

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.