 941/18 942/5 943/3 946/2 946/18 951/24

went [6] 844/8 907/19 933/22 938/21 940/6 952/14

were [58] 813/10 825/11 829/15 834/2 837/14 838/14 838/16 838/19 839/24 840/22 841/2 841/3 844/10 844/11 849/15 852/4 853/10 855/18 859/12 864/9 866/5 867/24 868/3 868/6 868/9 868/13 868/15 869/3 870/3 874/1 878/14 879/13 884/14 885/7 895/5 895/11 896/4 898/11 898/23 899/5 901/14 902/15 902/17 917/19 918/18 921/3 925/13 931/3 933/8 935/21 936/19 936/19 936/22 937/8 937/10 939/10 939/11 952/2

West [2] 815/4 817/23

WESTCHESTER [2] 811/1 811/6

what [169]

whatever [13] 830/16 849/16 854/23 857/6 865/15 871/8 878/14 879/13 883/9 922/12 928/21 932/9 934/17

whatsoever [1] 869/1

when [88] 822/16 823/3 823/19 823/20 824/8 824/13 829/1 829/8 829/12 829/21 829/25 830/9 831/10 831/13 831/15 838/2 841/2 841/7 845/4 849/17 851/18 851/20 851/23 851/25 852/9 854/18 857/8 863/3 864/9 868/2 870/2 870/19 871/10 873/14 873/25 874/8 874/10 876/10 877/15 877/19 877/24 878/1 879/12 879/14 879/18 880/1 880/3 880/3 883/11 883/13 883/15 883/16 884/6 884/16 884/18 886/2 889/15 889/18 889/20 889/22 889/24 893/16 895/8 896/19 900/6 900/18 900/6 902/15 908/10 908/10 912/7 912/13 914/15 914/18 919/9 921/18 922/6 923/23 927/16 927/17 927/19 927/24 928/10 928/17 928/25 930/5 937/16 943/5

where [43] 817/6 817/21 822/6 823/25 824/6 829/4 830/22 831/4 838/4 841/15 851/14 853/4 853/11 855/7 857/9 857/10 857/11 858/10 866/13 870/8 870/11 874/23 878/10 878/18 885/25 886/22 892/25 900/4 902/23 907/1 915/17 918/21 920/14 923/7 931/23 934/5 935/14 935/19 935/22 937/4 939/23 943/15 945/6

Whereas [1] 844/8

whether [20] 834/9 834/17 857/11 869/12 873/19 881/15 881/23 882/8 885/12 899/9 899/24 905/21 911/17 917/9 920/7 923/10 923/18 933/3 937/22 946/8

which [43] 812/25 816/3 816/6 817/17 824/11 828/21 832/1 837/10 839/25 840/10 840/16 847/19 847/25 848/4 851/12 853/6 854/20 858/18 859/6 863/14 867/1 868/21 870/11 872/18 873/6 891/21 896/15 897/2 897/5 898/6 898/20 899/2 900/19 903/8 907/11 909/17 926/15 926/16 935/18 935/21 937/3 939/12 942/9

while [3] 816/2 831/18 874/10

white [6] 811/10 811/20 824/3 838/8 838/12 936/16

who [27] 844/21 862/13 862/18 862/19 865/8 865/17 865/20 865/24 866/3 867/16 867/21 876/1 885/9 887/21 888/9 890/4 895/15 895/22 896/5 922/6 922/11 924/12 925/6 929/22 930/8 931/2 931/7

whole [7] 814/18 831/21 832/1 885/5 895/20 911/22 939/7

WHRAURS [1] 951/16

why [38] 812/12 821/13 825/5 830/23 835/10 837/14 839/11 839/12 841/21 841/25 842/14 843/7 844/1 845/1 845/2 845/7 846/7 847/25 850/14 855/25 868/21 872/14

873/6 899/17 899/22 905/5 905/10 905/14 919/17 921/10 923/16 926/16 929/9 934/7 946/5 946/14 946/15 947/25

wider [1] 838/10

width [1] 935/18

will [46] 812/17 812/24 813/2 813/4 814/17 821/11 821/17 836/14 836/15 848/3 851/8 851/9 851/16 861/24 862/20 871/7 872/13 873/13 877/6 887/4 892/5 902/11 911/8 911/19 914/16 915/23 916/9 920/2 920/3 921/20 922/8 925/7 925/8 927/5 927/6 927/9 931/20 934/19 935/6 941/2 946/10 947/14 949/10 949/15 952/7 952/8

willing [1] 820/10

wire [1] 828/16

wish [1] 944/7

withdraw [1] 859/25

withdrawn [1] 945/25

within [10] 822/14 834/8 834/11 834/14 834/16 884/23 900/4 900/21 911/9 940/20

without [4] 864/5 872/10 878/5 928/23

witness [7] 814/12 814/12 815/6 882/3 902/4 940/14 951/25

witnesses [1] 833/20

WOLF [8] 811/8 814/14 814/21 815/1 815/11 848/14 864/15 912/7

won't [1] 887/12

word [2] 893/12 947/16

words [4] 842/11 896/2 899/14 951/8

work [3] 817/8 830/19 927/20

worked [2] 820/6 867/21

working [1] 856/11

works [1] 928/16

would [154]

