

ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

SUZANNE YOUNG, CARI-ANN YOUNG  
and THERESA DI FALCO  
Plaintiffs

- and -

ST. JOSEPH'S HEALTHCARE HAMILTON,  
DAVID RICHARD, JOHNSON SMALL, FREDERICK J. BAXTER,  
NANCY DZAJA, ANNA DUL, NICHOLAS AFAGH, CATHERINE KELL,  
BREANNA CORNELIU, JOSIELYN STACEY, ANNA MARIE WALTERS,  
TINA-JACKSON BEEMER, MARY MENS, DIANE GARDINER,  
JOHN DOE AND JANE DOE  
Defendants

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This is the Examination for Discovery of  
SUZANNE MARIE YOUNG, a Plaintiff herein, taken at the  
offices of Nimigan Mihailovich Reporting, Suite 701,  
One James Street South, Hamilton, Ontario, on the 21st  
day of June, 2016.

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APPEARANCES:

SONJA NUIC	For the Plaintiffs
WILLIAM J. BULLIVANT	For the Defendants St. Joseph's Healthcare Hamilton, Catherine Kell, Breanna Corneliu, Josielyn Stacey, Anna Marie Walters, Tina-Jackson Beemer, Mary Mens and Diane Gardiner
TREVOR COURTIS	For the Defendants Johnson Small, Frederick J. Baxter and Nancy Dzaja
SEAN MURTHA	For the Defendants Anna Dul and Nicholas Afagh

I N D E X

WITNESS: SUZANNE MARIE YOUNG

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This should be regarded as merely a guide and does not necessarily constitute a full and complete list.

I N D E X O F U N D E R A D V I S E M E N T S

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Under advisement to produce Ms. Young's calendar.	7

I N D E X O F R E F U S A L S

<u>DESCRIPTION</u>	<u>PAGE NO.</u>
Refusal to answer any questions relating to any St. Joseph's medical records produced without Ms. Young's authorization.	12
Refusal to answer why the nurse did not record what Ms. Young was complaining about.	61

-- EXAMINATION COMMENCED AT 10:15 A.M.

SUZANNE MARIE YOUNG, Sworn:

EXAMINATION BY MR. COURTIS:

1 Q. Good morning.

A. Good morn, morn, morning.

2 Q. As Sonja mentioned, my name is Trevor  
Curtis, and I'm one of the lawyers for Dr. Small,  
Baxter and Dzaja. Today is my opportunity on behalf of  
the doctors just to ask you some questions relating to  
the claims that you've made against them.

If I ever ask you a question that you  
don't understand, please just ask me to clarify it and  
I will. If at any point you feel you need a break,  
just please let me know and we can take one.

As the court reporter mentioned, she's  
transcribing my questions and your answers, so it's  
important that you wait until you finish my question  
before you begin your answer and only give verbal  
responses rather than head nods or anything of that  
nature.

A. Okay, okay, okay.

3 Q. Great. So can you state your full name  
for the record?

A. Suzanne, Suzanne, Ma, Marie Young.

4 Q. And you have been sworn in today?

A. Yes, yes.

5 Q. And have you attended today with a sworn copy of your Affidavit of Documents?

MS. NUIC: We did have a sworn copy when I met with her. I will provide it. On the break I will have her sign the new one just because I've added some items just yesterday, so I haven't had a chance to speak with her, but she had already signed the original one that was sent to you.

BY MR. COURTIS:

6 Q. Sure. What did you do to prepare for your discovery today other than meet with your lawyer?

A. Noth, noth, nothing.

7 Q. Did you speak to anyone else?

A. My, my, my, my, my, my daughter, daughter and sister.

8 Q. And did you review any documents to prepare for your discovery today?

A. No, no.

9 Q. Did you keep a diary or calendar or a journal of any kind during I guess the relevant times so this is around November 2012 and in the months thereafter?

A. Umm, umm, calendar, calendar for doctors' appointments.

10 Q. Counsel, can I get an undertaking to produce that calendar?

MS. NUIC: What's the relevance? You have all the doctors' appointments and reports corresponding with the doctors' appointments confirming when she attended.

MR. COURTIS: We do, however, they may note other doctors' appointments that are not reflected in the records that have been produced.

U/A MS. NUIC: I'll take that under advisement.

BY MR. COURTIS:

11 Q. Do you have any handwritten notes that you have made of the care that you have received?

A. No.

12 Q. Do you have any correspondence with others that you sent or received about the care that you received other than your lawyer?

A. I, I don't, I don't, I don't understand what you, you mean.

13 Q. Have you corresponded with anyone sent them e-mails or letters other than your lawyer talking about the procedure in November 2012 or the symptoms that you experienced as a result?

A. No.

- 14 Q. What is your date of birth?  
A. October, October, October 11th, 19,  
1964.
- 15 Q. What is your current address?  
A. 34, 34 Athenia Drive.
- 16 Q. How long have you lived at that  
address?  
A. Umm, almost, almost, three, three  
years.
- 17 Q. And who do you live there with?  
A. My, my, my, my daughter, daughter and  
her fiancé.
- 18 Q. What's her fiancé's last name?  
A. Aaron.
- 19 Q. What is Aaron's last name?  
A. Mur, Murphy.
- 20 Q. And you mentioned you have a daughter?  
A. Yes.
- 21 Q. And her name is?  
A. Cari, Cari-Ann.
- 22 Q. And Cari-Ann Young?  
A. Yes.
- 23 Q. And what's her date of birth?  
A. May, May, May, May, May 13th, 19, 1983.
- 24 Q. And have you ever been married?

A. No.

25 Q. Generally, how would you describe your health prior to the surgery on November 26th, 2012?

A. Re, repeat please.

26 Q. Generally, how would you describe your health prior to the procedure on November 26th, 2012?

A. Pret, pret, pret, pretty good with, with the, with the, with the exception of, of, of the operation.

27 Q. And as of that time, you were able to work and carry out your daily activities?

A. Yup, yup, yes.

28 Q. Prior to the procedure, and I'll refer to the total abdominal hysterectomy and bilateral salpingo-oophorectomy that you underwent on November 26th, 2012, as the procedure moving forward to keep things simple. Prior to the procedure, had you ever had issues with headaches or dizziness?

A. No, no.

29 Q. Can I ask you to turn in the brief that I provided to your counsel today to hospital record page 413. So this is behind tab 3, and it's 413 in the top right-hand corner.

So this is an emergency record from St. Joseph's Hospital, and it appears to be dated March

12th, 1992, and if I can refer you to under nursing about halfway down the page, it says there "vomiting since 2130," and the next line at the end "thinks may be reacting to Cafergot for migraines new RX," which is prescription, and it says later on a few lines "headache occipital" and then what I presume is a right side indication, and in the next line, it says, "neuro features this p.m."

Do you recall having migraines in March 12th, 1992, or sometime around that time?

A. I, I, I, I, I don't remember.

30 Q. You don't remember being prescribed anything for migraines around that time?

A. No.

31 Q. And if I can take you to page 381 in the hospital productions, so that's just a few pages --

MS. NUIC: Sorry. Whose productions? These are the hospital's productions?

MR. COURTIS: Yes, from earlier this week which is why they don't have the Bates numbering on them.

MS. NUIC: And how did the hospital get authorization to release my client's medical records without her authorization?

MR. BULLIVANT: I'm not answering

anything. It's not my discovery. I don't -- these were produced as a result of the litigation.

MS. NUIC: Sorry, and they were produced when? Earlier this week?

MR. COURTIS: Yes.

MS. NUIC: I did not receive a copy of them.

MR. BULLIVANT: I'm sure they were sent to everybody.

MS. NUIC: Well, I can assure I did not receive a copy of these.

MR. COURTIS: I have a copy of the letter that was addressed to you as well if that helps.

MS. NUIC: Sorry, earlier this week? Today is Tuesday.

MR. COURTIS: Later last week. I think it was on Thursday or Friday.

MS. NUIC: Was it sent by regular letter mail?

MR. BULLIVANT: I don't know. I don't have the covering letter.

