

**CASE NO. 70083**

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**IN THE  
SUPREME COURT OF NEVADA**

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**VALLEY HEALTH SYSTEM, LLC, a Nevada limited liability company,  
d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER; AND  
UNIVERSAL HEALTH SERVICES, INC., a Delaware corporation,**

Appellants,

vs.

**ESTATE OF JANE DOE, BY AND THROUGH ITS SPECIAL  
ADMINISTRATOR, MISTY PETERSON,**

Respondent.

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**APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK  
COUNTY, NEVADA  
HONORABLE JUDGE RICHARD SCOTTI, CASE NO. A-09-595780-C**

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**APPELLANTS' APPENDIX TO OPENING BRIEF**

**VOLUME XV of XVII**

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2	CLARK COUNTY, NEVADA	2	
3	JANE DOE,	3	For Defendant Farmer:
4	Plaintiff,	4	CARROLL, KELLY, TROTTER, FRANZEN,
5	vs.	5	McKENNA & PEABODY
	CASE NO. 09-A-595780	6	HEATHER S. HALL, ESQ.
6	VALLEY HEALTH SYSTEM LLC,	7	Suite 260
7	a Nevada limited	8	8329 W. Sunset Road
8	liability company, d/b/a	9	Las Vegas, Nevada 89113
9	CENTENNIAL HILLS HOSPITAL	10	702.792.5855
10	MEDICAL CENTER; UNIVERSAL	11	702.796.5855 Fax
11	HEALTH SERVICES, INC., a	12	hshall@cktfmlaw.com
12	Delaware corporation;	13	
13	AMERICAN NURSING	14	
14	SERVICES, INC., a	15	
15	Louisiana corporation;	16	
16	STEVEN DALE FARMER, an	17	
17	individual; DOES I	18	
18	through X, inclusive; and	19	
19	ROE CORPORATIONS I	20	
20	through X, inclusive,	21	
21	Defendants.	22	
22	~~~~~	23	
23	DEPOSITION OF	24	
24	CHRISTINE MURRAY, RN	25	
25	Thursday, January 8, 2015		
	1:30 p.m.		
	521 S. Third Street		
	Las Vegas, Nevada		
	Carol O'Malley, CCR 178, RMR		
Page 2		Page 4	
1	APPEARANCES OF COUNSEL	1	INDEX OF EXAMINATION
2		2	
3	For Plaintiff:	3	WITNESS: Christine Murray, RN
4	KEACH MURDOCK	4	
5	ROBERT E. MURDOCK, ESQ.	5	
6	521 S. Third Street	6	
7	Las Vegas, Nevada 89101	7	
8	702.685.6111	8	EXAMINATION
9	702.384.4570 Fax	9	PAGE
10	lasvegasjustice@aol.com	10	By Mr. Murdock
11	For Defendant Valley Health System LLC, d/b/a	11	By Mr. Silvestri
12	Centennial Hills Hospital Medical Center:	12	By Ms. Hall
13	HALL PRANGLE & SCHOONVELD, LLC	13	
14	JOHN F. BEMIS, ESQ.	14	
15	Suite 200	15	
16	1160 N. Town Center Drive	16	INDEX TO EXHIBITS
17	Las Vegas, Nevada 89144	17	
18	702.889.6400	18	EXHIBITS
19	702.384.6025 Fax	19	MARKED
20	depo@hpslaw.com	20	1 Diagram by deponent
21	For Defendant American Nursing Services, Inc.:	21	2 Voluntary Statement
22	LEWIS BRISBOIS BISGAARD & SMITH LLP	22	
23	AMANDA J. BROOKHYSER, ESQ.	23	
24	6385 S. Rainbow Boulevard	24	
25	Suite 600	25	
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Page 5

1 January 8, 2015  
2 (Prior to the commencement of the deposition,  
3 all of the parties present agreed to waive  
4 statements by the court reporter, pursuant to  
5 Rule 30(b)(4) of NRCP.)  
6  
7 CHRISTINE MURRAY, RN,  
8 having been first duly sworn, testified as follows:  
9  
10 EXAMINATION  
11 BY MR. MURDOCK:  
12 Q. Would you please state your name for the  
13 record?  
14 A. Christine Murray.  
15 Q. Ms. Murray, have you ever had your  
16 deposition taken before?  
17 A. Yes.  
18 Q. On how many occasions?  
19 A. Once.  
20 Q. My understanding is that was in the Cagnina  
21 matter?  
22 A. Yes.  
23 Q. I'm sure you were told in that deposition  
24 about the rules, but let me just go through them very  
25 briefly.

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1 You understand that the law of  
2 perjury applies here as it does in a court of law?  
3 A. Yes.  
4 Q. You understand that even though this is a  
5 very relaxed proceeding, you still have a duty to  
6 tell the truth?  
7 A. Yes.  
8 Q. You understand that I'm here to ask you  
9 questions; you're here to answer them. Do you  
10 understand that?  
11 A. Absolutely.  
12 Q. If you don't understand a question of mine  
13 today, please let me know. If you go ahead and  
14 answer the question, I'm going to assume that you  
15 understood it. Is that fair?  
16 A. Absolutely.  
17 Q. Is there any reason this deposition can't  
18 go forward today?  
19 A. Not to my knowledge.  
20 Q. In other words, have you taken any  
21 medication that may affect your memory or anything  
22 like that?  
23 A. No.  
24 Q. Ms. Murray, my understanding is that you  
25 are a nurse, is that correct?

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1 A. Yes.  
2 Q. Are you licensed in the State of Nevada?  
3 A. Yes, I am.  
4 Q. Are you employed?  
5 A. Yes.  
6 Q. Where are you employed?  
7 A. Harmon Hospital.  
8 Q. Is that a rehab center?  
9 A. It has just converted to a hospital.  
10 Q. Okay. How long have you worked there?  
11 A. Two years.  
12 Q. And what do you do there?  
13 A. I'm a staff nurse.  
14 Q. Do you have any particular specialization  
15 at Harmon?  
16 A. No.  
17 Q. In other words, are you an orthopedic  
18 nurse --  
19 A. No.  
20 Q. -- or anything like that?  
21 A. No.  
22 Q. And you said you've been working there  
23 about two years?  
24 A. Uh-huh.  
25 Q. Where did you work before then?

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1 A. I worked at Montevista.  
2 Q. And that's a psychiatric hospital?  
3 A. Yes.  
4 Q. And what did you do there?  
5 A. I was a charge nurse.  
6 Q. Do you have any background in nursing,  
7 outside of working for Montevista?  
8 A. Un-uhn.  
9 Q. Is that a no?  
10 A. No.  
11 Q. You have to answer verbally to my  
12 questions. You can't say "uh-huh" or "un-uhn" or  
13 shake your head, because the court reporter can't  
14 take that down. So at some point in the deposition  
15 myself or counsel may say to you, "Is that a yes,"  
16 or, "Is that a no?" We're not trying to yell at you.  
17 We're just trying to make sure the record is clear.  
18 Okay?  
19 A. Okay.  
20 Q. So you were a charge nurse at Montevista.  
21 For how long?  
22 A. A year and a half.  
23 Q. And why did you leave Montevista?  
24 A. I didn't care for it anymore.  
25 Q. Did you leave on your own?

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1 A. Yes.  
2 Q. Where did you work before Montevista?  
3 A. I worked at Kindred.  
4 Q. Is that a rehab place?  
5 A. That's rehabilitation and long-term care.  
6 Q. Which Kindred did you work at?  
7 A. It's been sold now, but it was on Maryland  
8 Parkway right off of Karen.  
9 Q. And what did you do there?  
10 A. I was a charge nurse.  
11 Q. And how long did you work there?  
12 A. I believe about almost two years.  
13 Q. And where did you work before Kindred?  
14 A. I was in North Carolina.  
15 Q. What did you do in North Carolina?  
16 A. I was a wound care nurse at a  
17 rehabilitation center.  
18 Q. Why did you leave Kindred?  
19 A. Kindred? It was too far to drive.  
20 Q. Okay. You left on your own?  
21 A. Uh-huh.  
22 Q. Is that a yes?  
23 A. Yes.  
24 Q. How long were you living in North Carolina?  
25 A. About a year and a half.

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1 Q. Did you work at the same place?  
2 A. Yes.  
3 Q. That entire time?  
4 A. Uh-huh.  
5 Q. Is that a yes?  
6 A. Yes.  
7 Q. And what was the name of the place?  
8 A. I can't remember. I really can't.  
9 Q. Okay. And why did you leave North  
10 Carolina?  
11 A. Well, I went to North Carolina because my  
12 sister lives there, and she was going through a  
13 divorce. Her children were in college, she was by  
14 herself on this farm, and she wanted somebody there.  
15 So when she got things straightened around I decided  
16 to come back because my children live here.  
17 Q. Where did you work before North Carolina?  
18 A. North Vista Hospital.  
19 Q. And what did you do there?  
20 A. I was a staff nurse.  
21 Q. How long did you work at North Vista?  
22 A. A year and a half.  
23 Q. And why did you leave North Vista?  
24 A. Actually I had a confrontation with a  
25 family, and so I thought it was better to leave and

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1 go to North Carolina.  
2 Q. Were you asked to leave North Vista?  
3 A. It was kind of like they wanted me to, so I  
4 gave them a letter of resignation.  
5 Q. Were you asked to resign, as opposed to  
6 being fired?  
7 A. Yes.  
8 Q. Was it one of those kinds of situations?  
9 A. Uh-huh.  
10 Q. Is that a yes?  
11 A. Yes.  
12 Q. What was the confrontation about, in  
13 general?  
14 A. It's kind of detailed. My patient had a  
15 sister who he claimed was a nurse. I was trying to  
16 explain something to him. I asked the sister to  
17 explain it to him, and he told me I was being rude to  
18 his sister.  
19 Q. Then I guess it kind of escalated, would be  
20 my guess?  
21 A. No, he just got really mad. Well, he was  
22 coming out of an alcoholic situation, and some other  
23 stuff, and just, you know --  
24 Q. Okay.  
25 A. I really shouldn't discuss that. I mean --

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1 Q. Well, I'm not asking for names.  
2 A. Okay. Well, all right. So the family  
3 didn't like it, so they said something about it, so  
4 then I got called into the office.  
5 Q. Who was your supervisor at the time? Do  
6 you remember?  
7 A. Sue. I don't remember her last name.  
8 Q. Is that the person whose office you went  
9 to?  
10 A. Yes.  
11 Q. And that's when it was kind of decided that  
12 you would resign, as opposed to being fired?  
13 A. Uh-huh.  
14 Q. Is that a yes?  
15 A. Yes.  
16 Q. Prior to North Vista where were you at?  
17 A. I was at Centennial Hills.  
18 Q. When did you start working at Centennial  
19 Hills?  
20 A. When it opened. I believe it was January  
21 of 2007 or 2008.  
22 Q. You're not sure which?  
23 A. I'm not sure which.  
24 Q. But nevertheless, when it opened, right?  
25 A. Yes.

Page 13

1 Q. I guess the people who start working there  
2 first say "they opened it." Were you one of those  
3 people that opened the hospital?  
4 A. Yes, I was.  
5 Q. Okay. And what did you do there at  
6 Centennial?  
7 A. I worked on the joint replacement as a  
8 staff nurse.  
9 Q. And what do you mean, you worked on the  
10 joint replacement?  
11 A. Joint replacement was for hips, knees,  
12 shoulders.  
13 Q. Was there a specific area of the hospital  
14 that was set aside for that?  
15 A. Yes. The 7th floor.  
16 Q. And were you only working with joint  
17 replacement patients?  
18 A. No. You never just work with one. I mean  
19 if there's an empty bed and they need a med-surg bed,  
20 they throw the med-surg patient in there. So you do  
21 both.  
22 Q. And do you recall how many beds the 7th  
23 floor was, approximately?  
24 A. 20, on the one-half. There was two halves.  
25 This was the only half that was open. This one was

Page 14

1 not.  
2 Q. Did they call it like north and south, or  
3 east and west, or something like that?  
4 A. Yes, they did. I think it was north and  
5 south.  
6 Q. So the north was open, the south was  
7 closed?  
8 A. Yes.  
9 Q. Okay. Was there a time that the south  
10 opened up while you were working there?  
11 A. Not while I was there, no.  
12 Q. And my understanding is you left the  
13 hospital after working there about six months, seven  
14 months, or something like that?  
15 A. No.  
16 Q. How long did you work there?  
17 A. I was there a little over a year.  
18 Q. Okay. So on the 7th floor there was about  
19 20 beds that were open, is that correct, while you  
20 were working there?  
21 A. Yes.  
22 Q. And do you recall how many nurses were  
23 working per shift, approximately?  
24 A. Four.  
25 Q. And when I say "nurses," I'm talking about

Page 15

1 RNs, for the most part.  
2 A. Yes.  
3 Q. You're an RN, right?  
4 A. Yes.  
5 Q. What were the duties of an RN at Centennial  
6 Hills back in -- well, when it opened?  
7 MR. SILVESTRI: Objection. Overbroad.  
8 MR. BEMIS: I object to form. She's  
9 not a 30(b)6 witness.  
10 To the extent that you do know,  
11 you can answer it.  
12 BY MR. MURDOCK:  
13 Q. Well, let me put it this way.  
14 What do you believe your duties  
15 were back in 2008, or when the hospital opened?  
16 A. You would assess your patient. You would  
17 give them their medications. You would do any wound  
18 care that was ordered by the doctor. And usually you  
19 would check on a patient between one and two hours,  
20 to check for pain medication, or to make sure that  
21 they were okay. Plus you do your charting. That's  
22 it.  
23 Q. When you say "give meds," would you also  
24 check IVs, things like that?  
25 A. Yes.

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1 Q. Were some of your patients hooked up to --  
2 is it called telemetry?  
3 A. Yes.  
4 Q. And is that like an EKG type thing?  
5 A. Yes.  
6 Q. And would you set the patient up for their  
7 telemetry or EKG stuff?  
8 MR. BEMIS: I object to form. It calls  
9 for speculation. Go ahead and answer, if you know.  
10 THE WITNESS: It would depend. They  
11 could come up from ER with it on. The doctor could  
12 order it after they had been there for awhile, and  
13 you would have to put it on. It would just depend.  
14 It was always different.  
15 BY MR. MURDOCK:  
16 Q. Sure. But if the doctor ordered it and you  
17 needed to put it on, is that something you, as an RN,  
18 would do?  
19 A. Yes.  
20 Q. Would anybody else be allowed to do that on  
21 the floor?  
22 A. They shouldn't.  
23 Q. Okay.  
24 A. That doesn't mean they didn't.  
25 Q. When you say "they" shouldn't, who are we

Page 17

1 talking about?  
2 A. Well, I mean --  
3 Q. In general.  
4 A. There are nursing students that might be on  
5 the floor, that could offer to do that.  
6 Q. What about CNAs?  
7 A. I would never let a CNA do that, no.  
8 Q. Why not?  
9 A. Because it's not within their scope of  
10 practice.  
11 Q. What does that mean?  
12 A. That means they're not trained to do it  
13 appropriately.  
14 Q. What does "scope of practice" mean?  
15 A. It means like I can't order a drug for a  
16 person, because it's not in my scope of practice.  
17 That's the doctors.  
18 Q. Sure. But you're certainly aware that  
19 CNAs -- or at least some CNAs did attach the  
20 telemetry leads at Centennial Hills?  
21 A. That would be if the nurse allowed it.  
22 Q. Sure. And I know you never did.  
23 A. No.  
24 Q. That's what you said. But were you aware  
25 that some did?

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1 A. Yes.  
2 Q. So what do you believe was within the scope  
3 of practice for CNAs?  
4 MR. BEMIS: I object to form. Outside  
5 the scope of her knowledge.  
6 MR. SILVESTRI: I'm just going to  
7 object to overbroad.  
8 MR. MURDOCK: Let me rephrase the  
9 question a little bit.  
10 BY MR. MURDOCK:  
11 Q. Would you ever order CNAs to do things, as  
12 part of your job?  
13 A. Yes.  
14 Q. What would you order them to do? What type  
15 of things would you order them to do?  
16 A. Help me turn a patient. Put a patient on  
17 or off a bedpan. Take patient water. Walk by a  
18 patient's room and see if they were okay. Give a  
19 patient a bath. Help take food trays to a patient,  
20 and feed a patient, if the patient needed assistance.  
21 Q. You said one thing that kind of piqued my  
22 curiosity a little bit.  
23 You said the CNA could walk by a  
24 patient's room to see if the patient was okay?  
25 A. Uh-huh.

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1 Q. Is that a yes?  
2 A. Yes.  
3 Q. What about entering the patient's room to  
4 see if the patient was okay?  
5 A. Well, most of the rooms that have a patient  
6 that is in danger of falling have a star on the side  
7 of the door. So you can stick your head in and make  
8 sure that they're still in their bed. That's all  
9 that you would ask a CNA to do.  
10 Q. But a CNA could also give the patient a  
11 bath?  
12 A. Yes.  
13 Q. The CNA could put a patient on and off a  
14 bedpan?  
15 A. Absolutely.  
16 Q. What does that mean?  
17 A. What do you mean?  
18 Q. I know it sounds like a stupid question,  
19 but what I'm asking is, how does one go about putting  
20 someone on and off a bedpan?  
21 A. You roll the patient over, you slide the  
22 bedpan under, you roll the patient back, you put the  
23 head up a little bit. Then you give them their call  
24 light, so when they're done you can come back and  
25 roll them back, take it off, clean them up, and then

Page 20

1 roll them back to their position.  
2 Q. What do you mean by "clean up?"  
3 A. Wash them.  
4 Q. Where?  
5 A. On their backside.  
6 Q. Anus?  
7 A. Yes.  
8 Q. Vagina?  
9 A. Yeah.  
10 Q. Or penis?  
11 A. Wherever is dirty.  
12 Q. So that's something the CNA was certainly  
13 allowed to do, right?  
14 A. Absolutely.  
15 Q. Now, prior to working at Centennial, where  
16 did you work?  
17 A. St. Rose.  
18 Q. How long did you work there?  
19 A. A year and a half.  
20 Q. Why did you leave St. Rose?  
21 A. Because when I signed up with St. Rose they  
22 were building the southwest campus, and they told me  
23 that I would be able to go there.  
24 I was living in Centennial Hills,  
25 I was driving all the way over to Henderson. I was

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1 there a year and a half, and every time I put in for  
2 a transfer they said they didn't have a spot. So  
3 when Centennial Hills was opening, I went there.  
4 Q. Sure. Now, how long have you been a nurse?  
5 A. Eleven years.  
6 Q. What did you do before you were a nurse?  
7 A. I owned a store.  
8 Q. What kind of store?  
9 A. A small grocery and party store.  
10 Q. Where?  
11 A. Detroit.  
12 Q. How long did you own the store?  
13 A. Six years.  
14 Q. I assume you went to school to be a nurse?  
15 A. Yes.  
16 Q. Where did you go to school?  
17 A. Henry Ford Community College.  
18 Q. And how long did that take?  
19 A. About three and a half years.  
20 Q. Did you do that while you were running your  
21 store?  
22 A. No. I did that while I was a CNA.  
23 Q. So you were a CNA before you were a nurse?  
24 A. Yes.  
25 Q. And where were you a CNA?

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1 A. A lot of different places.  
2 Q. Can you give me the city?  
3 A. Detroit.  
4 Q. Detroit?  
5 A. Uh-huh.  
6 Q. And did the job of a CNA in Detroit differ  
7 much from the job of a CNA here in Las Vegas?  
8 MR. BEMIS: I object to form.  
9 THE WITNESS: No.  
10 BY MR. MURDOCK:  
11 Q. The same things? Washing the patients  
12 after they go on and off the bedpan, things like  
13 that?  
14 A. Yes.  
15 Q. What did you do before you had the party  
16 store?  
17 A. I was a housewife.  
18 Q. For how long?  
19 A. I don't know. About 12 years.  
20 Q. Are you married?  
21 A. Not anymore.  
22 Q. Divorced?  
23 A. Yes.  
24 Q. For how long?  
25 A. 22 years.

Page 23

1 Q. You said you have children?  
2 A. Yes.  
3 Q. What do they do?  
4 A. I have a son in Florida who is a manager  
5 for Office Max.  
6 Q. Okay.  
7 A. I have a daughter who lives here.  
8 Q. What does she do?  
9 A. She's a sales event manager for Three  
10 Square. I have another daughter who is going to  
11 school for a human resources degree.  
12 Q. She's here in Nevada, too?  
13 A. Yes.  
14 Q. She goes to UNLV?  
15 A. Yes.  
16 Q. When you applied to Centennial Hills to  
17 work there, how did you do that?  
18 A. I went online and filled out the  
19 application, and I got a call to come in for an  
20 interview.  
21 Q. How did you know they were looking for  
22 people?  
23 A. It was in the newspaper.  
24 Q. And did it say go to a certain website  
25 online, or something like that?

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1 A. Well, I knew they were building the  
2 hospital. I wanted to see if they were still hiring  
3 people, because it was close.  
4 Q. Sure. So when you went online, were you  
5 applying to Centennial Hills specifically or --  
6 A. Yes.  
7 Q. Let me just finish my question.  
8 A. Oh, okay.  
9 Q. -- or was it through the Valley Health  
10 System? Do you remember?  
11 A. No. I believe it was Centennial Hills  
12 specifically.  
13 Q. Do you remember seeing the letters UHS on  
14 the application?  
15 A. No, I don't remember.  
16 Q. Would it surprise you to learn that it was?  
17 A. No.  
18 Q. So you applied at Centennial Hills, you  
19 went online, and I guess they ask you questions about  
20 your past, and names, and all that kind of stuff?  
21 A. Yes.  
22 Q. And did they then call you in for like an  
23 interview, or something like that?  
24 A. Yes, they did.  
25 Q. Do you remember who interviewed you?



Page 25

1 A. No, I do not.  
2 Q. And after the interview were you offered a  
3 job?  
4 A. Yes, I was.  
5 Q. Or during the interview?  
6 A. Yes.  
7 Q. Was it during?  
8 A. No, it was after. I got a call.  
9 Q. And did they offer you the job as a staff  
10 nurse, a charge nurse? What did they offer you the  
11 job as?  
12 A. Staff nurse.  
13 Q. And did they tell you where you would be  
14 working?  
15 A. On the 7th floor.  
16 Q. And is that where you wanted to work?  
17 A. Yes. That was what I was familiar with.  
18 Q. That kind of population?  
19 A. Yes.  
20 Q. And you certainly didn't mind working with  
21 med-surg patients either?  
22 A. No.  
23 Q. So you got this job. Did you go through an  
24 orientation?  
25 A. Yes, we did.

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1 Q. You said, "Yes, we did." Who is "we?"  
2 A. Well, all of us.  
3 Q. Was it an orientation for everybody?  
4 A. Yes.  
5 Q. How many people?  
6 A. Probably about 20 to 25.  
7 Q. All nurses?  
8 A. Yes. Because the hospital wasn't open yet.  
9 Q. Do you recall when this was? In other  
10 words, if you started working in the hospital  
11 sometime in February, would it have been like a month  
12 earlier, or something like that?  
13 A. Yes. It was in January of that year.  
14 Q. That's when the orientation was?  
15 A. Yes.  
16 Q. Whatever year it opened, right?  
17 A. Yes.  
18 Q. Okay. So at the orientation were you given  
19 like an orientation packet?  
20 A. Yes.  
21 Q. What was in that packet, if you remember?  
22 A. A description of the job, what you were  
23 expected to do, your benefits, what was available,  
24 how much they cost, your pay schedule. What the  
25 hospital stood for, what their -- what's that

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1 called -- creed, or whatever it was.  
2 Q. What was the creed?  
3 A. I don't remember.  
4 Q. Okay. So you got this packet of stuff.  
5 Do you remember who paid you, by  
6 the way?  
7 A. Who paid me?  
8 Q. Yeah. Was it Centennial Hills? Was it  
9 Valley Health System, UHS?  
10 A. I really don't remember. I had it direct  
11 deposited, got my stub, and I don't know.  
12 Q. Were you allowed to keep those materials?  
13 A. Yes.  
14 Q. At some point did you throw them out?  
15 A. I assume, yes.  
16 Q. And how long did the orientation last?  
17 A. It lasted about a week and a half.  
18 Q. After that week and a half did the hospital  
19 open?  
20 A. No. It didn't open for about another week.  
21 Q. So you kind of like had a week's vacation  
22 in between?  
23 A. Yes.  
24 Q. Okay. And then the hospital opened, right?  
25 A. Yes.

