

March 25, 2003:

14 Q Was Mr. Israel Neustadter conscious when you
15 examined him on March 25th?

16 A He was much more alert and awake. Conscious, yes.

March 26, 2003:

20 Q In this last section you had a plan for treatment?

21 A On my note it says:

22 "No. 1: Discuss with son. No. 2: start Zosyn plus

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1 Lavoquin. No. 3: Suction Q2 to 3 hours. And

2 No. 4: Call Dr. Kariya, IC consult."

3 Q Now, did you have a discussion with the son at that
4 time?

5 A I explained to him, yes.

6 Q And what did you explain to Mr. Alexander Neustadter
7 at that time?

8 A As I can recall, I told him about his change of
9 status, his increasing respiratory difficulty, and his
10 crackles in his chest, and a possibility of aspiration and
11 pneumonia.

12 Q Did you contact Dr. Kariya or Dr. Weiner at that
13 time?

14 A As I recall, I did call the office, and I did speak
15 with them.

16 Q Do you recall Dr. Weiner actually coming in to the
17 room and being there with you?

18 A Yes.

19 Q And when did he come in?

20 A I cannot specify the exact time, but after my
21 evaluation of the patient and writing some of the orders, and
22 at that point he came to the room.

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1 Q And was Dr. Weiner there when you discussed the
2 status of Mr. Israel Neustadter with the son?

3 A No. Initially when I examined him I just explained
4 to him what the change of condition is. And then when
5 Dr. Weiner came in, he had a conversation with
6 Mr. Neustadter. But at that point I went out of the room to
7 order some more testing.

8 Q Were you there -- I'm sorry, withdraw that.

9 Did you discuss Mr. Israel Neustadter's respiratory
10 status with Dr. Weiner?

11 A I did not discuss directly with him. But earlier,
12 as I mentioned, I had a telephone conversation with his
13 office, and I spoke with Dr. Kariya on the telephone at his
14 office. And Dr. Jay Weiner was talking to Mr. Neustadter's
15 son. And at that point I went out of the room to do some
16 more orders.

17 Q Did you hear Mr. Alexander Neustadter ask Dr. Weiner
18 to intubate his father?

19 A I was not present there.

20 Q Are you aware by any reason, by any other person,
21 that Mr. Neustadter did ask for his father to be intubated?

22 A I do not recall that.

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1 Q Did you have a discussion with Alexander Neustadter
2 about whether his father should be reintubated?

3 A We did not have that discussion.

4 Q Do you recall Dr. Weiner telling Mr. Alexander
5 Neustadter that he was unrealistic in his expectations for
6 his father?

7 A I do not recall that.

8 Q Do you remember Dr. Weiner raising his voice to
9 Mr. Alexander Neustadter?

10 A As I told you earlier, I was stepped out of the room
11 to order some more testing.

12 Q Did you come back in the room after you ordered
13 testing?

14 A I notified Dr. Weiner about that I ordered at that
15 point ABGs, air blood gases.

16 Q And I know you notified him, but did you come back
17 in the room to notify him? Is that -- you came back in?

18 A I just -- he was still in conversation with his son,
19 so I just let him know that I already ordered the ABGs, they
20 would be calling him directly.

21 Q So when you came back in the room, Dr. Weiner was
22 still talking with Mr. Neustadter.

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1 A Yes.

2 Q Did you listen to the conversation at all?

3 A No.

4 Q How long did you stay during the conversation?

5 A I just basically let him know that the ABGs been
6 ordered, and then I stepped out.

7 Q Did you hear that Dr. Weiner was talking about the
8 care of Mr. Israel Neustadter with Mr. Alexander Neustadter?

9 A I believe that was the conversation was the care of
10 Mr. Neustadter.

11 Q Why didn't you stay and listen to the conversation
12 if you were now taking over for Dr. Nawaz?

13 MS. KELLY: Objection.

14 You can answer.

15 THE WITNESS: At that point my role was to make sure
16 that the medication treatment and the medical treatment from
17 the internal medicine point of view is all done, meaning
18 ordering for the blood test, changing antibiotics, ordering
19 the appropriate tests, like ABGs, to see where he stands at
20 that moment of time.

21 BY MR. JARASHOW:

22 Q Did you have any role in overseeing whether

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1 Mr. Israel Neustadter should be reintubated?

2 A Basically I was in the process of assessing
3 Mr. Neustadter. That's why I ordered the ABGs. And the ABGs
4 would have determined whether he needs to be intubated or
5 not.

6 MS. KELLY: His question was what was your role in
7 deciding whether he would be.

8 THE WITNESS: I was -- basically, I already called
9 in the respiratory and pulmonary care specialist. I have my
10 limitations from my internal medicine. So from that point
11 on, it was the pulmonary critical care team which takes up
12 the care.

13 BY MR. JARASHOW:

14 Q Did you make any assessment of whether Mr. Israel
15 Neustadter was in a terminal medical situation at that point
16 in time when you saw him on March 26th?

17 A On 26th I was in the process of determining that,
18 doing all the blood work-up and the x-rays and the tests.

19 Q Did you hear Dr. Weiner say anything about
20 Mr. Israel Neustadter being terminal from the time he entered
21 the hospital?

22 A I have not taken care him from the admission.

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1 MS. KELLY: The question is did you hear him say

2 that.

3 BY MR. JARASHOW:

4 Q No, did you hear. Did you hear him discuss that?

5 A No.

6 Q Did you ever hear Dr. Kariya say anything about
7 Mr. Neustadter being in any kind of terminal status from the
8 time he entered the hospital?

