

2 ONTARIO

3 SUPERIOR COURT OF JUSTICE

4  
5 BETWEEN:

6 SUZANNE YOUNG, CARI-ANN YOUNG

7 and THERESA DI FALCO

8 Plaintiffs

9 - and -

10  
11 ST. JOSEPH'S HEALTH CARE HAMILTON,

12 DAVID RICHARD JOHNSON SMALL, FREDERICK J. BAXTER,

13 NANCY DZAJA, ANNA DUL, NICHOLAS AFAGH, CATHERINE KELL,

14 BREANNA CORNELIUS, JOSIELYN STACEY, ANNA MARIE WALTERS,

15 TINA JACKSON-BEEMER, MARY MENS, DIANE GARDINER,

16 JOHN DOE and JANE DOE

17 Defendants

18  
19 -----  
20 This is the continued examination for

21 discovery of SUZANNE YOUNG, a plaintiff herein, taken  
22 upon her oath this 27th day of September, 2019, at the  
23 offices of Nimigan Mihailovich Reporting Inc., Suite  
24 701, One James Street, Hamilton, Ontario.

1 APPEARANCES:

2  
3 Allen J. Wynperle, Esq., for the Plaintiffs

4  
5 Andrea K. Farkouh, Esq., for the Defendants  
6 St. Joseph's Health Care  
7 Hamilton, Catherine  
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9 Josielyn Stacey, Anna  
10 Marie Walters, Tina  
11 Jackson-Beemer, Mary Mens,  
12 Diane Gardiner

13  
14 Simon G. Cameron, Esq., for the Defendants  
15 David Richard Johnson  
16 Small, Frederick J.  
17 Baxter, Nancy Dzaja  
18  
19  
20  
21  
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**INDEX OF EXHIBITS**

No Exhibits Marked

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**GUIDE TO UNDERTAKINGS**

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

**Undertakings are found on the following pages:**

140, 141, 173, 175, 177, 182, 189,  
190, 216, 232, 236, 237, 252

**Refusals are found on the following pages:**

94, 95, 119, 124, 239, 243

**Advisements are found on the following pages:**

86, 90, 237

1 --- UPON RESUMING AT 10:23 A.M.

2 **SUZANNE YOUNG,**

3 having first been duly sworn,

4 was examined and testified as follows:

5 **EXAMINATION BY MR. CAMERON:**

6 415. Q. Good morning, Ms. Small.

7 A. Pardon?

8 MR. WYNPERLE: No.

9 MR. CAMERON: Oh, sorry.

10 MR. WYNPERLE: Small is the doctor.

11 BY MR. CAMERON:

12 416. Q. Small is my client. Good morning,  
13 Ms. Young. My name is Simon Cameron. I'm one of the  
14 lawyers for Dr. Small, Baxter and Dzaja.

15 This is a continuation of an examination  
16 for discovery that was conducted my colleague, Trevor  
17 Curtis. However, that discovery was almost three  
18 years ago. In fact, more than three years ago. So I  
19 may go over a few of the same questions that he went  
20 over, and I hope I will have your patience as we do  
21 so.

22 If I ever ask you a question that you  
23 don't understand, please ask me to clarify it, and if  
24 at any point you need a break, please let me know.

25 A. Okay.

1           417.           Q.   The court reporter is transcribing  
2           my questions and your answers, so it's important that  
3           you wait until I finish my question before you answer,  
4           and I will do my best to wait until you finish your  
5           answer before I ask my next question.

6                        And it's also important that you answer  
7           verbally rather than nod or make a gesture so that it  
8           will show up on the written transcript.

9                        A.   Yes.

10          418.           Q.   You have just been sworn, so let's  
11          get started.

12                        In preparation for your examination for  
13          discovery, did you do anything other than meet with  
14          your lawyer?

15                        A.   No.

16          419.           Q.   You didn't speak to anyone else?

17                        A.   No.

18          420.           Q.   You didn't review any documents?

19                        A.   Just my cal-cal-calendar, and-and  
20          I-I-I re-re-read over my discoveries from-from prior.

21          421.           Q.   The calendar has been produced in  
22          this action?

23                        A.   Yes.

24                        MR. WYNPERLE:   Yes.

25                        MR. CAMERON:   Can I get an undertaking to

1 verify that?

2 MR. WYNPERLE: Okay.

3 MR. CAMERON: I'm pretty sure it's true,  
4 but --

5 MR. WYNPERLE: What I'll do is I'll take  
6 it under advisement for today. I'm sorry. I don't  
7 mean to be difficult, but I'll just double check --  
8 I've got to double check this calendar, okay, just to  
9 make sure, but do you know what years you're talking  
10 about, like the last year of your calendar, or what  
11 are we talking about?

12 THE WITNESS: Yes. F-f-for appointments.

13 MR. WYNPERLE: Oh, okay.

14 THE WITNESS: Yeah.

15 MR. WYNPERLE: For the last year --

16 THE WITNESS: Yes.

17 MR. WYNPERLE: -- or for two years, or  
18 can you give me -- since the last discovery?

19 THE WITNESS: Since the la-la-last  
20 discovery.

21 MR. WYNPERLE: Okay. So I'm just going  
22 to say three years past calendar, because I think it  
23 was already produced otherwise.

24 MR. CAMERON: Okay.

25 MR. WYNPERLE: So past calendar. I'll

1 just take a look at that before I make any decision.  
2 I haven't looked at that, in fairness.

3 MR. CAMERON: Yeah. That's  
4 understandable.

5 --- UNDER ADVISEMENT

6 BY MR. CAMERON:

7 422. Q. What is your current address?

8 A. 34 Athenia Dr-Drive, Stoney Creek.

9 423. Q. And do you live with anyone there?

10 A. My daugh-daughter, Cari-Cari-Ann  
11 Murphy. She is married now.

12 424. Q. Mm-hmm.

13 A. An-and her husband, Ar-Aaron Murphy.

14 425. Q. Okay. Are you in a relationship  
15 now?

16 A. No.

17 426. Q. What was the last time you were in a  
18 relationship?

19 A. Just pri-pri-prior to-to my-my  
20 injury. So 2012.

21 427. Q. Do you pay or receive spousal  
22 support or any other sort --

23 A. No.

24 428. Q. -- of support from that  
25 relationship?

1 A. No.

2 MR. WYNPERLE: Sorry. Counsel, just give  
3 me one second. Just give him a chance to finish the  
4 question.

5 THE WITNESS: Okay. I'm sorry.

6 MR. WYNPERLE: No, don't be sorry, don't  
7 be sorry. It's going to be difficult for the court  
8 reporter.

9 THE WITNESS: Okay.

10 MR. WYNPERLE: I just want to make you  
11 aware of it.

12 THE WITNESS: Okay.

13 MR. WYNPERLE: You know, a little more  
14 deliberate. Go ahead, counsel. Thank you.

15 BY MR. CAMERON:

16 429. Q. No problem. And you have never been  
17 married?

18 A. No.

19 430. Q. Okay. We're going to go back in  
20 time a little bit. Where were you born?

21 A. Ha-Hamilton, Ontario.

22 431. Q. And what year?

23 A. 1964.

24 432. Q. And have you lived in Hamilton your  
25 whole life?



1                   A. No. I-I-I li-li-lived in  
2 Bur-Bur-Burlington, Ontar-tario, for ten-ten years.  
3 Other than that, Hamilton. Stoney Creek.

4 433.            Q. Mm-hmm. And where in -- when was  
5 the years you spent in Burlington?

6                   A. 2003 to '13.

7 434.            Q. So at the time of what I will refer  
8 to as the surgery, you were living in Burlington?

9                   A. Correct.

10 435.            Q. Why did you move back to Hamilton?

11                   A. I -- f-f-f-finan-financial reasons.  
12 My daugh-daugh-daughter and her hu-husband to be at  
13 the ti-time, bou-bought-bought a house, and I went  
14 to-to live with them.

15 436.            Q. And before you went to live with  
16 them, you were living by yourself?

17                   A. No. No. With my daughter.

18 437.            Q. Okay. So you were both living in  
19 Burlington and then you both moved to Hamilton  
20 together?

21                   A. Cor-correct.

22 438.            Q. Where did you attend school?

23                   A. Cathed-Cathed-Cathedral High School.  
24 Cathed-Cathedral Girls High School.

25 439.            Q. Did you complete high school?

1 A. No.

2 440. Q. What was the last year of high  
3 school you completed?

4 A. I'm not-not-not exact-exact-exactly  
5 sur-sure. About Gra-Grade 10.

6 441. Q. Why did you stop attending high  
7 school?

8 A. Finan-financial hardship.

9 442. Q. What sort of financial hardship?

10 A. Didn't-didn't-didn't have the  
11 finan-financial ba-ba-ba-background, grew up in a  
12 har-har-hard time.

13 443. Q. So you left high school to begin?

14 A. To work.

15 444. Q. How was your performance at high  
16 school before you left?

17 A. V-very-very good that I recall.

18 445. Q. You didn't struggle in any subjects?

19 A. Not to-to my-my-my-my knowledge.

20 MR. CAMERON: Counsel, can we have an  
21 undertaking, on a best-efforts basis, to see what  
22 records are available in Cathedral Girls High School  
23 for Ms. Young?

24 MR. WYNPERLE: It's a long time ago.  
25 I'll take it under advisement. I'll think about that.

1 It's a long time ago though, counsel. I'm not sure  
2 how really pertinent that is.

3 MR. CAMERON: Well, the claim that  
4 Ms. Young is asserting is for a -- what she says is a  
5 pretty transformative change in her life  
6 circumstances, so I think it is relevant.

7 MR. WYNPERLE: Yeah. But Grade 10 would  
8 have been, like, what? 1980? We're talking about an  
9 incident that happened in 2012. So I just -- you  
10 know, 30 years plus, it's a long time. I'll take it  
11 under advisement for today. I hear what you're  
12 saying.

13 --- UNDER ADVISEMENT

14 MR. CAMERON: Okay.

15 MR. WYNPERLE: Can I put this down as the  
16 OSR? You know, the Ontario School Record? That's  
17 what you're asking for? Do you know what I mean?  
18 It's a transcript essentially; right? That's what  
19 you're looking for?

20 MR. CAMERON: Sure.

21 MR. WYNPERLE: Yes. Okay.

22 MR. CAMERON: I don't need to know when  
23 she was suspended or --

24 MR. WYNPERLE: Well, no, no. Let's not  
25 get into all that, but the OSR. That's fine. I

1 understand what you're looking for, the transcript.

2 BY MR. CAMERON:

3 446. Q. Okay. In general, how would you  
4 describe your health prior to the surgery?

5 MR. WYNPERLE: So, counsel, I understand,  
6 you know, you weren't at the last discovery, but, I  
7 mean, these are the -- these are questions now that  
8 we're getting into that have already been asked and  
9 answered. I'm not trying to be difficult, but...

10 MR. CAMERON: I've reviewed the  
11 transcript of the last discovery pretty closely, and  
12 these were questions that were refused by your  
13 associate on the basis that they arose from records  
14 that were produced by the hospital. I believe that  
15 issue has now been resolved.

16 MR. WYNPERLE: Well, we'll find out if  
17 it's resolved or not, but in any event, let me just  
18 open up the transcript; okay? Give me one second.

19 MS. FARKOUH: I agree with counsel. That  
20 was part of the issue, is that your colleague at the  
21 time did refuse these questions because she claimed  
22 that the records were improper to be examined on.

23 MR. WYNPERLE: Question 26: (as read)

24 Generally, how would you describe  
25 your health prior to the procedure of

1 November 26, 2012?

2 It sounds pretty familiar to me, to the  
3 question that was just asked and answered by my client  
4 at 26. It was not refused.

5 MS. FARKOUH: Well, you can go further to  
6 look at the further questions when there was an  
7 examination on the previous records, and those were  
8 all refused.

9 MR. WYNPERLE: Oh, no, no, no. Look, I  
10 understand what was refused and what wasn't, and he's  
11 going to get an opportunity to ask those questions,  
12 and I just want to be clear from the beginning that  
13 we're not going to have a repeat of the last  
14 transcript. That's all.

15 This is not a big deal. I'm just saying,  
16 you know, we do want to -- we've all read the  
17 transcript. We know what was said and what wasn't  
18 said. That's fine. If there's something you want to  
19 ask about, let's have at it, but this was asked and  
20 answered.

21 MR. CAMERON: All right. I think the  
22 question is pretty innocuous.

23 MR. WYNPERLE: I agree.

24 MR. CAMERON: I'm happy to go into  
25 specifics. I think that it would be -- my thought was

1 that it would be helpful for the witness if we sort of  
2 went through this in a logical pattern given that the  
3 pre-existing portion of the examination was terminated  
4 almost immediately, but I'm quite happy to go  
5 immediately to the specifics.

6 MR. WYNPERLE: I don't want to argue with  
7 you about this. I don't agree that that was, in fact,  
8 the case, and again, you have the transcript, I  
9 assume, with you today if you want to take a look at  
10 it, because I do, and I'm going to take a look at it.

11 I think there was a lot of questions  
12 asked about her pre-accident history and that were  
13 answered. The questions about some of the records I  
14 understand were refused, because the documents hadn't  
15 been provided properly to the lawyer who was working  
16 on the file at that time.

17 It's okay. It's all good. We're here to  
18 get through this today. So I just would like to try  
19 and do that, but I would like to try and not repeat  
20 what happened on the last discovery. Okay?

21 MR. CAMERON: And I'm doing my best not  
22 to repeat what happened on the last discovery.

23 MR. WYNPERLE: Thank you.

24 MR. CAMERON: The last thing I will say  
25 before I return to my questioning is that the

1 examination was terminated early, and so this is not a  
2 re-examination to ask questions that were refused but  
3 a continued examination --

4 MR. WYNPERLE: I agree with you.

5 MR. CAMERON: -- of Ms. Young, and I  
6 believe it's an appropriate question.

7 MR. WYNPERLE: I agree. That's right, it  
8 is a continued examination. I agree with that.

9 MR. CAMERON: Okay. So should I treat  
10 that question as a refusal?

11 MR. WYNPERLE: Well, you can treat it as  
12 asked and answered.

13 MR. CAMERON: I'll treat that as a  
14 refusal.

15 --- REFUSAL

16 BY MR. CAMERON:

17 447. Q. Ms. Young, have you ever had a  
18 history of headaches?

19 MR. WYNPERLE: Okay. I'm going to  
20 object. Again, asked and answered. Do you want me to  
21 go to the transcript section that already dealt with  
22 this? I'm not going to do this with you, counsel.  
23 I'm trying to be patient. I just -- that's why I  
24 warned you on your first quote/unquote "innocuous"  
25 question. I have read the transcript several times,

1 as I'm sure you have, and I will point you -- if you  
2 need the question number, I have it right here, and I  
3 will point you to the question number and the answer.  
4 That was not refused, and I'm not going over the  
5 previous transcript.

6 I'm not trying to be difficult. I'm  
7 trying to stay patient, but this is a continued  
8 examination. I totally agree with you. Move on to  
9 what has not been asked. There's lots to ask that has  
10 not been asked, and we both agree on that, so get on  
11 with that.

12 MR. CAMERON: Counsel, this is my  
13 examination. I will treat that as a refusal.

14 --- REFUSAL

15 MR. WYNPERLE: Yeah. Well, just to be  
16 clear, I'm going to have to find then every time you  
17 do this, I guess. We're going to be -- I guess this  
18 is going to be a very long day for you. I remind you  
19 that you only have a certain number of hours to do  
20 these examinations, and you're wasting your time as I  
21 see it.

22 The question about headaches was asked at  
23 question No. 32 last time and answered. Continue.  
24 Next question.

25 BY MR. CAMERON:



1 448. Q. Ms. Young, who was your family  
2 doctor prior to the surgery?

3 MR. WYNPERLE: You can go ahead.

4 THE WITNESS: Dr. DiPaolo.

5 BY MR. CAMERON:

6 449. Q. Is he still your family doctor  
7 today?

8 A. Correct.

9 450. Q. When did you become a patient of  
10 Dr. DiPaolo?

11 A. I think er-er-early-early 2-2000s.

12 MR. CAMERON: Counsel, we only have  
13 records for Dr. DiPaolo back to 2009. Can I get an  
14 undertaking to produce the entire chart of  
15 Dr. DiPaolo?

16 MR. WYNPERLE: No. I'll give you five  
17 years prior.

18 MR. CAMERON: I think the entire chart is  
19 relevant.

20 MR. WYNPERLE: Okay. Well, you have my  
21 position on the entire chart. I'll give you five  
22 years prior.

23 --- REFUSAL/UNDERTAKING

24 MR. WYNPERLE: If you review those  
25 records, and you find some indication that the

1 remainder of the chart is relevant, then you'll  
2 provide me with some logical reasoning, and I will  
3 consider that, of course.

4 MR. CAMERON: Okay. Well, let's get into  
5 the contentious stuff then.

6 So before I get into the hospital  
7 records, it has come to my attention that at some  
8 point the hospital record numbers were renumbered, so  
9 at least from -- between counsel for the hospital and  
10 counsel for myself, there is some confusion as to the  
11 proper Bates number. I have here a copy of both  
12 Ms. Young's affidavit of documents and the hospital's.

13 MR. WYNPERLE: I'm going to start  
14 yawning. Yes. So you want to put that in front of  
15 the witness?

16 MR. CAMERON: I want it to be available  
17 to her.

18 MR. WYNPERLE: Yes.

19 MR. CAMERON: I'm not going to ask her to  
20 read through it all.

21 MR. WYNPERLE: No. Goodness, no. That  
22 would be a lot. We'll be here a long time. Yes.

23 So these are numbered. Yes. Okay. All  
24 right. Without the tabs, I guess. That's the only  
25 problem. All right. Whatever. That's fine. Okay.

1 Continue, counsel.

2 MS. FARKOUH: Counsel, as long as you  
3 refer to the date in the record, I'll be able to find  
4 it.

5 MR. CAMERON: Yes. I expect it will not  
6 be a huge ordeal.

7 MR. WYNPERLE: Time will tell.

8 BY MR. CAMERON:

9 451. Q. Have you ever taken medication to  
10 address migraines prior to the surgery?

11 MR. WYNPERLE: Was this question not  
12 asked in the previous discovery? I thought it was. I  
13 thought there was a discussion about her having taken  
14 some medication in, like, 1992 and that there was a  
15 record of that, and they asked her about that. Did I  
16 miss that?

17 MR. CAMERON: I believe those were the  
18 questions that your former colleague refused.

19 MR. WYNPERLE: Did she? Okay. Well, if  
20 she refused those questions, then you can answer that  
21 if you know the answer, Ms. Young.

22 THE WITNESS: I've tak-taken one-one  
23 pill-pill for a head-headache that I ha-ha-had an  
24 allergic reaction to, but it wasn't -- it was -- the  
25 word is not c-com-coming to me. One moment. Like an

1 elite -- it was an incident.

2 BY MR. CAMERON:

3 452. Q. Mm-hmm.

4 A. It wasn't an on-on-ongo-going thing.

5 453. Q. So you've never subsequent to that  
6 had any prescription to deal with migrations up to the  
7 date of surgery?

8 A. That I recall, no.

9 454. Q. Can you, please, turn to hospital  
10 record 192, which is a consultation report from  
11 Dr. Taylor dated, I believe, October 19th, 2000.

12 MR. WYNPERLE: Sorry. Counsel -- oh, is  
13 that this one here? Just take a look -- is this this  
14 one? Is that the one -- because there's two here, and  
15 I --

16 MR. CAMERON: So the ones with the  
17 H-O-S-P markings.

18 MR. WYNPERLE: So 192 you said?

19 MR. CAMERON: Yes.

20 MR. WYNPERLE: Page 192?

21 MR. CAMERON: Sorry. It's hospital  
22 record 192 based off the Bates numbering.

23 MR. WYNPERLE: Do you want to just take a  
24 look for that for me, counsel? Oh, I was looking in  
25 the top, not the bottom. Is it somewhere else with

1 the numbering?

2 MR. CAMERON: Yes. There's Bates  
3 numbering in the lower corner.

4 MR. WYNPERLE: Oh, okay.

5 MS. FARKOUH: The Bates numbering is not  
6 ours.

7 MR. WYNPERLE: That might be your 382. I  
8 don't know. I see.

9 MS. FARKOUH: I found the record.

10 MR. CAMERON: Oh, that may be --

11 MS. FARKOUH: That's your number.

12 MR. CAMERON: I apologize.

13 MR. WYNPERLE: So sorry. Just give me  
14 one second. Okay. All right. So this is a record of  
15 Dr. Perri, I guess, in 2000, October 19th, 2000, and  
16 you wanted 192.

17 MR. CAMERON: Yes.

18 MR. WYNPERLE: Okay. What is it that you  
19 wanted to look at?

20 BY MR. CAMERON:

21 455. Q. I would like to look at this  
22 reference beginning on the second paragraph where it  
23 says: (as read)

24 She has also had some ongoing  
25 dizziness and headaches which she

1 believes is related to her hypoglycemic  
2 episodes.

3 Can you describe the incident in  
4 question?

5 MR. WYNPERLE: Sorry. Hold on, hold on,  
6 hold on. This is the paragraph you're talking about.  
7 It's actually -- oh, I see how you do it. 192.0002.  
8 It's not 192 per se. So you say here -- sorry. She  
9 has also had ongoing -- it doesn't refer to a specific  
10 incident, and you just asked her to describe a  
11 specific incident. Does somewhere in the paragraph  
12 talk about a specific incident?

13 MR. CAMERON: Or a series of incidents.  
14 This is a report, I believe, that was made by  
15 Ms. Young. So I would like her accounting of the  
16 dizziness and headaches that she experienced.

17 MR. WYNPERLE: Yeah. In 2000. Right.  
18 Okay. Well, let's -- if you can help him out. He's  
19 talking about this sentence here where it says:

20 (as read)

21 She has also had some ongoing  
22 dizziness and headaches which she  
23 believes is related to her hypoglycemic  
24 episodes.

25 So, counsel, what was your question

1           again?

2                           BY MR. CAMERON:

3           456.           Q.   I would like her to --

4                           MR. WYNPERLE:   Explain that to you.

5                           BY MR. CAMERON:

6           457.           Q.   -- explain as best she can what she  
7           was experiencing around that time.

