

APPENDIX B

1. MATERIALS HE REVIEWED

Ask to see file.

This is everything? All you reviewed.

Other materials.

Whole file.

Report.

Prior drafts.

- Submit any drafts to defense for review/editing before finalizing.

Copies of record.

- Writing on them.
- Notes on them.
- Highlights on them.

2. ACCIDENT CAPABLE OF CAUSING INJURIES

MVA can fracture clavicle

Can cause partial tear of rotator cuff.

- Supra spinatus tendon.

MVA can cause injury to disc.

Can cause bulging "annular bulge"

Can press against thecal sac

Those conditions are capable of causing:

- Pain.
- Neurologic deficits.

- Decreased reflexes.
- Decreased sensation.
- Decreased motion.

3. AREAS OF AGREEMENT

My client was involved in a car crash on May 26, 2007

That client sustained a fracture of his clavicle in that crash

Fracture was comminuted?

And displaced?

4. DEGENERATIVE DISC DISEASE

You attribute this to degenerative disc disease?

Many people have degenerative disc disease without symptoms?

Most people in 40s have degenerative discs.

Plaintiff was in his 40s.

From work history?

Worked without interruption from time he was 15 until the accident.

Worked without any time off for injuries.

Without time off for degenerative disc symptoms.

Crash 5/27/07

Had severe complaints consistent with back problem since the crash.

And has not gone back to work on the orders of his treating physicians.

So doctor, looking at his work history you would admit that the crash changed the health of his lower back.

5. ASYMPTOMATIC DEGENERATIVE DISC DISEASE CAN BE AGGRAVATED BY ACCIDENT

You can see degenerative changes on x-ray or MRI and be asymptomatic

And be mildly symptomatic.

One episode of lower back pain and stiffness; two week duration

No treatment

Is mild

No functional impairment

Testify that that was mild or minimal.

Person

- Radiating pain
- Neurologic deficits
- Decreased reflexes
- Decreased sensation
- Decreased motor strength.

That would be an aggravation.

6. NO PRIOR INJURY TO OTHER PARTS

You have reviewed prior medical records you received from the defense attorneys.

You have had a chance to review them all.

You agree with me that there is no indication in there whatsoever that plaintiff had any prior problems with his shoulder; no prior problems with his arm; no prior problems with his neck.

7. ROLE AS DEFENSE DOCTOR

"Restrictive Rules"

Where are they found?

Who told you the rules?

Restricted, not full assessment

No doctor patient relationship exists or is implied.

You are doing job.

Job not to act as doctor for plaintiff.

Not there to render any advice.

Not there to treat.

Not there to get him better.

Sole purpose is to fulfill assignment from the law firm that was paying you.

8. EXAMINATION OF PLAINTIFF

Now in your examination of plaintiff, that process started with an interview regarding his history?

How long was that part of process?

You characterized him as "cooperative."

Plaintiff answered all of the questions you posed to him?

Was it your impression that he told you everything you asked honestly?

Then you left examining room and reviewed films.

Then you did physical examination.

Plaintiff complied with your requests during the examination.

He fully cooperated

Plaintiff's attorney was there – making notes.

Plaintiff testified it took you 14 minutes to do physical exam.

You agree

Plaintiff also testified you made no notes at the time of exam.

You agree

9. GO TO DIRECT

10. BIAS AS DEFENSE DOCTOR

You are no longer seeing patients.

And is it true that you have not treated patients for about ____ years now?

- Do not operate
- Do not order tests
- Do not prescribe medicine

But you do still have an office?

Office exclusively exists so that defense attorneys can schedule examinations, in cases where they are defending individuals, of plaintiffs that are suing their clients

And you conduct examinations of people who are not your patients?

And then you issue a report to someone about your opinions regarding the examinee?

You are paid for doing those examinations.

And if you later come to court to testify about the examination as you are doing today, you get paid for that too?

Done exams for defense attorney before?

How many?

Done exams for her firm?

How many?

Testified for her or her firm?

How many exams do a year or month or week?

All for law firm defending claims against people who are injured?

Most?

Percentage?

How many times testify per year or month?

All for law firms defending claims against people who are injured?

Charge for each and every claim?

How much?

Charge for testimony?

How much?

That income is your sole source of income

Dependent on these law firms who defend against claims by injured people for new referrals.

Depend on these law firms to send you new cases?