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1 Q. Now, the day the hospital opened, was there  
2 all of a sudden an influx of hundreds of patients?  
3 A. No.  
4 Q. How did that work?  
5 A. They came in through the ER -- some of  
6 them. Some of them were brought in by doctors, sent  
7 by doctors.  
8 Q. And let me kind of interrupt you just for a  
9 second, and I apologize.  
10 You said you were working on like  
11 the joint replacement floor, and were there certain  
12 doctors who would admit to that floor?  
13 A. Yes.  
14 Q. Who were they?  
15 A. There was a Dr. Swan, I believe. God, I  
16 can't even remember their names. I really don't  
17 remember their names.  
18 Q. Okay. And I guess over time you met not  
19 just the nurses who you were working with, but also  
20 CNAs, orderlies?  
21 A. Yes.  
22 Q. Food service workers, thing like that,  
23 right?  
24 A. Yes.  
25 Q. Was there ever a time when you first opened

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1 where they got everybody together -- the hospital got  
2 nurses, CNAs, everybody, like in one big room and had  
3 a talk, or anything like that?  
4 A. No.  
5 Q. So on your first day at Centennial, I  
6 assume you got to the hospital, you parked, right?  
7 A. Yes.  
8 Q. My assumption is -- and tell me if I'm  
9 wrong -- that they have a special parking area for  
10 employees?  
11 A. Yes.  
12 Q. And when you go to that area, how do you  
13 get into that parking area?  
14 A. It was open.  
15 Q. It was open. Okay. Did you have a sticker  
16 on your car?  
17 A. Yes.  
18 Q. What did that sticker say? Do you  
19 remember?  
20 A. It just was a number, and that I was a  
21 Centennial Hills employee.  
22 Q. Were you given a badge?  
23 A. Yes.  
24 Q. And what was on the badge? Do you  
25 remember?

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1 A. Your name, what your position was, and then  
2 there was an encoded strip on the back, and a  
3 picture.  
4 Q. Now, when you first started working there,  
5 did the hospital have people working there from  
6 agencies?  
7 A. Yes, they did.  
8 Q. And were those RNs as well?  
9 A. Yes.  
10 Q. And what else besides RNs? CNAs?  
11 A. CNAs, yes. That's all I would know. I  
12 wouldn't know about kitchen staff or whatever. All I  
13 know is the nurses and the CNAs.  
14 Q. Do you know where the CNAs would park, the  
15 agency CNAs?  
16 A. They all parked where we parked, was my  
17 assumption. I don't know.  
18 Q. Okay. Did you have a special area where  
19 you would walk into the hospital, as an employee?  
20 A. Yes.  
21 Q. Where would you walk in?  
22 A. In the back. There was a specific door.  
23 Q. What did it say on it? Do you remember?  
24 A. It didn't say anything. It was just -- you  
25 were told in orientation that was where you came in.

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1 Q. Was there a time clock there?  
2 A. No.  
3 Q. Did you have to clock in?  
4 A. Yes.  
5 Q. Where was the time clock?  
6 A. Up by the elevators on each floor.  
7 Q. So in other words, when you first started  
8 working at the hospital, you would walk in, you'd  
9 park in the employee parking, you'd walk through the  
10 special door, and then you would go upstairs I guess  
11 to the 7th floor, and that's where you would check  
12 in. Is that right?  
13 A. Yes.  
14 Q. And how would you clock in?  
15 A. You would swipe your badge.  
16 Q. What I'm getting at is, it wasn't one of  
17 those old-fashioned time clock cards where you have  
18 to pull out your name and then clock in?  
19 A. No.  
20 Q. It was all done with this badge, right?  
21 A. Yes.  
22 Q. So you'd just slide it through, right?  
23 A. Yes.  
24 Q. How would you know if an employee -- or if  
25 a CNA or an RN was an agency RN, or not?

Page 32

1 A. By their badge.  
2 Q. What would the badge say?  
3 A. Well, their badge would be the one provided  
4 them by their agency, so it would have the agency's  
5 name on it.  
6 Q. Wouldn't it also have the name of the  
7 hospital on it?  
8 A. No.  
9 Q. How would you know that they actually  
10 belonged at the facility?  
11 A. Who would come in and work there if they  
12 weren't getting paid to work there?  
13 Q. Okay. Now, did you ever meet a CNA by the  
14 name of Steven Farmer?  
15 A. No.  
16 Q. You never met him?  
17 A. No, I did not.  
18 Q. Did you ever hear about a CNA by the name  
19 of Steven Farmer?  
20 A. The only time I heard was when the  
21 allegations came up.  
22 Q. Okay. What is a "sitter?"  
23 A. If a doctor writes an order that a person  
24 needs to have someone sitting there to watch them,  
25 due to altered mental status or for some other

Page 33

1 problem, then you have a CNA or a nurse sitting in  
2 the room right by the bed watching the patient.  
3 Q. Is it kind of like a private CNA or a  
4 private nurse?  
5 A. It can be a regular CNA or a regular nurse.  
6 Whoever is available.  
7 Q. Okay. And were there occasions while you  
8 were working at Centennial Hills that there were  
9 sitters with patients?  
10 A. Yes.  
11 Q. And as a matter of fact, Steven Farmer was  
12 a sitter with a patient, is that correct?  
13 A. Yes.  
14 MR. SILVESTRI: I move to strike.  
15 Lacks foundation.  
16 BY MR. MURDOCK:  
17 Q. Are you aware that Steven Farmer was  
18 assigned to be a sitter with a patient?  
19 MR. SILVESTRI: Objection. Lacks  
20 foundation.  
21 MR. BEMIS: You can go ahead and  
22 answer.  
23 THE WITNESS: After the fact.  
24 BY MR. MURDOCK:  
25 Q. After what fact?

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1 A. That he sat.  
2 Q. Was that on the 7th floor?  
3 A. Yes.  
4 Q. And my understanding is that Mr. Farmer was  
5 sitting with a patient sometime around February or  
6 early March at Centennial Hills when you were on  
7 duty, is that correct?  
8 A. Yes.  
9 Q. And at some point while Mr. Farmer was  
10 sitting with the patient, you heard some screams  
11 coming from that room. Is that correct?  
12 MR. SILVESTRI: I'm going to object.  
13 Lacks foundation.  
14 MS. HALL: Join.  
15 THE WITNESS: It wasn't screams like  
16 terrorized, or anything like that.  
17 It was somebody who was irritated.  
18 Like when you're screaming and somebody wakes you up  
19 and you're like, "Leave me alone. Get out of here."  
20 That kind of thing.  
21 BY MR. MURDOCK:  
22 Q. Where was this room, as opposed to where  
23 you were when you heard this activity?  
24 A. Okay. You have the nurses' station, which  
25 is a square. The room was here. I was standing over

Page 35

1 there.  
2 Q. Okay. Unfortunately that's not helpful, so  
3 let's see if we can't kind of figure this out here.  
4 A. Okay.  
5 Q. Let's do it this way first.  
6 I'm going to turn you into an  
7 artist right now, so if you could draw the nurses'  
8 station and the room where the screaming was, that  
9 would be great.  
10 A. This would be the nurses' station. This  
11 would be the room over here. I was standing over  
12 here.  
13 Q. Okay. So let's mark a few things on there.  
14 A. Okay.  
15 Q. First of all, where you put the circle  
16 where you said you were standing, could you write in  
17 "standing here?"  
18 A. Okay.  
19 Q. And where you marked the room, could you  
20 put the room? Just put the word "room."  
21 A. (Complying.)  
22 Q. I assume you don't know the room number?  
23 A. No.  
24 Q. So basically it was on the other side of  
25 the nurses' station, is that correct?

Page 36

1 A. Yes.  
2 Q. So you were on the other side of the  
3 nurses' station when you heard this -- let's say  
4 "commotion." Would you agree with that?  
5 A. Yes.  
6 MR. MURDOCK: We'll mark this as  
7 Plaintiff's Exhibit 1.  
8 (Plaintiff's Exhibit 1 marked.)  
9 MR. BEMIS: I'm just going to place an  
10 objection that it's not to scale, obviously.  
11 MR. MURDOCK: Of course not. If it  
12 was, I'd be amazed.  
13 BY MR. MURDOCK:  
14 Q. Nevertheless, so you hear the commotion,  
15 and at that point do you see Mr. Farmer come out of  
16 the room?  
17 A. No.  
18 Q. Okay. What did you do when you heard the  
19 commotion?  
20 A. I looked up. I looked over there. The  
21 nurse for that room was approaching the room, so I  
22 didn't do anything.  
23 Q. Do you recall who the nurse was?  
24 A. No, I do not.  
25 Q. And after the nurse approached the room and

Page 37

1 you looked up, what occurred then?  
2 A. I saw her go into the room. I didn't hear  
3 any more commotion. I went back to my job.  
4 Q. Was the door closed to the room?  
5 A. The door was not closed tight, no.  
6 Q. I didn't ask you that. Was the door  
7 closed?  
8 MR. SILVESTRI: Objection. Vague.  
9 THE WITNESS: It was halfway open. I  
10 mean you could see into the room. That's how I knew  
11 he was sitting there.  
12 BY MR. MURDOCK:  
13 Q. Was it dark?  
14 A. The light over the bed was on.  
15 Q. Okay. Do you remember speaking to the  
16 police?  
17 A. Yes.  
18 MR. MURDOCK: Let's mark this as  
19 Plaintiff's 2.  
20 (Plaintiff's Exhibit 2 marked.)  
21 BY MR. MURDOCK:  
22 Q. Ma'am, I'm showing you what's been marked  
23 as Plaintiff's Exhibit 2. Have you ever seen this  
24 document before?  
25 A. Yes.

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1 Q. When did you last see this document?  
2 A. Actually I saw it this afternoon.  
3 Q. How did you see it this afternoon?  
4 A. I was reviewing it before I came here.  
5 Q. How did you get it?  
6 MR. BEMIS: Objection. That's all  
7 privileged.  
8 MR. MURDOCK: Do you represent her?  
9 MR. BEMIS: Yes, I do. I sent you the  
10 correspondence.  
11 MR. MURDOCK: Well, I know you sent me  
12 correspondence, but have you been retained as her  
13 counsel, or are you just representing her as an  
14 employee of the hospital?  
15 MR. BEMIS: As an employee of the  
16 hospital.  
17 MR. MURDOCK: So I'll ask my question  
18 again.  
19 BY MR. MURDOCK:  
20 Q. Did you have a conversation with Mr. Bemis  
21 about this document?  
22 A. Yes.  
23 Q. When?  
24 A. Before I came here.  
25 Q. Did Mr. Bemis give you this document?

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1 A. Yes.  
2 Q. Had you ever seen this document before Mr.  
3 Bemis showed it to you?  
4 A. Yes, I did.  
5 Q. When did you see this document.  
6 A. I saw it before I went into court on the  
7 case in the beginning of this. Cagnina, or whatever  
8 her name is.  
9 MR. BEMIS: Let's not say any patient  
10 names.  
11 THE WITNESS: Okay. The former  
12 patient.  
13 BY MR. MURDOCK:  
14 Q. Did you meet with the District Attorney's  
15 office in this matter?  
16 A. In the former one?  
17 Q. In the criminal case.  
18 A. Yes.  
19 Q. Was Mr. Bemis there as well?  
20 A. No.  
21 Q. Outside of the District Attorney's office,  
22 was anybody else there?  
23 A. No.  
24 Q. Have you ever retained Mr. Bemis in this  
25 matter?

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1 A. No.  
2 Q. You spoke with the police about the other  
3 matter, is that correct?  
4 A. Yes.  
5 Q. And you gave a recorded statement, is that  
6 correct?  
7 A. Yes.  
8 Q. Prior to giving the recorded statement, did  
9 you have a conversation with the police?  
10 A. No.  
11 Q. Did you ever tell them about any incidents  
12 with Mr. Farmer, before you gave the recorded  
13 statement?  
14 A. No.  
15 Q. Now, did you tell the police that  
16 Mr. Farmer seemed more attentive to female patients  
17 than male patients?  
18 A. I said that was the way I observed some of  
19 his behavior.  
20 Q. I understand that. Okay.  
21 And could you explain that for us?  
22 A. Just that, as I said in here, that he  
23 offered to do things for a female patient -- offered  
24 to the nurse.  
25 Q. Like what?

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1 A. Putting the telemetry things on.  
2 Q. Now, putting telemetry leads on. How do  
3 you do that?  
4 MR. BEMIS: I object to form. Go ahead  
5 and answer.  
6 BY MR. MURDOCK:  
7 Q. You've done it before, right?  
8 A. Yeah.  
9 Q. How do you put on telemetry leads?  
10 A. You have little metal wires that are  
11 covered in plastic with snaps on the end. You snap  
12 on -- we call them dots, but they have a sticky back  
13 side. Then you place one here, one here, one here,  
14 one here, and one in the middle.  
15 Q. I'm sorry, you said "one here, one here,  
16 one here." Could you describe that for the record,  
17 where you put them?  
18 A. One to the right upper chest, one to the  
19 left upper chest, one to the right by the bottom of  
20 the ribcage, to the left bottom on the ribcage, and  
21 one to the sternum.  
22 Q. Are there times when you have to lift a  
23 woman's breast in order to place that lead?  
24 A. Yes.  
25 Q. And Mr. Farmer was willing to do that?

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1 MR. SILVESTRI: Objection. Lacks  
2 foundation.  
3 MR. BEMIS: Form.  
4 MS. HALL: Form.  
5 THE WITNESS: I saw him do that on one  
6 occasion, yes.  
7 BY MR. MURDOCK:  
8 Q. Tell me about that. You saw him do that.  
9 What did you see him do?  
10 A. I was walking by. The nurse had the  
11 telemetry unit in her hand. He said, "Oh, I can put  
12 that on for you." She handed it to him.  
13 Q. And he did that, right?  
14 A. I'm assuming he did. I didn't stand there  
15 and watch him, but --  
16 MR. SILVESTRI: Move to strike. Lacks  
17 foundation.  
18 BY MR. MURDOCK:  
19 Q. So you never saw him actually do it?  
20 A. No.  
21 Q. But you saw him offer to do it?  
22 A. Yes.  
23 Q. Is that right?  
24 A. Uh-huh.  
25 MR. SILVESTRI: It that a "yes?"

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1 THE WITNESS: Yes.  
2 MR. SILVESTRI: Thank you.  
3 BY MR. MURDOCK:  
4 Q. Am I correct that on women, usually you  
5 have to move the breast to place the lead?  
6 MS. HALL: I object to form.  
7 MR. BEMIS: I object to form.  
8 THE WITNESS: You do -- well, yeah, if  
9 they're large-breasted you have to, because you have  
10 to get under here, to the breast area.  
11 BY MR. MURDOCK:  
12 Q. And did you tell the police, "He would  
13 always say, 'I'll do that for you, you know, and you  
14 do what you have to do?'" Did you say that to the  
15 police?  
16 A. If it says it here, I guess I did.  
17 Q. Well, why don't you turn to LVMP 0178. At  
18 the bottom there's what's called a Bates stamp -- on  
19 the bottom of the pages. So if you could turn to  
20 page 178, in the middle of the paragraph.  
21 A. Okay. "He was always willing to do  
22 something extra."  
23 Q. Do you see where it says, "He would always  
24 say, 'Oh, I'll do that for you, you know, and you do  
25 what you have to do'"?

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1 A. Yes.  
2 Q. And you said that with regard to moving the  
3 breast for the telemetry, is that correct?  
4 MS. HALL: I object to form. Misstates  
5 testimony.  
6 THE WITNESS: I was just saying he  
7 would be willing to help with anything, not just  
8 that.  
9 BY MR. MURDOCK:  
10 Q. Oh, okay. Well, let's go before, and let's  
11 read this together. Okay?  
12 On page 178 you state -- do you  
13 see where there's an "A" in the middle of the page?  
14 A. Yes.  
15 Q. And do you see where your first word is  
16 "Well?"  
17 A. Yes.  
18 Q. Okay. It says -- well, we'll read the  
19 first part.  
20 It says, "Well, when he brought a  
21 patient up, if they had to have a (blank) on, he  
22 would offer to put the (blank) on."  
23 Do you see that?  
24 A. Uh-huh.  
25 Q. Is that a yes?

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1 A. Yes.  
2 Q. Do you know what those blanks were?  
3 A. I'm assuming it's telemetry. I don't know  
4 why it wasn't put in here.  
5 Q. Because that's what you were talking about,  
6 right?  
7 A. Yes.  
8 Q. Okay. So I read that sentence correctly?  
9 MR. SILVESTRI: Well, I'm going to  
10 object and move to strike, unless it says it all.  
11 BY MR. MURDOCK:  
12 Q. Well, let's read it again.  
13 "Well, when he brought a patient  
14 up, if they had to have a (blank) on, he would offer  
15 to put the (blank) on."  
16 A. Yes.  
17 Q. Did I read that correctly?  
18 A. Yes.  
19 Q. And you believe that the blank should have  
20 the word "telemetry" in it. Is that correct?  
21 A. I'm saying that my understanding would be  
22 that's what they're referring to, but it could be  
23 anything. It could be a gown on. It could be  
24 anything.  
25 Q. Well, this is your statement. Do you

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1 remember what you were talking about?  
2 A. About him being helpful.  
3 Q. Okay. Well, the next sentence states,  
4 "Which means of course, you know, behind the chest  
5 and they have to go on the ribcages."  
6 A. That's the telemetry dots.  
7 Q. Okay. So now we know what we're talking  
8 about. The telemetry, correct?  
9 A. Yes.  
10 Q. And I read that sentence correctly, is that  
11 right?  
12 A. Yes.  
13 Q. And the next sentence says, "So of course,  
14 on women it's usually you have to move the breast to  
15 put the, underneath the breast and stuff."  
16 Did I read that correctly?  
17 A. Yes.  
18 Q. The next sentence states, "He would always  
19 say, 'Oh, I'll do that for you, you know, and you do  
20 what you have to do.'" Did I read that correctly?  
21 A. Yes.  
22 Q. And this is your statement to the police,  
23 is that right?  
24 A. Yes.  
25 Q. Okay. And then it states -- as you go down

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1 there's a question, "Did it seem to be more for  
2 female patients, or any patient?" Your answer was,  
3 "Actually, I think it was more for female patients."  
4 Do you see that?  
5 A. Yes, I do.  
6 Q. Why is that? Why did you say that?  
7 MR. BEMIS: I object to form.  
8 THE WITNESS: Because that's what I  
9 thought. That doesn't mean that he didn't offer  
10 to --  
11 BY MR. MURDOCK:  
12 Q. I'm not asking you anything else except for  
13 what you saw.  
14 MS. HALL: Well, she's trying to answer  
15 the question.  
16 MR. MURDOCK: Thank you, Heather.  
17 BY MR. MURDOCK:  
18 Q. I'm asking you exactly what you saw.  
19 A. I saw female patients.  
20 Q. Okay. Now, as you go on -- and you're  
21 welcome to read this, I'm not trying to stop you.  
22 You can certainly read it.  
23 You state actually that the CNAs  
24 do put on the telemetry leads at Centennial Hills.  
25 If you skip to the next page is where you say it, on

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1 179. Why don't you take a look at that.  
2 A. Yeah.  
3 Q. Why don't you read that for a second.  
4 A. Okay. My understanding is that it has to  
5 do with the nurse. If the nurse allows the CNA, then  
6 fine. If not, then the nurse does it.  
7 Q. Do you recall anything -- any documents,  
8 any rules, any regulations, any policies or  
9 procedures -- instructing nurses to allow CNAs to do  
10 that, to place the telemetry leads?  
11 A. No. Neither one way or the other.  
12 Q. But in your personal background, you just  
13 wouldn't do it, right?  
14 A. No, I wouldn't.  
15 Q. But some nurses did?  
16 A. Yes.  
17 Q. Okay. Now, let's go to page 180, and the  
18 detective -- as you go down the page there's a line  
19 that starts with, "Oh, okay."  
20 A. Yes.  
21 Q. The detective states, "Um, can you think of  
22 anything else I didn't ask you or I might not be  
23 aware of that you feel is important, that might  
24 assist me in my investigation, or something I need to  
25 be made aware of?"

<p style="text-align: right;">Page 49</p> <p>1 Your answer is, "The only thing I 2 can think of, like I said, is the older lady that he 3 did the one-to-one sittings with." Do you see that? 4 A. Yes, I do. 5 Q. Now, what did you mean when you said, "like 6 I said?" Had you told him about this before? 7 A. No. 8 Q. So why did you say "like I said?" 9 A. I have no idea. 10 Q. Did you tell somebody else about that? 11 A. We had talked about it between ourselves 12 the night it happened, yes. 13 Q. Who did you talk about it with? 14 A. The other nurses. 15 Q. Do you recall any names? 16 A. No. 17 Q. And you were talking about this incident 18 with the sitting? 19 A. Yes. 20 Q. And your next answer states, "Which means 21 that the doctor ordered for somebody to be in the 22 room with her at all times." Do you see that? 23 A. Yes, I do. 24 Q. Then you state, "He was in there on the 25 evening shift. It was dark, because he had the</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes. 2 Q. Did you state that? 3 A. Yes. 4 Q. You used the word "yelling," is that 5 correct? 6 A. Yes. 7 Q. The policeman didn't use the word 8 "yelling." You used the word "yelling," is that 9 correct? 10 A. Yes. 11 Q. Okay. So you heard the patient yelling, is 12 that correct? 13 A. Yes. 14 Q. Okay. And in fact you told the police, 15 "The yelling consisted of, 'I don't want you by me. 16 Get out of here.'" Is that correct? 17 A. Yes. 18 Q. When you were speaking with the police you 19 were being honest and truthful, right? 20 MR. BEMIS: I object to form. 21 THE WITNESS: Yes. 22 BY MR. MURDOCK: 23 Q. You wouldn't want to mislead the police, 24 right? 25 A. No.</p>
<p style="text-align: right;">Page 50</p> <p>1 lights out." Did I read that correctly? 2 A. Yes. 3 Q. "The door was closed." Did I read that 4 correctly? 5 A. Yes. 6 Q. So did you tell the police he was in there 7 on the evening shift, and it was dark because he had 8 the lights out? 9 A. Yes. 10 Q. Did you tell the police the door was 11 closed? 12 A. Well, obviously I did. 13 Q. Okay. Then you state, "Which usually for a 14 one-to-one, if I had been the nurse, which I wasn't, 15 I would want the door open. I want to see what's 16 going on." Did I read that correctly? 17 A. Yes. 18 Q. Did you tell the police that? 19 A. Yes. 20 Q. Then you stated, "But we did hear her 21 yelling." 22 A. Yes. 23 Q. Do you see that? 24 A. Uh-huh. 25 Q. Is that a yes?</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. BEMIS: Same objection. 2 BY MR. MURDOCK: 3 Q. You wouldn't want to tell lies to the 4 police, right? 5 MR. BEMIS: Same objection. 6 THE WITNESS: No. 7 BY MR. MURDOCK: 8 Q. So you were being honest, truthful, and 9 everything I've read so far from your statement is 10 exactly what you told the police, is that right? 11 MR. BEMIS: I object to form. 12 THE WITNESS: Yes. 13 BY MR. MURDOCK: 14 Q. Okay. So let's see. 15 You heard the patient yelling, 16 correct? 17 A. Yes. 18 Q. And according to Plaintiff's Exhibit 1 the 19 patient was yelling -- you heard the patient yelling, 20 you were on one side of the nurses' station, and the 21 room was on the other side. Is that correct? 22 A. Yes. 23 Q. And when you heard the patient yelling, you 24 actually heard the patient yelling, "I don't want you 25 by me. Get out of here." Is that correct?</p>

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1 A. Yes.  
2 Q. After you heard the patient yelling, did  
3 you go investigate what she was yelling about?  
4 MR. SILVESTRI: Objection. Asked and  
5 answered.  
6 THE WITNESS: No, I did not.  
7 BY MR. MURDOCK:  
8 Q. Did you ever ask her nurse what the patient  
9 was yelling about?  
10 A. No.  
11 Q. And then you said to the police, "And we  
12 thought she's a little crazy." Is that correct?  
13 A. Yes.  
14 Q. You're talking about the patient?  
15 A. Yes.  
16 Q. And then you told the police, "She's a  
17 little crazy old lady. That's why she has the  
18 sitter." Is that right?  
19 A. Yes.  
20 Q. And then you stated as you go down, "So we  
21 didn't put any credence into what she was saying."  
22 Is that right?  
23 A. Right.  
24 Q. That's what you told the police, right?  
25 A. Yes.