8                           A.   I ha-have had hypoglycemia, and when  
9           I -- I've had a bit of diz-dizziness an-an-and  
10           oncom-com-coming headache, and it went away.

11           458.           Q.   Did you receive treatment for your  
12           hypoglycemia?

13                          A.   It was in-in-inves-vestigate-gated,  
14           but they said it was through prop-proper diet.

15           459.           Q.   Would you continue to suffer  
16           hypoglycemia up to the date of the surgery on  
17           occasion?

18                          MR. WYNPERLE:   Well, sorry.  
19           Hypoglycemia, like -- okay.   So I don't think  
20           hypoglycemia goes away, but you're saying these  
21           incidents with the headaches and dizziness, is that  
22           what you mean, like these episodes?

23                          BY MR. CAMERON:

24           460.           Q.   My first question is about incidents  
25           of hypoglycemia.

1 MR. WYNPERLE: Okay.

2 BY MR. CAMERON:

3 461. Q. And then my second question will be  
4 about whether the symptoms accompanied them, you  
5 predicted them.

6 A. I never-never-never had an  
7 ongo-going issue, if that's -- if I'm  
8 answering to-to-to the best of my knowledge.

9 MR. WYNPERLE: Really what he's -- what  
10 he's trying to know is, in the year, two years prior,  
11 did you ever have -- do you recall having any episodes  
12 where the hypoglycemia resulted in issues?

13 THE WITNESS: Not-not -- no. Not in any  
14 serious-serious issues, no.

15 MR. CAMERON:

16 462. Q. But minor issues? Like minor...

17 A. I -- if-if I don't recall, it  
18 couldn't have been anything major if it's not-not  
19 c-coming to me. I don't recall having any serious  
20 issues with-with the hypoglycemia.

21 MS. FARKOUH: If I may, I think rather  
22 than generalizing it as major or serious issues, have  
23 you had the issues that are described in this record  
24 of dizziness and headaches as a result of your  
25 hypoglycemia, because in this record, it says ongoing



1 issues. So have you had those issues?

2 THE WITNESS: Ov-over-over year-years  
3 prob-prob-probably, but not-not t-t -- like to-to me  
4 it wa-it wa-wasn't severe.

5 MS. FARKOUH: Okay. I didn't ask for the  
6 severity.

7 THE WITNESS: No. I understand.

8 MR. WYNPERLE: No. Hold on. She  
9 answered though that over the years, you know, it's an  
10 up-and-down thing; right?

11 MS. FARKOUH: That's not what she said,  
12 counsel.

13 MR. WYNPERLE: Well, I know it's not  
14 exactly what she said, but --

15 MS. FARKOUH: Your client answered the  
16 question. You're putting -- that's actually not what  
17 she said. She said it's happened over the years.

18 MR. WYNPERLE: Right. Sorry. It's  
19 happened over the years.

20 MS. FARKOUH: I know it's serious, but I  
21 didn't ask if it's serious. I just asked if it had  
22 happened.

23 MR. WYNPERLE: Yeah. And the answer is  
24 yes. And I apologize. I did mischaracterize the  
25 evidence a little. I apologize. That's true.

1 BY MR. CAMERON:

2 463. Q. Did you have any history of  
3 headaches or migraines in the year prior to the  
4 surgery?

5 MR. WYNPERLE: Can I just stop you there  
6 for a sec? That's the exact question which was asked  
7 and answered at the last discovery. I don't want to  
8 be real difficult with everybody today; okay? And I  
9 agree this is a continuing discovery. I'm trying to  
10 work with you. I want to get through this. I can  
11 assure you my client wants to get through this and  
12 move on, but I'm not going to let her answer the same  
13 questions which were asked on the last discovery.

14 So I'm just going to ask you to carefully  
15 consider that when you ask your questions, because I  
16 don't want to stop this every two seconds. I really  
17 don't.

18 MR. CAMERON: Well, we're both interested  
19 in having a proper transcript, and --

20 MR. WYNPERLE: Well, I mean, do you have  
21 the transcript with you of the last discovery?

22 MR. CAMERON: I do have an electronic  
23 copy.

24 MR. WYNPERLE: Maybe pull it out.

25 Question 32. Here it is right here.

1 MR. CAMERON: I promise you this line of  
2 questioning is going to a different place than my  
3 colleague --

4 MR. WYNPERLE: Well, that question is the  
5 exact place we were last time. And I just -- again,  
6 I'm not trying to be overly difficult, but I want to  
7 make it clear that this is a continued examination.  
8 It's not a re-examination, as you pointed out quite  
9 aptly at the start of this examination.

10 So I'm just telling you that if you ask  
11 the questions that were answered last time, I'm going  
12 to interfere. I'm going to object. It is improper.  
13 If you have other questions to ask, then do so, and  
14 I'll try to let my client answer those questions, but  
15 if you ask the questions which are answered last time,  
16 then I am going to have to interrupt.

17 BY MR. CAMERON:

18 464. Q. All right. Let's get more specific.  
19 Did you have tension headaches in the year prior to  
20 your surgery?

21 A. Yes, but for a small per-per-period  
22 of time.

23 465. Q. What brought on the onset of the  
24 tension headaches?

25 A. I lost-lost my job in-in May 2012.

1 466. Q. Can you describe the tension  
2 headaches?

3 A. Just a headache.

4 467. Q. Okay.

5 A. It didn't last long.

6 468. Q. Do you have any family history of  
7 migraines?

8 A. Not at all.

9 MR. WYNPERLE: When you say family  
10 history, you mean like brother, sisters, mothers,  
11 fathers? That's what you're asking her more?

12 MR. CAMERON: Specifically what I'm  
13 asking about is, in the hospital records, there's a  
14 consultation report to, I believe, Dr. Giammarco.

15 MR. WYNPERLE: Okay. You're looking at a  
16 page. If you just direct my attention if you want to  
17 talk about that document.

18 MR. CAMERON: Yeah. So this is page 144.

19 MR. WYNPERLE: This your numbering at the  
20 bottom, 144.

21 MR. CAMERON: It's 108 of my numbering,  
22 144 of the hospital's --

23 MR. WYNPERLE: Oh, I see. 144. All  
24 right. Let's go to 144.

25 MS. FARKOUH: What's the date of that?

1 MR. WYNPERLE: It looks like April 16,  
2 2015, visit at the Charlton Campus, St. Joseph's  
3 Healthcare. Yes. Continue.

4 BY MR. CAMERON:

5 469. Q. So if you see, most of the way down  
6 the page, there's a line that reads: (as read)

7 Her father died at 60 of cancer of  
8 the lung, yet cardiac disease and some  
9 question of migraines.

10 MR. WYNPERLE: Okay. So is your question  
11 did your dad have migraines?

12 MR. CAMERON: I'm asking the question  
13 about whether there was a history -- family history of  
14 migraines.

15 MR. WYNPERLE: So she -- she said not at  
16 all. So that's fine. You pointed this to her, and if  
17 there's a question, you can ask it.

18 MR. CAMERON: This is -- okay. Well, I  
19 think the record speaks for itself.

20 MR. WYNPERLE: Okay. I guess it does.

21 BY MR. CAMERON:

22 470. Q. Did you tell the doctors treating  
23 you that you never had a history of headaches prior to  
24 the surgery?

25 MR. WYNPERLE: Sorry. Did she tell which

1 doctor?

2 BY MR. CAMERON:

3 471. Q. Did you tell the doctors treating  
4 you after the surgery, including Dr. Giammarco, that  
5 you have never had a history of headaches prior to the  
6 surgery?

7 MR. WYNPERLE: If you know, Sue.

8 THE WITNESS: Ca-ca-can -- I'm  
9 sor-sor-sor-sorry. It's not -- could you repeat,  
10 please?

11 BY MR. CAMERON:

12 472. Q. So the question is, have you  
13 reported to your physicians, subsequent to the  
14 surgery, that you have never had a history of  
15 headaches prior to the surgery?

16 A. To-to me, I never ha-ha-had a  
17 history. I'm not-not a-a doc-doctor. I had-had  
18 headaches, but-but nothing like-like I'm  
19 exper-experience now.

20 473. Q. Prior to the surgery, what was your  
21 history of anxiety and depression?

22 MR. WYNPERLE: Can I just stop for a  
23 second? I'm just going to review my transcript again.  
24 Give me a second here. Just give me one second.  
25 We'll go off for a second here.

1 --- DISCUSSION OFF THE RECORD

2 MS. FARKOUH: I would like to go back on  
3 for a moment just so I can put this comment. What I  
4 might suggest so that if -- if counsel is going to  
5 take the position that the questions have been asked  
6 and answered, and if you have -- rather than -- I  
7 appreciate what my friend is trying to do in setting  
8 up the transcript so there isn't questions that  
9 weren't asked that are without context.

10 So, perhaps, if you're going to take  
11 issue with questions that have been asked and  
12 answered, which is fine, then, perhaps, if you have  
13 those answers, we can, on the record, say, At your  
14 previous examination, you said this and then continue  
15 with your questions just for the sake of having some  
16 continuity with your questions that need to be asked,  
17 because they weren't, and giving them context from the  
18 previous examination. Is that, perhaps --

19 MR. WYNPERLE: This might work out.

20 MS. FARKOUH: It might be a --

21 MR. WYNPERLE: It might work out.

22 MS. FARKOUH: Just so that we've some  
23 flow, I think, which I assume is what Mr. Cameron is  
24 attempting to do.

25 MR. WYNPERLE: I understand. You know,

1 just to complete all of this, I mean, that exact  
2 question was asked at question 64 of the previous  
3 examination.

4 MS. FARKOUH: I appreciate that.

5 MR. WYNPERLE: No, I get what you're  
6 trying to do.

7 MS. FARKOUH: No, and I appreciate that.

8 MR. WYNPERLE: Yeah, yeah, yeah. That  
9 might be the way to work it. We'll see.

10 MS. FARKOUH: Just to have a proper -- so  
11 we don't have to sort of when, after the fact, looking  
12 at the transcripts, have two side by side trying to  
13 cobble them together.

14 BY MR. CAMERON:

15 474. Q. Okay. Ms. Young, had you ever been  
16 prescribed a drug called Ativan?

17 A. Yes.

18 475. Q. And you were prescribed that drug by  
19 Dr. DiPaolo?

20 A. Yes.

21 476. Q. When were you first prescribed  
22 Ativan?

23 A. Wh-when-when I lost my job.

24 477. Q. And when was that?

25 A. I lost two-two-two jobs, one in



1 2-2-2008, and the other in 2012. So it would have  
2 been only -- could be two incidents. It wasn't  
3 ongoing.

4 478. Q. So you were prescribed Ativan for  
5 the first time in 2008?

6 A. At a one-time basis.

7 479. Q. When you say one time, how long --

8 A. One prescription.

9 480. Q. One prescription? For how many  
10 days; do you know? Around how many days?

11 A. You're asking something-something  
12 over 11 years-years ago. I'm sorry.

13 481. Q. And prior to that, you had no  
14 history of anxiety or depression?

15 MR. WYNPERLE: Objection. I don't think  
16 that that's what she said. I just think you asked her  
17 if she had prescriptions. She has indicated two  
18 situations where she knows of it, where she remembers  
19 it. That's what she said. You're jumping quite a bit  
20 there to say that, and what period of time --

21 MR. CAMERON: I'm asking the question.

22 MR. WYNPERLE: Well, yeah. Okay. I'll  
23 object and, you know, I'm going to ask you to  
24 re-characterize that. I'm not going back to when she  
25 was 16 here. We're not doing that. Sorry to tell you

1 that that's not how this examination is going to go  
2 today. So if you want to ask her questions about her  
3 childhood, it's not happening. Frame it in a period  
4 of time or something like that, but I don't think  
5 you're entitled to go through her entire history just  
6 because. It's not relevant, so...

7 MR. CAMERON: Well, I disagree on the  
8 record.

9 MR. WYNPERLE: Okay. That's great.

10 BY MR. CAMERON:

11 482. Q. But I'm content to say subsequent to  
12 2000 and before you were prescribed Ativan in 2008 --

13 MR. WYNPERLE: Sorry. So are we saying  
14 between 2000 and 2008?

15 MR. CAMERON: Around that time.

16 MR. WYNPERLE: Okay.

17 MR. CAMERON: I suspect she doesn't  
18 remember the exact dates, and I don't expect her to.

19 BY MR. CAMERON:

20 483. Q. Around that time period, did you  
21 have any history of anxiety or depression?

22 MR. WYNPERLE: Fair enough. Other than  
23 the issues of having lost a job and stuff like that.

24 BY MR. CAMERON:

25 484. Q. Prior to the job loss.

1           A.    Can-can-can you give me the  
2           da-date-date again?

3           485.        Q.    So our information is that you were  
4           prescribed Ativan on September 8th, 2008.

5           A.    Correct.  I los-lost my job.

6           486.        Q.    And before that, you had no --  
7           between 2000 and 2008 --

8           A.    Between-between 2-2000?

9           MR. WYNPERLE:  The year 2000 -- yeah,  
10          2000 and 2008 now, he's asking about that time period,  
11          and I think his question was if you -- if you recall  
12          any episodes of anxiety or depression.  Was that the  
13          question, counsel?

14          THE WITNESS:  De-depression, ye-yes.  I  
15          los-lost my mother-my mother in 2000.

16          MR. WYNPERLE:  2000 lost mom?

17          THE WITNESS:  Yes.

18          MR. WYNPERLE:  I think there was  
19          depression.

20          THE WITNESS:  Yes.

21          BY MR. CAMERON:

22          487.        Q.    And did you receive any treatment  
23          for that depression?

24          A.    Like wha-wha-what -- I'm not  
25          understand-standing trea-treatment.  What do you mean?

1 488. Q. Did you receive counselling? Did  
2 you --

3 A. No.

4 489. Q. Did you speak with a doctor?

5 A. I'm -- think so. Ye-yes.

6 490. Q. Were you prescribed any medications?

7 A. I don't recall.

8 491. Q. And the doctor you would have spoken  
9 with would have been your family doctor, if you spoke  
10 with a doctor?

11 A. Yes.

12 MR. WYNPERLE: Do you want to take a  
13 break for a minute? Why don't we just go off the  
14 record?

15 MR. CAMERON: Yeah. Let's go off the  
16 record for a moment.

17 --- SHORT RECESS AT 10:59 P.M.

18 --- UPON RESUMING AT 11:02 a.m.

19 BY MR. CAMERON:

20 492. Q. So you lost your job in 2008. What  
21 were you doing for work between that and beginning  
22 your employment at Manpower?

23 MR. WYNPERLE: Between 2008 and when she  
24 started at Manpower?

25 MR. CAMERON: Mm-hmm.

1 THE WITNESS: Tha-that was un-un-under  
2 three months.

3 BY MR. CAMERON:

4 493. Q. Okay. I'll take you to document  
5 No. 109 in the brief of your productions based on our  
6 Bates numbering. I apologize.

7 MS. FARKOUH: If you could just give the  
8 date, maybe describe it, counsel?

9 MR. CAMERON: Yes. So this is an extract  
10 from the EMR of Dr. DiPaolo. It's dated April 29,  
11 2011.

12 MS. FARKOUH: April 20...

13 MR. CAMERON: 29.

14 MS. FARKOUH: 29. 2011?

15 MR. WYNPERLE: Can you show me what  
16 you're looking at so I can see?

17 MR. CAMERON: This is on the second page.  
18 So that's, by our Bates numbering, 109.2, and there is  
19 a record halfway down the page.

20 MR. WYNPERLE: April 29th, 2011?

21 MR. CAMERON: Yes.

22 MR. WYNPERLE: Yes.

23 BY MR. CAMERON:

24 494. Q. And you'll note that the record  
25 says: (as read)

1                   New fabulous job with good benefits,  
2                   etcetera. Her depression has  
3                   disappeared.

4                   MR. WYNPERLE: Mm-hmm.

5                   BY MR. CAMERON:

6                   495.           Q. What new fabulous job would  
7                   Dr. DiPaolo have been referring to in April 2011?

8                   A. Tha-tha-that would be  
9                   Man-Man-Manpower and LCBO, but that I hadn't seen  
10                  hi-him in-in prob-probably awhile, so he didn't know  
11                  the news.

12                  496.           Q. So if you turn a few pages previous  
13                  in the same record, you'll see that there are  
14                  entries -- there's entries from 2009.

15                  MR. WYNPERLE: Which would have been two  
16                  years prior, more than actually two -- well, not more  
17                  than but two years. Yes. I see that.

18                  BY MR. CAMERON:

19                  497.           Q. But that would have been subsequent  
20                  to you beginning at Manpower?

21                  A. Sor-sor-sorry?

22                  498.           Q. In 2009, you would have already  
23                  begun working at Manpower?

24                  A. Yes. I star-started in 2008.

25                  499.           Q. And did you experience depression up

1 to 2011?

2 A. No. It was 2-2-2008 when I l-l-lost  
3 my job in September, and I found another job in-in  
4 November.

5 500. Q. If you just flip a few pages to what  
6 is, by our reckoning, document No. 113 of your  
7 productions, and it is an EMR note of May 11, 2012,  
8 and we see that this is shortly after you were  
9 dismissed from Manpower.

10 A. And what --

11 MS. FARKOUH: Hold on. Hold on a minute.

12 THE WITNESS: Sorry.

13 MR. WYNPERLE: What page again? Sorry.

14 MR. CAMERON: This is 113 by our  
15 reckoning.

16 MR. WYNPERLE: Yes. 113.1?

17 MR. CAMERON: Yes. It's a note dated  
18 May 11th, 2012.

19 MR. WYNPERLE: Right. Yeah.

20 BY MR. CAMERON:

21 501. Q. And this is subsequent to you  
22 being -- shortly subsequent to you being dismissed by  
23 Manpower?

24 A. Correct.

25 502. Q. And as a result of that dismissal,

1 again you are experiencing symptoms of depression?

2 A. Yes.

3 503. Q. And again, you have been prescribed  
4 Ativan?

5 A. Excuse me?

6 504. Q. And again, you have been prescribed  
7 Ativan?

8 A. I -- yes.

9 505. Q. So to summarize this, is it fair to  
10 say that you've had at least periodic incidents of  
11 depression or anxiety?

12 MR. WYNPERLE: Well, the records speak  
13 for themselves, as you've said earlier, so I don't  
14 think this overall summary thing is useful. It's all  
15 been gone into now in some detail. I think the  
16 evidence and the records are what they are. I don't  
17 think this general characterization is appropriate, so  
18 I will refuse.

19 --- REFUSAL

20 BY MR. CAMERON:

21 506. Q. Okay. Prior to the surgery, were  
22 you experiencing difficulty sleeping?

23 MR. WYNPERLE: Can you give a frame of  
24 reference to that?

25 BY MR. CAMERON:



1 507. Q. In the year prior to the surgery,  
2 were you experiencing difficulty sleeping?

3 A. Yes. After losing my job in 2 --  
4 May 2012. I was worried.

5 508. Q. Did you have any sort of treatment  
6 for the difficulty sleeping?

7 A. Treatment?

8 509. Q. Did you have a sleep study?

9 A. No.

10 510. Q. Did you seek medical advice about  
11 your difficulty sleeping?

12 A. No.

13 511. Q. Have you ever had a sleep study  
14 performed prior to the surgery?

15 A. Excuse me?

16 512. Q. Have you ever had a sleep study  
17 performed prior to the surgery?

18 A. Yes.

19 513. Q. When was that performed?

20 A. 9-9-99 -- 1999, 2000.

21 514. Q. Do you recall who performed the  
22 sleep study?

23 A. No.

24 515. Q. And what complaint did you have that  
25 prompted the sleep study to be performed?

1           A. I injured my back in 1999, and they  
2 sent me for a sleep study -- becau-because I was in a  
3 lot-lot of pain, and I couldn't sleep.

4 516.       Q. Have you ever had sleeping issues  
5 associated with a difficulty in breathing?

6           A. Par-pardon?

7 517.       Q. Have you ever had sleeping issues  
8 associated with a difficulty in breathing?

9           A. I don't under-understand what you're  
10 saying.

11 518.       Q. It's medically referred to as, I  
12 believe, sleep apnea. Have you ever had issues with  
13 sleep apnea?

14           A. Not -- I-I-I-I was di-di-diagnosed  
15 since the ac-accident, yes.

16 519.       Q. But not prior to the accident?

17           A. No.

18 520.       Q. So we have discussed a history of  
19 headaches, a history of anxiety and depression, and a  
20 history of difficulties with sleeping. Did you have  
21 any other chronic issues that caused you difficulty in  
22 the five years prior to the surgery?

23           MR. WYNPERLE: Other than things which  
24 may have already been mentioned on the previous  
25 transcript as well? I mean, there may have been

1 things mentioned on that transcript, and like I said,  
2 if you're saying --

3 MR. CAMERON: I am quite satisfied that  
4 the general question was not asked and --

5 MR. WYNPERLE: No, no, no. I'm not  
6 saying that the question was asked. I'm not saying  
7 that. You're not listening to me. I'm just saying,  
8 other than what you've mentioned, and other than what  
9 may have already previously been mentioned on the  
10 transcript of the discovery, in the five years prior  
11 to the accident, are there any other chronic  
12 conditions that she had; is that your question?

13 MR. CAMERON: No.

14 MR. WYNPERLE: Okay.

15 BY MR. CAMERON:

16 521. Q. The question is --

17 MR. WYNPERLE: Go ahead.

18 BY MR. CAMERON:

19 522. Q. -- other than those three specific  
20 conditions that I listed, have you had any other  
21 chronic conditions that caused you difficulty --

22 MR. WYNPERLE: Don't answer that  
23 question.

24 BY MR. CAMERON:

25 523. Q. -- in the five years prior to the

1 accident?

2 MR. WYNPERLE: Don't answer. I mean,  
3 just because of the way you're doing it unfortunately,  
4 again, you're just being unfair to the witness,  
5 because obviously there were other things mentioned in  
6 the previous transcript, and now we're just not being  
7 fair. So if this is about not being fair and not  
8 putting questions to the witness fairly, then  
9 unfortunately, simple things that should be easily  
10 dealt with can't be dealt with. This is a very  
11 unfortunate way of doing things.

12 MR. CAMERON: Well, I think the  
13 unfortunate thing is to try and have her remember  
14 everything that may have been discussed on the  
15 examination three years ago.