Wouldn't [2] 923/9 923/13

write [1] 947/2

writings [1] 868/16

written [3] 817/9 876/23 885/12

wrong [9] 836/25 856/20 857/14 857/15 881/25 892/14 899/5 908/4 947/20

wrote [2] 867/16 900/18

X

x-ray [35] 823/20 823/22 824/13 825/10 837/11 837/13 838/2 838/11 838/15 838/20 838/21 839/8 850/11 851/4 851/6 851/9 857/7 915/17 915/20 916/14 916/22 916/25 917/1 917/3 917/6 917/8 917/11 917/12 917/14 917/20 917/22 918/6 918/6 937/16 938/1

x-rays [30] 823/23 823/25 824/4 832/21 836/1 837/25 838/5 852/2 852/22 855/21 856/17 856/18 856/21 857/3 857/13 858/13 863/10 869/5 869/12 869/23 883/16 918/24 919/1 919/4 920/21 920/25 921/3 937/19 938/22 945/8

Y

yacht [1] 945/18

year [23] 816/20 816/20 817/3 817/6 817/6 819/14 819/17 819/22 826/20 827/9 870/25 871/1 871/1 872/19 879/15 879/23 888/5 888/8 888/10 888/13 907/7 907/11 908/8

years [23] 812/18 816/21 816/22 816/24 817/11 817/18 818/19 819/18 819/20 820/8 820/9 826/21 827/4 856/24 856/25 872/20 872/22 887/10 897/6 907/21 907/25 908/2 908/7

yell [1] 887/4

yes [123] 813/8 814/20 815/8 815/15 816/11 817/13 818/10 818/15 818/20 819/2 819/14 819/18 820/21 821/1 826/17 826/21 826/22 833/3 833/4 833/13 833/17 833/22 834/5

Y

yes... [100] 840/25 842/7 843/23 848/11
854/12 857/24 860/8 860/21 861/23 862/10
862/15 862/20 863/2 863/6 863/9 863/12
864/3 864/8 866/1 866/7 867/23 870/7
872/22 873/16 875/22 876/6 876/9 876/21
877/18 879/11 880/22 882/22 886/9 886/18
887/3 889/20 889/22 889/24 890/9 890/16
891/1 891/7 892/16 893/21 894/11 897/4
898/13 898/18 898/24 899/7 902/7 902/14
902/19 903/6 906/12 907/8 907/14 907/21
908/15 908/19 909/22 910/22 914/1 914/12
915/10 915/15 916/4 917/1 917/3 917/21
917/25 918/8 918/9 918/10 919/16 920/20
921/10 922/3 922/10 922/14 925/13 926/18
927/11 927/22 929/11 929/19 930/3 934/5
939/3 941/4 941/5 942/19 943/20 945/5
948/11 948/24 948/25 949/4 952/8 954/19

yesterday [4] 812/8 812/14 866/20 950/24
YORK [14] 811/1 811/10 815/5 815/5 815/14
815/20 815/22 817/23 818/4 818/7 818/12
818/24 819/2 912/16

you [728]

you're [22] 842/3 857/12 861/21 862/25
863/4 872/2 882/12 884/21 896/22 900/6
902/8 902/9 907/10 907/12 907/24 911/13
912/1 912/2 926/17 931/15 951/22 953/24
your [122] 812/3 814/13 814/24 815/2 815/6
815/7 815/16 817/8 817/14 818/22 819/6
819/6 820/11 820/19 820/21 826/3 826/7
826/11 827/12 827/18 832/2 834/6 844/5
844/8 846/16 848/3 848/10 857/12 859/22
860/9 862/2 862/7 862/8 862/12 862/16
862/23 863/11 863/19 863/25 864/7 866/24
867/4 868/16 870/11 870/14 870/17 872/24
873/3 874/17 875/3 875/7 875/12 875/24
876/2 876/2 876/15 876/24 877/4 880/6
880/9 880/25 881/2 881/23 882/3 885/1
885/6 885/13 885/20 885/23 889/1 889/12
889/15 890/22 891/3 892/1 892/17 892/17
893/1 893/19 893/23 895/11 895/11 896/12
898/13 899/3 899/10 899/23 902/7 902/11
903/15 904/20 906/5 909/1 909/8 910/10
910/22 914/5 917/23 923/18 927/16 929/11
929/25 930/2 938/16 938/24 939/20 940/6
940/13 943/19 943/21 944/15 947/1 948/6
948/19 948/20 951/1 951/19 952/22 953/13
953/17 953/25 954/9

yourself [1] 901/4

\

\has\last [1] 942/2