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1 Q. Okay. So what was she saying that you  
2 didn't put any credence into?  
3 A. The fact that she was yelling any of this.  
4 She could have been in an altered mental state. She  
5 could have been coming out of a post surgical  
6 amnesia.  
7 Q. She could have been raped, right?  
8 MS. HALL: I object to form.  
9 MR. BEMIS: I object to form.  
10 MR. SILVESTRI: Objection. It's  
11 argumentative.  
12 BY MR. MURDOCK:  
13 Q. She could have, right?  
14 MS. HALL: I object to form. Calls for  
15 speculation.  
16 MR. BEMIS: Same objection. Calls for  
17 speculation.  
18 BY MR. MURDOCK:  
19 Q. You can answer the question.  
20 A. That would be speculation. I don't know.  
21 Q. Oh, okay. So yours wasn't speculation.  
22 Was she coming out of an alcoholic  
23 thing?  
24 A. I don't know.  
25 Q. Was she insane?

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1 MR. BEMIS: I object to form.  
2 THE WITNESS: I don't know.  
3 BY MR. MURDOCK:  
4 Q. Do you know anything about this patient?  
5 A. No.  
6 Q. Do you know what her diagnosis is?  
7 A. No.  
8 Q. Okay. But nevertheless, you told the  
9 policeman, "She's a little crazy old lady and that's  
10 why she has the sitter, so we didn't put any credence  
11 into what she was saying." Right?  
12 A. Yes.  
13 Q. What was she saying exactly that you didn't  
14 put any credence into?  
15 MR. BEMIS: Asked and answered.  
16 MS. HALL: Join.  
17 THE WITNESS: That she was yelling for  
18 a person to get away from her.  
19 BY MR. MURDOCK:  
20 Q. Okay. And when you stated, "So we didn't  
21 put any credence into what she was saying," what did  
22 you mean by that?  
23 MS. HALL: Objection. Asked and  
24 answered.  
25 MR. BEMIS: Join.

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1 THE WITNESS: Do I have to answer that?  
2 MR. BEMIS: Go ahead answer it.  
3 THE WITNESS: All right. We have  
4 oftentimes patients who wake up and are unfamiliar  
5 with where they are and what's going on, and they  
6 start yelling if a CNA is there trying to clean them  
7 up, or a nurse is trying to give them a shot, or  
8 whatever is going on.  
9 And it's not that they're being  
10 hurt or being taken advantage of; it's just that  
11 they're not aware of where they are or what is going  
12 on.  
13 BY MR. MURDOCK:  
14 Q. Sure. But did you know whether this  
15 patient had that issue?  
16 A. No, I didn't.  
17 Q. So you assumed she was a little crazy old  
18 lady, right?  
19 A. Yes, I did.  
20 Q. Okay.  
21 A. Or that she was in an altered mental  
22 status.  
23 Q. That was your assumption?  
24 A. Yes.  
25 Q. But you took no steps to find out whether



<p style="text-align: right;">Page 57</p> <p>1 or not she actually was being assaulted?</p> <p>2 A. I didn't have to. Her nurse went in there</p> <p>3 to see what was going on.</p> <p>4 Q. And you never asked the nurse what</p> <p>5 happened, right?</p> <p>6 A. That's not my business.</p> <p>7 Q. Okay. Now, did the nurse go into the room?</p> <p>8 A. Yes, she did.</p> <p>9 Q. If you can, could you describe the nurse</p> <p>10 for us?</p> <p>11 A. No. I don't remember who the nurse was.</p> <p>12 Q. So you can't tell me what she looked like,</p> <p>13 or he looked like in any way?</p> <p>14 A. No.</p> <p>15 Q. Was it a "he" or a "she?"</p> <p>16 A. I believe it was a woman, but I'm not</p> <p>17 positive.</p> <p>18 Q. And when you got together, as you said</p> <p>19 before, all the nurses, when this all came up, when</p> <p>20 the criminal case came up and you had this</p> <p>21 discussion -- you said you talked about this issue</p> <p>22 with the sitter. Do you remember that?</p> <p>23 A. No.</p> <p>24 Q. Well, you said before, when we talked about</p> <p>25 the sentence here where it says, "The only thing I</p>	<p style="text-align: right;">Page 59</p> <p>1 A. No.</p> <p>2 Q. So just so I'm clear, when you stated, "So</p> <p>3 we didn't put any credence into what she was saying,"</p> <p>4 you were talking about when she was yelling, "I don't</p> <p>5 want you by me, get out of here." Is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now, this occurred on the 6th floor,</p> <p>8 didn't it?</p> <p>9 A. On the 6th floor?</p> <p>10 Q. Yeah.</p> <p>11 A. I thought it was on the 7th floor.</p> <p>12 Q. Well, why don't you keep reading down on</p> <p>13 181. Maybe that will refresh your recollection.</p> <p>14 A. Okay. Then yes, it was. We got pulled</p> <p>15 back and forth, so it's easy to not remember exactly</p> <p>16 what floor you were on every night.</p> <p>17 Q. Now, would the drawing that you made as</p> <p>18 Plaintiff's Exhibit 1 -- would that be different</p> <p>19 because it was on the 6th floor, as opposed to the</p> <p>20 7th?</p> <p>21 A. No. They're all exactly the same.</p> <p>22 Q. Okay. Now, then the policeman says to you,</p> <p>23 "Okay. Do you remember what she was in for? What</p> <p>24 that victim?" Then you state, "I don't know."</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 58</p> <p>1 can think of, like I said, is the older lady that he</p> <p>2 did the one-to-one sittings with" --</p> <p>3 A. Oh, okay.</p> <p>4 Q. You said there was a conversation between</p> <p>5 you and the rest of the nurses about this incident.</p> <p>6 A. That would have been as we were standing at</p> <p>7 the nurses' desk when the yelling was going on, after</p> <p>8 the nurse walked into the room.</p> <p>9 Q. Do you recall how many nurses --</p> <p>10 A. Well, there wouldn't have been more than</p> <p>11 three, because there was never more than four of us.</p> <p>12 And if she went in the room, that left three.</p> <p>13 Q. And did any of you have a conversation with</p> <p>14 that nurse after the fact?</p> <p>15 MR. BEMIS: Calls for speculation.</p> <p>16 BY MR. MURDOCK:</p> <p>17 Q. As far as you know?</p> <p>18 A. I have no idea.</p> <p>19 Q. You certainly didn't, is that right?</p> <p>20 A. I did not, no.</p> <p>21 Q. Okay. Outside of hearing the patient yell,</p> <p>22 "I don't want you by me, get out of here," did you</p> <p>23 hear her yell anything else?</p> <p>24 A. No, I did not.</p> <p>25 Q. Do you recall her yelling anything else?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. You're talking about the --</p> <p>2 A. Patient.</p> <p>3 Q. -- what you termed the little crazy old</p> <p>4 lady patient, is that correct?</p> <p>5 A. The patient, yes.</p> <p>6 Q. But that's the patient we're talking about</p> <p>7 here, right?</p> <p>8 A. Yes.</p> <p>9 Q. Now, outside of telling the police about</p> <p>10 this -- what you termed "the little crazy old lady,"</p> <p>11 and the incident with Mr. Farmer -- did you ever tell</p> <p>12 anybody else about that?</p> <p>13 A. No.</p> <p>14 Q. After the incident took place, after the</p> <p>15 arrest, and Ms. Cagnina, things like that, did you</p> <p>16 ever tell anybody at the hospital about this</p> <p>17 incident?</p> <p>18 A. No.</p> <p>19 Q. So the first and only time you ever</p> <p>20 discussed this patient, the little crazy old lady</p> <p>21 patient with anyone, would have been with this</p> <p>22 detective. Is that correct?</p> <p>23 A. No. Wait a minute. The director of</p> <p>24 nursing called me down and we talked about this, too,</p> <p>25 after I talked to the police. When she got a copy of</p>

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1 this, I talked to her. And that was it.  
2 Q. Who was the director of nursing at the  
3 time?  
4 A. I really don't know.  
5 Q. But the director of nursing called you down  
6 after she read the statement, is that correct?  
7 A. Yes. She talked to all of us.  
8 Q. What do you mean, she talked to all of you?  
9 A. She talked to all the nurses that were  
10 involved in this.  
11 Q. Did you go through the statement with her?  
12 A. She asked me what happened. I told her  
13 what I knew. We didn't pick this up and go through  
14 it line by line like we are now, but she knew what  
15 was -- I mean she had read it.  
16 Q. Did she ask you about the little crazy old  
17 lady patient? Was that something you discussed?  
18 A. You know, I'm not sure. She just asked  
19 about what I knew. No, I don't believe we did go  
20 through that. We went through the other part,  
21 because that was what was coming up.  
22 Q. And outside of me asking you about this  
23 little crazy old lady patient, and the detective, has  
24 anybody else ever asked you about it?  
25 A. No.

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1 MR. MURDOCK: I don't think I have any  
2 further questions at this time.  
3  
4 EXAMINATION  
5 BY MR. SILVESTRI:  
6 Q. Ms. Murray, name is Jim Silvestri. I  
7 represent American Nursing Services. I have just a  
8 couple of follow-up questions for you, if you don't  
9 mind.  
10 A. Sure.  
11 Q. When you worked at Centennial Hills  
12 Hospital, did CNAs, certified nursing assistants --  
13 did they operate independently of the registered  
14 nurses?  
15 A. You mean have their own duties that they  
16 did?  
17 Q. Without being told.  
18 A. Yes.  
19 Q. What kind of duties did they have that they  
20 would not need instruction from an RN on, or a doctor  
21 on, to perform?  
22 A. Answering lights, walking patients to the  
23 bathroom, helping patients clean up if they had  
24 become nauseous or if they had an accident. Helping  
25 them change their clothes, bringing them stuff they

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1 needed.  
2 Q. So if they went into a room to help  
3 somebody clean up who had thrown up, or maybe went to  
4 the bathroom, typically the light would come on and a  
5 CNA would know to go in there?  
6 MR. MURDOCK: Objection. Speculation.  
7 Go ahead.  
8 THE WITNESS: Yes.  
9 BY MR. SILVESTRI:  
10 Q. Did the CNAs typically just go on random  
11 checks and see that people had thrown up or soiled  
12 themselves?  
13 A. Not really. Usually you're so busy with  
14 the lights you don't have a chance to.  
15 Q. Let me ask you, when you were asked about a  
16 sitter, you used the term -- and I don't know if it  
17 was a term of art -- altered mental state or mental  
18 status.  
19 A. Yes.  
20 Q. Can you just tell me generally what you  
21 mean by "altered mental status?"  
22 A. That means a patient who is not thinking  
23 clearly enough, to where they can harm themselves,  
24 pull tubes out, pull IVs out, pull blood out,  
25 whatever. And they can only have a one-on-one with a

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1 doctor's order saying they are not thinking clearly  
2 enough, so that they need to have somebody sitting  
3 there with them.  
4 Q. Did you work with Steven Farmer personally?  
5 A. No.  
6 Q. You were asked about application of  
7 telemetry leads.  
8 A. Yes.  
9 Q. And correct me if I'm wrong -- and I don't  
10 mean to be insensitive about this, or overly  
11 invasive -- but a woman that is more endowed is more  
12 likely to have her breast arranged such that the  
13 telemetry lead can be placed under near the ribcage?  
14 A. Yes.  
15 Q. Do you place telemetry leads on the nipple  
16 of the breast?  
17 A. No.  
18 Q. Have you ever done that?  
19 A. No.  
20 Q. Is there any reason to do that, that you're  
21 aware of?  
22 A. No.  
23 Q. Are you aware of any nurses at Centennial  
24 Hills Hospital ever being instructed to digitally  
25 penetrate a female patient?

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1 MR. MURDOCK: Objection. Go ahead.  
2 THE WITNESS: The only time you would  
3 have to -- that would be rectally, and that's only if  
4 they're impacted.  
5 BY MR. SILVESTRI:  
6 Q. "Impacted" meaning they're not having a  
7 bowel movement?  
8 A. Right.  
9 Q. Have you ever instructed a CNA to digitally  
10 penetrate a female patient?  
11 A. No. They're not allowed to do that --  
12 CNAs.  
13 Q. Are they allowed to digitally penetrate the  
14 vagina?  
15 A. No.  
16 Q. You were being asked questions about this  
17 statement that you gave to the police that's in front  
18 of you, Exhibit 2.  
19 A. Yes.  
20 Q. Do you recall whether you had an informal  
21 interview with that police officer, before you were  
22 asked to give a recorded statement? Like, "Can we  
23 put this now on tape?"  
24 A. He came in and introduced himself, and then  
25 he said, "We're going to put this on tape."

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1 Q. So no informal discussion before?  
2 A. No.  
3 Q. And then you were being asked some  
4 questions on page 178, and that's the Bates stamp at  
5 the bottom, and you were being asked questions about  
6 whether Mr. Farmer was helpful or not, offering to  
7 help the nurses with whom he worked.  
8 A. Uh-huh.  
9 Q. And I believe your testimony in questioning  
10 from Mr. Murdock was that you overheard him offer to  
11 another nurse to apply the telemetry leads to a  
12 female patient.  
13 A. Yes.  
14 Q. And I have that you heard that one time?  
15 A. Yes.  
16 Q. But you didn't see it happen?  
17 A. No, I did not.  
18 Q. Is that the only time you heard Mr. Farmer  
19 make such an offer to another nurse?  
20 A. Yes.  
21 Q. And then this statement that you made where  
22 it said, "He would always say, 'Oh, I'll' -- and  
23 they've got a little equal sign where there should be  
24 an apostrophe, right? "I'll do that for you, you  
25 know, and you do what you have to do."

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1 A. Yes.  
2 Q. Was that comment made by you with respect  
3 to him just being helpful in a general way?  
4 A. Yes.  
5 Q. Do you recall specifically other occasions  
6 where Mr. Farmer told another nurse that he would be  
7 helpful to a female patient?  
8 A. I know that he had offered to walk somebody  
9 into the bathroom, instead of waiting for the nurse  
10 to do it.  
11 Q. Okay.  
12 A. The thing is that running around, you just  
13 would hear different things. Like you would hear --  
14 not just him, but other CNAs, "I can do that for  
15 you," and they do it. What exactly they were, I  
16 don't know. It wasn't to me. It was to somebody  
17 else.  
18 Q. You don't recall the names of some of these  
19 people to whom other CNAs were talking or anything?  
20 A. No.  
21 Q. Was there ever a situation where -- or was  
22 it the situation that you felt Mr. Farmer was  
23 suspicious?  
24 A. No.  
25 Q. You didn't report him to anybody, did you?

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1 A. No, I did not.  
2 Q. If I understand you correctly, you say that  
3 you witnessed one time where he offered to place  
4 telemetry leads on a female patient, and you  
5 witnessed one time where he offered to take somebody  
6 to the bathroom?  
7 A. Yes.  
8 Q. Was that a female?  
9 A. Yes.  
10 Q. Do you recall any other specific instances  
11 where he made such an offer to help a female patient?  
12 A. No.  
13 Q. Does a CNA typically apply telemetry leads  
14 without being instructed to do so by a nurse?  
15 MR. MURDOCK: Objection. Speculation.  
16 THE WITNESS: Most of the nurses do  
17 that.  
18 BY MR. SILVESTRI:  
19 Q. Okay. In the situations though that you  
20 witnessed, where a nurse would allow a CNA to perform  
21 that function, has that nurse instructed the CNA to  
22 do that?  
23 A. Well, I don't really know, but I would  
24 assume -- just an assumption -- that she would ask  
25 him if they knew what they were doing, first of all.

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1 And if not, then she could show him, if she wanted  
2 to. If not, she could just put it on herself. It's  
3 much easier.  
4 Q. Are telemetry leads applied only under  
5 doctors' orders?  
6 A. Yes.  
7 Q. So you, as a nurse -- can you order that?  
8 A. No.  
9 Q. Can a CNA order that?  
10 A. No.  
11 Q. At a minimum there would have to be a  
12 doctor's order?  
13 A. Yes.  
14 Q. You were also then asked questions about  
15 this incident on the 6th floor, the woman for whom  
16 Mr. Farmer was sitting.  
17 A. Yes.  
18 Q. I didn't quite understand. I think you  
19 said -- I wrote this down, that you said you found  
20 out after the fact that Farmer was a sitter.  
21 A. Yes.  
22 Q. So when did you find out that Mr. Farmer  
23 was a sitter in this room for this elderly woman?  
24 A. After she was yelling, and then you could  
25 see in the door that he stood up and walked over --

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1 kind of like walked over, like I'm assuming he was  
2 trying to find out what she was yelling about.  
3 Q. So when you say found out after the fact,  
4 it was after this yelling that you heard?  
5 A. Yes.  
6 Q. And as I understand it, the yelling was  
7 related to her saying, "I don't want you by me, get  
8 out of here?"  
9 A. Yes.  
10 Q. You mention in your statement that the door  
11 was closed. Did it appear to be completely closed?  
12 A. No.  
13 Q. It was not completely open?  
14 A. No.  
15 Q. Is that a fair statement?  
16 A. Yes.  
17 Q. Because otherwise it probably would have  
18 been difficult to hear what she was saying?  
19 A. Yes.  
20 Q. Especially given the fact that you were on  
21 the other side of the hallway?  
22 A. Yes.  
23 Q. You also indicated in the statement that it  
24 was dark, but you told us today that you recall a  
25 light being on over the bed?

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1 A. I can remember seeing light. Now, whether  
2 it was the hall light, or whether it was the light  
3 over the bed, I'm not sure.  
4 Q. Okay.  
5 A. Because like I said, I'm on the other side  
6 over here. It's way over there.  
7 Q. Well, my recollection of hospital rooms is  
8 that there are several lights in the room.  
9 Is that the same way on the 6th  
10 floor at Centennial Hills?  
11 A. Yes. They have some small ones that are  
12 automatically always on by the floor.  
13 Q. And there are some lights that can go on  
14 over the bed?  
15 A. Yes.  
16 Q. And there might even be some lights that  
17 can go on for visitors that come to the room?  
18 A. Yes.  
19 MR. SILVESTRI: I'll pass the witness.  
20  
21 EXAMINATION  
22 BY MS. HALL:  
23 Q. Hi, Nurse Murray. I know you and I met a  
24 moment ago, but just for the record my name is  
25 Heather Hall and I represent Steven Farmer in this

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1 case.  
2 A. Okay.  
3 Q. Hopefully I won't go over anything you've  
4 already been asked, and I think I just have a few  
5 questions for you.  
6 MR. MURDOCK: And just for the record,  
7 I'm going to object to any questions you're asking,  
8 unless they have something to do with damages or  
9 comparative fault.  
10 MS. HALL: You can object to whatever  
11 you like. I'm still going to ask the questions, but  
12 you're welcome to object to whatever you'd like to  
13 object to.  
14 MR. MURDOCK: I'm not so sure about  
15 that, okay?  
16 MS. HALL: Well, we're here for Jane  
17 Doe. We're not here for this little lady on the 6th  
18 floor, so I'm entitled to ask the questions that I  
19 have. If you find something objectionable, feel free  
20 to object.  
21 MR. MURDOCK: Okay. You've lost  
22 liability, so the only question you're here for is  
23 damages, okay?  
24 So unless you can tell me your  
25 questions relate somehow to damages, I don't know why

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1 you should be allowed to ask any questions.  
2 MS. HALL: Okay. Well, I'm going to  
3 ask my questions, and you can object to what you'd  
4 like to object to.  
5 MR. SILVESTRI: It's discovery.  
6 MR. MURDOCK: I'm sorry?  
7 MR. SILVESTRI: It's discovery.  
8 MR. MURDOCK: Yeah, I know it's  
9 discovery, and I appreciate that.  
10 MR. SILVESTRI: All right.  
11 MR. MURDOCK: But I don't think that --  
12 MR. SILVESTRI: I mean there might be  
13 appellate rights and all that, but --  
14 MR. MURDOCK: Well, because I think she  
15 represents him criminally, too, so I think it's  
16 inappropriate, just for the record.  
17 I'm going to let you ask the  
18 questions, but for the record, I think it's  
19 absolutely inappropriate for you to ask any questions  
20 in this matter.  
21 I'm going to give you a little  
22 leeway, as you gave me the other day. I'm going to  
23 give you a little leeway --  
24 MS. HALL: Oh, yeah?  
25 MR. MURDOCK: But if I think it impedes

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1 a little too much, I will stop the deposition. we'll  
2 go over to Bonny, I'll file a motion and we'll go  
3 from there.  
4 I think it's inappropriate once  
5 you've lost. A few weeks ago, no issue. But once  
6 you've lost, it's a different story.  
7 So with that said, go ahead.  
8 MS. HALL: And just for the record,  
9 Mr. Murdock, I have questions related to the lady  
10 that we've discussed at length. This isn't related  
11 to Jane Doe, so I'm entitled to ask these questions.  
12 MR. MURDOCK: No, you're not.  
13 MS. HALL: Yes, I am.  
14 MR. MURDOCK: Why would you be able to  
15 ask questions about the lady if they didn't have  
16 anything to do with damages? If they have something  
17 to do with damages --  
18 MS. HALL: They have something to do  
19 with damages.  
20 MR. MURDOCK: What?  
21 MS. HALL: Well, let me ask my  
22 questions, and then you can make your objections.  
23 MR. MURDOCK: Okay. Go ahead.  
24 MS. HALL: Thank you.  
25

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1 BY MS. HALL:  
2 Q. Nurse Murray, in your mind is there a  
3 difference between a yell and a scream?  
4 A. Yes.  
5 MR. MURDOCK: Objection.  
6 BY MS. HALL:  
7 Q. Earlier you described what you heard coming  
8 from the lady's room on the 6th floor as a "yell,"  
9 correct?  
10 A. Yes.  
11 Q. I think earlier you also described it as  
12 you said she sounded irritated?  
13 A. Yes.  
14 Q. Did you believe she sounded frightened or  
15 scared in any way?  
16 MR. MURDOCK: Objection. Speculation.  
17 Go ahead.  
18 THE WITNESS: No. Just like she was  
19 irritated that she's being woke up or -- you know,  
20 when you're sleeping and you're being told to wake  
21 up. Like, "Leave me alone." That type of yelling.  
22 BY MS. HALL:  
23 Q. And I think a moment ago when Mr. Silvestri  
24 was questioning you, you answered that you saw  
25 Mr. Farmer stand up and go over to the bed after the

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1 yelling started.  
2 A. Yeah. That's when I saw him. That's how I  
3 knew he was the sitter.  
4 Q. So the yelling started first, and then you  
5 saw him walk to the bed?  
6 A. Yes.  
7 MS. HALL: Thank you. I have no  
8 further questions.  
9 MR. MURDOCK: I move to strike all  
10 that. Go ahead.  
11 MR. BEMIS: I don't have any questions.  
12  
13 FURTHER EXAMINATION  
14 BY MR. MURDOCK:  
15 Q. Let me just go through some of this.  
16 Now, you didn't see what  
17 Mr. Farmer did before the yelling came from the  
18 patient, is that correct?  
19 A. That's correct.  
20 Q. So you have no idea what Mr. Farmer was  
21 doing before the yelling began, is that correct?  
22 A. That's correct.  
23 Q. Now, apparently you think there's a  
24 difference between "yelling" and "screaming." Is  
25 that correct?