9 A I don't recall any such conversation.

10 Q Now, you ordered -- let me withdraw that.

11 When you said you called Dr. Kariya, did you ask
12 Dr. Kariya to provide any services for Mr. Israel Neustadter?

13 A At that point when I examined Mr. Neustadter he was
14 in acute respiratory distress. I ordered whatever I could,
15 and I notified to point out to let them know that his
16 condition is basically very critical, he's in acute
17 respiratory distress, to notify and to convey my concerns.

18 Q And you ordered also an ICU consult?

19 A Yes.

20 Q And did you get that ICU consult?

21 A The team came in, Dr. Jay Weiner came in to evaluate
22 the patient.

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1 Q Was Dr. Weiner part of the ICU team?

2 A He was part of the pulmonary critical-care team.

3 Q So that was one and the same to you? Talking to
4 Dr. Kariya and the ICU consult? They weren't two separate
5 things?

6 A It's the same thing. It's the same thing. Because
7 their specialty basically overlaps.

8 Q Now, also, Dr. Shamim, on your physician's orders --

9 A Yes.

10 Q -- we dealt with the first one here.

11 You also signed off on the second one didn't you?

12 A Yes.

13 Q Is that your handwriting?

14 A Yes.

15 Q What were you ordering then?

16 A Yes. 3-26-03 I ordered No. 1, CBC plus CMP plus
17 CXR, which is chest x-ray, in a.m.. No. 2: D/C Rocephin.
18 No. 3: Zosyn 3.37 grams IV piggyback Q8 hours. And No. 4:
19 Respiratory treatment with Xopenex Q6 hours. And below this
20 is my signature.

21 Q And what was Xopenex?

22 A Xopenex is a medication like Albuterol, like

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1 Albuterol. X-o-p-e-n-e-x. It's a medicine like Albuterol
2 which helps in opening up the bronchioles, helps with
3 breathing.

4 Q And then you also signed off on the third
5 physician's order on this page, correct?

6 A Yes.

7 Q And what did that say?

8 A On the top is the date, "3-26-03. No. 1: Suction
9 respiratory, Q2 to 3 hours PRN," as-needed.

10 Q Now, you don't have times on these two -- on any of
11 these orders. When did you write or sign off on these two
12 orders?

13 A On the same date, on 3-26, after examining
14 Mr. Neustadter.

15 Q Now, do you have the next page of the physician's
16 orders also?

17 A This one?

18 Q Yes, I think we're looking at the same thing.

19 Were these further orders that you gave on
20 March 26th?

21 A Are we looking at the same orders? Yes, same
22 orders, on 26, yes.

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1 Q Did you write that?

2 A Yes, that's my handwriting.

3 Q Okay. And did you write this order at the same time
4 as you did the other two, right after you saw Mr. Neustadter
5 on March 26?

6 A I cannot be specific, because I was going in and out
7 of the room of Mr. Neustadter too. So during that time.

8 Q And can you read this order to me?

9 A No. 1 was "ABGs." And below that is, "Call results
10 to Dr. Weiner or Dr. Steve Kariya." And in the bracket it
11 says "stat."

12 Q Now, did you get the ABGs and talk to Dr. Weiner or
13 Dr. Kariya about them?

14 A At that point, no. The ABGs were ordered. And
15 that's why I went into the room to notify Dr. Kariya that
16 this test has been ordered --

17 Q Dr. Weiner?

18 A I'm sorry, Dr. Jay Weiner -- and told him that this
19 has been ordered and respiratory would call him directly.

20 Q All right. And just while we're on this page,
21 there's a physician order under that. Was that written
22 March 26th or was that the 27th?

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1 A I believe that was the next day.

2 Q Okay. So you said that you were going in and out of
3 the room on March 26 after you first saw Mr. Neustadter.

4 A Yes.

5 Q For how long did you go in and out of the room on
6 March 26th?

7 A The first time I went in there I evaluated
8 Mr. Neustadter. And that time I came out, I wrote some of my
9 notes and orders. And at that time I gave a call to the
10 pulmonary critical-care doctors, then went back into the
11 room, and at that time I believe Dr. Jay Weiner came back, so
12 I went out of the room. He was having conversation.

13 I went out, and I guess -- I think I might have
14 ordered for the ABGs. The and then I went back and notified
15 him about the ABGs. So the time period in the room could
16 be -- it's only my guess, couple of minutes.

17 Q After that, going in and out and you notified
18 Dr. Weiner about the ABGs, did you come back and see
19 Mr. Neustadter on March 26th?

20 A No. At that point I had handed over the care to the
21 team of pulmonary and critical care, handed over that, and
22 notified them about the critical condition. And at that

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1 point I believe I left the hospital.

2 Q Did you call in to check on Mr. Neustadter's
3 respiratory condition?

4 A At that point I'd already handed over the care to --

5 MS. KELLY: The question is did you call.

6 THE WITNESS: No.

7 BY MR. JARASHOW:

8 Q Did you get any reports from anybody about what was
9 going on with Mr. Neustadter through the rest of March 26th?

10 A No.

11 Q On March 26th, based upon what you saw of
12 Mr. Neustadter's condition, did you finally conclude one way
13 or the other whether he was terminal or not?

14 A On the 26th?

15 Q On the 26th.

16 A His condition was critical, but I did not determine

17 that it was terminal.

18 Q Did you make any assessment or evaluation whether
19 intubation was needed?

20 MS. KELLY: Objection; asked and answered.

21 THE WITNESS: That was the purpose of ordering the
22 ABGs, to look at his status, respiratory status.

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1 BY MR. JARASHOW:

2 Q Right. I know you said that was the purpose, but
3 did you make any evaluation after that?

4 A No.

5 Q You left that to the pulmonologists.

6 A Pulmonary critical-care team, yes.