MS. NUIC: Well, if it was, obviously I didn't receive it within this time frame, so I can let you know that I do not have these records, but in any event, I don't know how these records were disclosed

without my client's consent since these are her private records.

MR. BULLIVANT: But she's commenced an action, so obviously her records are part of the process.

MS. NUIC: Well, we can deal with that by way of motion.

MR. BULLIVANT: She's made a claim, and she's made allegations in that claim which involve her condition, so the documents of the hospital are relevant documents.

R/F MS. NUIC: Not without -- these are her private documents, and unless you have consent to disclose them, they're not producible, so I'm going to refuse to answer anything relating to any documents that you have disclosed.

MR. COURTIS: So you're refusing to answer any questions with respect to documents that were produced before this discovery and that are present before to you day?

MS. NUIC: Well, like I said, I can assure you that I have not received them. I would have obviously reviewed them ahead of time. I did not receive them. My view is that my client never authorized the disclosure of these private documents.

Regardless of the fact that St. Joseph's is a defendant in this action, these are her medical records, and no doctor is allowed to disclose records without an authorization from his client, so I don't understand how the hospital can do so.

MR. BULLIVANT: Because it's a hospital record.

MS. NUIC: But it's essentially my client's record, not the hospital record.

MR. COURTIS: So it's your position that in an action, if somebody has been named in a lawsuit, they can only use records that the plaintiff has allowed them to use?

MS. NUIC: Yes.

MR. MURTHA: For the record also, they were sent to your office. There was an e-mail sent on June 17th by e-mail to everyone's office.

MS. NUIC: Again, like I said, I have checked my records, and I don't have them. That's obviously something that I would have reviewed.

MR. MURTHA: I'm happy to show you the e-mail, counsel.

MS. NUIC: Like I said, I don't know. I'll have to check my junk mail because sometimes things go in there, but I can tell you that my regular

inbox I did not get it. I would have obviously reviewed them if I had them.

MR. COURTIS: But I will give you an opportunity to review them, if you would like, but you are refusing to answer any questions on the basis of privacy concerns this morning? Is that your position?

MS. NUIC: Yes.

MR. COURTIS: I presume you don't have any issue with answering questions with respect to documents that you have produced?

MS. NUIC: No.

MR. COURTIS: So if I can take you to page 113 in your client's productions. That would be at tab 1, and it's 113 in the bottom right corner.

MS. NUIC: Tab 1?

MR. COURTIS: Yes.

MS. NUIC: Sorry. The last three numbers are 113?

BY MR. COURTIS:

32 Q. 113.001, yes. I'll ask you, Ms. Young, did you have any issues with headaches in the year prior to your surgery?

A. If, if, if, if, if, if, if, if, if, if I, I did, it wasn't, it wasn't an ongoing.

33 Q. And I'll direct you to the note from

May 11th, 2012, and these are notes produced by your family doctor I believe Dr. Bruno Di Paolo. Is that your family doctor or was it at the time?

A. Yes, yes, yes.

34 Q. So the note that is dated May 11, 2012, it states in the -- under treatment it states "also, the patient is suffering from tension headaches." Do you have any recollection from suffering from tension headaches?

A. Yes, yes. I, I, I just, just, lost, lost, lost my, my job.

35 Q. And would you say those headaches were caused by you losing your job?

A. Yes.

36 Q. And so I guess after May 11th, 2012, did they get better?

A. Yes.

37 Q. They did?

A. Yes.

38 Q. So could you give me an estimate of when they got better if you recall?

A. No, I don't remember.

39 Q. But they would have been better by November 2012?

A. Well, it was, was, was on, on, ongoing

at the, the, the, the, the time that, that, that situation, situation happened.

40 Q. But they were not continuing in November --

A. No.

41 Q. -- when you had the procedure?

A. Before, before, before, before -- I don't, don't understand, understand.

42 Q. Did you have ongoing tension headaches before you had the procedure in November or at that time? Were you experiencing ongoing tension headaches at the time you had the procedure, not after, but before?

A. No.

43 Q. Not before?

A. No.

44 Q. Were you still having episodes of hypoglycemia at the time of the procedure in November 2012?

A. I, I, I, I, I, I, I, I, I, I had, had, had, had, had, had a condition, but, but, but, but it, it didn't, didn't, didn't affect, affect me on a day, daily basis.

45 Q. Did you experience headaches as a result of any episodes of hypoglycemia?

A. No.

46 Q. Did you experience dizziness or nausea  
as a result of hypoglycemia in that year?

A. No.

47 Q. Prior to the procedure, did you ever  
have any troubles with balance?

A. No.

48 Q. Did you ever have troubles stuttering?

A. No.

49 Q. Any troubles with difficulties finding  
your words?

A. No, no, no.

50 Q. Any issues with difficulties with your  
memory or inability to focus?

A. No.

51 Q. Did you have any difficulties prior to  
the procedure with sleeping?

A. No, not, not, not, not -- no.

52 Q. So also on this page 113 in the  
plaintiff's productions on the May 11th, 2012, visit,  
it says on the first line "complaints. Released from  
her job. She is very down. She is having problems  
sleeping at night." Do you recall having problems  
sleeping after losing your job?

A. I, I, I -- yes, yes, yes. I, I, I -- a

lot.

53 Q. So you did have issues sleeping prior to the procedure in November 2012?

A. Right after, after, after, after I lost, my, my, my job, yes.

54 Q. Were these sleep problems ongoing to November?

A. No.

55 Q. If I can ask you to turn to page 34, plaintiff's production No. 34 page 2 of that document, and you'll have to look at it sideways. On the right side about two thirds of the way down, it states "Do you have any problems sleeping?" And you checked yes.

If we go back to the previous page, it says that this preadmission assessment nursing history in the top right corner was done on September 14th, 2012, do you see that date in the top right corner?

A. No, no, no, no, too, too, too small.

56 Q. Do you see on the second page where it says -- where you've checked yes to having problems sleeping?

A. No, too, too, too small.

57 Q. So you were not having problems sleeping at the time of the procedure in November 2012?

A. I, I, I don't, don't remember.

58 Q. Do you recall filling out a form in  
September 2012 of this kind?

A. No.

59 Q. Did you ever participate in --

A. That, that, that, that's, that's not my  
hand, hand, hand, hand -- that that --

MS. NUIC: That's not your handwriting?

THE DEPONENT: No.

BY MR. COURTIS:

60 Q. Just to be clear, that's not your  
handwriting on this document?

A. No.

61 Q. Do you recall in September of 2012  
being asked questions by a nurse who would have  
completed a form like this?

A. No.

62 Q. Have you ever participated or I guess  
did you participate in a sleep study prior to the  
procedure?

A. I, I, I don't, don't remember.

63 Q. Have you participated in any sleep  
studies after the procedure?

A. Yes, yes, yes, yes.

64 Q. Prior to the procedure, had you ever  
experienced any depression or anxiety?

A. Not, not, not, not -- when, when, when I, when I lost, lost, lost my, my, my job or a death, death, death, death in the family, family, but other -- no, no, no.

65 Q. Other than losing your job or the normal grief that comes with a death in the family, you didn't experience depression or anxiety prior to the procedure?

A. No, no.

66 Q. Can I have you turn to production 109 and page 2 of that document and also page 2 of 109. So that's page 9. In the bottom right, it denotes what page that is. So it's 109 and then .0002 at the end?

MS. NUIC: Sorry, 109.0002?

MR. COURTIS: Yes.

MS. NUIC: I'm not familiar with these codings.

BY MR. COURTIS:

67 Q. And this document is also from your family doctor, Dr. Di Paolo, and there's a note from April 29th, 2011, and under complaints it says, "New fabulous job with good benefits, et cetera. Her depression has disappeared." And I presume the job that they were talking about at that time would have been your employment at Manpower?