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1 A. Yes, I do.  
2 Q. Now, in terms of "yelling," you overheard  
3 this "yelling" from -- how many feet away is that,  
4 approximately? As we talked about it on Plaintiff's  
5 Exhibit 1, how far away were you? 10 feet? The  
6 length of this table here? What are we talking  
7 about? The length of this table is about 20 feet.  
8 A. Okay. The length of the table.  
9 Q. So about 20 feet away?  
10 A. Uh-huh.  
11 Q. So you were able to hear with the door at  
12 least partially closed, you admitted today --  
13 A. Yes.  
14 Q. -- you were able to hear somebody yelling,  
15 "I don't want you by me. Get out of here." Right?  
16 A. Yes.  
17 Q. And again, you had no idea what Farmer was  
18 doing before the yelling started, right?  
19 MS. HALL: Objection. Form.  
20 MR. BEMIS: Form.  
21 THE WITNESS: That's right.  
22 BY MR. MURDOCK:  
23 Q. You have no idea whether he was waking her  
24 up, not waking her up, whether she was waking up,  
25 whether she had been up, or anything like that,

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1 right?  
2 MS. HALL: Objection. Form.  
3 Foundation.  
4 MR. BEMIS: Join.  
5 THE WITNESS: Right.  
6 BY MR. MURDOCK:  
7 Q. When you stated that you thought the crazy  
8 old lady, as you phrased it, might have an altered  
9 mental state -- you don't have any idea about that.  
10 You don't have any personal knowledge as to whether  
11 or not she was in an altered mental state, do you?  
12 A. She would not have had a one-to-one sitter  
13 by order of a doctor if she was in a clear mind, so  
14 obviously she was in an altered mental status.  
15 Q. So in other words, every person who has a  
16 one-to-one is in an altered mental state, is that  
17 correct?  
18 A. Yes.  
19 Q. Oh, okay. They don't have one-to-ones for  
20 any other reasons?  
21 A. If they're clear-minded they're not going  
22 to pull things out, so no.  
23 Q. Okay. So just so I'm clear, the only  
24 reason -- the only reason -- a patient would have a  
25 one-to-one would be because that patient has an

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1 altered mental state. Is that correct?  
2 A. Yes.  
3 Q. Okay. Now, you testified when  
4 Mr. Silvestri was asking you questions, that you saw  
5 Mr. Farmer on one occasion offer to move the breast  
6 out of the way and attach the telemetry leads, right?  
7 MR. SILVESTRI: Objection.  
8 Mischaracterizes the testimony.  
9 THE WITNESS: I didn't say that.  
10 BY MR. MURDOCK:  
11 Q. Okay. You know what? I made a mistake.  
12 I'm wrong about that.  
13 You told Mr. Silvestri that on two  
14 occasions you overheard Mr. Farmer offer to help.  
15 A. Yes.  
16 Q. One of those was putting on telemetry  
17 leads, correct?  
18 A. Yes.  
19 Q. And the other one was offering to help  
20 another female go to the bathroom, right?  
21 A. Yes.  
22 Q. Now, that conversation came about as a  
23 result of page 178, your statement to Metro. Okay?  
24 A. Uh-huh.  
25 Q. Now, your statement to Metro -- and again,

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1 you told me before you wanted to be truthful and  
2 honest and not misleading, right?  
3 A. Yes.  
4 Q. So when you told the detective, "Well, when  
5 he brought a patient up, if they have to have a  
6 (blank) on, he would offer to put the (blank) on.  
7 Which means of course, you know, behind the chest and  
8 they have to go on the ribcages. So of course on  
9 women it's usually, you have to move the breast to  
10 put the, underneath the breast and stuff. He would  
11 always say, 'Oh, I'll do that for you, you know, and  
12 you do what you have to do.'"  
13 That's what you told the police,  
14 right?  
15 A. Uh-huh.  
16 Q. Is that a yes?  
17 A. Yes.  
18 Q. So you used the word "always," is that  
19 correct?  
20 A. Yes, I did.  
21 Q. So when you were using the word "always,"  
22 you were actually just saying "twice." Is that  
23 correct?  
24 A. Yes.  
25 Q. Okay. So today it's twice. When you spoke

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1 to Metro back in 2008, you told the detective he  
2 would always do this. Is that right?  
3 A. Yes.  
4 Q. Do you think your memory was better about  
5 this incident back in 2008 than it is today in 2015?  
6 MR. BEMIS: Objection. Form.  
7 Speculation.  
8 THE WITNESS: No. I hardly ever worked  
9 with this man, and the "always" is the two times that  
10 I worked with him that I knew that he did this.  
11 BY MR. MURDOCK:  
12 Q. But you didn't tell the policeman "two  
13 times." You told him "always," right?  
14 A. Well, that was always to me.  
15 Q. Okay. And of course then you told the  
16 policeman that he was more helpful to female patients  
17 than to male patients, right?  
18 A. In my experience.  
19 Q. Is that just the two patients we're talking  
20 about, or were there more?  
21 A. That's the two patients I know of.  
22 Q. So out of all the patients you saw at  
23 Centennial Hills Hospital, first you used the word  
24 "always," second you tell the policeman, well, you  
25 think he was more helpful to female patients, because

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1 you saw him twice. Is that correct?  
2 MS. HALL: Form.  
3 THE WITNESS: That was the patients  
4 that I saw him be helpful with.  
5 BY MR. MURDOCK:  
6 Q. Two female patients.  
7 A. Because we very rarely worked together,  
8 yes.  
9 Q. Now, let's talk about the statement a  
10 little bit more -- about the telemetry leads.  
11 As you go down the statement it  
12 states, "Okay. And when you say he had to put on the  
13 two (blank)" -- you say, "Uh-huh." Question: "How  
14 many -- how many points of, um, these leads?" And  
15 your answer, "There's five leads."  
16 A. Yes.  
17 Q. Question: "There's five leads?" Answer:  
18 "On our portable monitors," and there's a blank,  
19 correct?  
20 A. Yes.  
21 Q. Did I read that correctly?  
22 A. Yes.  
23 Q. Then you state, "And there's -- so one  
24 basically on top of a, below the clavicle." And your  
25 answer is: "Right here." The detective says,

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1 "Above, above the breast?" Your answer is: "Yeah,  
2 by the belly area here."  
3 So I guess you're showing him  
4 where the telemetry is, correct?  
5 A. Yes.  
6 Q. Which is basically what you showed us here  
7 today, right?  
8 A. Yes.  
9 Q. And then the detective states, "And then  
10 two, one under each side of the breast?" Your answer  
11 is: "Right." And the detective states, "And then  
12 one in between the breast?" Your answer is, "Right."  
13 Then the detective says, "Okay,  
14 and he always seemed more than willing to" -- and  
15 then you state, "Oh, I'll put that on for you, yup."  
16 That's what you told the  
17 policeman, right?  
18 A. Yes.  
19 Q. But you're telling us here today that  
20 "always" relates to two people.  
21 A. Yes.  
22 Q. But you didn't tell the policeman anything  
23 about two. The word "two" isn't in there, is it?  
24 A. No.  
25 Q. Before your shifts did you meet with the

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1 other nurses who had the shift before?  
2 A. Yes.  
3 MR. BEMIS: You're speaking at  
4 Centennial, correct?  
5 MR. MURDOCK: At Centennial. I'm  
6 sorry.  
7 BY MR. MURDOCK:  
8 Q. And what is that called?  
9 A. Report.  
10 Q. Report. Would the CNAs be in on report?  
11 A. No.  
12 Q. And the CNAs would answer call lights?  
13 A. Yes.  
14 Q. But the CNAs could also enter in rooms  
15 without the call light being on, right?  
16 A. Yes.  
17 Q. To check on the patients, right?  
18 A. Yes.  
19 Q. And you said before you've never instructed  
20 a CNA to digitally penetrate a vagina, right?  
21 A. No.  
22 Q. Have you ever instructed a CNA to wash a  
23 vagina?  
24 A. Yes. That's part of a bath.  
25 Q. Have you ever instructed a CNA to clean

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1 someone's anus after they've defecated?  
2 A. Yes.  
3 Q. And you said yourself you don't instruct  
4 CNAs to put on telemetry leads, but you are aware  
5 that that does occur, correct?  
6 A. Yes.  
7 Q. And you said that putting on a telemetry  
8 lead, you don't need to -- or you don't put a  
9 telemetry lead on a nipple, right?  
10 A. No.  
11 Q. Now, when you're moving the breast of a  
12 woman, is it possible to touch the nipple when you're  
13 moving that breast?  
14 MR. BEMIS: I object to form.  
15 THE WITNESS: It depends on how you do  
16 it. If you just go like this with this side of your  
17 hand and slide it up, no.  
18 BY MR. MURDOCK:  
19 Q. Right, if you do it that way?  
20 A. Yes.  
21 Q. But there are other ways that you could  
22 lift the breast and move the breast and be touching  
23 the nipple, correct?  
24 A. I'm sure there could be.  
25 Q. When you were at Centennial Hills, did you

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1 ever write an incident report?  
2 A. No.  
3 Q. About anything?  
4 A. No.  
5 Q. Did you know how to draft an incident  
6 report?  
7 A. Yes.  
8 Q. How would you have gone about drafting an  
9 incident report?  
10 A. You follow the form.  
11 Q. How do you get that form?  
12 A. You get it from your supervisor or your  
13 charge nurse.  
14 Q. Okay.  
15 MR. MURDOCK: I have nothing further at  
16 this time.  
17  
18 FURTHER EXAMINATION  
19 BY MR. SILVESTRI:  
20 Q. One thing we didn't ask about, did CNAs put  
21 catheters into patients?  
22 A. No.  
23 Q. Including female patients?  
24 A. No, they did not.  
25 Q. And I'm talking about at Centennial Hills.

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1 A. Yes.  
2 Q. Has that been your general experience at  
3 the hospitals where you've worked?  
4 A. Yes.  
5 MR. MURDOCK: Jim, can I go back and  
6 ask a question about the catheters while you're doing  
7 that?  
8 MR. SILVESTRI: Yes.  
9  
10 FURTHER EXAMINATION  
11 BY MR. MURDOCK:  
12 Q. The catheters -- you said CNAs don't put in  
13 catheters, correct?  
14 A. No, they do not.  
15 Q. Do they ever fix them when they're out of  
16 position?  
17 A. No, they do not.  
18 Q. Okay.  
19  
20 FURTHER EXAMINATION  
21 BY MR. SILVESTRI:  
22 Q. When applying these telemetry leads --  
23 whether you're a nurse, Doctor, CNA, or some other  
24 person applying leads -- are you aware of anybody who  
25 does so where they then fondle the breast and the

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1 nipple?  
2 MR. MURDOCK: Objection. Speculation.  
3 THE WITNESS: I have no idea what they  
4 do when they put them on.  
5 BY MR. SILVESTRI:  
6 Q. Well, I mean have you ever fondled a female  
7 patient?  
8 A. No. I use the side of my arm. I slide the  
9 breast up and put it down like that.  
10 MR. SILVESTRI: I have nothing further.  
11 MS. HALL: I have nothing further.  
12 MR. BEMIS: No questions.  
13 MR. MURDOCK: I guess you're done. Oh,  
14 you know what? Two things.  
15 What is your telephone number?  
16 THE WITNESS: (702) 743-7043.  
17 MR. MURDOCK: What is your address?  
18 THE WITNESS: 9051 -- oh, God. I just  
19 drew a blank. It starts with an "E."  
20 MR. BEMIS: Is it on your ID?  
21 THE WITNESS: No, it's not. I haven't  
22 got it changed yet. I just moved there recently.  
23 Echelon Point Drive, unit 1006,  
24 Las Vegas, Nevada, 89149.  
25 MR. MURDOCK: You have the right to



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1 review this deposition. You can make any changes to  
2 your answers that you so desire.

3 I caution you that I or any other  
4 counsel in this matter can comment on the fact that  
5 you made changes, and that may affect your  
6 credibility. Knowing that, you still have a right to  
7 review the deposition and make any changes.

8 If you want to do so, you need to  
9 let the court reporter know and she can make  
10 arrangements for you to review the deposition and  
11 sign. Otherwise you can waive it. It's up to you --  
12 and your counsel, I guess.

13 THE WITNESS: I'll waive it.

14

15 (The deposition concluded at 3:05 p.m.)

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1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA )  
 ) ss.

3 COUNTY OF CLARK )

4 I, Carol O'Malley, Nevada Certified Court  
5 Reporter 178, do hereby certify:

6 That I reported the taking of the deposition  
7 of CHRISTINE MURRAY, RN on January 8, 2015 commencing  
8 at the hour of 1:30 p.m.;

9 That prior to being examined, the witness was by  
10 me duly sworn to testify to the truth, the whole  
11 truth, and nothing but the truth;

12 That I thereafter transcribed my said  
13 shorthand notes into typewriting and that the  
14 typewritten transcription of said deposition is a  
15 complete, true, and accurate transcription of my said  
16 shorthand notes taken down at said time. Review of  
17 the transcript was not requested.

18 I further certify that I am not a relative or  
19 employee of an attorney or counsel involved in said  
20 action, nor financially interested in said action.

21 IN WITNESS WHEREOF, I have hereunto set my hand  
22 in my office in the County of Clark, State of Nevada,  
23 this 15th day of January, 2015.

24 *Carol O'Malley*  
25 Carol O'Malley, CCR No. 178



TAB 71

Page 1		Page 3	
1	DISTRICT COURT	1	APPEARANCES OF COUNSEL (Cont'd)
2	CLARK COUNTY, NEVADA	2	
3	JANE DOE,		For Defendant Farmer:
4	Plaintiff,	3	
5	vs.		CARROLL, KELLY, TROTTER,
	CASE NO. 09-A-595780	4	FRANZEN, MCKENNA & PEABODY
6	VALLEY HEALTH SYSTEM LLC,		HEATHER S. HALL, ESQ.
7	a Nevada limited	5	Suite 260
8	liability company, d/b/a		8329 W. Sunset Road
9	CENTENNIAL HILLS HOSPITAL	6	Las Vegas, Nevada 89113
10	MEDICAL CENTER; UNIVERSAL		702.792.5755
11	HEALTH SERVICES, INC., a	7	702.796.5855 Fax
12	Delaware corporation;		hshall@cktfmlaw.com
13	AMERICAN NURSING	8	
14	SERVICES, INC., a	9	
15	Louisiana corporation;	10	
16	STEVEN DALE FARMER, an	11	
17	individual; DOES I	12	
18	through X, inclusive; and	13	
19	ROE CORPORATIONS I	14	
20	through X, inclusive,	15	
21	Defendants.	16	
22	-----	17	
23		18	
24	DEPOSITION OF SAJIT PULLARKAT	19	
25	Friday, August 7, 2015	20	
	1:30 p.m.	21	
	521 S. Third Street	22	
	Las Vegas, Nevada	23	
	Carol O'Malley, CCR 178, RMR	24	
		25	
Page 2		Page 4	
1	APPEARANCES OF COUNSEL	1	INDEX OF EXAMINATION
2	For Plaintiff:	2	
3	MURDOCK & ASSOCIATES, CHTD.	3	WITNESS: Sajit Pullarkat
4	ROBERT E. MURDOCK, ESQ.	4	
5	520 S. Fourth Street	5	
6	Second Floor	6	
7	Las Vegas, Nevada 89101	7	
8	702.384.5563	8	
9	702.384.4570 Fax	9	
10	lasvegasjustice@aol.com	10	EXAMINATION
11		11	
12	For Defendant Valley Health System LLC, d/b/a	12	By Mr. Murdock
13	Centennial Hills Hospital Medical Center:	13	
14	HALL PRANGLE & SCHOONVELD, LLC	14	
15	JOHN F. BEMIS, ESQ.	15	
16	Suite 200	16	
17	1160 N. Town Center Drive	17	
18	Las Vegas, Nevada 89144	18	INDEX TO EXHIBITS
19	702.889.6400	19	
20	702.384.6025 Fax	20	EXHIBITS
21	jbemis@hpslaw.com	21	
22		22	None marked.
23	For Defendant American Nursing Services, Inc.:	23	
24	LEWIS BRISBOIS BISGAARD & SMITH LLP	24	
25	AMANDA J. BROOKHYSER, ESQ.	25	
	6385 S. Rainbow Boulevard		
	Suite 600		
	Las Vegas, Nevada 89118		
	702.693.4320		
	702.893.3383		
	702.893.3789 Fax		
	amanda.brookhyser@lewisbrisbois.com		
	PYATT & SILVESTRI		
	JAMES P.C. SILVESTRI, ESQ.		
	701 Bridger Avenue		
	Las Vegas, Nevada 89101		
	702.383.6000		
	702.477.0088		
	jsilvestri@psh-law.com		



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1 Deposition of Sajit Pullarkat  
2 August 7, 2015  
3 (Prior to the commencement of the deposition,  
4 all of the parties present agreed to waive  
5 statements by the court reporter, pursuant to  
6 Rule 30(b)(4) of NRCP.)  
7  
8 SAJIT PULLARKAT,  
9 having been first duly sworn, testified as follows:  
10  
11 EXAMINATION  
12 BY MR. MURDOCK:  
13 Q. Would you please state your name for the  
14 record?  
15 A. Sajit, S-a-j-i-t, Pullarkat,  
16 P-u-l-l-a-r-k-a-t.  
17 Q. Mr. Pullarkat, we're going to be taking  
18 your deposition basically twice. There may be some  
19 rollover between questions and whatnot. We'll work  
20 through that.  
21 The first part of the deposition  
22 is going to be your individual deposition in this  
23 case. The second part is where you're being  
24 presented on behalf of Centennial Hills Hospital as  
25 the person most knowledgeable regarding various

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1 subjects. Do you understand that?  
2 A. Yes.  
3 Q. Right now we're going to start with your  
4 individual deposition. Okay?  
5 A. Okay.  
6 Q. Have you ever been deposed before?  
7 A. Yes.  
8 Q. On how many occasions?  
9 A. Once.  
10 Q. When was that?  
11 A. Probably about 10 years ago.  
12 Q. What kind of case?  
13 A. It was another hospital case.  
14 Q. Here in town?  
15 A. No.  
16 Q. Where?  
17 A. California.  
18 Q. Was it for any hospital related to UHS?  
19 A. No.  
20 Q. You are currently a CEO, is that correct?  
21 A. Yes.  
22 Q. And you are the CEO of what?  
23 A. Centennial Hills Hospital Medical Center.  
24 Q. And who are you employed by?  
25 A. UHS. Universal Health Services.

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1 Q. You are not employed by Valley Health  
2 Systems, is that correct?  
3 A. That's correct.  
4 Q. My understanding is that you were not the  
5 CEO of Centennial Hills Hospital back in 2008, is  
6 that correct?  
7 A. That is correct.  
8 Q. My understanding is Mr. Stockton was,  
9 correct?  
10 A. Yes.  
11 MR. MURDOCK: Off the record.  
12 (Discussion off the record.)  
13 BY MR. MURDOCK:  
14 Q. What is a COO? What does that mean?  
15 A. COO is chief operations officer.  
16 Q. And that was back in 2008, correct?  
17 A. Yes.  
18 Q. You were the COO of Centennial Hills  
19 Hospital?  
20 A. Yes.  
21 Q. And as COO of Centennial Hills Hospital  
22 Medical Center you were also employed by Universal  
23 Health Services, is that correct?  
24 A. That's correct.  
25 Q. My understanding is -- and this is a new

Page 8

1 term I've learned -- that the C-Suite is all UHS  
2 personnel, is that correct?  
3 A. That is correct.  
4 Q. It was back then in 2008, and it is now,  
5 right?  
6 A. Yes.  
7 Q. What did the chief operations officer do  
8 back in 2008?  
9 A. The COO is responsible for general  
10 operations within the hospital. They can get  
11 involved with construction projects, expansions,  
12 development, operating of support and ancillary  
13 departments. Those sorts of activities.  
14 Q. If I were to ask you, for example, on a  
15 typical day back in 2008 where nothing out of the  
16 ordinary occurred at the hospital, what would you do?  
17 A. It could go a number of different ways, but  
18 certainly meetings with key department leaders across  
19 the hospital.  
20 For typical COOs that is  
21 departments like radiology, rehabilitation services,  
22 those types of departments that we would interact  
23 with. Meeting with those department leaders to see  
24 how we can continue to perform better, look at  
25 opportunities for growth, development, as well as

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1 meeting with physicians for opportunities for growth  
2 and development. And then looking at strategic  
3 opportunities to actually build out the facility.  
4 Q. Would you meet with the rest of the  
5 C-Suites at all?  
6 A. Yes.  
7 Q. Would you have, for example -- maybe not a  
8 daily meeting, but a weekly meeting with the  
9 C-Suites?  
10 A. I can't remember. It was either weekly or  
11 biweekly.  
12 Q. Okay. Where would that meeting take place?  
13 A. Within the administrative offices.  
14 Q. In other words, was there a conference room  
15 there? Did you just meet in one room? Did you go  
16 out to lunch?  
17 A. It was a conference room within the  
18 administrative area.  
19 Q. And who would meet either weekly or  
20 biweekly?  
21 A. All members of the C-Suite, being the CEO,  
22 CNO, CFO, COO and AA, which is associate  
23 administrator.  
24 Q. Who was the associate administrator back in  
25 2008, specifically May of 2008, if you know?

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1 A. That was Karen Folis.  
2 Q. I assume you were involved with the  
3 construction of the hospital?  
4 A. Yes.  
5 Q. And there were some pro formas, I assume,  
6 prior to the construction starting?  
7 A. Yes.  
8 Q. My understanding is that the hospital  
9 opened in January, correct?  
10 A. Yes.  
11 Q. And my understanding is that when the  
12 hospital opened, in terms of community response,  
13 there was a large community response to the hospital,  
14 right?  
15 MR. BEMIS: I object to form. Go ahead  
16 and answer.  
17 MR. MURDOCK: That was a bad question.  
18 Let me rephrase it.  
19 BY MR. MURDOCK:  
20 Q. There was an influx of patients. Would you  
21 agree with that?  
22 A. I guess define "influx of patients."  
23 Q. Well, it filled up pretty fast?  
24 A. It didn't fill up really fast. At opening  
25 we had over 170 beds, so it really didn't fill up

Page 11

1 upon opening.  
2 Q. But at opening you had 170 beds, and when  
3 did it start filling up?  
4 MR. BEMIS: I object to form.  
5 BY MR. MURDOCK:  
6 Q. I don't mean when it was 169 beds, but when  
7 did it start getting busier than you had expected?  
8 A. I honestly don't recall exactly from that  
9 perspective.  
10 Q. Did it take six months to kind of get off  
11 the ground, and all of a sudden that's when you  
12 started seeing those 170 beds fill up?  
13 A. No. I mean we haven't filled up 170 beds  
14 until recently.  
15 Q. What was the expectation when you opened,  
16 in terms of the number of beds being filled?  
17 A. That I don't know. I don't recall.  
18 Q. Could you give me an estimate?  
19 A. I honestly couldn't off the top of my head.  
20 Q. Do you know what an estimate is, as opposed  
21 to a guess?  
22 A. Yes, I do.  
23 Q. But you can't give me one?  
24 A. It would really be hard to estimate.  
25 Q. Well, did you open with 170 beds?