16 MR. WYNPERLE: I couldn't agree with you  
17 more. You could just bring those things -- you could  
18 just bring it to light. For example, like they talked  
19 about asthma at the last one. Not that it really  
20 matters per se, but like, I mean, that was talked  
21 about. It's a chronic illness, I guess, that she had,  
22 and it certainly was discussed on the previous  
23 transcript, and so if she says no, then she -- and she  
24 has forgotten about the asthma, then you're putting  
25 her into essentially a trap, and it's just not right.

1 MR. CAMERON: Well, I mean --

2 MR. WYNPERLE: And it was discussed  
3 previously. Like, I mean, it's not like it wasn't. I  
4 don't know how to be -- I don't how to be -- you know,  
5 how not to be difficult about this, but the way you're  
6 asking your questions. You could have just said,  
7 Including what was mentioned previously, plus what  
8 we've talked about today, anything else? You could  
9 have said that, but you didn't, and you refuse, so I  
10 have to refuse.

11 MR. CAMERON: Well...

12 MR. WYNPERLE: I mean, it's just -- you  
13 know, come on, man. Be fair to her. Be fair. That's  
14 all I'm asking.

15 MR. CAMERON: Counsel, I believe that the  
16 way I'm phrasing the question is the fair way.

17 MR. WYNPERLE: Refused.

18 --- REFUSAL

19 MR. CAMERON: Because --

20 MR. WYNPERLE: Refused then. Just  
21 continue on. I try to help you, but you refuse the  
22 help, then I'm sorry for you, I'm sorry for you, but  
23 I'm not going to subject my client to that kind of  
24 examination. I've refused. So go ahead.

25 BY MR. CAMERON:

1           524.           Q.   Ms. Young, do you remember all the  
2 conditions that were discussed at the prior  
3 examination?

4           A.   I-I-I really don't know-know what  
5 you're -- like -- I -- you're-you're -- it's very...

6           MR. WYNPERLE:   Okay.   Counsel, can we go  
7 off the record again?   Can we go off the record?

8           MR. CAMERON:   Is this going to be dealing  
9 with a refusal?

10          MR. WYNPERLE:   Well, let's do it on the  
11 record.   It doesn't matter to me.   Counsel, your  
12 co-defence counsel suggested an idea of how to deal  
13 with some of these issues, to which I thought I  
14 agreed, and now we're doing something different again.

15          We're -- again, you know, if you're going  
16 to continue the examination in this way, we're going  
17 to have a very slow day, and your time is ticking on  
18 this discovery, right, because I'm going to count up  
19 the time, and we're going to make sure that the rules  
20 are complied with, just like you are.

21          So I'm just going to suggest to you that  
22 either you're going to do this examination properly,  
23 or you're going to waste all your time, and then we're  
24 going to move on to her.   That's what we're going to  
25 do.

1 MS. FARKOUH: Well, her has a name.

2 MR. WYNPERLE: I apologize. I'm not  
3 trying to be difficult.

4 MS. FARKOUH: But I just want to raise  
5 the issue, you know, you're -- you're being difficult  
6 with counsel. I agree with the -- that questions  
7 previously asked should be put on the record. I don't  
8 believe that he's asking the questions again. I think  
9 you're refusing questions that -- but I also think --  
10 I want to go to your point that -- timing then.

11 I think to be fair, your office, you on  
12 behalf of this case, asked way more than seven hours  
13 worth of questions for the defendants. So this  
14 examination will go until it's done, and then if you  
15 want to bring a motion about that, that's one thing,  
16 but if it's going to be a fight that's going to take  
17 up all the time on the record, then that is not fair  
18 to me. It's not fair to my clients. I think this can  
19 be handled much more efficiently than it's going, and  
20 I think that, --

21 MR. WYNPERLE: I agree with that. I  
22 agree with that.

23 MS. FARKOUH: -- you know, this is not  
24 productive.

25 MR. WYNPERLE: I agree with all of that.

1 I, quite frankly, agree with you, and I'm not  
2 suggesting this was a question asked and answered  
3 before. What I'm suggesting is that there were other  
4 questions, other illnesses or incidents or conditions  
5 or whatever word we want to use, that were talked  
6 about on the previous transcript.

7 He's talked about a few of them, that's  
8 fine. He's entitled to do it. We've done it. It's  
9 over. But now he's asking, Well, was there anything  
10 else, but we know there was something else, because  
11 there were other things, because they were talked  
12 about on the previous transcript, and now to do that  
13 to the witness, do you honestly believe that to be the  
14 fair way of dealing with it? No. You would put that  
15 stuff to her first; right?

16 MS. FARKOUH: I don't think that it's a  
17 matter of fairness. I think it's a matter of  
18 efficiency, and I think, if we do know the answers,  
19 counsel, that perhaps it might be more efficient, and  
20 to avoid the type of objections that, you know, are  
21 coming is that you just put her previous answers to  
22 her and then ask on that. I think that...

23 MR. CAMERON: If I can explain the  
24 rationale of the question -- and I don't think it's an  
25 unfair one -- we have received some of Ms. Young's



1 medical records. We've not received all of them. I  
2 am trying to get, to the best of her recollection, a  
3 list of the conditions that she may have been  
4 experiencing prior to the surgery.

5 If I was to caveat that by saying except  
6 to the extent they were discussed at the previous  
7 examination, she would be put in the very unfair  
8 position of having to try and remember everything that  
9 was discussed at the previous examination.

10 MR. WYNPERLE: Okay. So sorry. Let's  
11 just -- let me try -- try that on me again. Let's try  
12 to get to what you're just trying to get at, so see if  
13 we can cooperate here to get to the answer.

14 You're just trying to get any other --  
15 any conditions that she was aware of; right? Any  
16 condition? So you've talked about headaches and sleep  
17 and mood, you know, and you -- you know, obviously  
18 we've talked now -- I have at least talked about the  
19 fact that she obviously had a breathing problem,  
20 whether that's asthma or whatever, and maybe you can  
21 direct her to anything else that -- you know, that you  
22 know of and then, you know, we can see whether we can  
23 finish this off.

24 MR. CAMERON: Before I direct it to  
25 something else, I would like to have the witness's

1 best recollection. I don't think it's unfair.

2 MS. FARKOUH: I also agree with my  
3 friend, because I think it's difficult because you  
4 don't have the complete pre-incident records. So if  
5 we did, this, perhaps, would not be going like this.

6 MR. WYNPERLE: Well, okay. There's some  
7 record that has been refused to you that you have  
8 asked for?

9 MR. CAMERON: Well, you've certainly just  
10 taken under advisement all the medical records of  
11 Dr. DiPaolo in 2009.

12 MR. WYNPERLE: Mm-hmm, mm-hmm. Okay.  
13 But before today, you know? I hear something -- I  
14 just hear something like there's something that you  
15 weren't provided before today that you had asked for,  
16 and I didn't read that, so I'm just trying to figure  
17 all that out.

18 MR. CAMERON: Well, I haven't reviewed  
19 every letter that has ever been sent between the  
20 parties in this litigation. All I'm saying is that  
21 standing here and now, I do not have the complete  
22 medical records for Ms. Young, which is why I believe  
23 that this question is necessary.

24 MR. WYNPERLE: Oh, okay. Well, other  
25 than what we've already talked about today, and other

1 than the asthma, which we really haven't talked about,  
2 I think the question was, was there any other chronic  
3 illnesses in the five years prior that you were aware  
4 of dealing with?

5 MR. CAMERON: Chronic conditions that --

6 MR. WYNPERLE: Yes. You did say chronic  
7 conditions. Right?

8 MR. CAMERON: Yes.

9 MR. WYNPERLE: Yes. Chronic conditions  
10 that you were dealing with in the five years prior to  
11 2012 that you can recollect. Anything else?

12 THE WITNESS: Asthma.

13 BY MR. CAMERON:

14 525. Q. Anything else?

15 MR. WYNPERLE: Other than the -- sorry.  
16 And other than the surgery that brought us here.

17 MR. CAMERON: Well, we're talking about  
18 the -- sorry. And other than, of course, the  
19 condition leading to the hysterectomy.

20 MR. WYNPERLE: Right. And other than  
21 that. So he's not talking about that, and he's not  
22 talking about the things that you've already talked  
23 about. He just wants to know if there's anything else  
24 that you can recollect that was a chronic condition of  
25 some sort that you had.

1 THE WITNESS: Ca-ca-can I-can I ask a  
2 question? Clarify chron-chronic, meaning ongoing?

3 MR. WYNPERLE: Yes.

4 MR. CAMERON: Meaning more than just a  
5 one-off incident.

6 MR. WYNPERLE: Yes. Ongoing.

7 THE WITNESS: Hypoglycemia.

8 MR. WYNPERLE: Right. Sure. We talked  
9 about that.

10 THE WITNESS: Yeah.

11 MR. WYNPERLE: That's right. Fair  
12 enough.

13 THE WITNESS: An-and I have-have reflux.

14 MR. WYNPERLE: Okay.

15 BY MR. CAMERON:

16 526. Q. Anything else?

17 A. Not tha-that I can-I can  
18 think-think-think of off-offhand.

19 527. Q. Any irritable bowel syndrome?

20 A. Not-not on-on-go-going.

21 528. Q. But on more than one occasion?

22 A. For five --

23 MR. WYNPERLE: In the five years?

24 THE WITNESS: I wouldn't say  
25 chron-chron-chronic, no.

1 BY MR. CAMERON:

2 529. Q. But there would have been multiple  
3 instances of that within the five years?

4 A. I don't recall. You're-you're  
5 putting words in-in my mouth.

6 530. Q. I apologize. Prior to the surgery,  
7 did you have any history of rapid weight gain or loss?

8 MR. WYNPERLE: Is this also in the five  
9 years prior? I don't want her to be confused, or just  
10 any time in her life? What are we asking?

11 MR. CAMERON: Well, the specific question  
12 is any time in her life, but I'm content to limit it  
13 to the five years prior.

14 MR. WYNPERLE: Thank you. So in five  
15 years, rapid weight gain or loss that you can recall.

16 THE WITNESS: I've been up and -- up and  
17 down, but I-I don't know-know-know any specific.

18 BY MR. CAMERON:

19 531. Q. Can you turn to what is, by our  
20 unorthodox numbering, 109.0005. This is --

21 MR. WYNPERLE: Is this the hospital  
22 record, sorry, or the other brief?

23 MR. CAMERON: These are your records.

24 MR. WYNPERLE: 109?

25 MS. FARKOUH: Date counsel, please?

1 MR. WYNPERLE: It's 109 point what?

2 MR. CAMERON: My notes say point 5, but  
3 I'm looking for the -- sorry. It's 106, and if you  
4 look at the note dated September 28, 2011.

5 MR. WYNPERLE: Hold on. 106. Point 1?  
6 Yes. Yeah.

7 MR. CAMERON: Sorry. 109.6.

8 MR. WYNPERLE: Okay. Hold on. Give me a  
9 sec. I'm getting back to that. 109.6. Okay. And  
10 which record?

11 MR. CAMERON: So this is a note dated  
12 September 28, 2011.

13 MR. WYNPERLE: Yeah.

14 MR. CAMERON: From Dr. Small.

15 MR. WYNPERLE: Yeah.

16 MR. CAMERON: To a Dr. Leo.

17 MR. WYNPERLE: No, To Dear Leo. I think  
18 it's a first name. Anyways, it doesn't matter. Go  
19 on.

20 BY MR. CAMERON:

21 532. Q. It says, the third paragraph:  
22 (as read)

23 The weight has [to use the doctor's  
24 words] rocketed in the past nine months,  
25 no cause has been identified. She

1 weighed 249 pounds today.

2 Do you have any -- do you recall this  
3 incident or this --

4 A. I-I recall, pri-prior-prior to my  
5 surgery, in the year pri-pri-prior, I-I had a lot of  
6 sw-swelling an-and --

7 MR. WYNPERLE: Swelling where? Like just  
8 give him an idea. Abdomen?

9 THE WITNESS: Oh, in the -- in the  
10 ab-abdomen and legs.

11 BY MR. CAMERON:

12 533. Q. And was this swelling investigated?

13 A. Yes. Yes.

14 534. Q. And was a cause determined?

15 A. It -- I'm-I'm guessing if-if I  
16 tel-tel-tell you something. Everything wen-wen-went  
17 away once I ha-had my sur-surgery. I didn't have that  
18 swell-swelling anymore. They were thinking it was  
19 hormonal.

20 535. Q. So we've talked a little bit about  
21 hypoglycemia. Have you ever been formally diagnosed  
22 with diabetes?

23 A. Yes.

24 536. Q. When was that?

25 A. December 2014.

1           537.           Q.   And you are being treated for the  
2           diabetes?

3                    A.   Yes.

4           538.           Q.   Which physician is treating you for  
5           the diabetes?

6                    A.   Dr. DiPaolo.

7           539.           Q.   Prior to the surgery, there were  
8           warnings about your hypoglycemia potentially  
9           developing into diabetes?

10                   MR. WYNPERLE:   So you're asking her if a  
11           physician had warned her?

12                   MR. CAMERON:   Yes.

13                   MR. WYNPERLE:   Okay.   Prior to this  
14           surgery, had anybody warned you about the hypoglycemia  
15           turning into diabetes?

16                   THE WITNESS:   No.

17                   BY MR. CAMERON:

18           540.           Q.   You were not counselled to control  
19           your diet to prevent diabetes?

20                   A.   Not-not to my knowledge.

21           541.           Q.   Had you ever been placed on a  
22           special diet to -- prior to the surgery?

23                   MR. WYNPERLE:   A special diet to prevent  
24           the diabetes, is that what you meant, or just a diet  
25           of any sort?   I'm just trying to get an idea of what



1 you're talking about, I mean if you're talking in  
2 reference to the diabetes or not. That's all. I'm  
3 just trying to get that.

4 MR. CAMERON: Well, given that there's  
5 some confusion as to the precise breakdown between  
6 diabetes and hypoglycemia, I'm interested in any sort  
7 of medically-prescribed diet at all.

8 MR. WYNPERLE: In the five years prior  
9 again?

10 BY MR. CAMERON:

11 542. Q. In the five years prior.

12 A. No.

13 543. Q. Are you still smoking?

14 A. No.

15 544. Q. When did you stop smoking?

16 A. About a month ago.

17 545. Q. And prior to quitting, were you  
18 smoking continuously between our previous examination  
19 in the summer of 2016 and a month ago?

20 A. Plea-please repeat.

21 546. Q. I'm sorry. Were you smoking  
22 continuously between our previous examination in June  
23 of 2016 and quitting a month ago?

24 A. I-I wouldn't -- I-I wouldn't say  
25 con-contin -- like, ye-yes, but-but sporadic.

1 547. Q. What do you mean by that?

2 A. I sometimes don't smo-smo-smoke for  
3 a coup-coup-couple of days, and...

4 548. Q. On average, how much would you say  
5 you were smoking a day in that time period?

6 A. A pack would la-last me a week,  
7 sometimes longer.

8 549. Q. Were you in a motor vehicle accident  
9 in late 2009 or early 2010?

10 A. S-sorry. Think-thinking. Yes.

11 550. Q. Please describe what was happened?

12 A. I was rear -- rear ended.

13 551. Q. Can you elaborate?

14 A. I was leaving from w-work driving  
15 down-down-down the road. I think I was stop-stopped  
16 and someone ran into the ba-back of me.

17 552. Q. Did you suffer health complications  
18 as a result of this incident?

19 A. I remem-mem-member be-be-being sore,  
20 ye-yes.

21 553. Q. Did you seek medical treatment?

22 A. Not-not-not-not right away-way, no.

23 MR. WYNPERLE: But at any time.

24 THE WITNESS: I-I think I -- it's a long  
25 ti-ti-ti-time ago. I r-r-r-really don't remember the

1 de-de-details.

2 BY MR. CAMERON:

3 554. Q. Did you commence litigation in  
4 respect of this accident?

5 A. Can you --

6 MR. WYNPERLE: Did you sue the other  
7 driver?

8 THE WITNESS: No.

9 BY MR. CAMERON:

10 555. Q. Did you make an insurance claim?

11 A. Yes.

12 556. Q. What did you claim for?

13 A. Get my car-car fixed.

14 557. Q. Did you make any claim in respect to  
15 the health complications you had suffered?

16 A. No. Not that I recall.

17 MS. FARKOUH: So no AB claim, no accident  
18 benefits claims?

19 THE WITNESS: Pardon?

20 MS. FARKOUH: No accident --

21 MR. WYNPERLE: Accident benefits claim  
22 she's saying. So you claim medical and rehabilitation  
23 benefits --

24 THE WITNESS: No.

25 MR. WYNPERLE: -- or something like

1 that from your own insurance company. That's what an  
2 accident benefit claim is.

3 THE WITNESS: I can remember go-go-going  
4 to a chi-chi-chiropractor because-because of whiplash,  
5 I think it's call-called. It was-it was -- yeah.

6 BY MR. CAMERON:

7 558. Q. And what symptoms did you experience  
8 as a result of whiplash?

9 A. You're ask-asking something a long  
10 ti-ti-ti-time-time ago. I can't remember de-detail.  
11 I just remember going for-for adjus-adjustments,  
12 an-an-and I never stop-stopped working. I-I -- so  
13 it's not stick-sticking out in my head.

14 MR. CAMERON: Counsel, do you know  
15 whether the records of the chiropractor have been  
16 produced?

17 MR. WYNPERLE: I don't know. I don't  
18 recall having seen them myself.

19 MR. CAMERON: Can I get an undertaking to  
20 produce the records?

21 MR. WYNPERLE: Do you remember who the  
22 chiropractic was, Ms. Young?

23 THE WITNESS: No.

24 MR. WYNPERLE: I don't think I would be  
25 able to find that like on like -- it wouldn't be like

1 something on an OHIP summary or something like that,  
2 so how can I undertake to get the record? Do you know  
3 the name by chance?

4 MS. FARKOUH: Well, no, my question -- I  
5 would like you to look into. I mean, if your client  
6 saw a chiropractor, presumably she would have made a  
7 claim for AB benefits. So I would like an undertaking  
8 to look into whether there was a claim or an AB claim  
9 against -- to her own insurer.

10 Who insured you at the time, your car  
11 insurance?

12 THE WITNESS: I-I-I would have to  
13 look-look. That's a lon-long time ago.

14 MS. FARKOUH: It's very important to the  
15 claim.

16 MR. WYNPERLE: Okay. So let's just slow  
17 this down for a second. My client will look to figure  
18 out who her insurance company was. I will undertake  
19 to do that. So undertaking who was auto insurer, and  
20 I will undertake to see -- to ask her to review her  
21 records and see if she can find the name of the  
22 chiropractor; okay?

23 --- UNDERTAKING

24 MS. FARKOUH: And also if there was an AB  
25 claim for any benefits.

1 MR. WYNPERLE: I think she -- did you say  
2 she -- she said no, or she -- okay. Well, I guess I  
3 can have you review your record --

4 MS. FARKOUH: She says she doesn't  
5 remember.

6 MR. WYNPERLE: Just hold on. I will have  
7 her review her records to see if she has any  
8 information about an accident benefits claim; okay?

9 MS. FARKOUH: Thank you.

10 --- UNDERTAKING

11 MR. WYNPERLE: Yeah. Sure. And then  
12 from there, whatever flows from that, then obviously  
13 there might be more questions. I understand, so...  
14 Okay. So that's fine. Very good.

15 BY MR. CAMERON:

16 559. Q. In the January of the year which you  
17 received the surgery...

18 MR. WYNPERLE: January of 2012?

19 BY MR. CAMERON:

20 560. Q. Do you recall seeing Dr. McIver, a  
21 respirologist?

22 A. I re-remem-member having a  
23 ches-chest cold, bu-but I don't recall, no.

24 561. Q. Do you recall whether you had to  
25 skip work as a result of the chest cold?

1 A. Did I?

2 562. Q. Did you have to skip work as a  
3 result of the chest cold?

4 A. What do you mean "skip"?

5 563. Q. Or not skip. Did you have to take  
6 sick time as a result of the --

7 A. Yes.

8 564. Q. How much time did you have to take  
9 off from work?

10 A. Three-three-three, four weeks.

11 565. Q. Can you describe the symptoms of the  
12 chest cold?

13 A. Flu-flu symptoms tha-tha-that  
14 we-went into a chest -- chest infection.

15 566. Q. Did it affect your sleeping?

16 A. From coughing, probably. I don't  
17 recall, but...

18 567. Q. You were prescribed medication to  
19 treat it?

20 A. To treat which?

21 568. Q. The chest cold/infection.

22 A. Correct.

23 569. Q. And so the chest cold resolved  
24 itself sometime in the late winter or early spring of  
25 2012?

1 A. La-late wi-winter, correct.

2 570. Q. This was just prior to your  
3 termination from Manpower?

4 A. Coup-couple of months, yes.

5 571. Q. Was there any connection between the  
6 time you took off work and your termination?

7 A. Pardon?

8 572. Q. Was there any connection between the  
9 time you took off work for six -- for your sickness  
10 and the termination?

11 A. I'm not understanding.

12 MR. WYNPERLE: Okay. Did anybody ever  
13 tell you or write to you or anything like that to  
14 communicate to you that part of the reason you were  
15 being let go from Manpower was because of missing two  
16 or three weeks or four weeks or whatever it was as a  
17 result of this illness --

18 THE WITNESS: No.

19 MR. WYNPERLE: -- that you had?

20 THE WITNESS: No.

21 MR. WYNPERLE: Does that characterize it?

22 Thank you.

23 BY MR. CAMERON:

24 573. Q. Okay. So how long have you -- prior  
25 to the surgery, for how long were you a patient of



1 Dr. Small?

2 A. I don't ha-have an exact num-number,  
3 but I saw him in the '90s.

4 574. Q. And would you see him regularly  
5 through to 2012 or...

6 A. There was a break-break in between.  
7 I had sur-surgery from-from him in the '9-'90s.

8 575. Q. That surgery was also to deal with  
9 cysts?

10 A. One w-was, and the other w-was a  
11 tubulization.

12 576. Q. Did you ever in the '90s discuss the  
13 possibility of a hysterectomy due to --

14 A. No.

15 577. Q. When was the first time you  
16 discussed the possibility of a hysterectomy?

17 A. That I-I-I discussed?

18 578. Q. That you and Dr. Small discussed the  
19 possibility of performing a hysterectomy on you.