A. Correct.

68 Q. Did you have depression before you started working at Manpower?

A. When, when, when, when I, I, I lost, lost, lost another, another job, yes.

69 Q. When did that occur that past job loss?

A. 2000, 2000, 2000, 2000, 2008.

70 Q. And you experienced depression after that job loss?

A. Up, up, upset, upset.

71 Q. Had you experienced anxiety after that previous job loss?

A. Up, upset.

72 Q. But you wouldn't put it at the level of depression or anxiety?

A. Not, not, not -- I, I, I, I -- it, it was, it was, it was, it was dev, dev, devastating to me at, at, at that time.

73 Q. Sure. And that upset resolved after you got your good new job at Manpower?

A. Re, re, re, repeat please.

74 Q. That upset, as you describe it, disappeared after you obtained your next job at manpower?

A. Cor, correct.

75 Q. After you were terminated at Manpower  
in 2012, you experienced a similar upset?

A. Yes, yes.

76 Q. Did that depression or upset last until  
the time of the procedure?

A. No.

77 Q. So you had bounced back by that time?

A. Yes.

78 Q. Have you smoked cigarettes regularly at  
any time in your life?

A. Yes, yes, yes.

79 Q. When?

A. Umm, be, be, before, before, before,  
before, before my surgery. I, I, I, I smoke, smoke,  
smoked, smoked and quit numerous, numerous times.

80 Q. When did you start smoking initially?

A. I don't, I don't remember. In my  
teens.

81 Q. And did you smoke consistently from  
then for a number of years?

A. On, on, on, on and off.

82 Q. Was there any time during that period  
after your teen years and into your adulthood where you  
quit smoking entirely?

A. Yes, eight, eight, years, years one

time. Another, another, another time three, three years.

83 Q. And at the time of the procedure in November 2012, how many cigarettes would you estimate you were smoking a day?

A. I, I, I, I, I don't, don't, don't recall, recall, recall how, how many, but a pack, pack, a package, package would last, last me a few days.

84 Q. So at that time you were less than a pack a day smoker?

A. Yes, always, always, always, always have been.

85 Q. Since the procedure, did you continue to smoke after that?

A. No, no, I quit.

86 Q. Are you still smoking today?

A. I re, re, re, restarted, restarted.

87 Q. And how many cigarettes would you estimate you currently have on average in any given day?

A. Still a pack, pack, pack will, will, will last me almost a week.

88 Q. And other than the things that we have already discussed and aside from the ovarian cyst that the procedure was being undertaken to correct, did you

have any other chronic illnesses in 2012 that were giving you any issues?

A. I, I, I, I don't, don't, don't, don't remember.

89 Q. To the best of your recollection today, you don't recall any chronic illnesses that you were experiencing?

A. I remember, remember, remember have, have, have, having a chest, chest infection.

90 Q. And do you?

A. I, I, I aggravated, aggravated my asthma.

91 Q. So if we can turn to document 111 which I think is the next one, and I think this is what you're referring to. This is a visit that's referenced in the notes of Dr. Di Paolo with a Dr. McIvor on January 18th, 2012. He is noted to be a respirologist, and it states that "she had problems with her breathing since the week before Christmas." Do you recall having issues with your breathing during that holiday season?

A. Yes, yes, yes.

92 Q. And you saw Dr. McIvor for that?

A. I don't, don't recall, recall who.

93 Q. Can you describe I guess the symptoms that you were experiencing at that time that led you to

go see him?

A. I was, was, was sick and hard, hard, hard time, time breathing.

94 Q. Was your asthma flaring up?

A. Yes.

95 Q. Was there any particular cause that you knew of, or you were just sick?

A. Infection.

96 Q. And how did that chest infection impact your life at that point? Were you able to continue working at that point?

A. I, I, I was off.

97 Q. How long were you off?

A. I don't, don't, don't recall because, because -- I don't recall.

98 Q. Would you be able to provide a ballpark estimate? A week, two weeks, a few weeks?

A. A few weeks.

99 Q. If you turn to the next page, there's another note on January 27th. It states "Continued to cough and wheeze." And the next one is from March 15th, 2012. It says, "Redeveloped a cough." By March of that year, you would have been back at work?

A. Yes.

100 Q. And I guess when did the or how long

did it take for the chest infection to fully resolve where you felt completely better?

A. I, I, I don't, don't, don't remember, remember.

101 Q. It would have been longer than a month?

A. I don't remember.

102 Q. How long have you been a patient of Dr. Small?

A. Over, over 20, 20 years.

103 Q. Do you recall anything about the early visits that you had with him I guess that would have been in the 1990s? I guess why were you initially referred to him?

A. I, I, I, I don't, don't remember.

104 Q. Do you recall around what time it was that you started to see Dr. Small for issues with ovarian cysts?

A. I, I, I -- no, I had, had a long, long term with having, having, having on, on and off, but I don't recall dates.

105 Q. Were you investigating ovarian cysts with Dr. Small in the 1990s? It was an ongoing thing back that far?

A. It could, could be.

106 Q. Can I take you to plaintiff's

production No. 200? And it's just the first page. It says -- this is an appointment dated September 28th, 2011, with Dr. Small. It says, "I met this 48-year-old single mother of one on the 28th of September, 2011, because of dysfunctional bleeding and ovarian cysts." So as of September 2011, you were seeing Dr. Small for ovarian cysts?

A. I, I, I saw, saw, saw Dr., Dr., Dr. Small over, over 20, 20 years.

107 Q. But by this time in 2011, you were consistently seeing him from then until the procedure in 2012? There was no breaks of I guess a year at a time?

A. I don't, don't, don't understand, understand the question.

108 Q. Let me rephrase. I'm not planning on taking you through each appointment that you had with Dr. Small before the procedure, but broadly speaking in 2011 and 2012, you saw Dr. Small for bleeding and ovarian cysts?

A. Yes, yes.

109 Q. And do you recall undergoing several ultrasounds in 2011 and 2012?

A. I, I don't, don't remember.

110 Q. Do you recall Dr. Small discussing with

you that you had ovarian cysts and that they were enlarging and that was concerning to him?

A. I don't, don't, don't remember, remember. Not, not, not, not, not until, until, until, until before, before, before, before, before the surgery. He said they needed, needed, needed to, to come out.

111 Q. And around what time would that have been if the surgery was November 2012?

A. Oct, October.

112 Q. Do you recall having a diagnostic procedure performed by Dr. Small in October to investigate those concerns?

A. Yes, yes.

113 Q. If I can take you to document plaintiff's production No. 43. This is an appointment with Dr. Small dated October 17th, 2012. Do you recall Dr. Small ever discussing with you, following the diagnostic procedure, that your ovaries were unusual looking and that was concerning to him?

A. Yes, yes, yes.

114 Q. Do you recall him discussing that they did washings during the procedure and that those washings showed some atypical cells that was concerning to him?

A. I, I, I don't, don't, don't, don't remember, remember word, word for word.

115 Q. But overall you recall after the diagnostic procedure that Dr. Small was concerned about the situation?

A. Yes.

116 Q. And in light of the explanation that he provided, what do you recall him recommending at that time that you do?

A. Every, every, every, everything, everything coming out.

117 Q. And everything would include the ovaries?

A. Yes, yes.

118 Q. And the uterus and the tubing?

A. Yes.

119 Q. Do you recall Dr. Small discussing the risks of the surgery with you?

A. No.

120 Q. In light of what Dr. Small told you, do you recall specifically requesting a hysterectomy?

A. Request -- pardon, pardon?

121 Q. Do you ever recall requesting from Dr. Small I guess during this appointment on October 17th, 2012, requesting a hysterectomy in light of what he had

told you saying, Dr. Small, I would like a hysterectomy in light of what you've told me?

A. I, I, I don't, don't, don't recall asking, but it was, was, was discussed.

122 Q. And did you leave that appointment having any ongoing questions about the procedure, or were you content that Dr. Small had gone through the procedure with you and you felt that it was something you wanted to undergo?

A. I, I, I, I, I was, was, was worried of course.

123 Q. What sorts of things were you worried about?

A. The whole, whole, whole ordeal.

124 Q. So prior to the procedure, you were worried about -- could you describe what you mean by ordeal?

A. The, the surgery.

125 Q. So just concerned about being put under and having the surgery?

A. No, no, no, no about what, what his, his, his, find, find, findings were.

126 Q. So you were concerned about the ovarian cyst that he had found?

A. Well, I don't know, know, know, what,

what he found. It was just, just what alarmed,  
alarmed, alarmed him alarmed me.