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1 A. To the best of my knowledge, that's what I  
2 recall.  
3 MS. HALL: I'm sorry, what did you say?  
4 THE WITNESS: To the best of my  
5 knowledge, that's what I recall.  
6 BY MR. MURDOCK:  
7 Q. How many beds do you have now?  
8 A. 190.  
9 Q. My understanding is that in January, when  
10 you opened up, there was only the sixth floor,  
11 seventh floor, and I thought ICU. Would I be correct  
12 in that?  
13 A. No, it had the sixth, seventh and eighth  
14 floors, and critical care, on top of women's  
15 services.  
16 Q. So if you know that, couldn't you estimate  
17 for me the number of beds you opened with?  
18 A. Well, the number of beds we opened with --  
19 like I said, it was around 170.  
20 Q. Well, let me ask you. Maybe it's my  
21 stupidity.  
22 If you just opened with six, seven  
23 and eight, and critical care, ICU, does that equal  
24 170 beds?  
25 A. All those floors with women's services,

<p style="text-align: right;">Page 13</p> <p>1 yes.</p> <p>2 Q. Oh, okay. When you opened, did you have</p> <p>3 enough staff to open?</p> <p>4 A. I would say so.</p> <p>5 Q. Was it always the intention of Centennial</p> <p>6 Hills Hospital to use agency staff?</p> <p>7 MR. BEMIS: I object to form. Go ahead</p> <p>8 and answer.</p> <p>9 THE WITNESS: I think just like the</p> <p>10 other 5,000 hospitals across the country, there are</p> <p>11 various times where hospitals need additional support</p> <p>12 and they will certainly use agency or other</p> <p>13 resources.</p> <p>14 BY MR. MURDOCK:</p> <p>15 Q. I don't care about the other 4,999</p> <p>16 hospitals. All I care about is the one hospital.</p> <p>17 So what I'm asking is, was it</p> <p>18 always the idea to use agency staff?</p> <p>19 A. It was never the intention, but again,</p> <p>20 there are periods of times where either you need to</p> <p>21 recruit more staff to help out, or you have seasonal</p> <p>22 spikes in terms of volumes that may hit that may</p> <p>23 require additional support.</p> <p>24 Q. Okay. But you had opened up -- not you</p> <p>25 yourself, but UHS had opened up numerous hospitals</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Yes, we were alerted when an agency was</p> <p>2 going to be used.</p> <p>3 Q. Did you have to approve it?</p> <p>4 A. No.</p> <p>5 Q. How were you made aware that agencies were</p> <p>6 going to be used?</p> <p>7 A. Agency usage was normally reported through</p> <p>8 the chief nursing officer at the time.</p> <p>9 Q. Now, do you remember the date that</p> <p>10 Centennial Hills opened?</p> <p>11 A. It was in January. I believe it was the</p> <p>12 20th.</p> <p>13 Q. Let's just make that assumption that's when</p> <p>14 it opened.</p> <p>15 The hospital opened on January 20,</p> <p>16 2008. In less than a month Mr. Farmer was being used</p> <p>17 as an agency CNA. You're aware of that, right?</p> <p>18 A. Yes.</p> <p>19 Q. Did you have anything to do with Mr. Farmer</p> <p>20 being allowed to work at the hospital?</p> <p>21 A. No.</p> <p>22 Q. Did you go through an orientation at the</p> <p>23 hospital?</p> <p>24 A. Did I go through an orientation at the</p> <p>25 hospital?</p>
<p style="text-align: right;">Page 14</p> <p>1 here in the city. You kind of knew about the flux, I</p> <p>2 would assume.</p> <p>3 A. To a certain extent. Still hospital lines</p> <p>4 are very hard to predict.</p> <p>5 Q. But you know, if McDonald's opens up a</p> <p>6 McDonald's and they run out of hamburgers, they close</p> <p>7 down until they get more hamburgers, right? I mean</p> <p>8 that makes sense.</p> <p>9 So guess the obvious question is,</p> <p>10 if you filled up and you didn't have enough of your</p> <p>11 staff, why did you go out and hire agency staff? Why</p> <p>12 didn't you just hire more staff or close down until</p> <p>13 you got more staff?</p> <p>14 A. As a hospital, we obviously recruit through</p> <p>15 various sources. Sometimes they work, sometimes they</p> <p>16 don't.</p> <p>17 In those cases that they don't, or</p> <p>18 developing newer staff that come onboard that need to</p> <p>19 be oriented, those are times where you would use</p> <p>20 supplemental staffing such as agency.</p> <p>21 Q. Okay. Well, as COO did you have any input</p> <p>22 in the agencies that were going to be used?</p> <p>23 A. Not specifically.</p> <p>24 Q. Did you know agency were going to be used,</p> <p>25 as COO?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Yeah.</p> <p>2 A. Yes.</p> <p>3 Q. Who did your orientation?</p> <p>4 A. I had to go through another hospital before</p> <p>5 ours had opened up.</p> <p>6 Q. Maybe you misunderstood my question before.</p> <p>7 Did you go through an orientation</p> <p>8 at Centennial Hills Hospital?</p> <p>9 A. I can't remember if I did a separate one.</p> <p>10 Q. At your C-Suite meetings did someone take</p> <p>11 notes?</p> <p>12 A. There was not necessarily a recorder.</p> <p>13 There was no minutes, per se.</p> <p>14 Q. Okay.</p> <p>15 A. But the CEO typically ran those meetings.</p> <p>16 Q. Was there an agenda?</p> <p>17 A. Yes.</p> <p>18 Q. And how did you find out about the agenda?</p> <p>19 A. There would be discussions either prior to</p> <p>20 or on that particular day.</p> <p>21 Q. Is that something that would be emailed to</p> <p>22 you or something like that?</p> <p>23 A. It varied. It could be just discussions</p> <p>24 within the administrative suite as to what was</p> <p>25 important to talk about.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q. But certainly there was a written agenda, 2 correct? 3 A. Yes. 4 Q. At these meetings did you generally take 5 notes of just what was going on, just for your own 6 knowledge, so to speak? 7 A. There were certainly follow-up items, yes. 8 Q. And I would assume you watched other people 9 take notes, too? 10 A. Sure. 11 Q. That's something that's normal at a 12 meeting, right? 13 A. Yes. 14 Q. Certain especially when you're talking 15 about the administration of a hospital and all of the 16 various C-Suites, right? 17 A. (Witness nods.) 18 Q. Is that a yes? 19 A. Yes. 20 Q. Was there ever a C-Suite meeting where 21 Mr. Farmer was discussed? 22 A. I honestly don't remember. 23 Q. Was there ever a C-Suite meeting where the 24 sexual assault of Roxanne Cagnina was discussed? 25 A. I honestly don't remember.</p>	<p style="text-align: right;">Page 19</p> <p>1 BY MR. MURDOCK: 2 Q. That you can think of? 3 A. I don't know. 4 Q. For instance, was there a murder at the 5 hospital? 6 A. No. 7 Q. Was there a terrorist attack at the 8 hospital? 9 A. No. 10 Q. Was there another sexual assault at the 11 hospital? 12 A. No. 13 Q. Since May 16, 2008 to this day, has there 14 ever been a sexual assault discussed at a C-Suite 15 meeting? 16 A. I honestly can't recall. 17 Q. The typical C-Suite meeting, a typical 18 one -- what is discussed? 19 A. Key items. Equipment, growth, development, 20 key needs across the organization, quality, patient 21 satisfaction, those kinds of things. 22 Q. And would you agree with me pretty much at 23 every C-Suite meeting these are discussed? I mean 24 maybe some more than others, but pretty much those 25 are the categories?</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Was there ever a C-Suite meeting where the 2 incidents involving Marsha Petersen were discussed? 3 A. I honestly don't recall. 4 Q. Was there a C-Suite meeting regarding an 5 incident involving Denise Hanna? Was that discussed? 6 A. I don't remember. 7 Q. Do you ever remember discussing anything 8 about sexual assaults in any C-Suite meeting? 9 A. Not necessarily in C-Suite meetings. 10 Q. I'm just talking right now about C-Suite 11 meetings. 12 A. I understand. 13 Q. You'd agree with me that sexual assault is 14 a pretty important event, a pretty big event, right? 15 A. (Witness nods.) 16 Q. Is that yes? 17 A. Yes. 18 Q. In between January 20, when the hospital 19 opened, and let's say May 16, 2008, between those two 20 dates -- actually let's go to May 15th, just so we're 21 all clear, okay? So January 20 to May 15, 2008, were 22 there any big events on par with the sexual assault 23 occurring at Centennial Hills Hospital? 24 MR. BEMIS: I object to form. You can 25 answer.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Pretty much, yes. 2 Q. Are the financials discussed? 3 A. Not so much. It's more those items I 4 discussed. 5 Q. But within these items, equipment, growth, 6 development -- and especially growth and 7 development -- that's certainly financial? 8 A. There's certainly an aspect to it, yes. 9 Q. If quality and patient satisfaction were a 10 part of these categories, wouldn't you agree with me 11 it's more likely than not that the incident regarding 12 Steven Farmer was discussed at these meetings? 13 MR. BEMIS: Objection to form. Calls 14 for speculation. 15 THE WITNESS: Like I said before, I 16 can't recall. 17 BY MR. MURDOCK: 18 Q. I'm just trying to figure out why you can't 19 recall this. I mean unless it's so common to have 20 sexual assaults at your hospital, I'm trying to 21 figure out how you would not remember that. 22 MR. BEMIS: Objection to form. 23 Argumentative. 24 BY MR. MURDOCK: 25 Q. Can you give me any rationale for that?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. I just can't recall.</p> <p>2 Q. Okay. But of course, the good thing is we</p> <p>3 don't have to rely on memories because you would take</p> <p>4 notes, and you watched other people take notes,</p> <p>5 right?</p> <p>6 A. (Witness nods.)</p> <p>7 Q. Is that a yes?</p> <p>8 A. Yes.</p> <p>9 Q. So I could go take a look at your notes</p> <p>10 from back in let's say May of 2008, and we could find</p> <p>11 out whether or not the Farmer incidents were</p> <p>12 discussed at the C-Suite meetings, correct?</p> <p>13 A. Correct.</p> <p>14 Q. I could also go look at the agendas, right?</p> <p>15 A. Correct.</p> <p>16 Q. Where are your notes?</p> <p>17 A. Most of them were tabulated on paper, and</p> <p>18 then they were typically followed up with</p> <p>19 individuals, based upon what needed to happen.</p> <p>20 Q. Okay. I don't understand. You said "notes</p> <p>21 are tabulate." What does that mean?</p> <p>22 A. I'm sorry, most of my notes are on paper,</p> <p>23 as the tablet that's in front of you. It would be</p> <p>24 recorded on something like that.</p> <p>25 Q. So you would have a legal pad or something</p>	<p style="text-align: right;">Page 23</p> <p>1 can't remember. Is there any other way I could find</p> <p>2 out what was discussed at those meetings, if anything</p> <p>3 was discussed regarding Farmer or the incidents?</p> <p>4 A. I'm not sure. I'm really not sure.</p> <p>5 Q. When was the first time you met with</p> <p>6 counsel regarding this matter? The first time.</p> <p>7 A. I know a lot of the initial meetings were</p> <p>8 with the former CEO, Kevin Stockton. So a lot of the</p> <p>9 initial meetings were with him, from a legal</p> <p>10 perspective.</p> <p>11 MR. BROOKHYSER: I'm sorry, can you</p> <p>12 speak up a little louder? I'm having a hard time</p> <p>13 hearing.</p> <p>14 THE WITNESS: I'm sorry. A lot of the</p> <p>15 initial meetings were with the present CEO at the</p> <p>16 time, Kevin Stockton.</p> <p>17 BY MR. MURDOCK:</p> <p>18 Q. How do you know that?</p> <p>19 A. Just based upon interactions and where the</p> <p>20 detail would typically be delegated to.</p> <p>21 Q. Were you present during those meetings?</p> <p>22 A. No.</p> <p>23 Q. I'm sorry?</p> <p>24 A. No.</p> <p>25 Q. When was the first time you became aware</p>
<p style="text-align: right;">Page 22</p> <p>1 like that?</p> <p>2 A. Correct.</p> <p>3 Q. What would you do with them then?</p> <p>4 A. Then I would take that back and act upon</p> <p>5 the key follow-up items.</p> <p>6 Q. And then what would you do with the notes?</p> <p>7 A. It would just be a reminder to me just to</p> <p>8 follow up with those key people or key items.</p> <p>9 Q. But if I'm asking for those notes, for</p> <p>10 example, where are you going to go look to find them?</p> <p>11 A. Once I was done with the follow-up items I</p> <p>12 wouldn't have the paper anymore.</p> <p>13 Q. Why not?</p> <p>14 A. Because I would have finished the task and</p> <p>15 followed up.</p> <p>16 Q. What would you have done with the paper?</p> <p>17 A. I would probably have thrown it out or</p> <p>18 shredded it or whatever.</p> <p>19 Q. Do you know if you did shred it or throw it</p> <p>20 out in this instance? And I'm talking basically</p> <p>21 right after the incident -- May, June of 2008.</p> <p>22 A. I would probably say yes.</p> <p>23 Q. You probably threw it out?</p> <p>24 A. Probably, yes.</p> <p>25 Q. So you threw out the documents, and you</p>	<p style="text-align: right;">Page 24</p> <p>1 that counsel had been assigned to this matter for</p> <p>2 UHS?</p> <p>3 A. I don't remember exactly when.</p> <p>4 Q. If the incident occurred on May 16th, 15th,</p> <p>5 or whatever it is, and it was reported within five</p> <p>6 days up to your server for risk management -- I</p> <p>7 forget what it's called, Star Enterprise, or</p> <p>8 Enterprise or something -- and then you would get</p> <p>9 back an assignment of counsel, would you agree with</p> <p>10 me that you would have known that a counsel was</p> <p>11 assigned to this matter within let's say at least 30</p> <p>12 days of the incident? Is that reasonable?</p> <p>13 A. Possibly.</p> <p>14 Q. Would it be reasonable to say two weeks?</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know if it's reasonable?</p> <p>17 A. It could be. I just can't recall exactly.</p> <p>18 Q. Do you have a calendar?</p> <p>19 A. I do.</p> <p>20 Q. Did you ever meet with counsel?</p> <p>21 A. Not initially, no.</p> <p>22 Q. When was the first time you met with</p> <p>23 counsel?</p> <p>24 A. My first meetings with counsel didn't</p> <p>25 happen until recently.</p>



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1 Q. Okay. So your first meetings with  
2 counsel -- when you say "recently," within a year,  
3 let's say?  
4 A. Yes.  
5 Q. Within six months?  
6 A. Yes.  
7 Q. Within three months?  
8 A. Probably six.  
9 Q. Somewhere between three and six months.  
10 Would you agree with that?  
11 A. Yes.  
12 Q. That's reasonable, right?  
13 A. (Witness nods.)  
14 Q. Is that a yes?  
15 A. Yes.  
16 Q. That was your first meeting with counsel,  
17 but certainly you're aware that counsel was involved  
18 in this from way early on?  
19 A. Correct.  
20 Q. What is the document destruction policy at  
21 UHS?  
22 A. I don't know what you're referring to  
23 specifically.  
24 Q. Well, when can you destroy documents?  
25 Seven years, five years? What are we talking about

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1 here? What do you do at UHS?  
2 A. I don't know the specifics on it. I know  
3 for patient files and patient records, there are  
4 differences between that and --  
5 Q. No, I'm not asking about that. I'm asking  
6 about your documents. There's a policy in place, I  
7 would assume at UHS, for document destruction.  
8 A. I'm not aware what the policy states on  
9 document destruction.  
10 Q. You're the CEO of the hospital, right?  
11 A. Yes.  
12 Q. And on today's date you can't tell me what  
13 the document destruction policy is regarding your  
14 notes?  
15 MR. BEMIS: I object to form.  
16 Argumentative.  
17 THE WITNESS: No.  
18 BY MR. MURDOCK:  
19 Q. Why did you throw these notes out?  
20 MR. BEMIS: I object to form. Asked  
21 and answered. Go ahead.  
22 THE WITNESS: Like I said before, once  
23 items are completed or followed up on, the task was  
24 essentially considered completed, finished.  
25

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1 BY MR. MURDOCK:  
2 Q. Did you have tasks at all with regard to  
3 the Steven Farmer issues? In other words, in terms  
4 of investigation, in terms of getting meetings  
5 together, anything?  
6 A. Yes.  
7 Q. What were your tasks regarding Steven  
8 Farmer?  
9 A. I was initially notified via our security  
10 department of the incident, and from that point met  
11 with getting together with the other leaders of the  
12 organization.  
13 Number one, obviously report the  
14 incident; and number two, get our committees  
15 together, that being the patient safety committee and  
16 perform a root cause analysis.  
17 Q. So just so I'm clear, so your job, when you  
18 were immediately notified -- and you were immediately  
19 notified about the incident the day of the incident,  
20 correct?  
21 A. Yes.  
22 Q. Within minutes of security being notified  
23 you were notified, correct?  
24 A. Right.  
25 Q. So you were aware within minutes, right?

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1 A. Yes.  
2 Q. Did you ever instruct security to go maybe  
3 talk to the other patients in the hospital to find  
4 out if they had any interactions or negative  
5 interactions with this rapist?  
6 MR. BEMIS: I object to form.  
7 THE WITNESS: No.  
8 BY MR. MURDOCK:  
9 Q. Why not?  
10 A. For me, security was more about reviewing  
11 the details of the incident, what happened, and  
12 taking the next appropriate steps.  
13 Q. But you had other patients in the hospital,  
14 right?  
15 A. Correct.  
16 Q. You had other patients I assume you knew  
17 who had dealings with Mr. Farmer, one way or the  
18 other, right?  
19 A. Correct.  
20 Q. He was a CNA at your hospital, right?  
21 A. Yes.  
22 Q. So you knew because he was a CNA at your  
23 hospital that he had patient contact at your  
24 hospital, right?  
25 A. Yes.

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1 Q. Knowing that, wouldn't you want to instruct  
2 security and say, "Hey, let's go walk around and find  
3 out if he did anything bad to anybody else?"  
4 A. I know that other investigations were  
5 occurring more from a nursing perspective, as I  
6 recall.  
7 Q. Okay. We'll get back to that.  
8 But let's get back to my question,  
9 which is, knowing what you knew, was there a specific  
10 reason that you can point to, that you didn't  
11 instruct security or anybody to go talk to patients  
12 and find out if Farmer had done anything wrong to  
13 anybody else?  
14 A. No specific reason. Really, because of the  
15 investigation process and the way it was occurring,  
16 my recollection is it was more on the nursing side.  
17 Q. What was more on the nursing side?  
18 A. Reviewing through the incident details,  
19 patients, et cetera.  
20 Q. So you expected the nursing investigators  
21 component to actually do that, to actually go around  
22 the hospital and patients to find out if anybody else  
23 had a problem. Is that correct?  
24 MR. BEMIS: I object to form.  
25 Misstates testimony.

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1 THE WITNESS: That's what I recall.  
2 BY MR. MURDOCK:  
3 Q. You recall that I'm correct?  
4 A. That's what I recall.  
5 Q. I just want to make sure we're on the same  
6 page, that you're recalling what I just said, which  
7 is it was your expectation that whoever was in charge  
8 of the nursing investigation would have gone around  
9 to the patients in the hospital to find out if indeed  
10 Farmer had done anything wrong to any other patients.  
11 Is that correct?  
12 MR. BEMIS: I object to form.  
13 Misstates testimony. Go ahead and answer.  
14 THE WITNESS: Correct.  
15 BY MR. MURDOCK:  
16 Q. Okay. Thank you.  
17 When you were notified by  
18 security, where were you?  
19 A. I don't remember specifically where I was  
20 at the time.  
21 Q. I don't mean -- that's not a "where were  
22 you when Kennedy was shot" type of thing. That's not  
23 what I was asking.  
24 What I was really asking is, in  
25 other words, were you in the hospital? Were you at

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1 home? Things like that.  
2 A. I don't recall.  
3 Q. Let's put it this way.  
4 Within 24 hours after you were  
5 notified of this incident did you do a Midas report?  
6 A. I did not do a Midas report, but a Midas  
7 report I know was being filed.  
8 Q. That's not what I asked you. I just asked  
9 you if you did one.  
10 A. I did not.  
11 Q. Why not?  
12 A. Our processes already had established that  
13 my report was being inputted.  
14 Q. Well, I don't understand.  
15 Then is a Midas report -- is there  
16 just one report? Only one person can do one for an  
17 incident?  
18 A. No, it doesn't have to be just one, but  
19 it's certainly initiated by one.  
20 Q. Well, why didn't you do one immediately  
21 when you found out about the incident?  
22 MR. BEMIS: I object to form. Asked  
23 and answered. Go ahead.  
24 THE WITNESS: Again, the process for a  
25 Midas report is that someone initiates the process.

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1 My understanding is that was being  
2 done already, so there was no need to be duplicative  
3 at that juncture.  
4 BY MR. MURDOCK:  
5 Q. At some point in time between 2008 and  
6 today, I assume you found out that other people  
7 besides Roxanne Cagnina were alleging that Mr. Farmer  
8 had sexually assaulted them at Centennial Hills  
9 Hospital, is that correct?  
10 A. I had heard the allegations, yes.  
11 Q. We're here today about one, right?  
12 A. Yes.  
13 Q. You know that, right?  
14 A. Yes.  
15 Q. You know why we're here today?  
16 A. I know why we're here.  
17 Q. When did you find out about -- let's take  
18 Marsha Petersen. When did you find out about this  
19 case?  
20 A. I honestly don't recall.  
21 Q. Well, did you find out in 2009, 2008? What  
22 are we talking about here?  
23 A. I don't specifically recall.  
24 Q. Can you give me an estimate? What's your  
25 best estimate of when you found out that Marsha

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1 Petersen was sexually assaulted by Steven Farmer  
2 while she was at Centennial Hills Hospital?  
3 A. I don't know.  
4 Q. You can't give me an estimate?  
5 A. No.  
6 Q. Now, let's try and narrow this down a  
7 little bit.  
8 When did you become aware of this  
9 lawsuit that we're here for in this case?  
10 A. I don't know. Maybe a year. I'm not sure.  
11 Q. If I told you that this lawsuit was filed  
12 basically within a year -- maybe a little more, I  
13 can't remember, maybe a little bit more, maybe a  
14 little less -- let's say in 2009. The incident  
15 occurred in 2008; this lawsuit was filed sometime in  
16 2009.  
17 Would that be reasonable?  
18 A. That would be reasonable.  
19 Q. So would it be reasonable for you to tell  
20 me that you found out about the lawsuit right around  
21 the time it was filed and served? Within a short  
22 time? Wouldn't you agree with that?  
23 A. Within a short time.  
24 Q. So when you found out about this lawsuit,  
25 did you know that this lawsuit was alleging that

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1 Steven Farmer, when he was working at Centennial  
2 Hills Hospital, sexually assaulted Jane Doe? That's  
3 the person here, Marsha Petersen.  
4 Did you know that?  
5 A. Yes.  
6 Q. When you found that out, did you do a Midas  
7 report?  
8 A. No.  
9 Q. Why not?  
10 A. I didn't feel it necessary that finding out  
11 that initiates a Midas report.  
12 Q. When so you find out about an event,  
13 whether it's 24 hours after the event or five years  
14 afterwards, don't you have a duty to go do that Midas  
15 report?  
16 MR. BEMIS: I object to form.  
17 Argumentative.  
18 THE WITNESS: Midas reports are  
19 typically done when there is an identified incident  
20 within the hospital campus. Those are when those are  
21 performed.  
22 BY MR. MURDOCK:  
23 Q. So let me see if I understand this.  
24 The CEO of Centennial Hills  
25 Hospital finds out about an incident where a former

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1 patient is alleging that she was sexually assaulted  
2 by someone who was working at Centennial Hills  
3 Hospital in 2008 -- you find out in 2009, but you  
4 don't believe you have a duty to do a Midas report at  
5 that point. Is that correct?  
6 A. That's correct.  
7 Q. Okay. So you get this call from security,  
8 and you said that -- I think I got this right, maybe  
9 I got it wrong, I'm not trying to do anything here --  
10 but you said you were immediately notified by the  
11 security department, and then from that point you  
12 started meeting with other leaders of the  
13 organization?  
14 A. Correct.  
15 Q. And you met with other leaders of the  
16 organization regarding the Steven Farmer incident,  
17 right?  
18 A. Correct.  
19 Q. Who did you meet with?  
20 A. It was a multitude of leaders across the  
21 organization. C-Suite, regulatory risk.  
22 Q. Is regulatory risk the same thing, or is  
23 that separate?  
24 A. I think at the time it was the same, I  
25 believe.

