

1 look at the following page, the same day, it's not even a  
2 different day, same day I wrote with my own handwriting  
3 (unintelligible). It is not on a different date either. This  
4 was the orders taken by the nurse. I, even if I said it, I mean  
5 I don't remember that, but the same day actually I changed it  
6 because I had a conversation with Alexander at that time. And it  
7 was changed to full code. So he was not DNR at the time of  
8 admission.

9 Q Actually full code by March 10th when you came to the  
10 hospital, but you did give a telephone order in there that Mr.  
11 Neustadter is DNR?

12 A I never had a conflict. There was never a conflict.  
13 Why should I change the opinion actually on the next, on the same  
14 day? I mean it was a matter of conversation. Unfortunately, if  
15 I remember correctly, I did not have a conversation of a DNR, no  
16 (unintelligible), in the office when we were transporting Mr.  
17 Israel Neustadter to Holy Cross Hospital. And actually my  
18 conversation with Alex was when I went back to emergency room at  
19 Holy Cross Hospital. We discussed about it and I changed the  
20 status then back to full correction, actually. I did not keep  
21 the patient DNR.

22 Q Based upon Mr. Neustadter's condition upon admission,  
23 had you expected him to make a full recovery?

24 A It's too early for me to say. At 91 years old having  
25 pneumonia. You see the positive signs also, people who recover

1 A Rephrase the question again.

2 Q Let me direct you to the second page.

3 A Yes.

4 Q Look at the directions that go with the form itself.

5 A Sure.

6 Q And look at the very last section under 3(c). Feel  
7 free to read the whole form.

8 A "Please see the DNR order must be reconsidered when the  
9 patient is transferred to or from the critical care unit  
10 (unintelligible) attending physician."

11 Q Okay.

12 A Yes.

13 Q Now if he was transferred out of the critical care  
14 unit, correct?

15 A Right.

16 Q Was this form reconsidered at that time?

17 A When he got transferred out of the critical care to  
18 IMCU unit, I did not make him DNR. He went out with a full code  
19 order.

20 Q So --

21 A I did not re-write a full code either.

22 Q So as (unintelligible) he got transferred out, which  
23 was March 17th was it?

24 A No, March 17th he was extubated. On 21st or 22nd of  
25 March he was transferred out of the ICU.

1 A We never had that discussion.

2 Q You never discussed it with Mr. Neustadter?

3 A These, yeah, with Mr. Neustadter.

4 Q All right. Your next contact with this patient was

5 your note, I'm sorry, let me just get myself organized here.

6 Before I go onto that, I'll come to the 26th. At the time that

7 you were caring for Israel Neustadter, he was a full code

8 patient?

9 A Yes, that was my understanding.

10 Q You never thought, or never knew of any DNR order, do

11 not resuscitate order that applied to him?

12 A No.

13 Q Let me go back to this note, I didn't ask you one

14 question about it. This note by the resident makes a reference

15 to a phone call with you, you see right in here, it says

16 contacted Dr. Shamim, and discussed, is that possibility of

17 intubation, is that what that is a reference to?

18 A That's what the note says.

19 Q And do you have any recollection of that phone call

20 from the resident?

21 A I don't have that recollection.

22 Q Now, we go to your note of March 26th, and that's on

23 page 425 of those records if you wanted to look at it.

24 A Yes.

25 Q And again, it's a little bit larger than the page

1 Q You did not order somebody else to intubate him  
2 either?

3 A I did not.

4 Q At the time Mr. Neustadter was considered full code,  
5 right?

6 A Yes.

7 Q Intubation was something that was available if  
8 appropriate, correct?

9 A I did not feel that he would benefit from it.

10 Q And that was the last time you saw Israel Neustadter,  
11 wasn't it?

12 A Yes.

13 MR. JARASHOW: I have no further questions.

14 THE COURT: Why don't we take a 10 minute recess  
15 before we do cross.

16 I assume that microphone is picking it up, or tech  
17 services would have let us know, so.

18 THE CLERK: All rise. Court stands in recess.

19 (Recess)

20 THE COURT: Be seated please. It's your witness.

21 THE WITNESS: I assume I'm still under oath  
22 (unintelligible).

23 THE COURT: You're still under oath, yes.

24 MS. WARD: May I proceed, Your Honor?

25 THE COURT: Yes.