127 Q. Sure. So you were concerned about your  
condition? Were you anxious about the procedure  
itself?

A. I, I, I, I don't, don't know what you  
mean.

128 Q. Before the procedure, were you worried  
about the procedure itself?

A. Of course.

129 Q. And what sorts of things would you be  
worried about? Just complications that may arise?

A. No, no, no. Umm, umm, umm, umm that,  
that, that, that he said, said, said that, that, that  
they were peculiar, and he, he, he was worried,  
worried, so I was, was, was afraid, afraid of, of what  
he, he was, was going to find.

130 Q. So you attended at St. Joseph's on  
November 26, 2012, for the procedure?

A. Yes, yes.

131 Q. Who was with you?

A. My, my, my, my, my, my, my daughter,  
daughter, my, my, my sister, and my, my brother,  
brother-in-law.

132 Q. And the sister you're referring to is

Theresa Di Falco?

A. Cor, correct.

133 Q. And the brother-in-law what is his  
name?

A. Cal, Cal Di Falco.

134 Q. And that's C-A-L?

A. Yes, yes.

135 Q. Did you have a bump or lump on your  
head at the time you attended at the hospital?

A. No.

136 Q. Did you hit or injure your head in the  
few days leading up to the surgery?

A. No.

137 Q. Are you positive?

A. Absolutely.

138 Q. Starting from the moment you arrived at  
the hospital, where did you go? Did you go straight to  
the operating department?

A. Wait, wait, waiting, waiting room, and,  
and, and, and then umm, umm I don't, don't know what,  
what, what it's called. You, you change, and, and,  
and, and you're, you're in a, a, a bed.

139 Q. So we're going to break that down a bit  
more. So you went to a desk obviously and checked in?

A. Uh-huh. Yes.

140 Q. And did your sister or daughter sort of  
assist you with checking in or --

A. No.

141 Q. Or were you able to take care of?

A. No, I was, I was, I was fine, fine,  
fine after that.

142 Q. After you had checked in, did you wait  
in a waiting room just next to that check in point, or  
did they take you somewhere else?

A. Wait, wait, wait, wait, wait, waited  
there to, to -- for, for, for your name to be called.

143 Q. And your sister, daughter and  
brother-in-law were with you during that time?

A. Yes.

144 Q. And after that point, your name was  
called?

A. Yes.

145 Q. Was it called over an overhead, or did  
a nurse come?

A. I don't, don't, don't remember.

146 Q. Do you remember what time you arrived  
at the hospital around that morning?

A. In, in, in the, the morn, morning.

147 Q. Do you have an approximate time? Would  
it have been around 7, 8?

A. After, after -- around, around, around, around maybe 9.

148 Q. And after you were called, where did you go after that point?

A. As, as I was -- we were -- like -- I, I, I, I don't, don't, know, know what, what you call, call, call it, but there's curtains with bed, bed, bed, bed, beds in them, and you change, change, change, change and get, get, into, into, into the bed.

149 Q. So you went straight from the waiting room to a room with a bed, and there was gowns for you to change into?

A. Yeah, yes.

150 Q. And did your family go with you to that room?

A. Yes, yes.

151 Q. And so you got changed?

A. Yes.

152 Q. And you laid in the bed that was there?

A. Yes.

153 Q. How long were you waiting there?

A. I have no idea. It's what, what seem, seem, seemed like, like awhile.

154 Q. And while you were laying in the bed, did any doctors come speak with you?

A. I don't, don't, don't remem -- I remember the nurse.

155 Q. You remember a nurse came into speak with you?

A. Yes.

156 Q. Do you recall what she talked about with you?

A. No.

157 Q. So you didn't see or you don't have any recollection of seeing Dr. Small before the surgery?

A. No.

158 Q. Do you have any recollection of seeing Dr. Baxter prior to going to the operating room?

A. I, I, I, don't, don't remember. I don't, don't, don't, know, know who Dr., Dr., Dr. Baxter is.

159 Q. Did your family stay with you that entire time while you were in that room?

A. Yes.

160 Q. I guess what happened next? Did someone come and get you?

A. Umm, umm, umm, not, not, not -- we, we, we -- my, my, my, my sister, sister braided, braided my hair and helped me get, get, get, get the cap on, and, and we, we were, umm, umm, joke, joking around with,

with the gloves, gloves blowing them up and, and taking pictures trying to make light, light of what happened and help, helping me with, with, with notes, notes, notes for Dr. Small. I put Post-Its on my body.

161 Q. Did that help ease any anxiety?

A. Yes, I was scared about being, being afraid.

162 Q. And at some point, did somebody come and get you?

A. Yes, yes.

163 Q. And did they wheel the bed itself --

A. Yes.

164 Q. -- out of the room?

A. Yes.

165 Q. And at that point, did your family leave to go wait in the waiting room?

A. They, they walk, walk, walked, walked, walked a short, short, short distance to see, see, see me off.

166 Q. But they wouldn't have actually gone into the operating room?

A. No, no.

167 Q. So do you recall who took you to the operating room? Was it a nurse or a porter?

A. Porter.

168 Q. And it was just one person?

A. Yes, that I, I think I recall.

169 Q. Do you recall how far it was from the room you were in with the bed to the actual operating room?

A. No, no, no. It wasn't, wasn't, wasn't far.

170 Q. And after you got into the operating room, what do you remember about the setup of the room, if anything?

A. Umm, I, I, I, I, I -- lots, lots, lots of people in there and Dr., Dr. Small, Small came in.

171 Q. Did he come over and talk to you at that point?

A. Yes.

172 Q. Do you have any recollection of what he discussed with you at that point?

A. Yes.

173 Q. What did he talk to you about?

A. We were, were discussing that, that he, he, he was taking, taking pictures, pictures of, of, of, of, of me and, and what, what he found.

174 Q. Did you ask him to take pictures?

A. We, we, we, we mut, mutually agreed. I, I, I wanted to see what he found, found.

MS. NUIC: Actually, counsel, she provided me today with pictures he gave her.

MR. COURTIS: Are these referred to the Affidavit of Documents?

MS. NUIC: No. As I said, she just gave them to me this morning, so I'll just write them and have her sign it.

BY MR. COURTIS:

175 Q. Thank you.

A. And he also, also, also took pic, pic, pictures on his phone.

176 Q. When you say took pictures on his phone, during the procedure?

A. I don't know during, during, but before, before, before he, he took, took, took a picture of me.

177 Q. And this was before the procedure?

A. Yes.

178 Q. Or during?

A. Yes, before.

179 Q. What did he I guess take a picture of? Your torso?

A. I guess my, my face. He was joke, joke, joking, joking around with, with the phone.

180 Q. And did he say why he was taking the

picture other than he was just joking around?

A. No. We had, had, had a very, very, very good relation, relationship.

181 Q. How did you I guess get from the bed that you were wheeled in on to the operating table?

A. They lifted me over.

182 Q. And how many people do you recall lifting you?

A. I don't, don't, don't recall, recall how, how, how many, many.

183 Q. More than two?

A. Yes.

184 Q. And who was doing the lifting? Was it the nurses and porter?

A. I'm, I'm, I'm -- I really, really, really don't know. Everybody, everybody was dressed in the same thing. I don't know who they were.

185 Q. Was Dr. Small one of the ones that lifted you?

A. No. He came, came, came after, after, after I was, I was moved over.

186 Q. And at this point after you are moved over to the operating table, you don't have a bump on your head or any lump?

A. No.

187 Q. Do you recall hitting your head at any point until you're on the operating table?

A. No.

188 Q. Once you're on the operating table, do you recall an anesthesiologist coming over and explaining the drugs that he was going to give you to go to sleep?

A. I, I, I remember, remember, remember someone, someone, someone talking to me, but I, I, I don't, don't remember, remember word, word for word.