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1 Q. Who was regulatory risk? Was that Janet  
2 Callahan?  
3 A. Yes.  
4 Q. Did C-Suite have a meeting, or were you  
5 just on the phone from one to the next to the next to  
6 the next?  
7 A. We talked together initially to report the  
8 incident out formally, and then to begin the process  
9 of getting together a patient safety committee and  
10 perform the RCA.  
11 Q. When you say you got together initially to  
12 report the incident out, who was that going to? When  
13 you say you were going to report the incident out,  
14 what is that talking about?  
15 A. That's reporting the incident to the state.  
16 Q. And how was that going to be done?  
17 A. Basically we're self-reporting the  
18 incident, so --  
19 Q. Did you make a phone call? How did that  
20 work?  
21 A. I didn't witness the detail.  
22 Q. What was the decision of the committee?  
23 How were you going to do it?  
24 A. The CEO was on technically on that.  
25 Q. Was he to call them, write them? What was

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1 the deal?  
2 A. I assume call, and certainly in partnership  
3 with the regulatory risk folks.  
4 Q. And who at the State of Nevada did you  
5 call? Who was that supposed to be?  
6 A. I did not contact, so I don't know.  
7 Q. I know you didn't, but who would you call?  
8 You said you had it reported to the state. You don't  
9 call Brian Sandoval and say, "Hey, we've got a  
10 problem here."  
11 A. Whoever the head of the state department  
12 was at the time.  
13 Q. The state department of what?  
14 A. Of health.  
15 Q. That's who you called, the State Department  
16 of Health?  
17 A. Yes.  
18 Q. Is that what its actual title is, State  
19 Department of Health? Is that part of like the  
20 Division of Business and Industry or --  
21 A. I'm not positive on the exact title.  
22 Q. If someone came to you today and said,  
23 "Hey, we've got a sexual assault, we've got to report  
24 it," who would you call up?  
25 A. I believe it is State Department of Health,

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1 but I'm not positive on the exact articulation of the  
2 titling there.  
3 Q. Okay. And why would you tell them?  
4 A. It was certainly an incident that happened  
5 on our campus that was serious, so we wanted to  
6 report that out as it was necessary.  
7 Q. When the C-Suite got together to decide  
8 what to do, outside of the C-Suite, was somebody on  
9 the phone, for instance, from King of Prussia?  
10 A. I don't recall.  
11 Q. When I say King of Prussia, you know what  
12 I'm talking about?  
13 A. Yes.  
14 Q. UHS main, right?  
15 A. I don't recall that specifically.  
16 Q. You're not saying it didn't occur, you're  
17 just saying you're not sure?  
18 A. I'm not sure.  
19 Q. But at the very least it was the C-Suite.  
20 Did you talk about how this was  
21 going to be dealt with in the press? I'm sure you  
22 figured it would get out to the press, right?  
23 A. I don't remember specific conversations  
24 about the press components.  
25 Q. Did somebody draft a press release?

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1 A. I honestly don't remember.  
2 Q. Okay. Well, so the C-Suite got together  
3 and you had to report the incident to the state, and  
4 that's what you did, right?  
5 A. Yes.  
6 Q. So that meeting lasted like 30 seconds,  
7 because all you did was say, "Hey, go report it to  
8 the state?"  
9 A. It was pretty quick.  
10 Q. How long did you talk? A minute, 30  
11 seconds?  
12 A. No, it was probably a little longer than  
13 that.  
14 Q. How long?  
15 A. Maybe 10, 20 minutes.  
16 Q. Did you take notes from that meeting?  
17 A. I probably did, yes.  
18 Q. And where are those notes today?  
19 A. I probably don't have them at this  
20 juncture.  
21 Q. Why not?  
22 A. Again, most of the notes were to follow up  
23 on items or just to figure out what the next steps  
24 were. So the next steps were to go to an RCA, so we  
25 went to an RCA.

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1 Q. What's an RCA?  
2 A. Root cause analysis. The next step was to  
3 go to the patient safety committee, so we went to the  
4 patient safety committee. So there was no need to  
5 keep that note necessarily.  
6 Q. Well, we'll see about that.  
7 But in terms of a 10 to 20-minute  
8 meeting, I'm sure everybody got something assigned to  
9 them. Wouldn't that be correct?  
10 MR. BEMIS: I object to form. Calls  
11 for speculation.  
12 BY MR. MURDOCK:  
13 Q. Maybe not everybody, but jobs were given  
14 out?  
15 A. I don't recall specifics. Certainly the  
16 call to the state was definitely first and foremost.  
17 Q. Okay. And then you said that you all  
18 figured you needed to get together to do the root  
19 cause analysis. Anything else?  
20 A. Root cause analysis, patient safety  
21 committee to make sure it was fully discussed,  
22 reviewed, investigated, and to identify any  
23 opportunities for improvement obviously.  
24 Q. Okay. Were any improvement ideas  
25 identified?

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1 MR. BEMIS: Are we talking about  
2 results of the patient safety meeting, investigation  
3 of RCAs or --  
4 MR. MURDOCK: Well, let me ask it this  
5 way.  
6 BY MR. MURDOCK:  
7 Q. As a result of this incident were any  
8 policies and procedures changed?  
9 A. I'm trying to think. I'm not positive.  
10 Q. Can you think about some ideas that might  
11 have? What are you thinking of here?  
12 A. I don't think so, but I'm not positive.  
13 Q. In your 10 to 20-minute meeting that the  
14 C-Suite had, did anybody ask, "Why was this guy  
15 working here?"  
16 A. Again, I don't remember the specifics of  
17 the conversation.  
18 Q. Did anybody ask, "How did this guy get to  
19 work here?"  
20 A. I'm not sure.  
21 Q. Did you pull his file for the C-Suite  
22 meeting, so you all would have something to kind of  
23 know who this guy was?  
24 A. I don't recall that being pulled for the  
25 meeting.

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1 Q. Were any documents given out at the meeting  
2 to everybody? His picture, his badge, anything?  
3 A. I don't recall a picture or the badge. I  
4 know that the security report was there.  
5 Q. Okay. Good. So the security report was  
6 there.  
7 But did anybody bring up the  
8 question of, "How did this guy get to work in our  
9 hospital?"  
10 A. I don't know. I'm trying to remember. I  
11 can't recall specifically. Like I said, it was a  
12 very quick meeting.  
13 Q. 10 to 20 minutes.  
14 A. State calls were important, following up  
15 with the regulatory processes were important, the  
16 security report was there. I just can't remember the  
17 specifics you're looking for.  
18 Q. I'm just trying to figure out, did somebody  
19 ask, "Hey, what was this guy doing here? How did  
20 this guy get into our hospital?" Was that question  
21 even asked?  
22 MR. BEMIS: I object to form. Asked  
23 and answered.  
24 MR. MURDOCK: Well, it was asked, but  
25 it wasn't answered.

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1 BY MR. MURDOCK:  
2 Q. Go ahead.  
3 A. I just don't remember specifics.  
4 Q. Of course your notes might have the  
5 specifics on them, the ones you wrote, right?  
6 MR. BEMIS: I object to form.  
7 Argumentative.  
8 THE WITNESS: They could have.  
9 BY MR. MURDOCK:  
10 Q. So did anybody at the meeting bring up  
11 maybe calling American Nursing Services?  
12 A. I don't know if it had gotten that far at  
13 that point.  
14 Q. Did you know that Mr. Farmer was an agency  
15 worker at that point in time?  
16 A. We found out certainly.  
17 Q. No, at that meeting.  
18 A. At that meeting?  
19 Q. At the initial C-Suite meeting.  
20 A. I believe it was.  
21 Q. And did anybody bring up, "Hey, let's call  
22 ANS to find out what this guy's background is," et  
23 cetera?  
24 A. (No response.)  
25 Q. In other words, did Stockton -- Stockton I

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1 assume was running the meeting, correct?  
2 A. Correct.  
3 Q. Did Stockton say, "Hey, let's get ANS on  
4 the horn here and find out what happened? Did that  
5 occur at all?  
6 A. I know he was identified. I know the  
7 security report was there. I know he was identified  
8 as an agency person. I know the state call was made.  
9 I know that -- I believe it was HR nurses that were  
10 going to look into the background of Mr. Farmer.  
11 Q. How do you know that?  
12 A. Because they're nursing and obviously  
13 they're integrally involved.  
14 Q. But you specifically said just now, "I knew  
15 HR nursing was going to look into the background."  
16 How do you know that?  
17 A. Because they were there at the meeting.  
18 Q. Who was there?  
19 A. The CNO and HR.  
20 Q. Okay. I didn't know HR was there. Who is  
21 HR?  
22 A. Human resources.  
23 Q. No, I know that, but who was there  
24 representing HR?  
25 A. I can't recall the name. It was the HR

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1 director at the time.  
2 Q. But Carol Butler was the CNO, right?  
3 A. That's correct.  
4 Q. She's the chief nursing office, and it was  
5 her job, she was going to be looking into the  
6 background of Mr. Farmer, right?  
7 A. Yes.  
8 Q. And she was to do that on behalf of the  
9 C-Suite, right?  
10 A. Correct.  
11 Q. And I assume she was going to get back to  
12 you at some point in time, is that correct, with her  
13 investigation?  
14 A. She was going to follow up, yes.  
15 MR. BEMIS: I object to form, anything  
16 related to patient safety.  
17 MR. MURDOCK: Well, wait a minute.  
18 We're not talking about patient safety. He didn't  
19 say she was part of patient safety. He said HR  
20 nursing was going to look into it.  
21 BY MR. MURDOCK:  
22 Q. Let me ask the question.  
23 Was that part of the patient  
24 safety committee, that was going to look into the  
25 background of Mr. Farmer? Or was that just HR

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1 nursing? We're going to go pull his file and look  
2 into it?"  
3 A. HR and nursing investigating was certainly  
4 part of the patient safety meetings.  
5 Q. Oh, are they part of the patient safety  
6 committee?  
7 A. They were there, yes.  
8 Q. But are they officially a part of it?  
9 A. The CNO and the HRA or HR director would  
10 participate when necessary.  
11 Q. So that was part of patient safety then.  
12 Is that what you're telling me?  
13 A. Yes.  
14 Q. Did you personally ever find out how  
15 Mr. Farmer came to work at your hospital when you  
16 were the COO?  
17 A. The pieces I knew or was alerted to was he  
18 came to us through an agency.  
19 Q. Right.  
20 A. And I also think, as you had mentioned  
21 before, he was a CNA that came onboard. So I did  
22 know those pieces.  
23 Q. You're aware that agency workers, when they  
24 come to your hospital there's certain required  
25 documents they must have.

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1 A. Yes.  
2 Q. Health forms, right? That's one of the  
3 things?  
4 A. (Witness nods.)  
5 Q. Right?  
6 A. Yes.  
7 Q. Referrals, references from the last job,  
8 right?  
9 A. Yes.  
10 Q. Did you ever find out whether or not he  
11 actually had references from his last job in the  
12 file?  
13 A. I know we looked at his file.  
14 MR. BEMIS: With respect to your  
15 personal knowledge, not as to the other part of your  
16 deposition.  
17 THE WITNESS: I wouldn't know.  
18 BY MR. MURDOCK:  
19 Q. I'm sorry?  
20 A. I wouldn't know until we look at the  
21 personnel file.  
22 Q. Well, did you ever look at the personnel  
23 file yourself? I'm talking within let's say a year  
24 of this happening. Not getting ready for this  
25 deposition today, within a year of this happening.

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1 Did you find out, "Hey, we never  
2 got references for this guy, and he should never have  
3 been working at our hospital?"  
4 A. I didn't look at the specifics of the  
5 personnel file, no.  
6 Q. Okay. So in other words, before you were  
7 prepped to become the person most knowledgeable that  
8 we're going to be discussing in a little bit on  
9 various subjects, you were unaware that Mr. Farmer  
10 was missing documents from his personnel file,  
11 correct?  
12 A. That's correct.  
13 Q. Did you ever meet with Amy Bochenek  
14 regarding this matter?  
15 A. No.  
16 Q. Do you know who Amy Bochenek is?  
17 A. Yes.  
18 Q. I think I'm pronouncing it right.  
19 A. Yes.  
20 Q. You never met with her?  
21 A. No.  
22 Q. Outside of the first meeting with the  
23 C-Suite, did you ever meet with Carol Butler in this  
24 matter?  
25 MR. BEMIS: You mean outside of the

<p>Page 49</p> <p>1 patient safety meeting and the RCA? 2 MR. MURDOCK: Yeah. 3 THE WITNESS: No. 4 BY MR. MURDOCK: 5 Q. Are you part of the patient safety 6 committee? 7 A. Yes. 8 Q. Are you part of the root cause analysis 9 committee? I guess that's what they call it. 10 A. Yes. 11 Q. Okay. Let me ask you this. 12 Without telling me specifically 13 what's in the root cause analysis, I assume you've 14 seen the root cause analysis. Is that correct? 15 A. Yes. 16 Q. Who drafted the root cause analysis? 17 A. I believe it was our quality risk, but I'm 18 not positive. 19 Q. Is that Ms. Callahan? 20 A. I believe so. 21 Q. And Ms. Callahan left at some point and 22 Evette Wilson came in, right? 23 A. Yes. 24 Q. Ms. Callahan, was she a UHS employee? 25 A. No, she was a Centennial Hills Hospital</p>	<p>Page 51</p> <p>1 A. It's a separate component. 2 Q. It's a separate entity? 3 A. Correct. 4 Q. Different tax IDs? 5 A. Yes. 6 Q. Is there a policy and procedure regarding 7 root cause analyses at Centennial Hills Hospital? In 8 other words, how they're drafted, who drafts them, 9 things like that? 10 A. I believe there is. 11 Q. And does that policy and procedure state 12 that the root cause analysis, which is done by 13 Centennial Hills Hospital employees, will be shared 14 with UHS of Delaware, Inc. employees? 15 A. I don't know if it necessarily delineates 16 it out to that extent. 17 Q. Do you know who owns Valley Health System? 18 A. In terms of? 19 Q. Well, does UHS own it? 20 A. That's my understanding. 21 Q. Is Valley Health System a subsidiary of UHS 22 of Delaware, or is it a subsidiary of UHS, Inc., or 23 any other million entities that UHS may have? 24 MR. BEMIS: I object to form. It calls 25 for a legal conclusion.</p>
<p>Page 50</p> <p>1 employee. 2 Q. Evette Wilson, was she a UHS employee? 3 A. No, she was a Centennial Hills employee. 4 Q. Okay. So let me see if I have this clear. 5 There was a root cause analysis 6 drafted? 7 A. (Witness nods.) 8 Q. Is that a yes? 9 A. Yes. 10 Q. That root cause analysis was drafted by 11 Centennial Hills Hospital employees, correct? 12 A. Yes. 13 Q. And that root cause analysis was shared 14 from Centennial Hills Hospital employees with UHS of 15 Delaware, Inc. employees, is that correct? 16 A. That's correct. 17 Q. You would agree with me, wouldn't you, that 18 UHS of Delaware, Inc. is a separate entity than 19 Valley Health Systems, Inc., or LLC, or whatever it 20 is? 21 MR. BEMIS: I object. Calls for a 22 legal conclusion. 23 BY MR. MURDOCK: 24 Q. I would expect the COO and CEO to know 25 that, but --</p>	<p>Page 52</p> <p>1 MR. MURDOCK: I'm asking the CEO. I 2 assume the CEO would know that. 3 THE WITNESS: I honestly don't know. 4 BY MR. MURDOCK: 5 Q. The CEO of the hospital does not know. Is 6 that what you're tell me? 7 A. Yes. 8 Q. Okay. Do you know who Margaret Wolfe is? 9 A. No. 10 Q. Do you know who Ray Sumera is? 11 A. No. 12 Q. Do you know who Christine Murray is? 13 A. No. 14 Q. When did you become CEO of the hospital? 15 A. It was 2010 or '11. 16 Q. Have you reviewed this case at all since 17 you became CEO? I'm not asking you for contents or 18 discussions between counsel, but have you reviewed 19 anything about this case? 20 MR. SILVESTRI: That includes with 21 counsel? 22 MR. MURDOCK: Yeah, it does. 23 THE WITNESS: Well, counsel, certainly. 24 BY MR. MURDOCK: 25 Q. What have you reviewed?</p>

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1 MR. BEMIS: You're talking about  
2 outside of preparation for this afternoon?  
3 MR. MURDOCK: Oh, yeah, outside of  
4 preparation for this afternoon.  
5 THE WITNESS: Nothing with legal  
6 counsel outside of this afternoon's preparation.  
7 BY MR. MURDOCK:  
8 Q. And my understanding from your answers  
9 before is you really had nothing to do with this case  
10 at all in terms of meeting with counsel, until you  
11 started getting prepared for this deposition. Is  
12 that right?  
13 A. That's correct.  
14 Q. Or for the next deposition, is that  
15 correct?  
16 A. Correct.  
17 MR. MURDOCK: Let's take a break for a  
18 minute.  
19 (Recess.)  
20 BY MR. MURDOCK:  
21 Q. Outside of the safety committee and the  
22 root cause analysis committee, and besides what we're  
23 going to talk about in the other deposition, do you  
24 have any other knowledge at all regarding Mr. Farmer?  
25 What he was doing at the hospital, the incidents,

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1 anything?  
2 A. No. We've covered those areas.  
3 Q. Okay. When you found out about Marsha  
4 Petersen and her allegations in this lawsuit, what  
5 did you do, if anything?  
6 A. This lawsuit honestly came to my attention  
7 more recently, just in terms of my own involvement  
8 with it. My initial components were my own  
9 preparation, and so forth.  
10 Q. But you said earlier that you became aware  
11 of this, of Marsha Petersen and her allegations,  
12 within a year. Remember we put that time limit on  
13 it?  
14 A. (Witness nods.)  
15 Q. Is that a yes?  
16 A. Yes.  
17 Q. So when you found out, in other words, did  
18 you have another C-Suite meeting regarding Marsha  
19 Petersen this time, as opposed to Roxanne Cagnina?  
20 A. I don't recall specifically.  
21 Q. Was the state notified again?  
22 A. I don't believe so.  
23 Q. Why not?  
24 A. The reason being is that we had obviously  
25 performed an RCA and done the safety patient

1 committee already involving the first incident.  
2 Q. Right.  
3 A. Based upon that being a similar allegation,  
4 we did not feel there was a need for an additional  
5 report or a similar action.  
6 Q. But wouldn't you want to know what happened  
7 in that case?  
8 A. Yes. But I mean in terms of the reporting  
9 itself, that's the reasoning why.  
10 Q. Well, wait a minute. The whole point of  
11 the reporting is to see if you can identify things  
12 that went wrong, or went right, whatever it was, and  
13 specifically wrong, so you don't do them again,  
14 right? That's basically the reason, correct?  
15 A. (Witness nods.)  
16 Q. Is that a yes?  
17 A. Yes.  
18 Q. Okay. So since this was a different  
19 situation, different time and different patient,  
20 wouldn't you want to know how that happened?  
21 A. Like I said before, I don't believe we did  
22 any individual state reporting on this. I don't  
23 remember if there was any additional RCAs or patient  
24 safety committees as a result of that.  
25 Q. What about Denise Hanna?

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1 A. I don't know.  
2 Q. Do you know who Denise Hanna is?  
3 A. No.  
4 Q. Do you know that Denise Hanna alleged that  
5 there was an assault of some type between her and  
6 Mr. Farmer?  
7 A. No.  
8 Q. How many women are you aware of who alleged  
9 that Mr. Farmer assaulted them in some way? I'm  
10 using that term "assault" loosely, but --  
11 MR. BEMIS: And you're specifying at  
12 Centennial Hills Hospital and not elsewhere, right?  
13 MR. MURDOCK: Yes.  
14 THE WITNESS: Two or three.  
15 BY MR. MURDOCK:  
16 Q. Two or three?  
17 A. Yeah.  
18 Q. I'm just trying to think in my mind here.  
19 See if I'm right, because I don't want to misstate  
20 your testimony.  
21 The COO, the chief operations  
22 officer of the hospital, who then in 2010 or 2011  
23 became the CEO of the hospital, and who is currently  
24 the CEO of the hospital -- as you sit here today you  
25 can't tell me specifically how many women at



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1 Centennial Hills Hospital, patients, alleged that  
2 Mr. Farmer sexually assaulted them in some way. Am I  
3 correct?  
4 MR. BEMIS: I object to form.  
5 Argumentative. Go ahead and answer.  
6 THE WITNESS: I believe it was three.  
7 BY MR. MURDOCK:  
8 Q. Can you give me their names?  
9 A. No.  
10 MR. MURDOCK: I don't have any further  
11 questions on this part, so I'll go around. Jim?  
12 MR. SILVESTRI: I don't have any  
13 questions.  
14 MS. BROOKHYSER: No questions.  
15 MS. HALL: No questions.  
16  
17 (The deposition concluded at 2:53 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

Page 58

1 REPORTER'S CERTIFICATE  
2 STATE OF NEVADA )  
3 ) ss.  
4 COUNTY OF CLARK )  
5 I, Carol O'Malley, Nevada Certified Court  
6 Reporter 178, do hereby certify:  
7 That I reported the taking of the deposition  
8 of SAJIT PULLARKAT on August 7, 2015 commencing at  
9 the hour of 1:30 p.m.;  
10 That prior to being examined, the witness was by  
11 me duly sworn to testify to the truth, the whole  
12 truth, and nothing but the truth;  
13 That I thereafter transcribed my said  
14 shorthand notes into typewriting and that the  
15 typewritten transcription of said deposition is a  
16 complete, true, and accurate transcription of my said  
17 shorthand notes taken down at said time. Review of  
18 the transcript was requested.  
19 I further certify that I am not a relative or  
20 employee of an attorney or counsel involved in said  
21 action, nor financially interested in said action.  
22 IN WITNESS WHEREOF, I have hereunto set my hand  
23 in my office in the County of Clark, State of Nevada,  
24 this 17th day of August, 2015.  
25 *Carol O'Malley*  
Carol O'Malley, CCR No. 178

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1 DEPOSITION ERRATA SHEET  
2  
3 File No. J0160273  
4 Case Caption: Doe vs. Valley Health Systems, et al.  
5  
6  
7  
8 DECLARATION UNDER PENALTY OF PERJURY  
9  
10 I declare under penalty of perjury that I have  
11 read the entire transcript of my deposition taken in  
12 the captioned matter or the same has been read to me,  
13 and the same is true and accurate, save and except  
14 for changes and/or corrections, if any, as indicated  
15 by me on the DEPOSITION ERRATA SHEET hereof, with the  
16 understanding that I offer these changes as if still  
17 under oath.  
18  
19 Signed this       day of       , 20  
20  
21  
22  
23 SAJIT PULLARKAT  
24  
25

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1 DEPOSITION ERRATA SHEET  
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25       SAJIT PULLARKAT

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24 SIGNATURE: DATE:  
SAJIT PULLARKAT  
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TAB 72