20 A. It was pri-pri-prior to my surgery  
21 tha-that -- a couple of months prior. That he  
22 discussed.

23 579. Q. Had you been discussing the  
24 possibility with any other doctor?

25 A. No.

1           580.           Q.   So after these incidents in the  
2           '90s, when did you resume seeing Dr. Small for the  
3           issues that would ultimately be treated by your  
4           hysterectomy?

5                    A.   Prob-prob-probably a year  
6           before-fore the surgery.

7           581.           Q.   And had you seen him at any point in  
8           between the '90s and then?

9                    A.   I don't recall. I don't think so,  
10          but I don't recall.

11          582.           Q.   Were you referred to Dr. Small by  
12          Dr. DiPaolo?

13                   A.   I think-think-think so  
14          that-that-that it wa-was-was -- it was dis-discussed  
15          between-between us and -- bo-bo-both of us.

16          583.           Q.   Okay. What do you recall of those  
17          discussions?

18                   A.   None.

19          584.           Q.   You recall there were discussions,  
20          but beyond that -- I mean, in all fairness, it was  
21          10 years ago.

22                   A.   Yes.

23          585.           Q.   But is it fair to say that it was  
24          sort of a mutual --

25                   A.   Yes.

1 586. Q. -- decision? Do you remember what  
2 the concern was in September of 2011 that prompted the  
3 referral to Dr. Small?

4 A. Cysts. Poly...

5 MR. WYNPERLE: The cysts.

6 THE WITNESS: Yeah, yeah.

7 MR. WYNPERLE: That's good.

8 BY MR. CAMERON:

9 587. Q. What was the concern of the cysts?

10 A. Breaking and p-pain, not having-not  
11 having periods.

12 588. Q. Any other symptoms?

13 A. I don't-don't re-recall offhand. A  
14 long time-time ago.

15 589. Q. Do you recall any concern that the  
16 cysts might be malignant?

17 A. I don't recall.

18 590. Q. Were you ever worried that the cysts  
19 might be cancerous?

20 A. Don't re-recall. I'm sur-sure it-it  
21 ca-came -- like worry -- I was wor-worried, ye-yes,  
22 but-but I didn't know wha-wha-what was going on.

23 591. Q. So I'm not going to take you through  
24 all of Dr. Small's notes, which I'm sure your counsel  
25 is very relieved to hear, but do you recall any

1 discussion about the cysts becoming enlarged?

2 MR. WYNPERLE: Like is this in 2011?

3 BY MR. CAMERON:

4 592. Q. This is in 2011.

5 A. There-there-there wa-was -- I'm-I'm  
6 sure-sure-sure-sure there was, but I don't recall an  
7 exact date or in-incident.

8 593. Q. I'm not asking for an exact date or  
9 incident. I'm just asking for your best recollection  
10 of the concerns that you were discussing with  
11 Dr. Small, and the information he was providing you  
12 with.

13 A. All-all I remem-member it was  
14 on-on-go-going, an-and that's ba-bas-basically it.

15 594. Q. Do you have any recollection of a  
16 diagnostic procedure that was performed in October of  
17 2012?

18 A. Yes.

19 595. Q. What can you tell me about that?

20 A. I we-went in the hos-hospital. He  
21 cu-cu-cut me open and did an explor-exploratory.

22 596. Q. What did he tell you about the  
23 results of that exploratory?

24 A. He tol-tol-told --  
25 call-call-call-called me in right away an-and said

1 that-that it's the weir-weirdest things he's ever  
2 see-seen, that-that it needs-needs to come out, full  
3 hysterectomy, is what his recommendation was.

4 597. Q. How did you respond to that  
5 recommendation?

6 A. I was up-upset-set, and I was  
7 ag-agreeance with him. He show-show-show-showed me a  
8 book. He said -- he-he show-show-show-showed me a  
9 book and a picture and said this is wha-wha-wha-what  
10 it looked like and that-that-that we ma-made a  
11 decision to go full-full-full speed with the surgery.

12 598. Q. Do you recall any complications as a  
13 result of the October diagnostic procedure?

14 A. Yes.

15 599. Q. What were those complications?

16 A. Pa-pa-pa-pain, bl-bl-bl-bloating,  
17 and -- that's a lon-long, long ti-ti-time ago. I d-do  
18 know I di-did go to hos-hospital but fou-fou-found  
19 out -- found out later it was air, gas, trapped.

20 600. Q. Where did you feel the pain?

21 A. In my abdomen.

22 601. Q. Do you ever recall any discussions  
23 with Dr. Small after he recommended the hysterectomy  
24 and leading up to the actual surgery?

25 A. Pl-pl-pl-please re-rephrase.

1           602.           Q.   I'll get -- be more specific. Do  
2           you recall discussing risks or complications or  
3           effects of the surgery with Dr. Small before the  
4           procedure?

5                    A.   I'm-I'm-I'm sur-sur-sure we-we-we  
6           did, but nothing c-c-c-comes to mind.

7           603.           Q.   Recognizing that this was almost ten  
8           years ago, other than generally his recommendation  
9           that the -- that you have a hysterectomy, do you ever  
10          recall any other details of your conversation with  
11          Dr. Small after the diagnostic procedure?

12                   A.   No.

13          604.           Q.   Okay. So we discussed the surgery  
14          at the prior examination, and so I'm going to move  
15          into the post-surgery period.

16                    Do you remember when you were discharged  
17          from hospital?

18                    A.   It was rough-roughly ab-about -- I  
19          was in there about a week. Six-six day-days; five,  
20          six days.

21          605.           Q.   Do you recall visiting Dr. Small's  
22          office on December 4th or 5th, shortly after you were  
23          discharged from hospital?

24                    A.   Yes.

25          606.           Q.   What do you remember of that

1 meeting?

2 A. My-my-my head-head-head was  
3 still-still-still-still hurting, a lot-lot of-lot of  
4 prob-prob-prob-problems wa-wa-walking, wi-wi-with  
5 bal-bal-balance, eye-eye issues, of speak-speaking,  
6 an-and the-the pa-pa-pain, an-and my stitches opened.

7 607. Q. These were stitches in your abdomen?

8 A. Yes.

9 608. Q. Was this the first medical  
10 appointment after you were discharged from hospital?

11 A. I am gue-gue-guessing if I-if I  
12 answer-answer-answer you. I-I think so, bu-but I'm  
13 not a hundred percent po-po-positive.

14 609. Q. That's fair. How did you get to  
15 this appointment?

16 A. My-my sister.

17 610. Q. Do you recall what you told  
18 Dr. Small?

19 A. Exact --

20 611. Q. Not in exact words.

21 A. No --

22 612. Q. Do you recall your complaints to  
23 Dr. Small about your healthcare?

24 A. What I jus-jus-just tol-tol-told  
25 you.

1           613.           Q.   Were you stuttering at the time?

2                    A.   Ye-yes.

3           614.           Q.   You had never had a stutter prior to  
4 surgery?

5                    A.   No.   I did not.

6           615.           Q.   Were you stuttering constantly or in  
7 bouts?

8                    A.   It's a lon-lon-long ti-ti-ti-ti-time  
9 ago.   I know it's been a long ti-time that it's been  
10 happening.

11           616.           Q.   But you do recall that you were  
12 stuttering when you spoke with Dr. Small?

13                    A.   Ye-yes.   Ri-ri-ri-right-right after  
14 I wo-woke up from surgery.

15           617.           Q.   You had never stuttered -- actually,  
16 I think I've already asked that question.

17                    MR. WYNPERLE:   Yeah.

18                    BY MR. CAMERON:

19           618.           Q.   Do you recall a referral being made  
20 by Dr. Small to a home nursing agency?

21                    A.   Ye-yes.

22           619.           Q.   What was that agency?

23                    A.   CCAC.

24           620.           Q.   What services did they provide?

25                    A.   Ban-ban-ban-bandage changes.



1           621.           Q.   Anything else?

2                           A.   An-and -- that's it.

3           622.           Q.   Would a nurse visit you in your  
4           home?

5                           A.   Yes.

6           623.           Q.   Was it the same nurse every time?

7                           A.   No.

8           624.           Q.   A different nurse every time?

9                           A.   Yes.

10          625.           Q.   The symptoms we just discussed you  
11          were reporting to Dr. Small, would you also have  
12          reported those symptoms to the nurses? Like the  
13          issues with your head, with your --

14                         A.   They-they-they-they wo-would ask  
15          gen-generally how-how-how do you fee-feel, but --  
16          ye-yes, but they-they were there 10-10 minutes, like  
17          not a lon-long ti-ti-ti-time at all. It was for  
18          ban-bandage change, packing.

19          626.           Q.   Did you have any issues with the  
20          nursing agency?

21                         A.   Please.

22          627.           Q.   Did you have any issues with the  
23          reliability or the performance of the nurses?

24                         A.   There was day-day-days they  
25          didn't-didn't show up.

1           628.           Q.   And they were supposed to show up  
2 everyday?

3                   A.   Well, I don't know.

4                   MR. WYNPERLE:   Yeah.  She didn't say  
5 that.

6                   MR. CAMERON:   Fair enough.

7                   MR. WYNPERLE:   There were days that they  
8 were supposed to show up, and they didn't show up when  
9 they were supposed to show up.  That's what she said.

10                  BY MR. CAMERON:

11           629.           Q.   Do you recall how frequently they  
12 were supposed to show up?

13                   A.   Plea-please repeat.

14           630.           Q.   Do you recall how frequently they  
15 were supposed to show up?

16                   A.   That's a lon-long ti-ti-time ago.

17                   MR. WYNPERLE:   So the answer is no?

18                   THE WITNESS:   No.

19                   MR. WYNPERLE:   Thank you.

20                  BY MR. CAMERON:

21           631.           Q.   And on each visit, you would have  
22 reported the conditions that are the subject of this  
23 litigation?

24                   MR. WYNPERLE:   Sorry.  What's that?

25                  BY MR. CAMERON:

1           632.           Q.   Sorry.  The conditions that are  
2           subject of this litigation is needlessly ambiguous.

3                        You would have reported the pain in your  
4           head --

5                        MR. WYNPERLE:  To CCAC?

6                        MR. CAMERON:  This is to CCAC.

7                        MR. WYNPERLE:  She has already said she  
8           wasn't sure, and she said she knew they were just  
9           there to change her dressing.

10                      MR. CAMERON:  Well, she --

11                      MR. WYNPERLE:  I thought we had already  
12           gone over this.

13                      MR. CAMERON:  She said that they would  
14           ask her generally about --

15                      MR. WYNPERLE:  Yeah.  Generally how was  
16           she doing.  Okay.  Well, all right.  Did you -- he's  
17           asking did you report, like, head pain and --

18                      THE WITNESS:  Yes.

19                      MR. WYNPERLE:  -- things to them every  
20           time they were there?

21                      THE WITNESS:  How-how-how-how-however I  
22           was fee-feeling, they-they-they were told.

23                      BY MR. CAMERON:

24           633.           Q.  Can we turn to 285 of your  
25           productions based off our numbering system.

1 MS. FARKOUH: Can you describe the  
2 record?

3 MR. CAMERON: This is a medical record  
4 from CCAC. We're looking for the entry that is dated  
5 December 20th.

6 MR. WYNPERLE: 285?

7 BY MR. CAMERON:  
8 634. Q. Yeah. As you flip further into the  
9 book, you go back in time, but this is -- this is at  
10 the bottom of 285.8, and if you'll see, there is a --  
11 there's a discussion of a continuous headache since  
12 surgery, and a doctor discovered a large bald spot on  
13 the back of head and a lump.

14 MR. WYNPERLE: Does it says doctor? It  
15 says D-T-R. I don't know what that stands for, so  
16 let's just say -- what it says is: (as read)

17 Client reports continuous headaches  
18 since surgery, DTR discovered large bald  
19 spot on the back of the head and a lump.

20 I don't know if that's doctor or not.

21 What else do you want to put to her?

22 MR. CAMERON: Well, I had assumed that  
23 that meant doctor, and I was going to ask her which  
24 doctor it was referring to.

25 MR. WYNPERLE: I don't know that that

1 does refer to doctor. Does it? Is that true? It  
2 just says DTR. I don't know what that means.

3 MS. FARKOUH: That's generally the  
4 abbreviation.

5 MR. WYNPERLE: Really? I thought DR was  
6 the -- DTR?

7 MS. FARKOUH: No, in the medical records,  
8 it's DTR.

9 MR. WYNPERLE: Is that right? Well,  
10 anyways, what it says is, DTR discovered large bald  
11 spot on the back of the head. I don't know that that  
12 means doctor, but I guess you can ask her, did some  
13 doctor identify this large bald spot on the back of  
14 your head and a lump?

15 Well, maybe we should take it into  
16 pieces. Do you want to take it in pieces, large bald  
17 spot, and then we can ask her about the lump? Because  
18 they are different things. Do you want to do that?  
19 Let's ask her --

20 MR. CAMERON: Sure.

21 MR. WYNPERLE: Sure. Large bald spot; do  
22 you know of a doctor who identified a large bald spot  
23 on the back of your head?

24 THE WITNESS: I -- we-we-we  
25 iden-den-den -- fou-fou-found it fir-first. It was --

1 the lu-lump-lump happened first.

2 MR. CAMERON: Right.

3 MR. WYNPERLE: Right.

4 THE WITNESS: The bal-bald spot  
5 ca-ca-ca-came a-a-after-afterwards, and it was  
6 addressed to Dr. Sma-Small, an-and I think some --  
7 Dr. Smith was looking after-after things, but  
8 Dr. Small was sent picture-pictures, yes.

9 MR. WYNPERLE: And when you say "we  
10 discovered".

11 THE WITNESS: My sister, my  
12 daugh-daughter and my-myself.

13 MR. WYNPERLE: Okay. There you go. Does  
14 that help, counsel?

15 MR. CAMERON: It does.

16 MR. WYNPERLE: Thank you.

17 BY MR. CAMERON:

18 635. Q. It says, Feels -- the next  
19 sentence -- or the next portion of the sentence says:

20 (as read)

21 Feels this was during post-op  
22 transfer in OR.

23 Do you recall what the basis for your  
24 belief that this was in the post-op transfer was?

25 A. I don't know what you're-you're

1 saying.

2 636. Q. So why would you have told the nurse  
3 that you felt that the bump was caused during post-op  
4 transfer of OR?

5 A. I don't know. All-all-all I  
6 know-know is when I we-we-we-went into the  
7 hos-hospital, I didn't have a bump or any of  
8 these-these prob-problems, but whe-when I woke up, I  
9 did. But I don't-I don't know-know what happened.

10 637. Q. And you also, correct me if I'm  
11 wrong, don't know which of the -- which area of the  
12 hospital the bump occurred in?

13 A. Correct.

14 638. Q. Is this note representative of  
15 similar complaints you would have been making to the  
16 other nurses that saw you?

17 A. Which note, please?

18 639. Q. The one we have just been  
19 discussing.

20 A. I-I-I --

21 MR. WYNPERLE: What do you -- sorry.  
22 What do you mean by that?

23 MR. CAMERON: Well, so the question is --  
24 we have a list of complaint that are recorded by the  
25 nurse. I want to know, in general terms, that was

1 what she was discussing with the nurses on the  
2 previous visits.

3 MR. WYNPERLE: The notes are the notes,  
4 man. Like...

5 MR. CAMERON: Well --

6 MR. WYNPERLE: I don't want to argue with  
7 you about each note and stuff like that, but I don't  
8 know what -- this is a complaint that she made on this  
9 day. If you want to refer her to another note, refer  
10 her to another note. I mean, we shouldn't be  
11 generalizing, and the notes say what the notes say,  
12 and -- like, you know, if your point is that there are  
13 no other complaints about these problems on any other  
14 days, then make that point, if that's what you want,  
15 by going through the records. I just don't think we  
16 should be generalizing like that. I know you're  
17 trying to just economize, perhaps, but I don't know.  
18 I think that's not really fair.

19 MR. CAMERON: I'm trying to get the  
20 witness's recollection of what she told the nurses on  
21 the other incidents, and you're quite right to  
22 anticipate that there are not references specifically  
23 to a bump in the previous notes.

24 MR. WYNPERLE: Mm-hmm. Okay. That's  
25 fine. So is that your -- is that -- anyways. Okay.



1 Sorry. Do these records go backwards?

2 MS. FARKOUH: Yeah. They go most recent  
3 to --

4 MR. WYNPERLE: I see. I'm really loving  
5 this music by the way. I just want to say that.

6 Okay. Well, you know, here's what I'm  
7 going to say. The notes say what the notes say. My  
8 client says she made complaints about her condition to  
9 the nurses. I don't really know what else you can do  
10 with this.

11 MR. CAMERON: I was just trying to get  
12 specifics of the complaints she would have made to the  
13 nurses. If she's told me all she can tell about the  
14 complaints, I'm happy to move on.

15 MR. WYNPERLE: Well, I guess, other than  
16 this one day, he's asking did you make any complaints  
17 to the nurses from CCAC? That's what he's asking,  
18 about sort of the head, and those types of symptoms.

19 MR. CAMERON: Specifically about the bump  
20 and the bald spot.

21 MR. WYNPERLE: Okay. The bump and the  
22 bald spot.

23 THE WITNESS: I don't recall.

24 MR. WYNPERLE: Okay.

25 BY MR. CAMERON:

1           640.           Q.   Do you recall a second visit to  
2           Dr. Small on December 12th?

3                    A.   There-there was a few-few of them,  
4           yes.

5           641.           Q.   Do you recall at what point the bump  
6           disappeared or at least shrunk?

7                    A.   W-weeks.   Don't-don't re-remember  
8           exactly, no.

9           642.           Q.   And at this point, did you raise  
10          again the complaints that we had discussed previously?

11                   A.   Of course.

12          643.           Q.   Do you recall what Dr. Smith's  
13          response was?

14                   A.   She-she was g-going to keep --  
15          Dr. Sma-Small was-was off for his-his own surgery, and  
16          she-she was keeping him-him-him informed.

17          644.           Q.   So just so that we don't confuse the  
18          issue -- because you're quite right that at some point  
19          Dr. Smith comes into the picture.   I believe that on  
20          December 12th it is still Dr. Small that is seeing  
21          you.

22                    A.   Okay.

23          645.           Q.   And if you would like to, the record  
24          is at 194.1 of our notation.

25                    MS. FARKOUH:   December 12th?

1 MR. CAMERON: This is the December 12th.

2 BY MR. CAMERON:

3 646. Q. You'll see that there is some  
4 description of discussions between Dr. Small and the  
5 other doctors and hospital administrators, and I'm  
6 asking you for your best recollection of the  
7 discussion that you would have had with Dr. Small on  
8 this visit.

9 A. It was a-a-a -- the head --  
10 wha-wha-wha-what was go-go-go-going on. The head  
11 pa-pain, the-the-the bal-bal-bal-balance. I was-I  
12 was -- I couldn't-I couldn't walk. I c-c-c-couldn't  
13 talk, couldn't see, c-couldn't -- was unable -- sorry.  
14 Like I ha-had all these-these iss-issues  
15 go-go-go-go-going on. Still my abdom-abdomen was  
16 gushing, was being-being pack-packed and -- there was  
17 a lot of-a lot of thin-things go-go-go-going on. I  
18 don't remember exact con-con-con-conversations.

19 647. Q. So you raised those concerns with  
20 Dr. Small. Do you recall Dr. Small's response to  
21 those concerns?

22 A. He was c-concern-concerned, and he  
23 was going to re-refer-refer-fer-fer me on to a -- to  
24 get -- I don't know if it's a -- I don't want to  
25 say -- I'm not sur-sure of the doctor, but

1 another-another doc-doctor he was go-going to refer me  
2 to fi-fi-find out wha-wha-what was going on.

3 648. Q. Some manner of neurologist?

4 A. Your-your gue-guess is as good as  
5 mine. I don't wan-want to assume.

6 649. Q. Okay. Did you originally resist the  
7 referral to whichever doctor that was?

8 A. No.

9 650. Q. Can we turn --

10 --- COURT REPORTER INTERVENES

11 MR. CAMERON: This may be a good point  
12 for lunch. I don't know what time people would like  
13 to break.

14 MS. FARKOUH: Well, I think maybe...

15 MR. CAMERON: I'm happy to keep going.  
16 I'm happy to --

17 MS. FARKOUH: I think if we break --  
18 we're not on the record.

19 --- DISCUSSION OFF THE RECORD

20 --- NOON RECESS AT 12:07 P.M.

21 --- UPON RESUMING AT 12:52 P.M.

22 BY MR. CAMERON:

23 651. Q. Okay. Picking up where we left off.  
24 You remember meeting with Dr. Smith at Dr. Small's  
25 office?

1 A. Yes.

2 652. Q. And you had told me that was because  
3 Dr. Small was undergoing a surgery himself?

4 A. From what I  
5 understand-stand-stand-stand, yes.

6 653. Q. How many times did you meet with  
7 Dr. Smith; do you know?

8 A. Not-not-not-not off the top of  
9 my-top of my head. A few times.

10 654. Q. By the time Dr. Small had returned  
11 from his surgery, were you -- did you see Dr. Small  
12 again after he returned from the surgery?

13 A. Yes.

14 655. Q. Were you meeting with your family  
15 doctor as well about these issues?

16 A. Yes.

17 656. Q. So I would like to take you to an --  
18 you met with Dr. Smith on January 2nd, 2013. Do you  
19 recall what you were telling Dr. Smith?

20 A. N-no. That was a lon-lon-long time  
21 ago.

22 657. Q. More or less of the same -- of the  
23 same type as we discussed before?

24 A. I'm not clear-clear-clear what  
25 you're saying.

1 658. Q. More or less you would have been  
2 raising the same sorts of concerns as you had with the  
3 other healthcare providers?

4 A. Wi-with the pa-pa-pa-pain-pain in my  
5 head and the bu-the bump, the bald spot, the -- all  
6 the prob-prob-problems, yes.

7 659. Q. Okay. Can you turn to -- actually,  
8 before we turn to any documents, do you remember being  
9 referred to Dr. Rathbone --

10 A. Yes.

11 660. Q. -- in neurology?

12 A. Yes.

13 661. Q. Do you remember how long after the  
14 surgery that referral was made?

15 A. No.

16 662. Q. Do you remember whether there were  
17 specific concerns that prompted the referral?