189 Q. Was it just one doctor or multiple people that talked to you?

A. There were multiple people, people in the room.

190 Q. So after you're on the OR table, do you recall straps being put on your body?

A. No, I don't remember.

191 Q. Do you recall your head being on a pillow?

A. Don't, don't, don't remember.

192 Q. At the time you were laying there still conscious, was the table flat or tilted?

A. I, I, I think, think, think, think it was flat.

193 Q. And you mentioned at that time that

your hair was braided and under a cap?

A. Yes, yes.

194 Q. Do you recall how it was braided? Was it braided just behind your head?

A. No, no, no, I had, had two, one, one, one, one, one on each side, side.

195 Q. Would both I guess pigtails in the traditional sense?

A. Braids, braids.

196 Q. And were both those braids under the surgical cap?

A. Yes, yes.

197 Q. When you laid down, do you recall I guess being uncomfortable at all that you were having to lay on them?

A. No, no, no, because, because, because, because the hair was pulled, pulled to the sides. Nothing was behind, behind the head.

198 Q. So the two braids were not -- you weren't resting your head on the two braids at all?

A. No, no.

199 Q. Do you recall I guess anything else we haven't discussed before they started administering the anesthesia for you to go to sleep?

A. I'm, I'm not, not under, understanding.

200 Q. Do you recall anything else of note  
that happened in the procedure before they started the  
anesthesia and put you to sleep?

A. No.

201 Q. Now, is probably a good time for a  
break if you would like.

A. Please, please.

-- BRIEF RECESS.

BY MR. COURTIS:

202 Q. During the break, we have been handed a  
sworn Affidavit of Documents of Suzanne Young. On the  
second page, there's a signature, and I take it that's  
your signature?

A. Yes.

203 Q. And you have conducted a search of your  
records and have disclosed the documents that are in  
your possession that are relevant to the issues in this  
litigation?

A. I don't know, know, know what, what you  
said, said. I'm sorry.

204 Q. So you've conducted a search of your  
records and have disclosed or listed in here all of the  
documents that are relevant to this lawsuit to the best  
of your knowledge?

A. Yes, yes -- I, I -- yes.

205 Q. If you become aware of any additional documents that are relevant to this lawsuit, will you let your lawyer know?

A. Of, of, of course.

206 Q. Going back to the procedure on November 26, 2012, you were under general anesthesia during the surgery? You were asleep?

A. I was out, out. I, I was -- yes.

207 Q. Did you wake up at any point during the surgery?

A. Not, not that, that, that I recall.

208 Q. Did you have any incidents of being aware of what was going on around you during the procedure?

A. No.

209 Q. Have you ever had any episodes of being awake and aware during a procedure in the past?

A. I don't, don't, don't understand what you mean.

210 Q. Have you ever been part of a surgery where you were put under and during the surgery you either woke up or sort of became aware of what was around you?

A. Not to, to, to -- no.

211 Q. And when did you first awaken or come

to? Was it after the surgery?

A. I, I, I, I re, re, remember, remember, remember, remember move, move, moving and light, lights were, were flashing, flashing by me, and came, came to a stop my, my, my head hurt so, so, so much.

212 Q. At the time that you first came to after the surgery, one of the first things you remember is your head hurting at that point?

A. Yes, yes.

213 Q. And at that point, you felt you were moving and there were lights flashing?

A. There was lights, lights, lights flashing, flashing as I was, was being, being moved.

214 Q. And at that time you felt your head hurt?

A. Yes.

215 Q. And did you ever wake up in the operating room? It would have been when you were being moved at some point after that to the best of your recollection.

A. No.

216 Q. After the moving and the lights flashing, what's the next thing you remember after that?

A. My, my head, head, head hurt, hurt,

hurt, hurting, and my, my, my, my hair, hair, hair was all over the place and wet. I thought, thought that my head, head was bleeding. I, I, I was, was out.

217 Q. Do you recall I guess waking up in the recovery room?

A. Vague, vague, vague, vaguely.

218 Q. And so the episode of you realizing that you were moving and the lights flashing that was before waking up and realizing okay, I'm in the recovery room?

A. No, no. I guess, guess, guess I was going, going to a room.

219 Q. So when you woke up and realized I'm in the recovery room now, that was after you had had the episode of waking up and seeing the lights flashing?

A. No.

MS. NUIC: No. She's saying that her first full reflection of moving and lights flashing was when she's being taken to a room.

BY MR. COURTIS:

220 Q. And so subsequently you woke up and realized hey, I'm in the recovery room or I'm in a room now?

A. You're con, con, confusing, confusing me. I didn't, didn't say, say that.

221 Q. So eventually you woke up and you realized I'm in a room now?

A. No, no, no, I didn't, didn't, didn't say that.

222 Q. So the next thing you remember after the lights flashing and you moving what was the next thing you remember?

A. Pain, pain.

223 Q. What's the next thing you remember about your surroundings?

A. I was, was being, being brought, brought, brought, brought into, into a hospital, hospital, hospital room.

224 Q. So you remember being brought into a hospital room?

A. Yes.

225 Q. And I guess what do you remember next after being taken into the hospital room?

A. The pain, pain, pain in my head, head hurt, hurt so bad.

226 Q. On a scale of one to 10, how would you describe it?

A. 11.

227 Q. At that point, did you have any dizziness?

A. I don't remember, remember anything, anything but, but the pain, and my head, head, head being, being wet and my hair, hair all, all over the place.

228 Q. And I guess at that point, would you have been fully awake and alert, or are you still sort of woozy from the anesthetic?

A. I'm, I'm, I'm aware of my, my surroundings.

229 Q. But the only thing you remember at that point is the pain and your hair being wet and askew?

A. Yes. I thought my head, head, head was bleeding, bleeding.

230 Q. And at that point, did you feel and notice a bump on your head?

A. I didn't feel, feel, feel, feel, feel, feel, umm, umm -- the pain, pain, pain was, was so, so, so bad, bad I couldn't touch, touch my head.

231 Q. And was it I guess radiating from a specific part of your head?

A. Yes, yes, right, right at the back here.

232 Q. Right on the crown?

A. Right, right on the back here.

233 Q. So while you're in that same room that

you first remember being in, do you recall being or anyone coming and talking to you while you were first there?

A. A nurse and my, my fam, fam, family, family came.

234 Q. Your family joined you in that first room that you remember waking up in?

A. They, they came after, after, after I was, was, was there.

235 Q. But in the first room you remember waking up in, your family came to that room?

A. No, I didn't wake, wake up in a room. I woke, woke up, up, up coming, coming down the hallway.

236 Q. Sure, but eventually you realized I'm in a hospital room?

A. I remember, remember, remember into the hosp, hosp, hospital room.

237 Q. And did you wake up at any point and realize I'm in a hospital room? Now, it may have been sometime later, but you woke up eventually and said oh, I'm in a hospital room now?

MS. NUIC: No, her answer was that when she woke up in a hallway and then she remembers being taken into a room.

BY MR. COURTIS:

238 Q. Okay. So at some point after that point, you woke up presumably and realized you were in a hospital room?

A. I, I woke, woke up going, going, going down a hallway and seeing lights.

239 Q. But eventually you were in a recovery room. Do you recall eventually being in a recovery room or a hospital room of any sort?

A. I remember, remember, remember, remember going, going down a hall, hallway see, seeing lights.

MS. NUIC: What he's asking is after the recollection of being in a hallway seeing lights --

THE DEPONENT: I was taken into, into a room.

MS. NUIC: So he's asking is that room a recovery room or is it a ward room?

THE DEPONENT: Oh, oh, pard, pard, pardon. I didn't understand. A ward, ward, ward room.

BY MR. COURTIS:

240 Q. So the first room you remember being in was a ward room?

A. Yes.

241 Q. And so once you're in that room, a

nurse came and spoke with you?

A. Yes, yes.

242 Q. Do you recall what the nurse said?

A. She, she, she, she was just, just getting, getting -- I, I -- she, she, she -- I don't know what she said. I was in too, too, too much pain. She would, would take my vitals, and I don't know, know what she said.