SAJIT PULLARKAT PMK  
JANE DOE vs. VALLEY HEALTH

August 07, 2015  
1-4

Page 1	Page 3
<p>1 DISTRICT COURT</p> <p>2 CLARK COUNTY, NEVADA</p> <p>3 JANE DOE,</p> <p>4 Plaintiff,</p> <p>5 vs.</p> <p>6 VALLEY HEALTH SYSTEM LLC,</p> <p>7 a Nevada limited</p> <p>8 liability company, d/b/a</p> <p>9 CENTENNIAL HILLS HOSPITAL</p> <p>10 MEDICAL CENTER; UNIVERSAL</p> <p>11 HEALTH SERVICES, INC., a</p> <p>12 Delaware corporation;</p> <p>13 AMERICAN NURSING</p> <p>14 SERVICES, INC., a</p> <p>15 Louisiana corporation;</p> <p>16 STEVEN DALE FARMER, an</p> <p>17 individual; DOES I</p> <p>18 through X, inclusive; and</p> <p>19 ROE CORPORATIONS I</p> <p>20 through X, inclusive,</p> <p>21 Defendants.</p> <p>22 -----</p> <p>23 DEPOSITION OF SAJIT PULLARKAT</p> <p>24 PMK OF CENTENNIAL HILLS HOSPITAL</p> <p>25 Friday, August 7, 2015</p> <p>3:00 p.m.</p> <p>521 S. Third Street</p> <p>Las Vegas, Nevada</p> <p>Carol O'Malley, CCR 178, RMR</p>	<p>1 APPEARANCES OF COUNSEL (Cont'd)</p> <p>2 For Defendant Farmer:</p> <p>3 CARROLL, KELLY, TROTTER,</p> <p>4 FRANZEN, MCKENNA &amp; PEABODY</p> <p>5 HEATHER S. HALL, ESQ.</p> <p>6 Suite 260</p> <p>7 8329 W. Sunset Road</p> <p>8 Las Vegas, Nevada 89113</p> <p>9 702.792.5755</p> <p>10 702.796.5855 Fax</p> <p>11 hshall@cktfmlaw.com</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 APPEARANCES OF COUNSEL</p> <p>2 For Plaintiff:</p> <p>3 MURDOCK &amp; ASSOCIATES, CHTD.</p> <p>4 ROBERT E. MURDOCK, ESQ.</p> <p>5 520 S. Fourth Street</p> <p>6 Second Floor</p> <p>7 Las Vegas, Nevada 89101</p> <p>8 702.384.5563</p> <p>9 702.384.4570 Fax</p> <p>10 lasvegasjustice@aol.com</p> <p>11 For Defendant Valley Health System LLC, d/b/a</p> <p>12 Centennial Hills Hospital Medical Center:</p> <p>13 HALL PRANGLE &amp; SCHOONVELD, LLC</p> <p>14 JOHN F. BEMIS, ESQ.</p> <p>15 Suite 200</p> <p>16 1160 N. Town Center Drive</p> <p>17 Las Vegas, Nevada 89144</p> <p>18 702.889.6400</p> <p>19 702.384.6025 Fax</p> <p>20 jlbemis@hpslaw.com</p> <p>21 For Defendant American Nursing Services, Inc.:</p> <p>22 LEWIS BRISBOIS BISGAARD &amp; SMITH LLP</p> <p>23 AMANDA J. BROOKHYSER, ESQ.</p> <p>24 6385 S. Rainbow Boulevard</p> <p>25 Suite 600</p> <p>Las Vegas, Nevada 89118</p> <p>702.693.4320</p> <p>702.893.3383</p> <p>702.893.3789 Fax</p> <p>amanda.brookhyser@lewisbrisbois.com</p> <p>PYATT &amp; SILVESTRI</p> <p>JAMES P.C. SILVESTRI, ESQ.</p> <p>701 Bridger Avenue</p> <p>Las Vegas, Nevada 89101</p> <p>702.383.6000</p> <p>702.477.0088</p> <p>jsilvestri@psh-law.com</p>	<p>1 INDEX OF EXAMINATION</p> <p>2 WITNESS: Sajit Pullarkat</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXAMINATION PAGE</p> <p>11</p> <p>12 By Mr. Murdock 5</p> <p>13 By Mr. Silvestri 40</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 INDEX TO EXHIBITS</p> <p>19</p> <p>20 EXHIBITS MARKED</p> <p>21</p> <p>22 None marked.</p> <p>23</p> <p>24</p> <p>25</p>



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Page 5

1 Deposition of Sajit Pullarkat  
2 August 7, 2015  
3 (Prior to the commencement of the deposition,  
4 all of the parties present agreed to waive  
5 statements by the court reporter, pursuant to  
6 Rule 30(b)(4) of NRCp.)  
7  
8 SAJIT PULLARKAT,  
9 having been first duly sworn, testified as follows:  
10  
11 EXAMINATION  
12 BY MR. MURDOCK:  
13 Q. Would you please state your name for the  
14 record?  
15 A. Sajit Pullarkat.  
16 Q. Mr. Pullarkat, we just took your deposition  
17 personally. Now we're going to take your deposition  
18 because you're being presented as the person most  
19 knowledgeable regarding certain subjects.  
20 You're aware of that, correct?  
21 A. Yes.  
22 Q. So now you're talking not personally.  
23 You're talking as if I had Centennial Hills Hospital  
24 Medical Center sitting in that chair.  
25 Do you understand that?

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1 A. Yes.  
2 Q. There are nine areas that we're going to  
3 discuss here today. Okay?  
4 A. Okay.  
5 Q. Some of them overlap. I'm going to try  
6 very hard to stick to one area, and then go to the  
7 next. They may overlap in some ways, so I apologize  
8 in advance if you think I'm going back and forth.  
9 I'm not trying to do that for any other reason than  
10 it just flows that way. Okay?  
11 A. Sure.  
12 Q. And if you get confused on anything, just  
13 let me know.  
14 A. Okay.  
15 Q. The first area of inquiry is, "Dates, times  
16 and places worked by Steven Farmer at Centennial  
17 Hills Hospital Medical Center." Okay?  
18 A. (Witness nods.)  
19 Q. So let's talk about that.  
20 First of all, Steven Farmer worked  
21 at Centennial Hills Hospital Medical Center, correct?  
22 A. Correct.  
23 Q. I believe he began working there  
24 February 18, 2008. Am I correct?  
25 And I know you're looking at some

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1 documents there. If you would just do me a favor,  
2 and when you get to the document you are relying  
3 upon, if you would let me know -- there's a Bates  
4 stamp on that document generally. If you would let  
5 me know what number that document is, I think we  
6 would all be happy. Okay?  
7 A. Sure. Right now I'm looking at the -- I  
8 guess what is termed the accounting log, that we  
9 traditionally utilize for tracking agency. So I'm  
10 looking at -- I believe it's CHH-00372. Based off of  
11 that, it looks like February 18, 2008.  
12 Q. Could you tell me, did he always work the  
13 nightshift every time he worked there?  
14 A. I'd have to look at the records to confirm.  
15 It looks like they're all the nightshift.  
16 Q. Okay. I'm showing you a document on the  
17 screen right now. It is called STAFF-00001. Okay?  
18 Now, I have zoomed in -- I can zoom in a little bit  
19 more.  
20 What is this document? Do you  
21 know? Do you need it to come out a little bit,  
22 or can you see it?  
23 A. Let me see. It looks like the same thing  
24 as this one. It looks to be the same document that I  
25 was just referring to, which is the accounting log

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1 for agency -- that they use to track agency.  
2 Q. If you look at the screen again and look  
3 at -- I think it's 6/14/2008.  
4 MR. BEMIS: Objection.  
5 BY MR. MURDOCK:  
6 Q. I'm sorry. It looks like the first line  
7 that's got a box around Steven Farmer. It's hard to  
8 tell.  
9 MR. BEMIS: That copy looks bad. It's  
10 5/14.  
11 MR. MURDOCK: It's 5/14. All right.  
12 This is the best copy I've got, so --  
13 MR. SILVESTRI: What is the Bates  
14 stamp?  
15 MR. BEMIS: STAFF-0001.  
16 BY MR. MURDOCK:  
17 Q. It appears as though this document is some  
18 kind of billing document or accounting document  
19 regarding Steven Farmer's work at Centennial Hills  
20 Hospital, is that correct?  
21 A. My understanding is that these documents  
22 are from our accounting department, for tracking  
23 purposes.  
24 Q. Okay. And so it looks like on May 14, 2008  
25 Farmer did some time in the ER, and then some time on

<p style="text-align: right;">Page 9</p> <p>1 the sixth floor. Would that be correct?</p> <p>2 A. Yeah. It looks like he did spend time in</p> <p>3 two different units.</p> <p>4 Q. Okay. Do you know what each category is on</p> <p>5 this document?</p> <p>6 A. Yes.</p> <p>7 Q. Why don't we go across, and just stick with</p> <p>8 the first date. You say it's May 14, 2008?</p> <p>9 A. Right.</p> <p>10 Q. Okay. By the way, is the next date 6/15,</p> <p>11 or is there two for 6/14?</p> <p>12 A. There's two for 5/14.</p> <p>13 Q. Okay. So it's got the name "Steven</p> <p>14 Farmer."</p> <p>15 A. Correct.</p> <p>16 Q. So you've got the date, you've got the name</p> <p>17 "Steven Farmer." Then you've got something --</p> <p>18 A. Yeah, that's the position. So for "CN,"</p> <p>19 that means CNA.</p> <p>20 Q. Okay. Then there's a box that looks like</p> <p>21 it says "No?"</p> <p>22 A. That's "No." It's indicating whether the</p> <p>23 person is a traveler or an agency. So he was agency,</p> <p>24 so the answer is "No."</p> <p>25 Q. Okay. Then I don't know what it has. Is</p>	<p style="text-align: right;">Page 11</p> <p>1 already got the code for them?</p> <p>2 MR. BEMIS: On this document that was</p> <p>3 disclosed to you, that was written in by hospital</p> <p>4 staff provided to counsel to disclose, because the</p> <p>5 call centers are not self-explanatory.</p> <p>6 MR. MURDOCK: Oh, so we would know what</p> <p>7 it is.</p> <p>8 MR. BEMIS: Correct. So I was just</p> <p>9 trying to be nice to counsel.</p> <p>10 MR. MURDOCK: That was nice.</p> <p>11 MR. BEMIS: The call centers are not</p> <p>12 self-explanatory.</p> <p>13 MR. MURDOCK: I appreciate that. So</p> <p>14 that's good.</p> <p>15 BY MR. MURDOCK:</p> <p>16 Q. Then you go across and you've got something</p> <p>17 that says "21." Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. What is that for?</p> <p>20 A. That is the rate.</p> <p>21 Q. 21 bucks an hour?</p> <p>22 A. That's the payment rate.</p> <p>23 Q. So you were paying American Nursing</p> <p>24 Services \$21 an hour for Mr. Farmer's services, is</p> <p>25 that correct?</p>
<p style="text-align: right;">Page 10</p> <p>1 that a box with the hours that he worked?</p> <p>2 A. The number 2 that you see in the three</p> <p>3 boxes there -- that indicates the shift. If it's a 1</p> <p>4 it's an a.m. shift, if it's a 2 it's a p.m. shift.</p> <p>5 Q. Oh, okay. So these boxes would indicate</p> <p>6 that he was working on the p.m. shift on May 14,</p> <p>7 2008, correct?</p> <p>8 A. Yes.</p> <p>9 Q. By the way, what's the shift time?</p> <p>10 A. Typically it's 7:00 to 7:00.</p> <p>11 Q. So that would be 7:00 p.m. to 7:00 a.m.,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Then it's got I guess the location of where</p> <p>15 he was assigned to work, is that correct?</p> <p>16 A. Yeah. That four digit number is a call</p> <p>17 center, so it does designate which department he was</p> <p>18 assigned to or worked at.</p> <p>19 Q. And for the life of me I cannot read those</p> <p>20 numbers. Are they different?</p> <p>21 A. They are two different numbers, yes.</p> <p>22 Q. What's the difference?</p> <p>23 A. One is the ER, and one I believe is the</p> <p>24 sixth floor.</p> <p>25 Q. So why are they written in, if you've</p>	<p style="text-align: right;">Page 12</p> <p>1 A. That's correct.</p> <p>2 Q. The next box is what?</p> <p>3 A. The next box is "Hours worked."</p> <p>4 Q. And it appears as though -- is it two hours</p> <p>5 where he was working in the ER that day?</p> <p>6 A. Yes.</p> <p>7 Q. And then it looks like 9.5 hours where he's</p> <p>8 working on the sixth floor?</p> <p>9 A. That's correct.</p> <p>10 Q. And then there's an empty box. Do you see</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. What is supposed to be in the empty box, if</p> <p>14 anything?</p> <p>15 A. I think that was if they did weekends.</p> <p>16 Q. And it says "No?"</p> <p>17 A. Yeah. That "No" is for the weekends.</p> <p>18 Q. And then there's another empty box?</p> <p>19 A. That's if they had overtime.</p> <p>20 Q. So he didn't have overtime.</p> <p>21 Then I assume it's got the agency</p> <p>22 name, and it's American Nursing Services, so it's got</p> <p>23 "American," right?</p> <p>24 A. Correct.</p> <p>25 Q. And there's another empty box. Do you see</p>

Page 13

1 that?  
2 A. Yes.  
3 Q. And what's the empty box supposed to mean,  
4 if anything?  
5 A. It looks like it's an invoice number.  
6 Q. But there's nothing there?  
7 A. There's nothing there.  
8 Q. And then it looks like -- I don't know what  
9 that is. Some kind of numbers.  
10 Oh, that's the total amount  
11 billed, correct?  
12 A. Probably. I don't have that on mine.  
13 Q. Well, one is 42. So he worked two hours.  
14 21 times two is 42, right?  
15 A. Yes.  
16 Q. Okay. And so that number that's above the  
17 42 would be whatever 21 times 9.5 is. Would that be  
18 reasonable?  
19 A. Yes.  
20 Q. Is there another box there? It looks like  
21 it's cut off.  
22 A. I don't have one on my sheet showing that.  
23 Q. Well, do you see what I'm showing right  
24 here?  
25 A. Yeah.

Page 14

1 Q. Do you know what that is?  
2 A. No.  
3 Q. Okay. So on the evening shift on May 14,  
4 which would be May 14 and May 15, Mr. Farmer would  
5 have worked two hours in the ER, and then he would  
6 have been moved up to the sixth floor. Is that  
7 correct?  
8 A. Yes.  
9 Q. And he would have worked nine and a half  
10 hours, according to this document, on the sixth  
11 floor. Is that correct?  
12 A. Yes.  
13 Q. Back in 2008 did agency staff have the  
14 ability to enter things into the medical records, the  
15 computer chart?  
16 MR. BEMIS: I object.  
17 MR. SILVESTRI: Objection. Foundation.  
18 MR. MURDOCK: You're right. I'll fix  
19 that up. Let me just ask the question this way.  
20 BY MR. MURDOCK:  
21 Q. Do you know where on the sixth floor he  
22 worked on May 14, 2008?  
23 A. No.  
24 Q. Do you know if he was assigned to any  
25 specific rooms on May 14 -- the nightshift of May 14,

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1 2008?  
2 A. I do not.  
3 Q. Do you know what he was assigned to do on  
4 May 14, 2008?  
5 MR. BEMIS: Outside of being a CNA?  
6 MR. MURDOCK: Well, outside of  
7 anything. I don't know.  
8 BY MR. MURDOCK:  
9 Q. Do you know if he was assigned to do  
10 anything on May 14, 2008?  
11 MR. BEMIS: I object. That's outside  
12 the scope of his designation.  
13 THE WITNESS: I don't. I don't know  
14 what he was particularly assigned to do.  
15 BY MR. MURDOCK:  
16 Q. Do you know if he was particularly assigned  
17 to room 614?  
18 A. I don't know.  
19 Q. You don't know one way or the other?  
20 A. I don't.  
21 Q. Okay. Do you know if he worked room 614  
22 that night?  
23 MR. SILVESTRI: Objection. Lacks  
24 foundation.  
25 MR. BEMIS: I object to form. Go ahead

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1 and answer.  
2 THE WITNESS: I don't.  
3 BY MR. MURDOCK:  
4 Q. Do you know if he worked on the sixth floor  
5 that night?  
6 A. Based on the accounting record, yes.  
7 Q. Okay. So at the very least we know he was  
8 assigned to be on the sixth floor, and that's where  
9 he worked. Is that correct?  
10 A. Correct.  
11 Q. But outside of anything else more specific  
12 than that, you don't know?  
13 A. Correct.  
14 Q. Okay. Did Mr. Farmer ever work as a sitter  
15 at Centennial Hills Hospital?  
16 A. Let's see.  
17 Q. And what document are you looking at to  
18 find that out?  
19 A. CHH-00318, 19 and 20.  
20 Q. I'm sorry, what numbers?  
21 A. 318, 319 and 320.  
22 MR. BEMIS: The registry document, is  
23 that right?  
24 THE WITNESS: Yeah.  
25 So to answer your question, he was

<p style="text-align: right;">Page 17</p> <p>1 assigned to be a sitter -- let's see. What day is 2 that? On the 25th. 3 BY MR. MURDOCK: 4 Q. Of what? 5 A. It's April. That's the only day I see on 6 the VHS registry pages. 7 Q. Okay. Does this VHS registry go back to 8 February 18, 2008? 9 A. This is coming off of a daily scheduling 10 system called One Staff. We don't have that system 11 in place anymore. We migrated to a different 12 scheduling system since that time. 13 Q. Okay. I'm trying to find out, beginning 14 February 18, 2008 through May 16, 2008, when 15 Mr. Farmer was a sitter. And based on the documents 16 that you're looking at, they only go back to 17 4/13/2008. 18 A. These are the only pages we were able to 19 pull from the files. 20 Q. So it's safe to say you can't tell me when 21 he was a sitter, is that correct? 22 A. The only one I can tell you is that one day 23 I mentioned before, based upon the designation codes 24 here. 25 Q. That was April 25?</p>	<p style="text-align: right;">Page 19</p> <p>1 would be the 20th and 21st. 2 THE WITNESS: 22nd and 24th and 27th 3 would be the sixth. 4 MR. BEMIS: Those are February. 5 MR. MURDOCK: Okay. What about March? 6 THE WITNESS: March 1st is the sixth, 7 March 2nd is sixth, March 5th is seventh, March 6th 8 is sixth, March 11th, 12th and 15th are sixth. 9 BY MR. MURDOCK: 10 Q. What about April? 11 A. March 21st is sixth, March 25th is sixth, 12 and March 29th is seventh. March 30th is seventh. 13 April 3rd is sixth, April 4th is 14 sixth, April 5th is sixth, April 6th is sixth. I'm 15 not sure what that code is. And April 10th is sixth. 16 Q. Anything else? 17 A. Yes. Continuing on with April, April 25th 18 is sixth, April 22nd is sixth. 19 And then May 14th was that split 20 shift that you displayed earlier. So part of it in 21 the ER, part of it on the sixth floor. 22 I believe that's it. 23 Q. Are there any other split shifts that are 24 denoted on these records? Specifically you're 25 looking at CHH-372, et cetera.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Yes. 2 Q. Outside of looking at this VHS registry, 3 have you looked at any other documents to find out 4 when he worked as a sitter? 5 A. This would have been the primary source to 6 find that out. The only other document I've had was 7 the accounting component, which doesn't specify that. 8 Q. Well, yeah. But at least you would know if 9 he worked in the ER, he was probably not a sitter. 10 Would that be correct? 11 A. That would be correct. 12 Q. So looking back on whatever registry you 13 want to look at that you've got in front of you, can 14 you tell me, based on that, when he was assigned to 15 any other floors? 16 A. He was assigned to the sixth floor on 17 February 18th and 19th. 18 MR. SILVESTRI: Tell us what you're 19 reading from. 20 THE WITNESS: I'm sorry. It's 21 CHH-000372. 22 MR. MURDOCK: Why don't you just tell 23 me. I don't want to keep going back and forth. 24 MR. BEMIS: The 18th and 19th are the 25 seventh floor. 207 is seventh. 810 is the ER, which</p>	<p style="text-align: right;">Page 20</p> <p>1 A. There's one split shift on 369 between the 2 sixth floor and the ER. And that's it. 3 Q. What date was that, the one on 369? 4 A. That was the 3rd of April. 5 Q. How long did he work on the sixth floor 6 that day, on April 3, 2008? 7 A. Three hours. 8 Q. How long did he work in the ER that day? 9 A. Nine. 10 Q. From the documents you have in front of 11 you, are you able to tell which was first, the ER or 12 the sixth floor that day? 13 A. I'm not sure which one would be first. 14 Q. Are you able to tell me, aside from the 15 places that he was assigned, the sixth floor or the 16 ER or the seventh floor, exactly what his tasks 17 assigned were on those dates? 18 MR. BEMIS: I object to form. Outside 19 of the scope of this witness' designation. 20 MR. MURDOCK: Let me restate that. 21 BY MR. MURDOCK: 22 Q. Are you able to tell me specifically what 23 rooms he worked at on those dates? 24 A. No, I wouldn't be able to tell you that. 25 Q. Okay. Let's move on to the "Investigation</p>



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1 of Farmer by Centennial Hills before and during work  
2 at Centennial Hills." We sort of started to get into  
3 that in the last deposition, so let me kind of  
4 backtrack a little bit.  
5 Farmer came on, and certain  
6 documents are required before an agency staff is  
7 allowed to work in the hospital. Is that correct?  
8 A. That is correct.  
9 Q. And those documents, for example, are the  
10 assigned job description. That's one of those  
11 documents that's required, right?  
12 A. Yes.  
13 Q. A skills competency checklist. That's  
14 required, right?  
15 A. Correct.  
16 Q. All the various certifications. That's  
17 required. You've got to have those before you're  
18 allowed to work at the hospital, right?  
19 A. Yes.  
20 Q. An application is required, right?  
21 A. Yes.  
22 Q. References are required, right?  
23 A. Yes.  
24 Q. And the references that are required -- at  
25 least one needs to be from the last job worked at,

Page 22

1 right?  
2 A. Typically.  
3 Q. Well, yeah. If you didn't work at all, I  
4 assume you don't have a reference, right?  
5 A. Right.  
6 Q. But if you worked, it would be from the  
7 last job you worked at, right?  
8 A. Right.  
9 Q. Okay. And it was required that Centennial  
10 Hills Hospital have those references, including the  
11 last job worked, before he was allowed to work at the  
12 hospital, right?  
13 A. Yes.  
14 Q. Do you know who Crystal Johnson is?  
15 A. No.  
16 Q. Have you ever read her deposition in this  
17 case?  
18 A. No.  
19 Q. I'm sorry?  
20 A. No.  
21 Q. Crystal Johnson testified that she was the  
22 staffing person for Mr. Farmer's file, and Crystal  
23 Johnson testified that she never got the references.  
24 Are you aware of that?  
25 A. After reviewing the documentation, I can

Page 23

1 definitely see that the references are not in the  
2 file.  
3 Q. Okay.  
4 A. I mean it is circled on here, "Need,"  
5 although it's signed off. Usually the sign off is to  
6 indicate it's completed, but it does say "Need" on  
7 here. But after a review of the file, we were not  
8 able to find the references.  
9 Q. So would you agree with me that if there  
10 were no references in the file, if the references  
11 were not provided to you by ANS or by Mr. Farmer, he  
12 should not have been working at the hospital? Is  
13 that correct?  
14 A. There are requirements certainly, but  
15 references don't typically detail out a person's  
16 ability to do the job.  
17 Q. That's not what I asked you.  
18 There's certain requirements to  
19 work at Centennial Hills Hospital, right?  
20 A. Correct.  
21 Q. You have them, right?  
22 A. Yes.  
23 Q. Nurses have them, correct?  
24 A. Yes.  
25 Q. Janitors have them, right?