18 A. Ye-ye-yeah. I-I had a-had a -- a  
19 lot-lot-lot-lot of head pain, stut-stuttering and  
20 bal-bal-balance issues, with wa-wa-walking and talking  
21 and seeing and hearing and -- a lot of-a lot of  
22 issues.

23 663. Q. Did you ask for a referral to be  
24 made, or was this something that Dr. Smith and  
25 Dr. Small or even Dr. DiPaolo initiated?

1 A. I don't re-re-remember.

2 MR. WYNPERLE: Well, they initiated,  
3 because if they don't initiate the referral, it  
4 doesn't happen.

5 MR. CAMERON: Well, certainly they would  
6 have been the ones who made the referral, but the  
7 concept of a referral to neurology --

8 MR. WYNPERLE: Don't do that. You  
9 promised us already. Didn't he promise us? I thought  
10 he did.

11 MR. CAMERON: For the record, he's  
12 referring to a yawn, not anything more objectionable.

13 THE WITNESS: I've-I've-I've heard  
14 them-heard them all morning.

15 MR. WYNPERLE: It's a strategy.

16 BY MR. CAMERON:

17 664. Q. When did you first have imaging done  
18 following the surgery?

19 A. No-no-no idea.

20 665. Q. Are we talking weeks, days, months?

21 A. No idea.

22 666. Q. Do you recall going in for an MRI  
23 and not being able to complete the imaging?

24 A. Yeah. Yes.

25 667. Q. Why was that?

1           A. I have-have-have a -- umm-umm-umm --  
2 a f-f-f-fear-fear of hospital -- hospitals and  
3 doc-doctors now, an-and I was -- was  
4 fee-fee-fee-feeling-feeling ver-very  
5 claus-claus-claustrophobic.

6 668.           Q. This fear of hospitals and doctors,  
7 when did it begin?

8           A. Since my-my injury.

9 669.           Q. Was there any fear beforehand?

10           A. No.

11 670.           Q. No fear related to the surgery that  
12 was performed on your mother?

13           A. No. W-well, I don't know what you  
14 mean by that.

15 671.           Q. My understanding -- and I'm happy to  
16 be corrected -- was that your mother suffered from  
17 Crohn's Disease?

18           A. Correct.

19 672.           Q. Did she have surgery and any  
20 complications from that?

21           A. You're ask-asking a-a very-very-very  
22 broad question and asking me to sum-sum-sum it up.  
23 It's-it's difficult. She had Cro-Crohn's a num-num --  
24 numerous years and multiple surgeries.

25 673.           Q. And were there any complications



1 from those surgeries?

2 A. There was lots of  
3 comp-comp-comp-complications.

4 674. Q. But none of those -- none of your  
5 anxiety or fear around hospitals relates to that --

6 A. No.

7 675. Q. When did you begin to feel that --  
8 better following the surgery?

9 MR. WYNPERLE: Sorry. Better in terms of  
10 the scar, like the surgery, the laceration?

11 BY MR. CAMERON:

12 676. Q. I mean, clearly her evidence is that  
13 she was in a great deal of pain and discomfort  
14 following the surgery. When did that begin to  
15 alleviate?

16 A. I still-still have a lot-lot-lot --  
17 like I don't -- are you asking about my he-my he-my  
18 head pain?

19 677. Q. I'm asking about -- well, we can  
20 break it down.

21 MR. WYNPERLE: I think we should.

22 BY MR. CAMERON:

23 678. Q. When did your head pain begin to  
24 alleviate?

25 A. It hasn't.

1 MR. WYNPERLE: Well, I think what he  
2 means is has it -- what he really should be asking is,  
3 from the time of that surgery to now, has it improved  
4 at all?

5 THE WITNESS: Ye-yes

6 MR. WYNPERLE: That's what he's asking  
7 you, --

8 THE WITNESS: Yes.

9 MR. WYNPERLE: -- I think, in a different  
10 way.

11 THE WITNESS: Yes. I can't pu-put a date  
12 or a ti-ti-time frame on it. It's through  
13 m-m-me-medication.

14 BY MR. CAMERON:

15 679. Q. You are taking medication today?

16 A. Yes.

17 680. Q. For that head pain?

18 A. Yes.

19 681. Q. Do you ever not take medication for  
20 the head pain?

21 A. No.

22 682. Q. Not even -- have you ever  
23 experimented with not taking the medication?

24 A. No, because the pa-pa-pa-pain is  
25 there-there before the me-me-medication runs out.

1           683.           Q.   So the other symptoms you had told  
2           me, the bald spot, --

3                    A.   Yes.

4           684.           Q.   -- when did the hair grow back in?

5                    A.   A coup-coup-couple months.

6           685.           Q.   The dizziness?

7                    A.   Still-still have it, still suffer.

8                    MR. WYNPERLE:  Are you asking a specific  
9           question about it?

10                   MR. CAMERON:  The same question.

11                   MR. WYNPERLE:  So maybe you should just  
12           do it -- like just do it out in full.  I know you're  
13           short circuiting it, but I would encourage you to do  
14           it in full so that she understands what you're asking.

15                   BY MR. CAMERON:

16           686.           Q.   Do you still suffer from memory  
17           loss?

18                   A.   Yes.

19           687.           Q.   Is that related only to loss of  
20           memories from prior to the surgery, or --

21                   A.   Pardon?

22           688.           Q.   -- do you still suffer -- I'm trying  
23           to find an elegant way of expressing this.

24                   When you say you have suffered memory  
25           loss, is it that you have forgotten things that

1 occurred prior to the surgery, or do you have ongoing  
2 memory loss?

3 A. Ongoing.

4 689. Q. Has your anxiety or depression  
5 improved since the surgery?

6 A. I have ep-ep-ep-episodes, and I've  
7 been in treatment for-for-for the last-last four to  
8 five years.

9 690. Q. What sort of treatment do you  
10 receive for it?

11 A. I see-see-seen-seen a psychologist,  
12 social worker, brain injury, an-and anxiety and  
13 research.

14 691. Q. Are you on any medications for your  
15 anxiety or depression?

16 A. Yes, I am.

17 692. Q. Which medications?

18 A. I don't know the -- all-all the-all  
19 the names. There's about five of them.

20 MS. FARKOUH: Are they just for the  
21 anxiety and depression?

22 THE WITNESS: Yes.

23 MR. CAMERON: Can we get an undertaking  
24 for the list of medications she takes to treat her  
25 anxiety and depression?

1 MR. WYNPERLE: Well, okay. How about  
2 this? Why don't we just make this a lot easier?

3 MS. FARKOUH: How about I propose  
4 something? We have a list of her prescriptions.  
5 Perhaps -- I think it's only updated probably to --  
6 it's only updated to 2016.

7 MR. WYNPERLE: A summary, you mean.

8 MS. FARKOUH: How about she goes through  
9 it and tells us which ones are for which?

10 MR. WYNPERLE: Why does she actually need  
11 to do that? I mean, like I'm happy to give you a  
12 prescription summary. I'm happy to update it for you.  
13 The purpose of the medications is really more in the  
14 hands of doctors than it should be -- you know, the  
15 reason for -- like there can be multiple purposes for  
16 a medication.

17 MS. FARKOUH: Yes. I agree.

18 MR. WYNPERLE: I just don't -- I don't  
19 think this is an appropriate thing to be asking her  
20 which medications are for which. She says she's  
21 taking stuff for her mood. She believes it's five.  
22 Whatever. There's a prescription summary. That will  
23 verify whatever she's taking and then we can all  
24 figure out what they're for.

25 MS. FARKOUH: Okay. I'm going to come

1 back to that when I examine, but perhaps while we're  
2 on it then, will you undertake to provide us an  
3 updated prescription summary?

4 MR. WYNPERLE: Yes, of course.

5 MS. FARKOUH: I think the one we have  
6 goes until September 6, 2016.

7 MR. WYNPERLE: Where are you getting your  
8 prescriptions filled?

9 THE WITNESS: The  
10 Sh-Shop-Shopper-Shoppers Drug Mart.

11 MR. WYNPERLE: Which one?

12 THE WITNESS: Plains Road.

13 MR. WYNPERLE: Still? Fine. Okay. So  
14 I'll update that prescription summary. By the way,  
15 you guys are all good for paying the reasonable costs  
16 of obtaining and reproducing the undertakings today,  
17 whatever you're asking for, and you'll split the  
18 costs, I assume? Yes?

19 MS. FARKOUH: Yes.

20 MR. CAMERON: Yes.

21 MR. WYNPERLE: Okay. That's great. And  
22 that was the scope of the rest of the undertakings of  
23 course. So that's fine. No problem.

24 --- UNDERTAKING

25 BY MR. CAMERON:

1           693.           Q.   Do you recall a second MRI following  
2           the one that had to be ended because of your  
3           claustrophobia?

4                    A.   I-I-I have a-a vag-vague memory,  
5           yes.

6           694.           Q.   That would have been shortly  
7           afterwards, in the winter of 2013?

8                    A.   Sorry. No idea.

9           695.           Q.   Have you undergone any medical  
10          imaging of your head since that date?

11                   A.   I don't remember.

12                   MR. CAMERON: Counsel, can I ask for an  
13          undertaking to produce any medical imaging of  
14          Ms. Young's head that has been taken since the date of  
15          the surgery to the extent it has not already been  
16          produced?

17                   MR. WYNPERLE: Well, I don't -- I don't  
18          know what to say to you about that. Like, you know,  
19          if you could point me to something specific. Like I  
20          don't want to just give you undertakings that I can't  
21          even fulfill, that I'm going to have to go and figure  
22          out, you know, what exactly it is you're referring to.

23                   So if you find something in the records  
24          where she's had an image of her head that you don't  
25          have, just direct me to that, and I would suggest that

1 I will cooperate, but I'm not prepared to give you a  
2 blanket undertaking that, like I said, I have no way  
3 of fulfilling. I don't want that. I don't want to  
4 mess up the record with that.

5 So I'm not trying to be difficult, but I  
6 just think, if you have something that you can point  
7 to to help me, I will make the request.

8 MR. CAMERON: Can I have an undertaking  
9 for an updated OHIP summary?

10 MR. WYNPERLE: Sure. Do you know when it  
11 was last done just out of curiosity? If you don't,  
12 that's fine.

13 MS. FARKOUH: May 1st, 2014.

14 MR. WYNPERLE: Fine. I will make that  
15 request.

16 --- UNDERTAKING

17 BY MR. CAMERON:

18 696. Q. Do you recall any discussion  
19 following the receipt of the results of the MRI?

20 A. No.

21 697. Q. You don't know whether the results  
22 were reported as normal or abnormal? You have no  
23 recollection whatsoever?

24 A. No.

25 698. Q. Around this time you were meeting



1 with Dr. Rathburn?

2 A. Who?

3 MR. WYNPERLE: Rathbone?

4 BY MR. CAMERON:

5 699. Q. Rathbone. Sorry. You were meeting  
6 with Dr. Rathbone around this time, this time being  
7 January through the spring of 2013?

8 A. I don't kno-kno-know dates. I-I did  
9 meet with Dr. Rathbone, yes.

10 700. Q. Do you have an idea of how frequent  
11 you met with Dr. Rathbone?

12 A. Excuse me?

13 701. Q. Do you have an idea of how  
14 frequently you met with Dr. Rathbone?

15 A. Not-not-not without  
16 look-look-looking an-and -- for-for reference, no.

17 702. Q. Are you -- do you still meet with  
18 Dr. Rathbone on occasion?

19 A. I have. Yes.

20 703. Q. How recently?

21 A. I don't have concept of-of-of-of a  
22 date.

23 MR. WYNPERLE: Let's just say in 2019.

24 THE WITNESS: No, not --

25 MR. WYNPERLE: '18?

1 THE WITNESS: '18, yes.

2 MR. WYNPERLE: Okay. That gives him some  
3 idea.

4 MR. CAMERON: Can we have an undertaking  
5 to obtain and produce the charts of Dr. Rathbone to  
6 the extent that it has not already been produced?

7 MR. WYNPERLE: Yes.

8 --- UNDERTAKING

9 BY MR. CAMERON:

10 704. Q. Do you recall meeting with the  
11 hospital to discuss this injury?

12 A. I re-remember some-some-something,  
13 u-u-u-umm, yes, in-in-in the-in the begin-beginning to  
14 fi-fi-fi-find out what happened.

15 705. Q. Do you remember anything more of  
16 these meetings?

17 A. I don't know wha-what you mean.

18 706. Q. Do you recall who initiated the  
19 meetings?

20 A. We-we-we did to fi-fi-fi-fi-find out  
21 what happened.

22 707. Q. Who is "we"?

23 A. My sister -- sister and I.

24 708. Q. What were you told by the hospital  
25 at those meetings?

1 A. No idea. Don't remember.

2 709. Q. Did you take any notes of the  
3 meetings?

4 A. Me per-per-personally? No.

5 710. Q. Did you follow-up with further  
6 questions for the hospital?

7 A. My-my-my-my sister did.

8 711. Q. Were you satisfied with the outcome  
9 of the meetings?

10 A. I don't-don't re-re-recall.

11 My-my -- I was too sick.

12 712. Q. Do you recall meeting with Patient  
13 Relations at the hospital?

14 A. I don't know who-who-who that is.

15 713. Q. This would be a woman by the name of  
16 Karen Jeffrey.

17 A. The-the-the na-na-na-name-name  
18 sound-sounds-sound -- ring-ring-rings a bell, but  
19 I-I-I don't know who-who it was.

20 714. Q. We might as well cross this all at  
21 once. We've discussed Dr. DiPaolo. He continues to  
22 be your family doctor?

23 MR. WYNPERLE: Yes.

24 BY MR. CAMERON:

25 715. Q. Do you see other doctors on a

1 regular basis?

2 A. Dr. -- well, yes. Yes.

3 716. Q. Which doctors?

4 A. Dr.-Dr. Mancini.

5 717. Q. Anyone else?

6 A. Noth-nothing-nothing-nothing else.

7 Well, you said be-beside -- be-be-beside my

8 fam-fam-family doctor?

9 718. Q. Yes.

10 A. I would have to-have to-have to  
11 look-look-look and see-see what-what's coming and  
12 gone. I don't have a recollection. I just know I'm  
13 see-seeing her soon.

14 719. Q. What treatment does Dr. Mancini  
15 provide?

16 A. For-for an-anxi-xiety,  
17 depre-depression, pan-panic attacks, PTSD.

18 720. Q. Where does Dr. Mancini work?

19 A. St. Joe's Hospital.

20 721. Q. Do you see any neurologists besides  
21 Dr. Rathbone?

22 A. I'm not sur-sur-sur-sur-sure of  
23 their-their title-titles, if they're neur-neurologists  
24 or not.

25 722. Q. Well, who did you think might be a

1 neurologist but you're not sure?

2 A. Dr. Giammarco.

3 723. Q. When was the last time you saw  
4 Dr. Giammarco?

5 A. Coup-couple of weeks ago.

6 724. Q. What did you see Dr. Giammarco for?

7 A. He-head-head pain.

8 725. Q. Anyone else?

9 A. Dr. Mathoo.

10 726. Q. Dr. Mathoo. Do you know how to  
11 spell that?

12 A. M-M-M-M-A-T-H-O-O.

13 727. Q. What do you see Dr. Mathoo for?

14 A. He-head-head pain. He does-does  
15 injections.

16 728. Q. Do you see anyone else?

17 A. Without-without my-my cal-calendar,  
18 I'm sorry.

19 MR. CAMERON: We'll get the OHIP summary,  
20 and we'll be able to figure out who else you've seen,  
21 but in general terms, can we have an undertaking to  
22 produce any clinical records for any of these treating  
23 physicians or other medical personnel for any visits  
24 relevant to this action for Ms. Young to the date of  
25 trial?

1 MR. WYNPERLE: Well, these people here  
2 are specific, so, you know, yes, you can have the  
3 family doctor updated and -- if that's what you're  
4 asking, I guess, because we had some question about  
5 the previous records with Dr. DiPaolo.

6 Dr. Mancini, yeah -- you know, I might  
7 just suggest to you maybe it's better to get an update  
8 of the clinical notes and records from St. Joseph's  
9 Hospital more generally, because, you know, I'm not --  
10 I don't think they -- they don't generally like to be  
11 giving one doctor's records, so you might want to  
12 think about that.

13 Giammarco is fine, Mathoo, fine, but if  
14 you ask me questions about doctors, I'll answer  
15 specific questions about doctors. This broad  
16 undertaking stuff, I don't do that. I just don't do  
17 this all treating doctors for all time and perpetuity.  
18 You ask, I answer.

19 MR. CAMERON: Well, this is my  
20 opportunity to ask you for undertakings, so I need to  
21 be broad now.

22 MR. WYNPERLE: Yeah. No. I understand  
23 that, but, you know, at the same time, obviously if  
24 next week or next month you get the OHIP summary, and  
25 a doctor wasn't asked about, but you didn't know about

1 that doctor, and you write to me, I'm a -- I'm a  
2 logical sort of person, I think, so...

3 MS. FARKOUH: I think that's all we need,  
4 because your client doesn't remember who she's seen,  
5 so we are in a position where this is our opportunity  
6 to get those undertakings. So as long as you're fine  
7 with us asking once we've had an opportunity to review  
8 the OHIP, then --

9 MR. WYNPERLE: Yeah. I mean, if you know  
10 something you want now, ask me. I'll try to  
11 cooperate. Otherwise, you know, I just don't want,  
12 like, these general undertakings that I can't fulfill.  
13 That's really what I don't like.

14 So I will update the family doctor's  
15 record. You can tell me what you want from St.  
16 Joseph's Hospital. That's better, I think, than  
17 asking for Dr. Mancini's records. Giammarco, update,  
18 no problem. Mathoo. I got that.

19 --- UNDERTAKING

20 MR. WYNPERLE: By the way, where do you  
21 see Mathoo?

22 THE WITNESS: St.-St.-St. Joe-Joseph's  
23 Hospital.

24 MR. WYNPERLE: Perfect. See what I mean?  
25 Let's scoop up all records from St. Joseph's Hospital.

1 We can agree on that. So you want -- what campus?

2 THE WITNESS: Oh, We-West Fifth.

3 MR. WYNPERLE: Okay.

4 THE WITNESS: All-all of the above.

5 MR. WYNPERLE: Yeah. Okay. So I'm just  
6 going to get an update of St. Joe's West Fifth Campus  
7 because that should encompass two of the doctors we've  
8 already talked about. We'll go Giammarco, update.

9 THE WITNESS: She-she's-she's there, too.

10 MR. WYNPERLE: Oh, is she?

11 THE WITNESS: That's one-one-one-one of  
12 her clin-clinics.

13 MR. WYNPERLE: Oh, okay. So that's where  
14 you see her?

15 THE WITNESS: No. I see her at her-her  
16 office.

17 MR. WYNPERLE: Okay.

18 THE WITNESS: I'm sorry. I'm sorry. I'm  
19 sorry. I'm sorry.

20 MR. WYNPERLE: That's fine. Okay. So  
21 we've have got that and the family doctor. There you  
22 go. See, you probably saved some money there.

23 BY MR. CAMERON:

24 729. Q. Do you still see Dr. Bahoshy? I may  
25 be mispronouncing it.



1 A. Bahoshy?

2 730. Q. Bahoshy.

3 A. Yes.

4 731. Q. When was the last time you saw  
5 Dr. Bahoshy?

6 A. A couple of weeks ago.

7 732. Q. Dr. Bahoshy is an --

8 A. Optometrist.

9 733. Q. -- optometrist?

10 A. Yes.

11 734. Q. He is treating you for --

12 A. No. He -- I'm sorry.

13 735. Q. He's treating you for the vision  
14 problems you say?

15 A. No-no-no. The-the-the -- for-for --  
16 he's my -- for glasses.

17 736. Q. For glasses?

18 A. Yes.

19 737. Q. You wore glasses prior to the  
20 surgery?

21 A. Just-just got-got-got them  
22 pri-prior-prior to surgery.

23 738. Q. Do you still wear prescription  
24 glasses now?

25 A. I hav-hav-have-haven't

1 wor-wor-worn-worn glasses since-since before-before  
2 the surgery. Well, since the surgery. They don't  
3 work.

4 739. Q. What do you mean by they don't work?

5 A. The day after-after my sur-surgery,  
6 I couldn't see through them.

7 740. Q. What do you mean by that?

8 A. It's like put-putting on another  
9 person-person's prescription.

10 741. Q. So the vision is distorted?

11 A. Yes. And blur-blur-blurred.

12 742. Q. And you say this was the day after  
13 the surgery?

14 A. Ye-yes. When-when-when I-when  
15 I-when I-when I was awake.

16 MS. FARKOUH: And I might ask, has your  
17 optometrist then since corrected that prescription?

18 THE WITNESS: Just re-recent -- well,  
19 I've been see-seeing-seeing a specialist for-for my  
20 eyes every six-six months, Dr. Rodriguez, an-and I  
21 just went to Dr. Baho-hoshy. They said that my eyes  
22 have sta-sta-stabilized, and they're trying a  
23 prescription, but I can't get it filled because I  
24 can't-can't-can't -- I don't have the -- any mon-any  
25 money to fulfill that, no benefits.

1 BY MR. CAMERON:

2 743. Q. So you continue to see  
3 Dr. Rodriguez?

4 A. Yes.

5 744. Q. Does Dr. Rodriguez treat you for  
6 anything besides your vision?

7 MR. WYNPERLE: Only your eyes he treats  
8 you for.

9 THE WITNESS: Yes, yes. That's all-all  
10 he is is an eye specialist. Yes.

11 MS. FARKOUH: An ophthalmologist?

12 MR. WYNPERLE: I believe he is an  
13 ophthalmologist.

14 BY MR. CAMERON:

15 745. Q. I think he may even be a  
16 neuro-ophthalmologist.

17 A. Yeah, I think so. His ti-title is  
18 very long.

19 746. Q. Do you see Dr. Robertson?

20 A. On-on-on-only ba -- ear-early after  
21 the-the injury.

22 747. Q. What did you see Dr. Robertson for?

23 A. Bal-bal-bal-balance an-an-and, umm,  
24 umm, he-he-hearing -- no. Bal-balance. I really  
25 don't -- don't recall. It was par-par-par-par-part to

1           diagn -- to help me.

2           748.           Q.   Since you stopped seeing  
3           Dr. Robertson, have you begun seeing any other doctors  
4           for your balance?