243 Q. And did you tell her about the significant head pain you were experiencing?

A. I was screaming, screaming. I was, was my head, my head hurt.

244 Q. So the nurse would have been aware that -- like, did you specifically say the pain is in my head?

A. Yes.

245 Q. And prior to getting to the ward room, do you recall hitting your head on anything?

A. No.

246 Q. But the pain had started by that point?

A. Yes.

247 Q. And while you were in that ward room, do you recall being given a controller for administration of medication specifically Dilaudid or being given a control of any kind?

A. No, I don't recall.

248 Q. After you were in the ward room, were you moved again on that first day the same day of your surgery to a different hospital room?

A. I'm, I'm, I'm, I'm confused.

249 Q. So you recall being in a ward room?

A. When?

250 Q. The first room you said you remember being in was a ward room?

A. I, I, I -- after, after -- when, when, when I woke up?

251 Q. Yes. So the room that you first remember being in did they take you to another room --

A. No.

252 Q. -- on the same day?

A. No.

253 Q. You only remember being in one hospital room after the surgery on that day?

A. Yes.

254 Q. And I guess how long after you arrived did your family arrive in the room? Do you have any idea?

A. No.

255 Q. But at some point, they joined you in that room?

A. Yes.

256 Q. Do you recall having any discussion with anyone about your oxygen saturation levels?

A. No.

257 Q. Did anyone ever mention that they were admitting you to a special bed to monitor your oxygen?

A. No. I was, I was, I was in too, too much, much pain in my head.

258 Q. So you don't recall anyone having that discussion with you, or you were just in too much pain even if somebody talked to you?

A. I was in too much pain.

259 Q. Did you feel like it was a long time before your family actually joined you in that room?

A. I have no, no recollection, recollection.

260 Q. And were you ever on that same day of the procedure transferred from the bed that you recall waking up in to another bed, or were you in the same bed the entire time?

A. I don't, don't know.

261 Q. But you don't recall being transferred from one bed to another?

A. No.

262 Q. So at the time you were first placed in

this ward room, were you completely sort of awake and alert that at that point or were you still woozy for sometime afterwards?

A. I, I, I was awake and aware, aware of my, my, my surroundings.

263 Q. And was anyone else -- so after your family came and visited you, who all came?

A. They, they stay, stay, stay, stayed with me.

264 Q. Who was there?

A. My, my sister, my daughter, brother, brother-in-law.

265 Q. And after they entered the room, do you remember what you said to them?

A. My head hurt, and I was, was nonstop screaming, screaming, screaming my head, and the nurse said, said I was, was hallucinating, and I remember throwing, throwing a pillow I was so, so upset. My head hurt so, so bad.

266 Q. After you had had this interaction with the nurse where you were screaming in pain, did a nurse go and get a doctor?

A. No.

267 Q. Did your family have any discussions with the nurse, hey, my sister is screaming here,

where's --

A. Yes. I don't recall, recall word, word, word for word what was said. I was in too, too much pain.

268 Q. But you recall your family asking what the heck, where is some help?

A. Well, I, I asked, asked, asked my sister, sister to check my, my head because I thought, thought it was bleeding.

269 Q. And what did your sister tell you about what she found?

A. It was wet, wet, and, and my hair, hair was all over, over, all over the place, and, and, and, umm, and she, she was, she was, she was asking, asking, asking the nurse, nurse what happened.

270 Q. And did she tell you that you were bleeding?

A. Who?

271 Q. Your sister.

A. No, no.

272 Q. Did she tell you that you had lost hair on the back of your head?

A. No, no, no, no, that didn't happen, happen, happen, happen for, for, for a couple, couple of, couple of weeks.

273 Q. So the hair loss did not happen until a couple of weeks later?

A. Yes, yes.

274 Q. Were you given anything specifically for -- do you recall them giving you any medication specifically for the pain in your head?

A. I, I, I re, re, remember, remember taking, taking medication, but I'm not, not, not sure, sure what it was for.

275 Q. And did that help at all?

A. It, it, it, it did, yes.

276 Q. It helped dull the pain?

A. Dull, dull, dull, but never, never, never, never went away.

277 Q. So over the course of that evening on the day of the procedure, how did the pain change? Did it get worse? Did it get better? Did it stay the same?

A. It was horrible, horrible pain, and it was, was continuous.

278 Q. So at the time you went to sleep that night, you would have still characterized it as an 11 out of 10?

A. I don't recall, recall, recall sleeping. I was very, very, very un, un,

uncomfortable, uncomfortable.

279 Q. So you recall having difficulty  
sleeping that night?

A. Yes, very much.

280 Q. And that was because of the head pain?

A. Yes.

281 Q. And when did your or did your visitors  
leave that night, or did they stay with you?

A. They stay, stay, stay, stayed with me  
for, for a while.

282 Q. But at some point, they did go home?

A. Yes, yes, yes, yes, but my, my sister,  
sister, sister came. My daughter, daughter, daughter  
stayed, stayed with me a, a long time, time, time, and  
my sister left, and then, then she, she came, came,  
came, came, came back in the early, early morning.

283 Q. So how did you feel the next morning?

A. Hor, hor, horrible.

284 Q. Would your pain have increased,  
decreased or stayed the same?

A. It was constant, constantly there,  
there. It never, never stopped.

285 Q. So if you could describe the pain, how  
would you describe it? Was it a stabbing pain? Was it  
a radiating pain? How would you just generally

describe it?

A. That, that -- I, I, I, I, I don't know how, how, how to describe it. It was so, so, so to intense.

286 Q. And it was constant? It wasn't a sort of stabbing in and out of pain?

A. No, no, no, it was continuous, continuously there.

287 Q. So as of the morning after the procedure, at that point, did you have blurred vision?

A. I, I did, yes.

288 Q. Did you have dizziness at that point?

A. Yes.

289 Q. And I guess at that point had you gone and felt and located the bump on your head?

A. Yeah, yeah, I could, could, could feel a bump.

290 Q. And at that point, how big would you have said the bump was?

A. It felt, felt -- like my head, whole head it felt huge to me.

291 Q. And it was tender to the touch?

A. Extreme, extremely tender.

292 Q. And at that point, did you notice any brain deficiencies at that point? Did you notice that

you were stuttering at that point?

A. I knew, knew something, something, something wasn't, wasn't, wasn't right.

293 Q. But you don't recall stuttering at that point?

A. I didn't say that. I said it felt -- I didn't feel like, like I was in my body. I didn't feel, feel, feel right at all.

294 Q. Did you have difficulty sort of thinking and recalling things at that point?

A. I had, had, had prob, prob -- yes.

295 Q. So you did have difficulty with memory I guess at that point?

A. In, in, in time, yes. You're saying when I first woke up?

296 Q. Yes.

A. I don't know because, because like it uncovered as, as, as, as, as morning, morning wore on.

297 Q. So as of the first thing that morning, you don't have any sort of specific recollection at that point of memory difficulties or stuttering?

A. I didn't, didn't say that.

298 Q. Do you have any recollection when you first woke up that morning?

A. Yes, it was all there, but, but, but it

came, came, came -- things, things uncovered as time, time, time went on in the morning.

299 Q. So it was later in the morning when you first noticed that?

A. No, I, I didn't say that. I said as time went in the morning, things uncovered, so I'm not saying -- at certain times, times things happened. It came, came when I was being spoken to, and I would reply. I didn't, didn't, didn't know, know about this stutter until I talked, talked.

300 Q. So on the day after the procedure in the morning, do you recall speaking with any doctors that morning?

A. Yes, yes, yes, Dr., Dr., Dr., Dr., Dr., Dr., Dr. Small came, came and saw me and gave, gave, gave me those pictures.

301 Q. Do you recall talking to like a medical resident that morning?

A. Yes. There was someone, someone, someone, someone else there too.

302 Q. At the same time as Dr. Small?

A. No.

303 Q. So you were seen by a medical resident. Do you recall whether you were still screaming in agony at that point?

A. I was complain, complain, complaining my head hurt.

304 Q. But at that point, you had been given enough pain meds to bring it down from an 11 over 10? It didn't go away, but it wasn't sort of as severe as the day prior?

