

1 futile, isn't that right?

2 A Well, I said that in my note on, on day two.

3 Q Right.

4 A Right.

5 Q And so, when you look here at this physical therapy
6 note, and the therapist concludes that his patient's rehab
7 potential is fair, you strongly disagree with that?

8 A I think it's totally unrealistic.

9 Q Now, doctor, I think we can jump over a lot of this,
10 and go to sort of the last days of Mr. Neustadter's care. You
11 saw him on, well, let me ask this first. You don't recall
12 seeing Dr., Mr. Neustadter on March 26th, do you?

13 A If I have note in the chart, I for sure saw him.

14 Q If you will look in the note, look in the progress
15 notes, I think you will find there is no note from you on March
16 26th.

17 A Then, I would have no recollection of seeing him.

18 Q And as far as you know, you weren't even there?

19 MS. WARD: Objection.

20 THE WITNESS: I --

21 THE COURT: Overruled.

22 THE WITNESS: There would be no way for me to
23 remember.

24 BY MR. JARASHOW:

25 Q If you were there and treated, or evaluated Mr.

1 Neustadter, you would have made a note in the progress notes,
2 wouldn't you?

3 A If I, if I treated him and, and made something, made
4 a change in his therapy, actually you know, my, my group is in
5 the hospital everyday, and I do recall feeling so bad for Mr.
6 Neustadter's son that there were times I would actually go in
7 the room and talk to him.

8 He was sort of, you know, up against the wall, sort
9 of, it was just horrible. So, if you walked by the room, and
10 see him like that, you would go in and ask him how he was doing
11 and, and talk to him. I wouldn't, and I did that on, on a
12 couple of occasions.

13 The nurses did that on a couple of occasions. But I
14 wouldn't put that in the chart. I don't bill for that, you
15 know, I'm not putting it in the chart, I didn't make any change
16 during those times.

17 Q But certainly --

18 A So, it's possible that I went in, I'm sure I went in,
19 in different days, but on the 26th, I have no idea.

20 Q And certainly, if you were called there by another
21 doctor to do an examination, because Mr. Neustadter was
22 declining in his status, you would go in and do an examination,
23 wouldn't you?

24 A If something was happening, and I got called in, I
25 would probably go in, but I probably would notate that I would

1 **imagine. If I, and if I --**

2 Q Did you recall --

3 **A -- gave an order, whether it was verbal or written,**

4 **it would be put in the, in the sheet by the nurses --**

5 Q Do you recall --

6 A **-- and there would be record of that.**

7 Q Pardon, I thought you were finished. Do you recall
8 Dr. Shamim calling into your offices, and asking for a
9 pulmonary consult on March 26th, because Mr. Neustadter's
10 condition was getting much worse?

11 MS. WARD: Objection.

12 THE WITNESS: No.

13 THE COURT: Overruled.

14 BY MR. JARASHOW:

15 Q And as far as you know, you didn't go in on March
16 26th to see Mr. Neustadter?

17 A I have, I have no recollection of March 26th.