5                        A.   I'm-I'm-I'm-I'm not exactly-exact --  
6           I haven't seen-seen-seen-seen anybody re-re-recently,  
7           but-but it was un-under Dr.-Dr. Rath-Rathbone tha-that  
8           I saw different doctors and report-ported back to  
9           Rath-Rathbone.

10          749.           Q.   But you are not seeing anyone  
11          specifically to address the --

12                        A.   No.

13          750.           Q.   The balance issues? You walk with a  
14          walker?

15                        A.   Yes. An-and the cane.

16          751.           Q.   Do you ever walk unassisted?

17                        A.   Very rarely. I've fallen too  
18          many-many times and broken bones.

19          752.           Q.   When did you break a bone?

20                        A.   Over-over the years, I've broke  
21          bones in each foot-foot, an-and I have two-two -- hurt  
22          my hip and my knee-knees and bruises and...

23          753.           Q.   So can we unpack that for a moment.  
24          You've broken bones in both feet in separate  
25          incidents?

1 A. Mm-hmm.

2 754. Q. Do you know around when these  
3 incidents would have been?

4 A. One-one being maybe  
5 two-two-two-year -- two years ago, and the other was a  
6 couple-couple -- they were a couple of years apart.

7 755. Q. Where were you treated for these  
8 broken bones?

9 A. Well, one-one-one I-I  
10 di-didn't-didn't know I broke the bo-bone-bone until  
11 aft-aft-afterwards. I suffered  
12 through-through-through the pain, and when they  
13 did-did the-the scan, because I was having  
14 prob-problems with my f-foot, they found that I broke  
15 the metatarsals in-in the foot, so I've had broken  
16 bones there, and then the other one was at Juravinski.

17 756. Q. Juravinski?

18 A. Yes.

19 757. Q. Is that a hospital?

20 A. Yes.

21 MR. WYNPERLE: Yes. It's Juravinski  
22 Hospital.

23 MR. CAMERON: Can I have an undertaking  
24 for the records of Juravinski?

25 THE WITNESS: Well, that was -- that was

1 the e-e-emer-mergency and then I was seeing -- I  
2 wen-went to McMaster Bone Fracture Clinic.

3 MR. CAMERON: I would like an undertaking  
4 for the records for Juravinski and the McMaster Bone  
5 Fracture Clinic.

6 MR. WYNPERLE: Yeah. Do we just say from  
7 the date of the surgery, or what do you want to say?

8 MS. FARKOUH: Yeah. Sure.

9 MR. CAMERON: Sure.

10 MR. WYNPERLE: Fine.

11 --- UNDERTAKING

12 BY MR. CAMERON:

13 758. Q. Had you ever broken a bone prior to  
14 the surgery?

15 A. No.

16 MS. FARKOUH: Before we move too far  
17 away, if I might just ask for an undertaking for any  
18 of Dr. Rodriguez's updated records.

19 MR. WYNPERLE: Yeah. Please feel free to  
20 interrupt. I would like to get them all together.

21 MS. FARKOUH: I would just like to sort  
22 of keep it --

23 MR. WYNPERLE: Absolutely.

24 MS. FARKOUH: -- one by one.

25 MR. WYNPERLE: Now, Rodriguez, is he at

1 St. Joe's --

2 THE WITNESS: St. Joe's.

3 MR. WYNPERLE: -- at King Street?

4 THE WITNESS: Yes.

5 MR. WYNPERLE: So can we just say update  
6 St. Joe's at King Street?

7 MS. FARKOUH: Yes.

8 MR. WYNPERLE: Because, you know, what if  
9 he -- what if he had a -- somebody else that he saw  
10 one time.

11 MS. FARKOUH: As long as she doesn't see  
12 him at -- sometimes they have private clinics.

13 THE WITNESS: No, no. It's the only  
14 place.

15 MS. FARKOUH: Okay.

16 MR. WYNPERLE: So undertaking is for  
17 St. Joe's King Street. Yes. We'll get that updated.

18 --- UNDERTAKING

19 MR. WYNPERLE: Sorry. Counsel, you were  
20 asking for McMaster and Juravinski. Okay. So we'll  
21 get -- and those will be date of the accident. We'll  
22 get those. Date of surgery. Yes. I've got that.

23 --- UNDERTAKING

24 BY MR. CAMERON:

25 759. Q. I would like to talk about the

1 Acquired Brain Injury Clinic for a moment. You were  
2 referred to this clinic by Dr. Rathbone?

3 A. I don't remember.

4 760. Q. Do you remember when you began  
5 attending at the Acquired Brain Injury Clinic?

6 A. Fair-fair-fair-fair-fairly new. It  
7 was with-within the first six-six months.

8 MR. WYNPERLE: Within the first six  
9 months after the surgery?

10 THE WITNESS: Yes.

11 MR. WYNPERLE: Okay.

12 BY MR. CAMERON:

13 761. Q. Do you still attend there on  
14 occasion?

15 A. N-no, because I excee-cee-ceeded  
16 their programs.

17 MR. WYNPERLE: Exceeded?

18 THE WITNESS: I went through -- they gave  
19 me al-all the he-help they cou-could-could give me at  
20 the time. That-that's bet-better. I'm sorry. I  
21 didn't --

22 MR. WYNPERLE: No, no.

23 THE WITNESS: -- phrase it right.

24 BY MR. CAMERON:

25 762. Q. Do you know when you stopped



1 attending at the Acquired Brain Injury Clinic?

2 A. A few years -- years ago.

3 763. Q. Do you know when the last records of  
4 the Acquired Brain Injury Clinic is?

5 MS. FARKOUH: I can check.

6 BY MR. CAMERON:

7 764. Q. Do you remember who you saw at the  
8 Acquired Brain Injury Clinic? The doctor's name,  
9 Dr. Unsall (ph)?

10 A. Un-Unsall, ye-ye-yes. Yes. That  
11 was on-only two ti-ti-time-times-times I saw-saw-saw  
12 her. I worked pro-programs-programs out of my-my home  
13 and pro-programs I went there for and atten-tended,  
14 an-and I me-met with Ruth Locus.

15 765. Q. Mm-hmm.

16 A. And Re-Re-Rebecca Ja-Jack-Jackson  
17 Gravelly. I can't think-think-think of the-the  
18 other-other-other names.

19 766. Q. What sort of programs were they  
20 providing to you?

21 A. For-for brai-brai-brain injury.

22 MR. WYNPERLE: I think you need something  
23 a little more specific. What kind of help were they  
24 providing you?

25 THE WITNESS: For-for -- oh, what were

1 the pro-pro-pro-programs about?

2 MR. WYNPERLE: Yeah. The idea of them,  
3 the strategy.

4 THE WITNESS: Cog-cog-cog-cog-cognitive,  
5 depre-depre-depression, anxi-xiety, how-how-how-how --  
6 tha-that-that's rough-rough-roughly ab-ab-about-about  
7 that-that, yeah.

8 BY MR. CAMERON:

9 767. Q. Did you find the programs helpful?

10 A. Info-fo-fo-formative, ye-ye-yes.

11 768. Q. Informative. Did you find them  
12 helpful in managing your symptoms?

13 A. No. Not-not-not -- no.

14 769. Q. Can we turn to 367 of the  
15 plaintiff's productions. By our number, page 3.

16 MS. FARKOUH: Sorry. Counsel, can you  
17 repeat that?

18 MR. CAMERON: It's 367, page 3 by my  
19 production numbering. This is a record dated  
20 September 12th, 2013.

21 MR. WYNPERLE: Neuropsychological  
22 assessment.

23 BY MR. CAMERON:

24 770. Q. I believe this is from Dr. Unsell.  
25 Do you see at the top where it says:

1 (as read)

2 Ms. Young presented to her  
3 appointment promptly and unaccompanied.  
4 She had driven herself to the clinic.

5 MR. WYNPERLE: Sorry. Where does it say  
6 that?

7 MR. CAMERON: Right underneath  
8 Behavioural Observations.

9 MR. WYNPERLE: Okay. Yeah. It does say  
10 that. It's wrong, but it says that.

11 THE WITNESS: And it's been -- tha-that's  
12 been cor-cor-corrected. My sister took me to all-all  
13 my appointments in the beginning.

14 BY MR. CAMERON:

15 771. Q. Have you driven at all since the  
16 incident?

17 A. Yes.

18 772. Q. You have driven since the date --

19 A. Yes.

20 773. Q. When was the last time you drove?

21 A. Within a wee-wee-week.

22 MS. FARKOUH: Do you drive regularly?

23 THE WITNESS: No. Not at all.

24 BY MR. CAMERON:

25 774. Q. But you have a valid license?

1 A. Yes.

2 775. Q. Has anyone ever said that you needed  
3 to surrender the license?

4 A. No.

5 776. Q. Where do you drive to?

6 A. Store an-an-and ba-back. I don't-I  
7 don't go far.

8 777. Q. What sort of distances are we  
9 talking about?

10 A. A few blocks.

11 778. Q. What did you attend the Wharton  
12 Clinic for?

13 A. Di-di-di-diabetes and weight  
14 man-weight man-weight management.

15 779. Q. Do you still attend the Wharton  
16 Clinic?

17 A. Yes, to the dietician and  
18 Dr. Papneja. She's a diabetic doctor.

19 780. Q. When did you begin attending the  
20 Wharton Clinic?

21 A. For what?

22 MR. WYNPERLE: For anything.

23 THE WITNESS: I don't recall.

24 BY MR. CAMERON:

25 781. Q. Would it have been before the

1 incident, after?

2 A. Could -- it could have -- cou-could  
3 have been. I really don't-don't-don't remember. It  
4 was weight-weight-weight-weight-weight  
5 man-man-man-man-management to begin -- to begin with.

6 782. Q. Do you recall why you visited  
7 Queenston Physiotherapy?

8 A. For hel-hel-hel-hel-help with the  
9 bal-bal-bal-balance and vestibular.

10 783. Q. Do you still attend Queenston  
11 Physiotherapy?

12 A. No.

13 784. Q. When did you stop attending  
14 Queenston Physiotherapy, or when was the last time you  
15 attended?

16 A. It's been-been-been about a year.  
17 They-they only -- they only pai-paid for so-so-so many  
18 sessions. That's it.

19 785. Q. When you say "they", are you  
20 talking --

21 A. Gov-government.

22 786. Q. Okay. Do you have any sort of  
23 private medical insurance?

24 A. Oh, gosh. No.

25 787. Q. We talked a little bit about the

1 sleep clinic. When was the last time you attended the  
2 sleep clinic?

3 A. A few-few-few years ago.

4 788. Q. Have your sleep issues alleviated?

5 A. It's up -- up and down.

6 789. Q. Did you receive a CPAP machine?

7 A. Yes.

8 790. Q. Do you still use the CPAP machine?

9 A. I have a diff-diff-difficult ti-time  
10 using it. I'm claus-claustrophobic.

11 791. Q. Do you find that it's helpful when  
12 you do use it?

13 A. I can't deter-ter-termine because of  
14 my fear-fear of be-being-being on-on-on my face.

15 792. Q. Dr. Swinson, he's at the Anxiety  
16 Treatment and Research Clinic that we discussed  
17 previously?

18 A. At the whi-which?

19 793. Q. The Anxiety Treatment --

20 A. Yes.

21 794. Q. -- and Research Clinic that we  
22 discussed briefly?

23 A. He-he's re-retire-retired.

24 Dr.-Dr. Manc-cini took-took over.

25 795. Q. When did he retire?

1 A. Year-year-year-year-and-a-half.

2 796. Q. Year-and-a-half? And you were  
3 seeing him until he retired?

4 A. Yes.

5 797. Q. What symptoms was he helping you  
6 with?

7 A. An-an-an-anxi-xiety,  
8 de-depre-depression, PTSD, pa-pa-panic attacks,  
9 fe-fe-fe-fear-fear of lea-lea-leaving the house.

10 798. Q. Anything else?

11 A. There's lot-lots. I-I-I-I can't  
12 pull-pull-pull things out-out of-out of air-air-air to  
13 like -- no. There's-there's mo-mo-more, but I just --  
14 I can't-I can't-can't name them.

15 799. Q. Well, I would like -- maybe if we  
16 take a few moments, because it is important for us to  
17 understand the symptoms you say arose from the  
18 surgery. So other than anxiety, depression, PTSD,  
19 panic attacks and fear of leaving the house.

20 A. I don't kno-know all-all the things  
21 I'm diag-diag-diag diagnosed f-for.

22 MR. WYNPERLE: I think he's more  
23 interested in what you're experiencing. Forget about  
24 the diagnosis.

25 THE WITNESS: Okay. Okay. Okay. I have

1 a diff-diff-difficult ti-time-time be-be-being around  
2 pe-people. I-I have fears of going out think-thinking  
3 I'm going-going-going-going to get hurt. The-the-the  
4 pa-pain is very, very disab-disabling.

5 Remem-remem-remem-remembering things an-and-and --  
6 like to take your pi-pills ev-ev-everyday, like it's  
7 har-hard for me to remem-member and hol-hol-hol --  
8 retain-retain-retain information.

9 I can't -- I'm -- my head -- I don't  
10 know. Being-being di-dizzy. Wa-washing-washing my  
11 hair, I can't -- I have a hard -- difficult time  
12 do-doing that without getting dizzy. I-I-I-I don't  
13 know wha-what to say.

14 800. Q. So you say you have a difficult time  
15 washing your hair --

16 A. Yes.

17 801. Q. -- without getting dizzy.

18 A. Yes.

19 802. Q. Is it --

20 A. Putting my head back, and walking  
21 backwards. Difficult.

22 MS. FARKOUH: Putting your head back and  
23 walking backwards?

24 THE WITNESS: Putting my head back to  
25 wash my hair or walking backwards, I get dizzy and



1 want to throw up.

2 MS. FARKOUH: I thought you were saying  
3 at the same time. I was going to say it's --

4 THE WITNESS: Yeah. Yes. Yes.

5 BY MR. CAMERON:

6 803. Q. So we've asked some questions  
7 already about your education. And I apologize to your  
8 counsel, because I genuinely do not remember whether  
9 this was asked at your previous examination.

10 MS. FARKOUH: Do you need a break,  
11 Ms. Young?

12 THE WITNESS: I'll tr-try a little-a  
13 little-little bit mo-more and see. Thank you.

14 BY MR. CAMERON:

15 804. Q. If you need a break, please do not  
16 hesitate to ask. When did you -- I understand you  
17 completed or attended a business administration course  
18 at a college?

19 A. It was ni-ni-night -- it was  
20 through-through on-on-online.

21 805. Q. Through which online provider?

22 A. I don't re-recall. A long-long time  
23 ago. It was one-one of those business cla-classes  
24 that you-you could take.

25 806. Q. When you say a long time ago, this

1 was --

2 A. Back in early-early '80s.

3 807. Q. Online in the early '80s?

4 A. I-I'm going to be -- I don't-I don't  
5 recall. I remember that it was through a bus-a  
6 business college or something. I don't -- I don't  
7 remember.

8 808. Q. And subsequent to that, you haven't  
9 attended any schools or courses or anything like that?

10 A. Before which?

11 809. Q. Subsequent to whenever this business  
12 diploma was.

13 MR. WYNPERLE: Sorry. Are you asking if,  
14 after the business diploma thing, she has had any  
15 other formal training? Was that the question? I just  
16 didn't hear.

17 MR. CAMERON: Well, any formal education  
18 then.

19 MR. WYNPERLE: Yeah. Any formal  
20 education. Let's just start with that.

21 THE WITNESS: Oh, I took lots of  
22 cour-courses through wor-work, but-but I don't know --

23 MR. WYNPERLE: Okay. Well, they weren't  
24 through -- like these weren't through independent  
25 providers?

1 THE WITNESS: No. No.

2 MR. WYNPERLE: Okay. So through work.  
3 He can ask you then if he wants to know about the  
4 courses you took through work.

5 BY MR. CAMERON:

6 810. Q. So when you say courses through  
7 work, is this like on-the-job training, or is this  
8 something that you get a certificate?

9 A. On-on -- mor-more on job-job  
10 training.

11 811. Q. Now --

12 MR. WYNPERLE: Can you give us an idea  
13 what you're talking about? Are you talking about  
14 health and safety training?

15 THE WITNESS: Oh, heal-health and  
16 safe-safety. Hu-human...

17 MR. WYNPERLE: Resources?

18 THE WITNESS: Human resources. It was,  
19 umm-umm-umm, studying people's behaviour and stuff  
20 like that.

21 BY MR. CAMERON:

22 812. Q. So I understand that at some point  
23 you worked as a private investigator. Am I reading  
24 the records correctly?

25 A. You-you-you are.

1 813. Q. Now that sounds interesting. Can  
2 you tell me a little bit about that.

3 A. It was not-not-not-not interesting  
4 a-at all. I didn't do any-anything regarding that.  
5 It was just licensed, and everything was-was -- it  
6 wasn't as glam-glamorous as it s-sou-sounded.

7 814. Q. What period of your life was this  
8 in? Like how old were you when you began working as a  
9 private investigator?

10 A. Oh, in my twenties.

11 815. Q. In your twenties?

12 A. Yes.

13 816. Q. How long did you work as a private  
14 investigator for?

15 A. I didn't. I said I was li-licensed.  
16 I didn't say -- I said it was more glam-glamorous than  
17 it actually was.

18 817. Q. But were you employed by a  
19 private --

20 A. No.

21 818. Q. -- investigation company?

22 A. Well, I was employed by a c-company  
23 that-that gave -- with security and private  
24 investigating.

25 MR. WYNPERLE: Did you do some security

1 work then?

2 THE WITNESS: Oh, definitely did  
3 security. Yes.

4 BY MR. CAMERON:

5 819. Q. So what did this entail?

6 A. It was working for-for the City of  
7 Hamilton for the parking authority, parking lots and  
8 garages.

9 820. Q. I had hoped for something more  
10 glamorous.

11 A. No. Unfortunately, no, the most  
12 investigating was checking stairwells, and that's it.  
13 There was nothing glamor-glamorous.

14 821. Q. Well, it's important work.

15 A. Yes.

16 822. Q. After you were an investigator in  
17 your twenties, what work did you move on to?

18 A. Factory.

19 823. Q. What sort of things did the factory  
20 make?

21 A. Auto. Auto parts. Plastic auto  
22 parts.

23 824. Q. What was the name of the company?

24 A. You have to forgive me. It's called  
25 Tiercon now.

1           825.           Q.   I don't think a lot turns on it.  
2                           A.   Par-pardon?  
3           826.           Q.   I don't think a lot turns on it.  
4                           MR. WYNPERLE:   It's not a big deal.  
5                           THE WITNESS:   Okay.   Okay.  
6                           MR. WYNPERLE:   But if you remember the  
7           name, then --  
8                           THE WITNESS:   It was Triam whe-when I  
9           started, Tier-Tiercon when I finished.  
10                          BY MR. CAMERON:  
11           827.           Q.   Okay.  
12                           A.   It changed names a coup-couple of  
13           times.  
14           828.           Q.   What work did you do in the factory?  
15                           A.   Machine operator.  
16           829.           Q.   How long were you at Tiercon/Triam?  
17                           A.   Fi-five-five-five years.  
18           830.           Q.   Do you remember why you ended?  
19                           A.   I injured -- injured my back.  
20           831.           Q.   You injured your back on the job?  
21                           A.   Yes.  
22           832.           Q.   Was any sort of Workman Compensation  
23           claim filed?  
24                           A.   Yes.  
25           833.           Q.   And did you receive compensation?

1 A. Even-ventually, yes.

2 834. Q. Do you have a rough idea of when  
3 this...

4 A. 9-9 -- around Ju-June 1999.

5 835. Q. Do you have any records of this  
6 claim?

7 A. No.

8 836. Q. Do you have an idea of how long you  
9 were off work?

10 A. About-about a year. Less-less than  
11 a ye-year.

12 837. Q. What sort of symptoms did you  
13 experience as a result of the back injury?

14 A. Back-back pain.

15 838. Q. Anything else?

16 A. Don-don't recall-call. Long time --  
17 long time ago.

18 839. Q. Were you treated for the back pain?

19 A. Yes.

20 840. Q. By a doctor? By a chiropractor?

21 A. Doc-doctors, but I couldn't  
22 tell-tell-tell you who.

23 841. Q. Were you treated at a hospital or a  
24 clinic?

25 A. Don't-don't-don't-don't --

1 through-through-through my doc-doctor, I'm sure.

2 842. Q. Dr. DiPaolo?

3 A. I think -- I'm not-not sur-sure.

4 My-my-my doc-doctor di-di-died in '9-'99, my  
5 fam-family doctor, and then Dr. DiPaolo became my new  
6 doctor. So it was in between two-two doctors.

7 843. Q. Did you continue to suffer any back  
8 pains following your return to work about a year after  
9 the accident?

10 A. No. Ha-had-had a prob-problem, but  
11 it was getting be-better, and since then, nothing.

12 844. Q. So you didn't take any medication  
13 for the pain?

14 A. Back then?

15 845. Q. Well, subsequent to your returning  
16 to work.

17 A. Can you --

18 MR. WYNPERLE: After you returned to  
19 work, he's asking, I think, if you were still taking  
20 some medication.

21 THE WITNESS: No. No.

22 MS. FARKOUH: Did you return to the same  
23 job?

24 THE WITNESS: Yes. On light-light-light  
25 duties and then I was ba-back to reg-regular-regular



1 duties.

2 BY MR. CAMERON:

3 846. Q. So eventually you left  
4 Tiercon/Triam?

5 A. Yes.

6 847. Q. This was not because of the injury?

7 A. It was par-par-partially, ye-yes. I  
8 didn't want to -- wan-want to get re-injured or do  
9 anything else. I wanted to go back into office  
10 positions.

11 848. Q. And is that when you began working  
12 in HR/recruiting work?

13 A. Yes.

14 849. Q. And so where were you first employed  
15 in that field?

16 A. Par-pardon?

17 850. Q. Where were you first employed in  
18 that field?

19 A. Action Force, Pivotal Action Force.

20 851. Q. What sort of work did you do there?

21 A. Administrative recruiting.

22 852. Q. What did that entail?

23 A. I would have to look at-look at  
24 my-my-my résumé. I don't-I don't remember. Like it  
25 was comput-computer work, pay-payroll, hiring, firing,

1 in-invoicing, accounts pay-pay-payable, client -- like  
2 going out and getting new-new clients for-for  
3 business. Client-client-client visits, health and  
4 safe-safety. It require-quired-quired-quired a lot.