A. To me, me, me it's never, never, never gone away until this day. It hurts, hurts all the, the time. I can't put, put, put a rating on it.

305 Q. So you do recall complaining to the medical resident that came the next morning?

A. Yes.

306 Q. Do you recall mentioning it to Dr. Small?

A. Yes.

307 Q. Do you recall mentioning it to your nursing staff that morning?

A. Yes. All, all continuously, continuously I, I, I, I told them my head hurt.

308 Q. If I can ask you to turn to page 65 or production No. 65, and that's the first page 0001, and this is the nursing notes from after the procedure. It appears there is one dated November 27th at 1745, and so this would have been the evening, the day after the procedure, and about three quarters of the way down it

says, "zero cause for concern." And at the top it notes VS stable, afebrile, patient very anxious." By this time --

MS. NUIC: It also notes that she's complaining.

BY MR. COURTIS:

309 Q. Sure, and it says, "plus, plus complaining but not specified what about." So by that point, you were still experiencing this severe head pain?

A. Yes.

310 Q. Do you have any explanation why the nurse would not have recorded that?

R/F MS. NUIC: No, don't answer that. That's the choice of what the nurse wants to note. She can't tell you why the nurse didn't put what she was complaining of. You can ask the nurse that question.

BY MR. COURTIS:

311 Q. But you did sort of consistently tell your nurses during that day my head is continuing to hurt?

A. Yes.

312 Q. So lower on that page we have a note I guess from earlier in the day. It's timed 4:30 in the morning.

MS. NUIC: Later in the day.

MR. COURTIS: Well, it says 4:30 in the morning.

MS. NUIC: Just to let you know, counsel, there's a discrepancy because November 27th is 4:30 p.m. That would be the following day 24 hours later, so they're saying this is an accuracy, so we don't know -- that's why I'm saying this nursing note you need to speak to the nurse about what's actually reflecting.

BY MR. COURTIS:

313 Q. Sure, but what's on the page is at a later time even if it does not appear like it in the record. So in that entry it says, "patient alert and oriented times three. Vital signs stable." So in the early morning, as we discussed, you were still experiencing the head pain?

A. Yes.

314 Q. And lower on that page dated November 27th appears to be a full assessment. On the next page it's a continuation of that assessment. About three quarters of the way down it's on the right side, it says "patient complained about a lump on her," and I can't make out that word?

MS. NUIC: Posterior scalp.

MR. COURTIS: Posterior scalp.

MS. NUIC: Writer assessed.

BY MR. COURTIS:

315 Q. "Writer assessed and found a small  
hematoma on back of head. Resident made aware of  
hematoma and will come by to assess patient."

Do you recall obviously telling your  
nurse that at some point during that day which this is  
a recording of?

A. I complain, complain, complained all,  
all, all, all the time.

316 Q. If I can ask you to turn to page  
production No. 45.

MS. NUIC: 45?

BY MR. COURTIS:

317 Q. Yes. And it's page No. 3 of production  
No. 45, and down at the bottom is a note from a  
resident Dr. Dzaja. The time is 6:50. It says,  
"having a lot of pain. PCA not working well. Afebrile  
and vital signs stable." Were you having any other  
pain other than the pain in your head?

A. No.

318 Q. You were not having abdominal pain at  
that time?

A. No, none.

319 Q. You didn't report any abdominal pain to  
your nurses?

A. No.

320 Q. Did you report any abdominal pain to  
your doctors?

A. No.

321 Q. So you only reported the head pain to  
your doctors?

A. Correct.

322 Q. That was the only source of pain that  
they were giving you meds for other than the regular  
post-surgery?

A. I, I don't, don't know.

323 Q. But you don't recall any other pain?

A. I only had head, head pain.

324 Q. So after you were assessed by your  
nurse that morning, do you recall seeing a resident by  
the name of Dr. Darma later in the day?

A. I don't, don't know, know names.

325 Q. If you can turn to page 4 just the next  
page. There's a note here, and the time on it is 1700,  
so that would have been 5:00 in the afternoon. Do you  
recall discussing your symptoms with a doctor in the  
afternoon on the day after your procedure.

A. I, I, I don't, don't know, know, know

who I discussed, discussed. I was in pain continuous,  
continuously. Whoever, whoever I saw I told.

326 Q. And I guess we'll just take you through  
this note. It says, "called to assess re bump on head.  
Patient plus plus angry. States zero bump prior to OR  
and now has large one. Headache with pain behind  
bilateral eyes, complaining of blurry vision, plus  
nausea."

A. Yes.

327 Q. Is that sort of accurate as to what you  
were experiencing at that time?

A. Yes, yes.

328 Q. And just in the next section, it notes  
"3 to 4 centimeters mass palpated on occiput. Pink in  
colour. Zero bruising noted. Tender to palpation."  
Is 3 to 4 centimeters is that how big you would guess  
it was?

MS. NUIC: Don't guess. If you don't  
know, don't guess.

BY MR. COURTIS:

329 Q. Is that a reasonable estimation?

MS. NUIC: Do you know? Did you  
measure it?

THE DEPONENT: I, I, I don't, don't,  
know, know how, how, how big it was.

BY MR. COURTIS:

330 Q. But there was a lump at that point in  
the evening after?

A. There, there definitely, definitely was  
a bump on my head.

331 Q. Do you recall being upset during that  
discussion with the resident?

A. I've, I've been up, up, upset since,  
since, since it happened, and I'm still upset.

332 Q. Do you recall being upset with the  
resident that you saw in the morning?

A. I just, just, just finished saying I've  
been upset since then and still am upset.

333 Q. Okay. When did you first think that  
this may have been caused by falling on your head or  
being hit in the head?

A. I'm sorry. Please, please repeat.

334 Q. When did you first think this may have  
been caused by falling on your head or being hit in the  
head?

A. I don't, don't, don't know. I didn't  
say, say anything about, about falling on my head.

335 Q. Do you recall in your discussions with  
any of the physicians on the day after surgery  
including this one mentioning that you were going to

sue the hospital?

A. Never.

336 Q. Did you mention that you were going to  
sue any of the physicians or the nurses that treated  
you?

A. No. I didn't know -- I wanted to know,  
know what, what happened, happened to me. I didn't say  
anything, anything, anything like that.

337 Q. You didn't say anything about I'm going  
to retain a lawyer?

A. No. I didn't, didn't know what, what  
happened to me.

338 Q. So did you ask Dr. Small that morning  
what happened?

A. Of, of course.

339 Q. And what did he tell you?

A. He didn't, didn't, didn't know, and he  
said, said he would, would, would look, look into it.

340 Q. Do you recall seeing Dr. Small again on  
the first day after your procedure? So you saw him in  
the morning, and you also saw him after?

A. I, I don't remember.

341 Q. But you did see him at least once, and  
he did note or you did tell him about the pain in your  
head and the bump?

A. Of, of course.

342 Q. And over the course of that first day after your procedure, did the pain increase, decrease, or generally stay the same?

A. I, I, I, I can't, can't, can't, can't put, put, put, put a rate, rate, rating, rating on it. It hurt all, all the time.

343 Q. And you consistently told your nurses and doctors about it?

A. Yes.

344 Q. So who was there with you in the room on, speaking specifically of family or friends, on the first day after the procedure?

A. My, my sister Theresa.

345 Q. And you mentioned your sister came in the morning?

A. Yes.

346 Q. And did she stay there all day?

A. Yes.

347 Q. Did anyone else come to visit you that day?

A. I, I don't, don't remember. Everybody, everybody, everybody -- I had, had visit, visit, visit, visitors every day, but I don't know how, how long they, they, they were there.

348 Q. Would your sister visit you every day  
when you were in the hospital?

A. Yes.

349 Q. And did your daughter visit you every  
day?

A. Yes.

350 Q. And other than giving you pain  
medication for the pain in your head, do you recall  
them giving you anything else for the symptoms that you  
were experiencing?