5 853. Q. How long were you at Action Force  
6 for?

7 A. Eight years.

8 854. Q. So does that bring us to the  
9 September 2008 incident --

10 A. Yes.

11 855. Q. -- where you lost your job?

12 A. Yes.

13 856. Q. Why were you terminated?

14 A. They didn't give-give-give me a  
15 reason. It was-it was restruct-structuring.

16 857. Q. Were other employees terminated at  
17 the same time?

18 A. Over the -- a cour-course yes, long  
19 tenure.

20 858. Q. I meant around the same time that  
21 you were terminated.

22 A. I don't know-know.

23 859. Q. And shortly after that, you found  
24 work at Manpower?

25 A. Yes. And LCBO.

1 860. Q. You started at Manpower and the LCBO  
2 at the same time?

3 A. Yes.

4 861. Q. Had you worked two jobs previously?

5 A. Always.

6 862. Q. So help me to understand how this is  
7 broken down. You would be working a normal full  
8 hour -- full-time shift at --

9 A. Correct.

10 863. Q. -- Manpower and then picking up  
11 additional work at LCBO when you had free time?

12 A. In the ev-evenings and  
13 week-weekends.

14 864. Q. I've also seen references to a  
15 cleaning business.

16 A. Correct.

17 865. Q. When did you operate the cleaning  
18 business?

19 A. I-I was employ-ploy-ploy-ployed by  
20 them, and I would do-do it during-during the week and  
21 the evening and on the weekends.

22 866. Q. So at the time you were working  
23 three jobs if you counted the cleaning?

24 A. Par-pardon?

25 867. Q. At the time, you were working three

1 jobs if you counted the cleaning?

2 A. What three-three-three are you  
3 refer-fer-ferring to?

4 MR. WYNPERLE: So he's asking -- I guess  
5 what he's asking is, was the cleaning job at the same  
6 time as Manpower and the LCBO?

7 THE WITNESS: No. No. That was d-done  
8 by-by then.

9 BY MR. CAMERON:

10 868. Q. When did you stop doing the cleaning  
11 business?

12 A. In 2008. It was the same  
13 time-time-time as I was at-at Ac-Action-Action Force.

14 869. Q. So it was Action Force and --

15 A. And the cleaning.

16 870. Q. And cleaning and then you shifted to  
17 Manpower and the LCBO?

18 A. Correct.

19 871. Q. How long were you at the LCBO for?

20 A. On-only seas-seasonal and then-then  
21 I started at Mc-Mc-McDonald's.

22 872. Q. So seasonal meaning November,  
23 December?

24 A. November, December, maybe a little  
25 bit in Jan-Jan-January. Just the sea-season.

1           Probably the end of Dec-December, and then I  
2           star-star-started at McDonald's.

3           873.           Q.   So were you only at LCBO for one  
4           season?

5                           A.   That's right.

6           874.           Q.   And that was at the end of 2008?

7                           A.   Correct.

8           875.           Q.   How long were you at McDonald's for?

9                           A.   Fo-four years, maybe a little bit  
10          longer or shorter. In-in-in that ti-ti-ti-time frame.

11          876.           Q.   When did you stop working at  
12          McDonald's?

13                          A.   Just before the surgery. I didn't  
14          stop. I work-work-worked my shift, was going on  
15          for-for -- like leave for -- to have the sur-surgery  
16          and was pla-planning on going-going back when I-when  
17          I-when I was better.

18          877.           Q.   What was your position at the  
19          McDonald's?

20                          A.   Crew-crew member.

21          878.           Q.   You were terminated from Manpower in  
22          May of 2012?

23                          A.   Correct.

24          879.           Q.   Discuss the health complications  
25          that followed that.

1 MR. WYNPERLE: What do you mean?

2 BY MR. CAMERON:

3 880. Q. You were given -- sorry. This is  
4 just me setting the context. You were given severance  
5 from Manpower?

6 A. Yes.

7 881. Q. Did you begin looking for work  
8 immediately after you were terminated?

9 A. Of course.

10 882. Q. Do you remember any of the jobs you  
11 applied for?

12 A. Some. A lot of administration with  
13 the Dufferin Catholic School-School-School Board, HSR.  
14 Like I had a lot of good things in the pipeline, a lot  
15 of good-good leads an-and things to pursue.

16 883. Q. Sorry. What do you mean by HSR?

17 MR. WYNPERLE: Hamilton Street Railway.  
18 It's the bus service here in Hamilton.

19 THE WITNESS: Sor-sor-sorry. You're not  
20 from here.

21 BY MR. CAMERON:

22 884. Q. So you were applying to be a transit  
23 driver?

24 A. That's correct.

25 885. Q. Did you have any experiences?

1           A. No, no -- well, I had been  
2 dri-driving record-record free a lon-long time, and  
3 customer ser-service, yes.

4           MR. WYNPERLE: But no bus driving?

5           THE WITNESS: No bus driving.

6           BY MR. CAMERON:

7           886. Q. No professional driving of any kind?

8           A. No.

9           887. Q. I've seen in the records some  
10 references to your sister helping you with these  
11 applications. Would she often help you with these  
12 sorts of things?

13           A. I don't know what you're  
14 re-refer-referring to.

15           888. Q. So if we look to -- I believe this  
16 is in the undertakings binder. 419.

17           MR. WYNPERLE: 419?

18           MR. CAMERON: That will not be in your  
19 binder, I think.

20           MR. WYNPERLE: Oh, well, I have a 419,  
21 and I have something from the Hamilton Street Rail.

22           BY MR. CAMERON:

23           889. Q. Okay. So then I stand corrected.  
24 What we have at the top is an e-mail from Theresa to  
25 your former lawyer, and then below that, you have an

1 e-mail from Theresa to you explaining that she had  
2 sent in an application on your behalf.

3 A. Yes.

4 890. Q. Would she frequently help you with  
5 applications and things like that?

6 A. I-I wouldn't say fre-fre-frequently,  
7 but if she had a-a lead on something, of course.

8 891. Q. But you didn't require any  
9 assistance?

10 A. No.

11 892. Q. There are some references in these  
12 records -- and I don't propose to take you through all  
13 of them -- to a CV or résumé being submitted.

14 Do you have a copy of the CV as it  
15 existed at that time?

16 A. I would hav-have to look.

17 MR. WYNPERLE: So this is, like, in the  
18 short time just before the surgery; yeah?

19 MR. CAMERON: Yeah. I'm interested in  
20 the CV she was using to apply for jobs after --

21 MR. WYNPERLE: In, like, from May until,  
22 I guess, whenever.

23 MR. CAMERON: Yeah.

24 MR. WYNPERLE: 2012.

25 THE WITNESS: Mm-hmm.



1 MR. WYNPERLE: Yeah. If you have a copy  
2 of that, we'll get that for them. CV if it still  
3 exists.

4 --- UNDERTAKING

5 MR. WYNPERLE: Can I just go off for one  
6 second?

7 MR. CAMERON: Of course.

8 ---DISCUSSION OFF THE RECORD

9 BY MR. CAMERON:

10 893. Q. So you mentioned something about  
11 having stuff in the pipeline. What did you mean by  
12 that?

13 A. Can -- I'm so-sorry.

14 MR. WYNPERLE: So you were talking about  
15 the jobs, and you had been applying for jobs, and you  
16 did say like you had --

17 THE WITNESS: Oh, oh.

18 MR. WYNPERLE: -- opportunities,  
19 something going on.

20 THE WITNESS: Oh, okay. Opportunities.  
21 So-so-sorry. Sorry. Yes. HSR, the transit position,  
22 I interviewed -- I-was-I-was going for all their  
23 testing and passing and moving for-forward with it,  
24 and it was looking -- looking very, very, very,  
25 prom-promising.

1 BY MR. CAMERON:

2 894. Q. So I've seen a reference to having  
3 to bring in a driving history showing that you had  
4 no -- it was a clean record and also to you being  
5 invited to an actual test, I think.

6 A. Mm-hmm.

7 895. Q. This was a driving test?

8 A. No, no, no, no. Like cus-customer  
9 service tes-testing an-an-and, like, know-knowledge --  
10 like, you know -- you know how you write-write for  
11 your-your -- well before, your written test to your  
12 dri-dri-driver's license and drove for your  
13 second-second part? It was like your-your written one  
14 before -- before the driving test.

15 896. Q. Okay. And so you had completed the  
16 written part?

17 A. Yes.

18 897. Q. And there was going to be a  
19 driving --

20 A. No. There was no dri-driving test.

21 MR. WYNPERLE: They train you.

22 THE WITNESS: They train you when you  
23 start.

24 BY MR. CAMERON:

25 898. Q. Okay. But there was no formal

1 offer? It was looking good, but there was no formal  
2 job offer?

3 A. It was in the pro-process of going,  
4 yes.

5 899. Q. What do you mean by in the process  
6 of --

7 A. Like it takes months, but-but I-I  
8 haven't gotten-gotten to the final -- final steps. I  
9 was still going through-through it when I had the  
10 surgery.

11 MR. WYNPERLE: That's right. So we're  
12 all on the same page.

13 BY MR. CAMERON:

14 900. Q. Well, what I'm trying to  
15 understand --

16 MR. WYNPERLE: There was no job offer.

17 BY MR. CAMERON:

18 901. Q. There was no job offer.

19 A. No, but I was head-heading  
20 to-towards that, yes.

21 902. Q. Was there still testing that you had  
22 to do before a job offer -- the decision about whether  
23 to offer you a job?

24 A. No, no. I was  
25 wait-wait-waiting-waiting to see-see if there was a

1 star-start date.

2 903. Q. Okay.

3 MS. FARKOUH: So you -- there was a job  
4 offer? You were waiting to start there?

5 THE WITNESS: If you went through-through  
6 that far-far into the -- all their  
7 test-testing-testing and that, you just wait for-for  
8 the job. Like, okay, you're going -- you're going to  
9 train and start-start here or whatever. Like I went  
10 for interviews. I went for-for a lot-a lot of it.  
11 It's just I didn't have a star-start date. They  
12 didn't say, You have a job. It was you-you wait --  
13 you're in the process of moving into that, yes. It  
14 was just a process. If you made it to this far, you  
15 were going to go here next. Like you knew which  
16 direction you were going.

17 MS. FARKOUH: Okay. Did you receive  
18 documentation from them saying that you --

19 THE WITNESS: I see-seen something in-in  
20 here, and you refer-ferred to som-som-some of it, too.

21 MS. FARKOUH: But nothing about --

22 THE WITNESS: No.

23 MS. FARKOUH: We're pleased to --

24 THE WITNESS: No. No.

25 MR. WYNPERLE: Because then they have

1 like an -- I'm just going to call it a bus driving  
2 school that they have internally through the HSR, but  
3 they would -- that would be the next step.

4 THE WITNESS: Yeah. And you would have  
5 to pa-pass that.

6 MR. WYNPERLE: Yeah. You have to go to  
7 driving school and essentially get a B license in  
8 order to become a bus driver.

9 MS. FARKOUH: So you only go through that  
10 testing if they are considering giving you a job?

11 MR. WYNPERLE: True.

12 THE WITNESS: That's right. What I was  
13 going through, I wouldn't have made it as far-far-far  
14 as I did if they weren't going to offer-offer me a  
15 pos-position.

16 BY MR. CAMERON:

17 904. Q. But it could have been at some  
18 unknown time in the future? Like it could have been  
19 months? It could have been years? It depends when  
20 the position becomes available?

21 A. Prob-probably months, yes.

22 905. Q. But at the same time that you were  
23 going through the process with HSR, you were still  
24 sending out applications for other jobs?

25 A. Oh, yes.

1 906. Q. Did you send any applications for  
2 jobs in HR or the sort of recruiting field that you  
3 had been in previously?

4 A. No.

5 907. Q. Why not?

6 A. I was burnt out. I did it-did it  
7 for-for-for 13-13 years. That was lon-long enough.  
8 Or not 13 years. I don't even remember how long.  
9 Yeah, about 13 years. It was long enough.

10 908. Q. Can you elaborate on that?

11 A. Wha-what do you mean?

12 909. Q. Well, was it something that you --  
13 did you not like the demands of the job? Did you not  
14 like the tasks you were asked to --

15 A. I don't like the way  
16 peop-people-people were  
17 treat-treat-treat-treat-treated. Like, you know,  
18 given jobs today, take-taking them away  
19 tom-tom-tomorrow. It was-it was-it was hard. It  
20 was-it was definitely chal-challenging. You are burnt  
21 out from it.

22 910. Q. So it wasn't about the amount of  
23 work? It was the -- it wasn't the amount of work?

24 A. No. No. I-I -- what do you mean  
25 am-amount?

1 MR. WYNPERLE: The amount of hours or the  
2 demands of the --

3 THE WITNESS: No. No. I worked --

4 MR. WYNPERLE: -- paperwork or --

5 THE WITNESS: No. No. No.

6 MR. WYNPERLE: -- whatever. That's what  
7 he's talking about.

8 THE WITNESS: No. No. No. No.

9 MR. WYNPERLE: You're talking about --

10 THE WITNESS: It was more ethical.

11 MR. WYNPERLE: -- seeing the people --

12 THE WITNESS: Yes.

13 MR. WYNPERLE: -- and what happened?

14 THE WITNESS: It was ethics.

15 BY MR. CAMERON:

16 911. Q. The only reason I ask that question  
17 is that we are all in a profession where the amount of  
18 work is sometimes --

19 A. Yes.

20 912. Q. -- the cause of burnout.

21 A. No. No. No. I-I

22 didn't-didn't-didn't mind that at all. It was the  
23 ethic part of it that-that would be difficult.

24 913. Q. Did you ever raise concerns within  
25 Manpower about the ethics?

1           A. No. That's the job. Like it's  
2 temporary employ-employment. Like that's the call of  
3 the job.

4           914.           Q. And I've seen references to you  
5 working 70 hours a week. That was not a problem for  
6 you?

7           A. No.

8           915.           Q. Did you find that working so many  
9 hours made it difficult to do other things, like to  
10 have a social life?

11           A. D-def-definitely. It wasn't  
12 7-7-7-70 hours ev-every-every week, but I-I was a  
13 sing-single mother, and I was self-supporting. I  
14 had-I had to have a certain amount of income. I  
15 wanted to have, you know -- you know, a c-car to drive  
16 and food on my ta-table and a roof over my head. I  
17 had to do what I had to do to make that happen.

18           916.           Q. You say you were a single mother,  
19 but at the time, your daughter was 28, correct, at the  
20 time of the surgery, around there?

21           A. 28? That could be -- yeah. It  
22 could be right. Ye-yes.

23           917.           Q. How old is your daughter now?

24           A. 36.

25           918.           Q. Was she employed?



1 A. Yes.

2 919. Q. And was her finacé, now husband,  
3 employed?

4 A. Yes.

5 920. Q. Since the date of the surgery, have  
6 you applied for any jobs?

7 A. No.

8 921. Q. Have you considered looking for any  
9 jobs?

10 A. No.

11 922. Q. So what was your social life like  
12 while you were working 70 hours a week?

13 MR. WYNPERLE: Well, she said she didn't  
14 work 70 hours a week. In fairness to her, that was  
15 the high end but, you know, some weeks were more and  
16 some weeks were less.

17 THE WITNESS: Correct.

18 MR. WYNPERLE: But you want to know what  
19 her social life was like in the couple of years prior  
20 to the surgery, by all means, let's do that.

21 THE WITNESS: I was very social, v-v-very  
22 social with friends and fam-family, and it was like  
23 ma-make an appointment even to see me, because I was  
24 go, go, go, go, go. Like I loved life. It was great.

25 BY MR. CAMERON:

1 923. Q. And you were in a steady  
2 relationship --

3 A. Prior to, yes.

4 924. Q. -- right before the surgery?

5 A. Yes.

6 925. Q. That had ended before the surgery?

7 A. That is correct.

8 926. Q. Why did that relationship end? I  
9 mean, if it's too personal...

10 A. We grew-grew apart.

11 927. Q. Since the surgery, have you  
12 maintained a social life?

13 A. No.

14 928. Q. There was a reference in the medical  
15 records to a friend visiting you in hospital.

16 A. Yes.

17 929. Q. John, I believe his name was.

18 A. Yes.

19 930. Q. You don't see him anymore?

20 A. No.

21 931. Q. When was the last time you saw him?

22 A. Prob-prob-prob-probably the  
23 hospital. It could have been one time after that, but  
24 I don't think -- that-that could just be something  
25 sticking in -- I think the hospital was the last time

1 I saw him.

2 932. Q. Have you seen other friends since  
3 then?

4 A. A lot of them I've los-lost  
5 con-con-con-contact wi-with, and I see maybe one or  
6 two on occasion.

7 933. Q. Before the surgery, were you part of  
8 any regular groups?

9 A. Yes.

10 934. Q. Clubs?

11 A. Yeah. Yeah. Yes. Lots.

12 MR. WYNPERLE: What period of time are we  
13 talking about? Again, like, just to give her a frame  
14 of reference.

15 BY MR. CAMERON:

16 935. Q. In the two or three years before the  
17 surgery.

18 A. Bowling -- I mean pool leagues.

19 MR. WYNPERLE: Pool, like shooting pool?

20 THE WITNESS: Shooting pool.

21 MR. WYNPERLE: A pool league.

22 THE WITNESS: Drama, like theatre groups,  
23 an-and -- I-I just can't-can't-can't thi-think. I-I  
24 was-I was going -- church committees an-and  
25 ver-ver-very active with my daugh-daugh-daughter

1 an-and her-her cheer-cheer-cheerleading. Like she's a  
2 co-co-co-coach, and I helped out the administration,  
3 and like it was -- I was go, go, go, go, go.

4 BY MR. CAMERON:

5 936. Q. You said you were in a drama club?

6 A. I was -- no. Like thea-theatre,  
7 going to theatre.

8 MR. WYNPERLE: Oh, I see. You would go  
9 with a group?

10 THE WITNESS: It was a grou-group-group  
11 that went.

12 BY MR. CAMERON:

13 937. Q. So you were not performing?

14 A. No. No. No.

15 938. Q. I was wondering if we were going to  
16 get some interesting stories from that.

17 A. No. No.

18 939. Q. Have you been to the theatre since  
19 the surgery?

20 A. No.

21 940. Q. Do you have any other -- do you have  
22 any hobbies at the moment?

23 A. I-I-I-I do but difficulty still  
24 with -- I enjoy-joy-joy re-read -- I did enjoy-joy  
25 reading. I tri-tried, but I-I -- it's too-too-too

1 difficult to-to maintain any sta-sta-stamina with  
2 that. I try-try-try-try different things,  
3 swi-swi-swimming, but-but I-I need some-someone to  
4 go-go with me. So it's requiring always relying  
5 on-on-on some-somebody to -- for-for a fill.

6 941. Q. So you mentioned reading and  
7 swimming.

8 A. Yes.

9 942. Q. Any other hobbies?

10 A. No.

11 943. Q. What do you do during the day?

12 A. Mostly doc-doc-doc-doc-doctors'  
13 appoint-appointments. If I don't have an  
14 appoi-poi-pointment, try-try to get through-through my  
15 rou-routine of straightening-straightening up what I  
16 can on the main-main floor and meal prepping or --  
17 basically that's it.

18 944. Q. Do you watch television?

19 A. On occasion, yes. I have trouble  
20 con-concentra-trating on anything too-too-too long.  
21 Wi-with the head-head pain, I do a lot of  
22 med-mediating.

23 945. Q. So you mentioned straightening up  
24 the house and meal preparation.

25 A. Yes.

1 946. Q. Do you do any other work around the  
2 house?

3 A. No.

4 947. Q. Do you have someone clean for you?

5 A. My-my daughter. It's her-it's  
6 her-it's her home.

7 948. Q. Do you exercise?

8 A. I try-try-try-try to. Not-not  
9 everyday.

10 949. Q. What sort of exercise do you do?

11 A. Like wi-wi-wi-wi-with ba-ba-ba-bands  
12 and free-free-free weights, an-an-an-and I'm walking.

13 950. Q. Well, it's better than me. Do you  
14 need assistance with washing your hair?

15 A. Yes.

16 951. Q. Do you need assistance with any  
17 other type of grooming?

18 A. Just ba-ba-basic-basically the hair  
19 an-and of cour-course washing my back, because I  
20 can't-I can't-can't reach it.

21 Things-things have improved  
22 great-great-greatly from-from beginning of the  
23 in-injury until no-now. Before I need-needed help  
24 ba-bathing, but now, I'm able to shower-shower-shower  
25 on my own.

1 952. Q. And has there been similar  
2 improvements in other areas?

3 A. Def-def-definitely. I-I --  
4 I'm-I'm-I'm-I'm, you know, walking assisted still with  
5 cane or walk-walker, but I'm able to -- my  
6 stamina-stamina has definitively improved. I try-try  
7 to do thing-things. Every-everyday is-is a quest and  
8 a challenge of-of getting-getting through an-and  
9 building an-an-and help -- like to see-see how long I  
10 can sit-sit at a c-computer an-and read or-or watch  
11 T-T-TV or walk. Like it's-it's -- different days,  
12 d-different way you feel. Every-everyday is an  
13 opportunity of a chal-chal-challenge.

14 953. Q. Is this improvement directed by a  
15 doctor, or is this something you're devising for  
16 yourself?

17 A. I think it's been-been wor-work and  
18 pr-pr-pr-progress of over-over years, of -- I was-I  
19 was in ther-therapy with-with Dr. Frey. I  
20 can't-can't-can't remember -- psychol-psychologist,  
21 help me -- giving me tool-tools to d-d-deal  
22 with-with-with things and ther-therapy that-that it's  
23 definitely helped and improved some-some-some things.

24 MS. FARKOUH: Counsel, before we move  
25 away, can we get an undertaking for updated records of

1 Dr. Frey, please?

2 MR. WYNPERLE: Where do you see Dr. Frey?

3 THE WITNESS: St. Joe-Joseph's Hospital.

4 MR. WYNPERLE: You've already got that.

5 Do you have water?

6 THE WITNESS: Mm-hmm. Mm-hmm. I think  
7 I've got to take some medication.

8 MR. WYNPERLE: Let's take a break, guys.

9 THE WITNESS: If that's okay.

10 MR. CAMERON: We can take as many breaks  
11 as you like.

12 --- SHORT RECESS AT 2:23 P.M.

13 --- UPON RESUMING AT 2:34 p.m.

14 BY MR. CAMERON:

15 954. Q. Okay. Following the surgery, have  
16 you paid for any extra doctors' visits that weren't  
17 covered by OHIP?

18 A. No. Other-other things, ye-yes.  
19 Yes.

20 955. Q. What other things?

21 A. Prescri-prescriptions, devices,  
22 that-that kind of-kind of stuff.

23 956. Q. So the prescriptions I believe we  
24 have a summary of. What devices have you purchased?

25 A. Ca-ca-canes, like stuff-stuff to



1 help-help in-in shower, like a seat.

2 957. Q. Canes, shower seat. Anything else?

3 A. I just don't-don't-don't  
4 re-re-re-remember.

5 MR. CAMERON: So can we have an  
6 undertaking to provide a summary of the --

7 MR. WYNPERLE: Out-of-pockets?

8 MR. CAMERON: -- out-of-pockets?

9 MR. WYNPERLE: Sure.

10 --- UNDERTAKING

11 THE WITNESS: Wha-wha-what --

12 MR. WYNPERLE: I'll take care of it.

13 THE WITNESS: Okay. Okay.

14 MR. WYNPERLE: I promise I'll get to you.  
15 You don't have to worry about that.

16 THE WITNESS: Okay. Thank you.

17 BY MR. CAMERON:

18 958. Q. Have you made any modifications to  
19 the home other than the shower seat that we've just  
20 discussed?

21 A. No. Ev-ev-everything is on-on-on  
22 the fir-first fl-floor-floor for me except-except my  
23 bedroom.

24 959. Q. Where is your bedroom?

25 A. Up-upstairs.

- 1 960. Q. How do you handle the stairs?  
2 A. With my daugh-daughter at night.
- 3 961. Q. Do you ever walk up the stairs by  
4 yourself?  
5 A. No. I stay on the first floor.  
6 There's no need to go up there.
- 7 962. Q. Since the date of the surgery, have  
8 you had any employment income?  
9 A. No.
- 10 963. Q. Any business income?  
11 A. No.
- 12 964. Q. Your only income has been through --  
13 been through benefits?  
14 A. What k-k-k-kind of benefits? I'm  
15 sorry.
- 16 965. Q. Disability benefits.  
17 A. Yes. CPPD and ODSP.
- 18 966. Q. When did you begin receiving CPPD  
19 benefits?  
20 A. I -- after-after my-my -- a couple  
21 of ye-years after my-my-my injury.
- 22 967. Q. Are you still receiving CPPD  
23 benefits?  
24 A. Yes.
- 25 968. Q. Do you have to go through an

1 application process for CPPD?

2 A. Yes.

3 969. Q. And a reapplication process to  
4 verify that you were still eligible?

5 A. No.

6 MR. WYNPERLE: You mean after she was  
7 initially accepted?

8 MR. CAMERON: So my understanding is --  
9 and I may have confused this -- is that you have to  
10 periodically...

11 MR. WYNPERLE: There's no periodic --  
12 well, I mean, they can send you a questionnaire or  
13 something like that through CPP, I have heard of that,  
14 but there's no -- you know, they don't normally  
15 require reapplication or something like that, not  
16 through CPP.

17 BY MR. CAMERON:

18 970. Q. And for the ODSP?

19 A. No. What was the question?

20 971. Q. I'm going to go through the same  
21 questions. When did you begin receiving benefits from  
22 ODSP?

23 A. About-bout six-six-six -- wait a  
24 minute. I'm confused. About two -- a year or so-so  
25 cause-cause-cause I was on-I was on

1 employment-employment insurance and then I we-went  
2 to-to O-OW, and then you're on OW until you go on  
3 to-to ODSP. So there was a pro-process. So maybe a  
4 year-year-year-and-a-half from time of injury.

5 972. Q. Around the time that your employment  
6 insurance ran out, did you consider looking for work?

7 A. I -- no. I was too-too sick.

8 973. Q. You've never considered working --  
9 looking for work --

10 A. No.

11 974. Q. -- since the date of the surgery?

12 A. No.

13 MR. CAMERON: Counsel, we received the  
14 income tax statements through to the end of 2013. Can  
15 we have an undertaking for them through to the date of  
16 trial?

17 MR. WYNPERLE: Yeah. I mean, what I will  
18 say is I'll give you an update to today, and  
19 obviously, if you make reasonably spaced-out requests  
20 in the future to me, I will follow up with further  
21 years. You know, obviously I don't want you doing it  
22 every three months, but -- you know.

23 MR. CAMERON: I don't think there's a lot  
24 of danger of that.

25 MR. WYNPERLE: No. Good.

1 --- UNDERTAKING

2 BY MR. CAMERON:

3 975. Q. Who prepared the application  
4 packages for disability benefits?

5 A. I think, to the best-best of  
6 my-my-my recollection, Ru-Ruth Lo-Lo-Locus, social  
7 worker.

8 976. Q. Ruth Locus, is that the --

9 MR. WYNPERLE: ABI?

10 THE WITNESS: Was.

11 MR. WYNPERLE: Was.

12 BY MR. CAMERON:

13 977. Q. Was at the ABI?

14 A. Yeah.

15 MR. CAMERON: I believe we've asked for  
16 an undertaking for the charts, but to the extent that  
17 these packages are not included in the charts, can we  
18 get an undertaking to produce the ODSP and -- I forget  
19 what the...

20 MR. WYNPERLE: CPP and ODSP.

21 MR. CAMERON: CPP and ODSP application  
22 packages?

23 MR. WYNPERLE: Yeah. For today's  
24 purposes, I'm just going to take it under advisement.  
25 I'll let you know in about 60 days.

1 --- UNDER ADVISEMENT

2 MR. WYNPERLE: Would you like to take  
3 another break?

4 --- DISCUSSION OFF THE RECORD

5 MR. CAMERON: Back on the record. These  
6 questions are more for counsel. Will you provide an  
7 undertaking to provide a Will Say of any witnesses  
8 that you plan to call 30 days before trial?

9 MR. WYNPERLE: Yeah. Who are not -- who  
10 are not providing evidence of an expert nature, is  
11 that what you mean? I mean, the experts are the  
12 experts.

13 MR. CAMERON: And the experts will  
14 deliver their reports.

15 MR. WYNPERLE: Well, we hope so, or  
16 they'll be testifying about their records that exist  
17 already; right? So yeah. Sure. For lay witnesses I  
18 guess we'll call that. So I just wrote that down, lay  
19 witnesses' expected evidences 30 days before trial.  
20 Yeah.

21 --- UNDERTAKING

22 MR. CAMERON: This is a question for  
23 Ms. Young and yourself. Is there any persons who  
24 might reasonably be expected to have knowledge of any  
25 of the issues in this proceeding who we have not

1 already been informed of?

2 MR. WYNPERLE: Well, that may be so.  
3 There may be -- I mean, if you're talking about people  
4 who have knowledge of the incidents in the hospital,  
5 then I would say no. I think those people are known.

6 MR. CAMERON: Which treating physicians  
7 do you intend to rely on for expert evidence?

8 MR. WYNPERLE: Who knows.

9 MR. CAMERON: To the extent that you do  
10 intend to rely on treating physicians and will,  
11 therefore, make the -- I assume that for the treating  
12 physicians, based off your previous comment -- and I  
13 don't want to be interpreted as endorsing this -- you  
14 intend to not provide an expert report for them?

15 MR. WYNPERLE: Oh, I didn't say that.

16 MR. CAMERON: I may have been  
17 misinterpreting your comment then.

18 MR. WYNPERLE: Oh, no. Absolutely.  
19 Well, you know, I mean -- yeah. I don't know. I  
20 mean, if I need to get an expert report from them, I  
21 will, and if I don't, I won't. I don't know what  
22 really to say to you about that. I can't really say  
23 to you, Here is my list of ones that I'm going to, and  
24 here's the ones I'm not. I don't know.

25 MR. CAMERON: So I certainly don't need

1 that list now, but to the extent that you intend to  
2 call opinion evidence and that you intend to take the  
3 position that you do not need to deliver an expert  
4 report for those witnesses, will you inform us of  
5 which experts you intend to rely on within the same  
6 time frame contemplated by the rules?

7 MR. WYNPERLE: I don't think I have to do  
8 that, do I? I don't have to do that. If you can  
9 direct me otherwise, I...

10 --- REFUSAL

11 MR. CAMERON: So just so I understand, is  
12 your view that --

13 MR. WYNPERLE: Well, look. In Hamilton,  
14 the practice -- I'm not talking about undertakings  
15 now, but I'm just telling you what happens on  
16 pretrials in Hamilton, is you're required to give a  
17 list of witnesses and how long they're expected to be  
18 in the box. So I guess you're going to get that  
19 information through that process in any event, but I'm  
20 not going to give you an undertaking for -- I told you  
21 I don't like to bog up the record with undertakings  
22 that are really not required. Do you understand what  
23 I'm saying?

24 MR. CAMERON: So my concern is -- and it  
25 may be entirely misplaced, in fact, it's likely is



1 entirely misplaced -- is that there will be opinion  
2 evidence that you expect to lead that we will not be  
3 provided with an opportunity to respond through expert  
4 evidence.

5 MR. WYNPERLE: Well, there are rules  
6 about this stuff. Again, like I don't know what to  
7 say to you. I mean...

8 MR. CAMERON: There are rules, and most  
9 of those rules are geared towards the delivery of  
10 expert reports.

11 MR. WYNPERLE: Sure.

12 MR. CAMERON: You've indicated that you  
13 intend to call --

14 MR. WYNPERLE: I said I don't know.

15 MR. CAMERON: -- at least Dr. Rathbone as  
16 a -- or at least preserved your option to call  
17 Dr. Rathbone --

18 MR. WYNPERLE: Sure.

19 MR. CAMERON: -- and potentially  
20 others --

21 MR. WYNPERLE: Sure.

22 MR. CAMERON: -- to provide opinion  
23 evidence based off their experience treating  
24 Ms. Young. I wanted to preserve our ability to  
25 provide responding opinion evidence in an organized

1 fashion. So I think it's -- I think it's fair for you  
2 to provide us with some indication as to what their  
3 opinions are in a timely fashion so that we can  
4 respond to it.

5 MR. WYNPERLE: Well, look. I think that  
6 the rules speak to all this if they are allowed to  
7 testify as to consult notes and stuff like that and  
8 clinical notes, and then they're allowed to, and if  
9 they're not, they're not. I mean, I don't want to  
10 commit myself to something today, like I said, that's  
11 just going to encumber myself and my client.

12 I'm not trying to be difficult. I don't  
13 know how to help you. I mean, there are rules about  
14 experts. There are rules about treating experts, you  
15 know, in what they can and can't do. So I don't know  
16 what to say to you.

17 MR. CAMERON: So you will not provide an  
18 undertaking, even a more limited undertaking, to the  
19 extent that they wish to offer an opinion that is not  
20 expressed within their written material?

21 MR. WYNPERLE: Well, aren't there rules  
22 about that? Can they do that? I mean, are you  
23 telling me a treating doctor can do that without  
24 providing an expert report? I thought that would be  
25 about the rules, like that's where we get into the

1 Rules of Civil Procedure, and I don't want to get in  
2 an argument today about, like, you know, what --  
3 whether an opinion can be given or can't but, I mean,  
4 again, I think we have ways of addressing these  
5 problems; right? Somebody tries to give an opinion  
6 outside their expert report, and you have a recourse  
7 in that situation. I'm not giving you an undertaking  
8 about that situation.

9 MR. CAMERON: Well -- so, I mean, in the  
10 ordinary course, these treating physicians would be  
11 qualified as experts, and they would deliver expert  
12 reports.

13 MR. WYNPERLE: Some yes and some no. I  
14 mean, you know --

15 MR. CAMERON: The rules mostly  
16 contemplate expert evidence being given in that  
17 fashion. Obviously, we would have been opposed to  
18 Westerhof rules.

19 MR. WYNPERLE: Not my fault.

20 MR. CAMERON: It's not your fault, but I  
21 was hoping that you would at least give us a little  
22 bit of advance notice as to what opinion evidence we  
23 can expect to receive from those.

24 MR. WYNPERLE: I'm not giving you an  
25 undertaking for treating doctors who don't deliver

1 expert reports and when their -- what evidence they  
2 may be giving or if they are and all that good stuff.  
3 I'm not doing it.

4 MR. CAMERON: Okay. I have your refusal.

5 --- REFUSAL

6 MR. CAMERON: All right. Subject to  
7 questions which may arise out answers to undertakings,  
8 advisements and refusals, those are my questions.

9 MS. FARKOUH: I will be brief. I will  
10 try to be brief.

11 EXAMINATION BY MS. FARKOUH:

12 978. Q. So, Ms. Young, I just want to ask a  
13 few questions on behalf of the hospital, and there are  
14 sort of little chunks that there might be gaps that  
15 weren't asked before.

16 So I want to go back in time to the date  
17 of the surgery and the date after, which would have  
18 been November 27th.

19 A. Mm-hmm. Yes.

20 979. Q. The morning of -- so you had a  
21 catheter for the surgery, and the records -- and I'll  
22 take you to the record if there's any question about  
23 this, but the records indicate that the catheter was  
24 removed the morning of November 27th.

25 Do you remember that, or do you remember

1 having a catheter, and it subsequently being removed?

2 A. Yeah. I do remember having the-the  
3 cath-catheter, and I-I remember it being removed but  
4 no-no ti-time frame.

5 MS. FARKOUH: Okay. So the records do  
6 indicate, and, counsel, are you content with what the  
7 records --

8 MR. WYNPERLE: If you say it's the  
9 morning of the 27th, I don't really have any...

10 BY MS. FARKOUH:

11 980. Q. So the record indicates Foley  
12 discontinued at 0800 hours. So that was the morning  
13 of. So after the catheter was removed, you went to  
14 the washroom that was in your room. Do you have any  
15 recollection of that?

16 A. No.

17 981. Q. So there's a note here that patient  
18 was transferred to the bathroom. When you would have  
19 gone to the bathroom after the catheter was removed,  
20 would you have been in the washroom by yourself?

21 A. I don't recall. I'm sorry.

22 982. Q. Do you recall there being a nurse  
23 walking you to the washroom?

24 A. No. No rec-recollection at all of  
25 using the bathroom.

1 983. Q. Okay. Do you have any recollection  
2 of using the washroom?

3 A. No.

4 984. Q. Okay.

5 A. I'm-I'm-I'm not saying I didn't.

6 985. Q. No. I understand.

7 A. I just don't re-re-recall.

8 986. Q. Okay. So the next -- I want to go  
9 back to -- just a couple of questions about the car  
10 accident that we addressed. In the records, it  
11 indicates that you attended the hospital on January 6,  
12 2010, and it says post-MVA times two days, so post  
13 motor vehicle accident, two days.

14 Does it seem appropriate to you that you  
15 didn't go to the hospital right away and that the --  
16 it might have been a couple of days later?

17 A. I don't recall -- that's -- I'm  
18 not-I'm not -- I'm-I'm just saying it's been a long  
19 time, so I'm trying to recall. It wasn't a severe  
20 accident. It was -- I was stopped, and it was a slow  
21 road going up, and they r-r-rear ended me where I was  
22 jolted forward. So I might have not -- this is a  
23 guess, not have felt pain until a couple of days later  
24 and then went and realized, okay, something  
25 is-is-is-is wrong.

1 987. Q. Okay.

2 A. So --

3 988. Q. And that may be what happened. In  
4 the records from...

5 A. I did re-refuse to go in ambulance  
6 tha-that night, because I didn't feel hurt.

7 989. Q. Right. And I saw that. Where --  
8 this accident took place in Hamilton?

9 A. Mississauga.

10 990. Q. In Mississauga.

11 A. Just outside of my-my-my work.

12 991. Q. You were leaving --

13 A. I was leaving work --

14 992. Q. -- that day?

15 A. -- go-go-go-going home.

16 993. Q. Okay. The records indicate that  
17 fracture post-MVA, that there was some issue with  
18 your -- I'm sorry. I just lost my words. But that  
19 you had some issue with your neck and your upper back.

20 A. Yes. Whi-whi-whi-whiplash.

21 994. Q. Whiplash. And you did -- you went  
22 for --

23 A. The-the chi-chi-chiroprac-practic  
24 treatment.

25 995. Q. Okay. And that was -- was it

1 Dr. DiPaolo who referred you to that? How did you --

2 A. I don't remem-ber. I don't-I  
3 don't remember.

4 996. Q. Okay.

5 A. I don't think it was Dr. DiPaolo  
6 that would recommend a chi-chi-chiropractor.

7 997. Q. No.

8 A. I don't think they do that.

9 998. Q. They don't usually.

10 A. I-I-I-just remember going an-and  
11 being assessed-assessed and having the  
12 treat-treatment, and it worked.

13 999. Q. Okay. And I won't get into -- your  
14 counsel has already given an undertaking to look into  
15 any possible records --

16 A. Right.

17 1000. Q. -- from that. Now, after that -- so  
18 the last record in your family medical records is  
19 January 6, 2010, which was when I think you attended  
20 the complaints of -- from the motor vehicle accident.

21 MR. WYNPERLE: Sorry. January 6th?

22 BY MS. FARKOUH:

23 1001. Q. January 6, 2010.

24 A. Mm-hmm.

25 1002. Q. And then there's no further records



1 until April 29th, 2011. Now, I understand sort of  
2 before that and after that there had been some ongoing  
3 health issues, but there's no records from that  
4 period. Did you go to any walk-in clinics --

5 A. No.

6 1003. Q. -- during that period?

7 A. If there was no-no re-rec-records, I  
8 went -- I always go to my fam-my fam-fam-family  
9 doctor.

10 1004. Q. Okay.

11 A. But if there is no records, I was  
12 doing good.

13 1005. Q. Okay. And you weren't out of  
14 province during that time either?

15 A. No, no.

16 1006. Q. Now, when Mr. Cameron was asking you  
17 questions about some of your --

18 A. Who? I'm sorry.

19 1007. Q. This gentleman here. I'm sorry.

20 A. Sorry.

21 1008. Q. When he was asking you some  
22 questions, you said that a lot of the treatment and  
23 your ongoing symptoms were pain in your head.

24 A. Mm-hmm.

25 1009. Q. I just ask you to, perhaps, describe

1 for me a little more specifically. When you say pain  
2 in your head, whereabouts on your head is the pain?

3 A. Ri-ri-ri-right at-right at the  
4 crown.

5 1010. Q. Okay.

6 A. And it radiates to the front.

7 1011. Q. So is it a sharp, like, stabbing  
8 pain, or does it feel like a headache, or does it feel  
9 like a...

10 A. If feels li-li-li-li-li-like a  
11 head-headache, but it's -- every-every-everyday is  
12 different, like ratings of the pain level. Weather  
13 plays into factor, light plays into factor, sou-sound.  
14 So it could-it could be like-like a migraine where I  
15 can't open my eyes, and I ha-ha-have to be in the dark  
16 where-where it's tolerable, and I'm sitting here-here  
17 with everyone-one today. That -- yes, I have pain.  
18 My stomach is sick right now because I'm pushing  
19 through something, but -- from the pain, but the pain  
20 differs from-from day-to-day.

21 1012. Q. Okay. So on a scale of one to ten,  
22 some days it's --

23 A. Oh, sometime-times it's-it's a ten  
24 and then sometimes it's a four.

25 1013. Q. Okay.

1           A.   It's not -- but there's pain  
2           every-every-everyday.

3           1014.        Q.   Everyday?  Okay.  Now, we did  
4           have -- I just want to take you -- it's in your  
5           productions, your prescription records.

6           A.   Mm-hmm.

7           1015.        Q.   And I know we're going to get an  
8           updated record, and you indicated that there is  
9           several medications that you're on for anxiety and --

10          A.   Correct.

11          1016.        Q.   -- depression, and I just want to  
12          ask, there is a monthly prescription or refill that  
13          you receive for the Dilaudid.

14          A.   Yes.

15          1017.        Q.   And is that -- can you tell me what  
16          that is for, that --

17          A.   Pain.

18          1018.        Q.   -- prescription?  That's for your  
19          head pain?

20          A.   Yes.

21          1019.        Q.   Okay.  And does that help with the  
22          pain?

23          A.   It certainly-certainly does, yes.

24          1020.        Q.   And does your doctor have any  
25          concerns about the length of time or any dependency

1 issues on that?

2 A. No.

3 1021. Q. There's been no discussion?

4 A. No.

5 1022. Q. Okay.

6 A. Nothing-nothing has ever been  
7 increased.

8 1023. Q. Okay. You take it according to the  
9 prescription?

10 A. Yes. Nothing-nothing has ever been  
11 increased fr-from day-day one.

12 1024. Q. Okay.

13 A. I'm looking for other  
14 treat-treatments of-of-of -- for-for head pain  
15 contin-contin-continuously. That's why I'm seeing  
16 Dr. Gi-Gi-Giammarco.

17 1025. Q. Right. And so other than the  
18 Dilaudid, are you on any other pain medication?

19 A. No.

20 MS. FARKOUH: Okay. This question is for  
21 your lawyer. Counsel, have you obtained any findings,  
22 opinions or conclusions with respect to the care  
23 provided by the hospital or any of the nurses named?

24 MR. WYNPERLE: No.

25 MS. FARKOUH: And if you do, you'll

1 provide any of those findings in accordance with the  
2 rules?

3 MR. WYNPERLE: Yes. Yes. Findings  
4 opinions or conclusions? Yes.

5 --- UNDERTAKING

6 MS. FARKOUH: Those are all my questions  
7 subject to the undertakings that were given by --

8 MR. WYNPERLE: Of course.

9 MS. FARKOUH: Okay. Thank you.

10 MR. WYNPERLE: Thank you.

11 MR. CAMERON: Thank you.

12

13

14 --- Whereupon, the examination concluded at 3:01 p.m.

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I hereby certify the foregoing to be the evidence of SUZANNE YOUNG, a plaintiff herein, given under oath before me on the 27th day of September, 2019, recorded stenographically and later transcribed by me.

Certified correct

Cindy Littlemore  
Chartered Shorthand Reporter,  
Commissioner of Oaths (expires November 22, 2020)

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