A. Ice, ice, ice packs for, for, for my  
head.

351 Q. And the nurses gave that to you?

A. One, one, one, one nurse, nurse, nurse,  
nurse in particular.

352 Q. And so by the end of that day --

A. End, end of which day?

353 Q. The day after the procedure what I  
guess symptoms were you experiencing at that point?  
You were experiencing headaches?

A. Continuous, yes.

354 Q. Dizziness?

A. Yes.

355 Q. Were you experiencing some nausea at  
that point?

A. Yes.

356 Q. Were you vomiting during that day?

A. I don't, don't, don't -- I, I, I was vomiting, vomiting, but I have no, no recollection which day.

357 Q. Did you have blurred vision?

A. Yes.

358 Q. Did you -- I guess by that point, had you noticed cognitive defects such as stuttering?

A. Yes.

359 Q. And difficulty remembering things?

A. Yes.

360 Q. Did you report the symptoms of stuttering and unable to sort of remember things to your nurses or doctors?

A. I don't, don't remember.

361 Q. Do you recall reporting to them that you had blurred vision?

A. Yes.

362 Q. And you recall reporting to them that you had dizziness and nausea?

A. Yes.

363 Q. Do you recall them giving you anything for the nausea?

A. Yes.

364 Q. Do you recall what that was, or do you  
just know that they gave you something?

A. It was an IV.

365 Q. So how did you sleep that night?

A. Which, which night?

366 Q. So we're talking about the first day  
after the procedure you mentioned your sleep the night  
before was almost nonexistent. How was your sleep on  
the next night?

A. I've had, had continuous, continuous  
interrupted sleep.

367 Q. Which would have included that first  
night after?

A. Yes.

368 Q. So over the remainder of your stay in  
the hospital, do you recall seeing sort of the medical  
resident every morning?

A. I don't, don't recall who, who they  
were, but people, people, people were coming, coming  
and going.

369 Q. If we can go to the next page, this is  
page 5 of plaintiff's production No. 45. There's a  
note here from Dr. Dzaja dated November 28th. So this  
would have been two days after the procedure at 7:00  
a.m. On the second line, it says, "still having pain

but better." And two lines below that "headaches still present but better." Was your headache better by that point?

A. I don't, don't, don't recall.

370 Q. Was your pain overall getting better by that point?

A. No.

371 Q. You still had the same level of pain --

A. Yes.

372 Q. -- as the previous day?

A. Yes. When, when, when, when med, medication was wearing off.

373 Q. Just on the note below that, this is a note by Dr. Small dated November 28th, 2012, and it says, "visited plus two yesterday and this a.m." This is two days after the procedure. "Had a headache." I can't read that word, and then it says in brackets "not mentioned in a.m. rounds." In every instance that you saw Dr. Small, did you mention your headache to him?

A. Yes.

374 Q. Any idea why he would not record that?

A. No, no, no, no idea.

375 Q. And just on the next page page 6, we're now on the next day. This is November 29th, 2012, and you're still in the hospital at that point, and this is

a note at 6:45 by Dr. Dzaja, and about half the way down it says, "pain okay, but sore from bloating." Do you recall being sore from bloating after the surgery?

A. No.

376 Q. Do you recall any concerns expressed by your medical staff that you were not passing gas at that point?

A. No.

377 Q. Do you recall any concerns they expressed to you that you didn't have any or that your bowel function hadn't returned at that point?

A. No.

378 Q. And at this point and then at every point after while you were in the hospital, you don't recall any other pain from any other source other than your head pain?

A. Correct.

379 Q. Then if we go down to there's a note from December 1st, 2012, at 9:00 a.m. by Dr. Dzaja the resident, it states there about halfway down "pain okay. Plan discharge home. Follow up with Dr. Small in six weeks." Would you have described your pain as okay on the day you were discharged?

A. No.

380 Q. You were still in significant pain?

A. Yes.

381 Q. Was your pain less than it had been when the medication had first been administered?

A. I don't, don't, don't remember, remember strength. It was just continuous, continuously there.

382 Q. So at the time on December 1st when they were discussing discharging you, do you recall having any concerns about going home due to the continuing pain in your head?

A. Yes.

383 Q. I guess what did you, if anything, recall telling your doctors about your concerns about going home in light of the --

A. Something, something, something obviously, obviously was, was wrong.

384 Q. Did you -- if it had been up to you, would you have stayed in the hospital?

A. I, I, I, I don't, don't recall.

385 Q. Did you want to go home at that point?

A. I don't recall. I just -- I wanted, wanted to know, know what, what, what happened to me.

386 Q. Did physicians ever say to you here are the reasons why we're keeping you for five days after the surgery?

A. No, I don't recall.

387 Q. But eventually on December 1st they came, and do you have any recollection of them telling you you're well enough to go home now?

A. No. I just know, know, know I went, went home.

388 Q. Do you have any recollection of the instructions you were given on discharge?

A. To, to -- no.

389 Q. What medications were you given on discharge with respect to your head pain?

A. Hydro, hydro, hydromorphone.

390 Q. And did you have a followup appointment with Dr. Small scheduled at that point, or were you just going to follow up with him at a certain time afterwards?

A. I, I, I don't recall.

391 Q. And at the time you were discharged, you still had the head pain?

A. Yes.

392 Q. You still had dizziness?

A. Yes.

393 Q. You still had nausea?

A. Yes.

394 Q. You still had blurred vision?

A. Yes.

395 Q. Did you still have the lump on your head?

A. Yes.

396 Q. And at that point, had you had hair loss yet?

A. No.

397 Q. At that time, you were still having difficulties with speech?

A. Yes.

398 Q. At that time, you were still having difficulties remembering things?

A. Yes.

399 Q. At that time, you were still having difficulties not being able to sleep through the night?

A. Yes.

400 Q. At any time while you were in the hospital, did anyone ever come and explain to you how the bump on the back of your head had occurred?

A. No.

401 Q. Did you have any discussions with any nurses about anything they may have seen?

A. My, my, my sister, sister, sister, sister, sister advocate, advocated on my, my behalf.

402 Q. So who did she talk to?

A. I don't know, know. The charge nurse, and, and the different, different -- I don't know.

403 Q. Do you know as of when you left the hospital on December 1st whether you had sort of filed a formal complaint at that point with the hospital?

A. I don't know, know, know, know -- I didn't think it was a complaint. It was an inquiry of what happened.

404 Q. So by that point, the hospital would have been aware that you were concerned about what had happened during the surgery?

A. Yes.

405 Q. Other than your mother and your sister --

A. My who?

MS. NUIC: You mean daughter and sister.

BY MR. COURTIS:

406 Q. Sorry. Sister and your daughter. Do you recall anyone else coming to visit you in the hospital and I guess this is other than your brother-in-law as well?

A. My, my, my daughter, daughter's fiancé.

407 Q. Okay. Anyone else?

A. Different fam, fam, fam, family and

friends came.

408 Q. Who?

A. I don't, don't recall at the moment.  
My sister-in-law, my, my different, different friends.

409 Q. How many I guess visitors would you  
estimate you had over the time?

A. I have no, no idea.

410 Q. Do you recall the names of any friends  
that came and visited you?

A. John, John.

411 Q. What's his last name?

A. Lowry.

412 Q. That's L-O-W-R-Y?

A. I'm not sure, sure, sure of the  
spelling.

413 Q. Any other friends that you recall  
coming to visit you?

A. No.

414 Q. And what's your sister-in-law's name?

A. Melanie Young.

MR. COURTIS: That's probably a good  
time to break for lunch.

-- EXAMINATION ADJOURNED SINE DIE AT 12:13 P.M.

I hereby certify the foregoing to be the evidence of SUZANNE MARIE YOUNG, a Plaintiff herein, given under oath before me on the 21st day of June, 2016, recorded verbatim and later transcribed by me.

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CATHERINE DOARY

COURT REPORTER

COMMISSIONER OF OATHS (Expires March 18, 2018)

Photostatic copies of this transcript are not certified and have not been paid for unless they bear the original signature of Catherine Doary; and accordingly are in direct violation of Ontario Regulation 587/91, Courts of Justice Act, January 1, 1990.