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1 A. Yes.  
2 Q. And one of those things is these  
3 references, right?  
4 A. Yes.  
5 Q. Without them that individual is not allowed  
6 to work in the hospital, correct?  
7 A. Correct.  
8 Q. Okay. So why was Mr. Farmer working at  
9 Centennial Hills Hospital on May 14, 2008?  
10 A. I don't know. I mean honestly going back  
11 and looking at the application, it certainly shows  
12 the references were not completed; but again, I don't  
13 have an answer for that.  
14 Q. Okay. One of the ways people who work at  
15 Centennial Hills Hospital are investigated by the  
16 hospital is by looking at those references, right?  
17 A. Yes.  
18 Q. So if Centennial Hills Hospital did not  
19 have those references that were required of  
20 Mr. Farmer, wouldn't you agree with me that  
21 Centennial Hills Hospital did not properly  
22 investigate Mr. Farmer before allowing him to work at  
23 the hospital?  
24 MR. BEMIS: I object to form. Calls  
25 for a legal conclusion. Incomplete hypothetical.

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1 BY MR. MURDOCK:  
2 Q. You can answer the question.  
3 A. In a complete check the references should  
4 have been in place.  
5 Q. Let's just answer my question. We know  
6 they should have been there, okay?  
7 My question was very specific  
8 though, because my question was talking about the  
9 references are part of your investigation of  
10 Mr. Farmer before allowing him to be at the hospital,  
11 right?  
12 A. Correct.  
13 Q. But if the hospital didn't require those  
14 references, didn't have those references of  
15 Mr. Farmer, but still allowed him to work at the  
16 hospital, wouldn't you agree with me that the  
17 hospital did not properly investigate Mr. Farmer  
18 before allowing him to work at the hospital?  
19 MR. BEMIS: Same objections.  
20 BY MR. MURDOCK:  
21 Q. You can go ahead.  
22 A. We didn't get the references, so it's not a  
23 complete file.  
24 Q. That's not what I asked you.  
25 MR. MURDOCK: Would you please repeat

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1 the question, Carol?  
2 (The following question was read:)  
3 "But if the hospital didn't require those  
4 references, didn't have those references of  
5 Mr. Farmer, but still allowed him to work at the  
6 hospital, wouldn't you agree with me that the  
7 hospital did not properly investigate Mr. Farmer  
8 before allowing him to work at the hospital?"  
9 MR. BEMIS: Same objection.  
10 THE WITNESS: Yes.  
11 BY MR. MURDOCK:  
12 Q. Thank you.  
13 The next subject is the VHS  
14 registry of Steven Farmer. We already talked about  
15 that, right?  
16 MR. BEMIS: We did.  
17 BY MR. MURDOCK:  
18 Q. The VHS, just so I'm aware, that's CHH0-318  
19 through -- it looks like 321. That's those documents  
20 you said from One Staff?  
21 A. Yes.  
22 Q. And these are the only ones you could pull  
23 off, right?  
24 A. Correct.  
25 Q. Because you don't use it anymore?

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1 A. Correct.  
2 Q. Did you go back and check again, in  
3 preparation for this deposition, whether or not you  
4 could actually pull off more?  
5 A. Yes. I know our staffing coordinator tried  
6 to pull it up, but it's no longer on the server  
7 anymore, so --  
8 Q. Okay. Let's go on to the next one then.  
9 Kronos Log. What is Kronos?  
10 A. It's our timekeeping system.  
11 Q. Is there a Kronos Log for Mr. Farmer?  
12 A. That I don't know. The only files I have  
13 are the registry and the accounting component.  
14 Q. Did you do anything to find out if there  
15 was a Kronos Log?  
16 A. I was looking into it, but I never got a  
17 complete answer on that.  
18 MR. BEMIS: Can we take a break for a  
19 second?  
20 MR. MURDOCK: Yeah, why don't you take  
21 a break.  
22 (Recess.)  
23 BY MR. MURDOCK:  
24 Q. We already talked about the agency payroll  
25 spreadsheet, is that correct?

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1 A. That's correct.  
2 Q. That's 366 to 372?  
3 A. Yes.  
4 Q. Okay. Does that have on there where  
5 Mr. Farmer was working?  
6 A. By department.  
7 Q. And that's what we talked about before.  
8 That's how we figured out that on May 14, 2008, from  
9 the 7:00 p.m. to 7:00 a.m. shift he was working two  
10 hours in the ER, and then nine and a half hours on  
11 the sixth floor. Is that correct?  
12 A. That's correct.  
13 Q. Okay. Let's move on to paragraph 23 of the  
14 Notice. It's the 2012 deficiencies. I'm not going  
15 to get into all the deficiencies. That wasn't the  
16 point of that.  
17 Nevertheless, there were  
18 deficiencies found by the state, is that correct?  
19 A. That's correct.  
20 Q. And one of those deficiencies that was  
21 found is that there was no policy in place at  
22 Centennial Hills Hospital regarding staff-on-patient  
23 abuse, is that correct?  
24 A. There was modifications that needed to be  
25 made to the policy. The specific incident that

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1 started the state investigation was an account of  
2 verbal abuse. So as a result of the investigation  
3 they made changes to accommodate an additional abuse  
4 policy and modifications to our grievance policy.  
5 Q. Okay. But was there a specific policy back  
6 in 2008 on staff/patient abuse? In other words, what  
7 to do if you witnessed it, who to notify, things like  
8 that?  
9 MR. BEMIS: I object that it's outside  
10 his designation. But go ahead and answer.  
11 MR. MURDOCK: Well, it goes along with  
12 this. That's all.  
13 THE WITNESS: I'm not sure.  
14 BY MR. MURDOCK:  
15 Q. And the reason I ask -- and I'm not trying  
16 to be a smart guy -- the deficiencies state that  
17 there was no policy regarding staff-on-patient abuse.  
18 I recognize that that's from a verbal abuse issue.  
19 But nevertheless, my understanding  
20 is that the state interviewed -- I don't know, a  
21 bunch of employees -- they went through it, and the  
22 problem was nobody really knew what to do. I guess  
23 some people did, some people didn't, and that's why  
24 the state wanted an actual -- kind of like a  
25 notification tree as to what to do. Is that correct?

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1 A. That's correct.  
2 Q. So would I be safe to say that back in 2008  
3 there was no policy on staff/patient abuse in terms  
4 of those things, in terms of notifications, things  
5 like that?  
6 A. In terms of the policy we added, obviously  
7 that wouldn't have been in place at that time, in  
8 2008.  
9 Q. There is a policy now though, right?  
10 A. Correct.  
11 Q. So now if I'm a staff member and I see some  
12 sort of staff-on-patient abuse, I can go look at the  
13 policies and procedures and they tell me exactly who  
14 to notify, what to do, and things like that. Right?  
15 A. That's correct.  
16 Q. Okay. But back in 2008 there was no such  
17 policy, correct?  
18 A. It wasn't specified, yes.  
19 Q. For example, if a nurse became concerned  
20 that a person working at Centennial Hills Hospital  
21 was very overly attentive of female patients, and  
22 very anxious to connect them to the monitors and  
23 disconnect them from the monitors, which would  
24 require reaching into their clothing, there was no  
25 policy in place at Centennial Hills Hospital that

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1 would direct that person as to who to inform and what  
2 to do about it. Is that correct?  
3 MR. BEMIS: I object to form.  
4 Incomplete hypothetical. Go ahead and answer.  
5 THE WITNESS: Policy detail -- we do  
6 have a policy regarding chain of command, whenever  
7 there are issues or concerns, regardless of what it  
8 happens to be. And those are certainly in place.  
9 BY MR. MURDOCK:  
10 Q. Absolutely. But I'm just talking  
11 specifically about this sort of thing, which is  
12 staff-on-patient abuse. Right?  
13 MR. BEMIS: I object to form.  
14 BY MR. MURDOCK:  
15 Q. I mean you'd agree that's what I basically  
16 just read, right?  
17 MR. BEMIS: I object to form.  
18 THE WITNESS: (Witness nods.)  
19 BY MR. MURDOCK:  
20 Q. You have to answer verbally.  
21 A. Yes.  
22 Q. So what I'm getting at is, back in 2008 if  
23 this nurse found out that another nurse was concerned  
24 because someone working at Centennial Hills Hospital  
25 was very overly attentive with female patients, and

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1 very anxious to connect them to the monitors and  
2 disconnect them from the monitors, which required  
3 them to reach into their clothing, there was no  
4 policy specifically set forth and notification tree  
5 as to what that nurse was supposed to do about it in  
6 terms of policies and procedures, specifically  
7 relating to staff-on-patient abuse at Centennial  
8 Hills Hospital in 2008. Is that correct?  
9 MR. BEMIS: I object to form.  
10 THE WITNESS: That policy did not exist  
11 at that time, yes.  
12 BY MR. MURDOCK:  
13 Q. So I'm correct, right?  
14 A. Yes.  
15 Q. Thank you.  
16 If a nurse observed a male sitter  
17 in a female patient's room with the lights out and  
18 the door closed, and that same nurse hears yelling  
19 coming from that room -- yelling such as, "I don't  
20 want you by me, get out of here" -- there was no  
21 policy in place at Centennial Hills Hospital back in  
22 2008 to tell that nurse specifically what to do about  
23 that situation. Is that correct?  
24 MR. BEMIS: Form. Foundation.  
25 Incomplete hypothetical.

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1 MS. HALL: Join. Incomplete  
2 hypothetical.  
3 THE WITNESS: I'm sorry, repeat the  
4 question?  
5 MR. MURDOCK: Are you kidding me?  
6 MS. HALL: Do you want it read back?  
7 MR. MURDOCK: No.  
8 BY MR. MURDOCK:  
9 Q. I want you to listen to the following  
10 hypothetical.  
11 The nurse on the floor, sixth or  
12 seventh floor probably -- let's just say sixth or  
13 seventh floor back in 2008. There's a sitter in one  
14 of the patient rooms, okay? It's a male sitter with  
15 a female patient.  
16 The nurse observes that the lights  
17 are out in the room, the door is closed, and then  
18 coming from that room she hears yelling, "I don't  
19 want you by me. Get out of here."  
20 Was there a policy in place at  
21 Centennial Hills Hospital back in 2008 that would  
22 direct her as to what to do about that situation?  
23 MR. BEMIS: Form. Foundation.  
24 Incomplete hypothetical. Outside the scope of his  
25 designation.

Page 34

1 MS. HALL: Join.  
2 MR. BEMIS: Please answer.  
3 THE WITNESS: To me that would be  
4 dictated by chain of command policies.  
5 BY MR. MURDOCK:  
6 Q. Okay.  
7 A. You don't need to have a specific abuse  
8 policy to know when there's inappropriate conditions  
9 occurring.  
10 Q. But the state came in in 2012 and mandated  
11 you to have a policy, despite the fact you've got  
12 these chain of command policies. So the State of  
13 Nevada seemed to think you ought to have one, right?  
14 A. Agreed.  
15 Q. And you changed the policies in order to  
16 have one, right?  
17 A. Yes.  
18 Q. So going backwards, back to 2008 when you  
19 didn't have one, there was no policy for this nurse  
20 that we just talked about, to go look at and tell her  
21 what to do about this sort of staff-on-patient abuse,  
22 or possible staff-on-patient abuse. Is that correct?  
23 MR. BEMIS: Asked and answered.  
24 THE WITNESS: No specific abuse policy.  
25 BY MR. MURDOCK:

Page 35

1 Q. Okay. Let me see if you can answer my  
2 question now.  
3 MR. BEMIS: I think he's answered the  
4 question. It's just not the answer you want.  
5 MR. MURDOCK: Well, no, I mean it's a  
6 fine answer. He's right. There is no policy on  
7 abuse. We agree with that, okay?  
8 BY MR. MURDOCK:  
9 Q. But I asked you a pretty direct question.  
10 There was no policy in place for  
11 this nurse to look to, to tell her exactly what to  
12 do, correct?  
13 MR. BEMIS: Other than the chain of  
14 command policy.  
15 MR. MURDOCK: Other than what he's  
16 already talked about, the chain of command policy,  
17 which we've already talked about.  
18 BY MR. MURDOCK:  
19 Q. Other than that, was there any other policy  
20 specifically about staff-on-patient abuse? "Yes" or  
21 "no."  
22 MR. BEMIS: Objection. It's  
23 outside the scope of his designation. Go ahead and  
24 answer.  
25 THE WITNESS: No.

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1 BY MR. MURDOCK:  
2 Q. No. Okay.  
3 We sort of talked about the next  
4 one in your personal deposition, and so I think we'll  
5 probably be pretty quick here in the 30(b)6  
6 deposition, about investigation by Centennial Hills  
7 Hospital Medical Center of other patients who may  
8 have been sexually assaulted by Steven Farmer.  
9 Is it safe to say that there has  
10 been absolutely no investigation by Centennial Hills  
11 Medical Center of any other patients who may have  
12 been sexually assaulted by Mr. Farmer? I'm not  
13 talking about lawyers. I'm talking about by the  
14 hospital itself.  
15 A. Legal counsel was initially consulted on  
16 the initial case, and they proceeded with the  
17 investigation.  
18 Q. Has there ever been an investigation by the  
19 hospital -- not legal counsel for the hospital, but  
20 by the hospital, of the allegations of Marsha  
21 Petersen?  
22 A. The investigation, like I said, was led by  
23 legal counsel. So no.  
24 MR. MURDOCK: I don't think I have  
25 anything further at this time.

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1 MR. BEMIS: Can I clean up one thing  
2 about the Kronos question that you asked previously?  
3 MR. MURDOCK: Oh, yeah.  
4 MR. BEMIS: Just ask him whether Kronos  
5 applies to Centennial Hills staff or --  
6 MR. MURDOCK: I'll ask him. Let me  
7 just go back for a second.  
8 BY MR. MURDOCK:  
9 Q. First of all, let's go backwards in time  
10 for a second. What is Kronos?  
11 A. Kronos is our payroll management system.  
12 MR. SILVESTRI: It's what?  
13 THE WITNESS: It's our payroll  
14 management system. So it's basically how our staff  
15 badge in and badge out.  
16 BY MR. MURDOCK:  
17 Q. Okay. That's what I thought it was, and  
18 you just changed it on me with that payroll thing.  
19 A. It encompasses that component, so --  
20 Q. Okay. Did Kronos apply to agency staff  
21 members?  
22 A. It did not. It was only for in-house  
23 employees.  
24 Q. So in other words, these agency staff  
25 personnel didn't get a badge from Kronos, right?

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1 A. That's correct.  
2 Q. Was Kronos even in use in 2008?  
3 A. Yes.  
4 Q. Where did Mr. Farmer get his badge, if he  
5 didn't get it through Kronos?  
6 A. He wouldn't get a badge with Kronos access.  
7 He would get a hospital badge without that component  
8 on it.  
9 Q. And if you didn't have Kronos access, would  
10 you be able to access anywhere in the hospital, or  
11 were you limited in certain circumstances?  
12 A. Depending upon where the employee worked,  
13 from a skill level and otherwise, they would be  
14 granted access.  
15 Q. So for example, Mr. Farmer was a CNA.  
16 Where did his badge allow him to go?  
17 A. Well, based upon the detail, it was  
18 obviously the ER, sixth floor, seventh floor areas.  
19 Q. Let me ask you this, because maybe I can  
20 now understand this.  
21 That badge that Mr. Farmer had --  
22 does that open the door to certain areas? For  
23 example, the ER. Does it open the ER, to get back  
24 there?  
25 A. Today it would. I honestly don't remember

Page 39

1 back in 2008 if the doors were card accessed.  
2 Q. So when you say it allowed him to go back  
3 there, maybe you can explain that to me. Because I'm  
4 a little confused.  
5 A. Today as people get hospital badges, based  
6 upon the area they work, they get granted access.  
7 Q. Right.  
8 A. Today the various areas of the hospital  
9 have badge access to them. So the card would be  
10 built in with that access, based upon where the  
11 individual practiced or worked.  
12 So if they were in the ER, they  
13 would have access to the ER, because those doors are  
14 badge accessed.  
15 Q. How did those doors work back in 2008  
16 though?  
17 A. That's what I don't know -- if those doors  
18 were badge accessed at that time. I would have to go  
19 back and check.  
20 Q. In other words, was Farmer allowed anywhere  
21 in the hospital with his badge?  
22 A. Like I said, I don't know. I don't know  
23 all the areas that were under control at that time,  
24 in terms of access control. So I couldn't clearly  
25 give you an answer on that.

Page 40

1 Q. Okay.  
2 MR. MURDOCK: Jim?  
3 MR. SILVESTRI: I do have some  
4 questions.  
5  
6 EXAMINATION  
7 BY MR. SILVESTRI:  
8 Q. It's my understanding that you're  
9 identified as what we call the Rule 30(b)6 witness  
10 for Centennial Hills Hospital for category number 11,  
11 which is the use of Steven Farmer as a sitter.  
12 MR. BEMIS: No, he's not.  
13 MR. MURDOCK: He's not, no.  
14 MR. SILVESTRI: Who is? That's coming  
15 up?  
16 MR. BEMIS: Yeah. Not today.  
17 MR. MURDOCK: Jim, let me tell you,  
18 just so you know, the square ones are his. I should  
19 have given you a copy of that.  
20 MR. SILVESTRI: Okay.  
21 BY MR. SILVESTRI:  
22 Q. So just so I'm clear, you are not the  
23 witness for number 26, which is, "All tasks assigned  
24 to Steven Farmer by Centennial Hills from May 14,  
25 2008 to May 16, 2008?"

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1 MR. SILVESTRI: Is that a correct  
2 statement? He is not that person?  
3 MR. BEMIS: Yes.  
4 BY MR. SILVESTRI:  
5 Q. Just so I understand Kronos, did Kronos  
6 allow nurses to input their findings regarding an  
7 individual patient?  
8 A. Kronos?  
9 Q. Yeah.  
10 A. No. Kronos is just payroll.  
11 Q. It's solely personnel issues, not  
12 patient-related?  
13 A. Yeah. It's not for inputting data. It's  
14 really collecting the hours worked.  
15 MR. SILVESTRI: I don't have any other  
16 questions. Thank you.  
17 MR. MURDOCK: That's it.  
18  
19 (The deposition concluded at 4:03 p.m.)

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1 REPORTER'S CERTIFICATE  
2 STATE OF NEVADA )  
3 ) ss.  
4 COUNTY OF CLARK )  
5 I, Carol O'Malley, Nevada Certified Court  
6 Reporter 178, do hereby certify:  
7 That I reported the taking of the deposition  
8 of SAJIT PULLARKAT on August 7, 2015 commencing at  
9 the hour of 3:00 p.m.;  
10 That prior to being examined, the witness was by  
11 me duly sworn to testify to the truth, the whole  
12 truth, and nothing but the truth;  
13 That I thereafter transcribed my said  
14 shorthand notes into typewriting and that the  
15 typewritten transcription of said deposition is a  
16 complete, true, and accurate transcription of my said  
17 shorthand notes taken down at said time. Review of  
18 the transcript was requested.  
19 I further certify that I am not a relative or  
20 employee of an attorney or counsel involved in said  
21 action, nor financially interested in said action.  
22 IN WITNESS WHEREOF, I have hereunto set my hand  
23 in my office in the County of Clark, State of Nevada,  
24 this 8th day of August, 2015.  
25 *Carol O'Malley*  
Carol O'Malley, CCR No. 178

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1 DEPOSITION ERRATA SHEET  
2  
3 File No. J0160273  
4 Case Caption: Doe vs. Valley Health System, et al.  
5  
6  
7  
8 DECLARATION UNDER PENALTY OF PERJURY  
9  
10 I declare under penalty of perjury that I have  
11 read the entire transcript of my deposition taken in  
12 the captioned matter or the same has been read to me,  
13 and the same is true and accurate, save and except  
14 for changes and/or corrections, if any, as indicated  
15 by me on the DEPOSITION ERRATA SHEET hereof, with the  
16 understanding that I offer these changes as if still  
17 under oath.  
18  
19 Signed this            day of            , 20    .  
20  
21  
22  
23 SAJIT PULLARKAT  
24  
25

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1	DEPOSITION ERRATA SHEET		
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	SAJIT PULLARKAT		
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23

24 SIGNATURE:

DATE:

SAJIT PULLARKAT

25

TAB 73



1 DISTRICT COURT  
2 CLARK COUNTY, NEVADA

3 JANE DOE,

4 Plaintiff,

5 vs.

CASE NO. 09-A-595780

6 VALLEY HEALTH SYSTEM LLC,  
a Nevada limited  
7 liability company, d/b/a  
CENTENNIAL HILLS HOSPITAL  
8 MEDICAL CENTER; UNIVERSAL  
HEALTH SERVICES, INC., a  
9 Delaware corporation;  
AMERICAN NURSING  
10 SERVICES, INC., a  
Louisiana corporation;  
11 STEVEN DALE FARMER, an  
individual; DOES I  
12 through X, inclusive; and  
ROE CORPORATIONS I  
13 through X, inclusive,

14 Defendants.

~~~~~

15

16

17 DEPOSITION OF JANET CALLIHAM

18

19 Tuesday, August 18, 2015

20 1:30 p.m.

21



22 521 S. Third Street  
23 Las Vegas, Nevada  
24  
25 Carol O'Malley, CCR 178, RMR

2

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11  
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22 Management Worksheet 23

23

24

25

26

5

1 Deposition of Janet Calliham

2 August 18, 2015

3 (Prior to the commencement of the deposition,

4 all of the parties present agreed to waive

5 statements by the court reporter, pursuant to

Page 5

6 Rule 30(b)(4) of NRCp.)

7

8 JANET CALLIHAM,

9 having been first duly sworn, testified as follows:

10

11 EXAMINATION

12 BY MR. MURDOCK:

13 Q. Would you state your name for the record?

14 A. Janet Calliham.

15 Q. Janet, how do you spell your last name?

16 A. C-a-l-l-i-h-a-m.

17 Q. So you're Janet Calliham?

18 A. (Witness nods.)

19 Q. Is that a yes?

20 A. Yes.

21 Q. Have you ever had your deposition taken  
22 before?

23 A. In my career, you mean?

24 Q. Yes.

25 A. Yes.

6

1 Q. How many times?

2 A. A couple.

3 Q. When was the last time you had your  
4 deposition taken?

5 A. I don't remember.

6 Q. You know you have a duty to tell the truth?

7 A. Yes.

8 Q. You know the law of perjury applies here as  
9 it does in a court of law?

10 A. Yes, it does.

11 Q. My understanding is that you are retired?

12 A. Yes.

13 Q. When did you retire?

14 A. This time I retired in April.

15 Q. That tells me you retired before, and then  
16 you unretired?

17 A. Yes.

18 Q. So you retired in April of 2015?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 Q. And before then where did you work, right  
23 before then?

24 A. Right before then I retired from a hospital  
25 called Progressive Hospital.

1 Q. Where is that?

2 A. It was on Flamingo and McLeod.

3 Q. What kind of place is that?

4 A. It's a long-term acute care. It's been

5 sold and does not exist anymore.

6 Q. Okay.

7 A. It was sold at the end of April.

8 Q. Who owned it?

9 A. It was a stand-alone facility. It was not

10 a corporate entity.

11 Q. Okay. And before you worked there where

12 did you work?

13 A. I worked for Kindred Healthcare.

14 Q. Where at?

15 A. Part of it was at the Vegas facilities. I

16 was the area director for quality over the three

17 Vegas hospitals.

18 Then I went back to work for the

19 region office and did a little traveling around to

20 the hospitals in Southern California.

21 Q. Kindred?



22 A. Yes.

23 Q. How long were you at Kindred?

24 A. This time it was probably about three

25 years.

8

1 Q. Which tells me you worked there before?

2 A. Yes.

3 Q. I want to stay with this for a little bit.

4 So you worked there for three

5 years. Where did you work before Kindred?

6 A. Actually that was my first retirement.

7 Q. And that would have been around 2012 or so,

8 2011?

9 A. Yes. I was retired for about seven or  
10 eight months of '12.

11 Q. Where did you work prior to retiring in  
12 2012, the immediate job?

13 A. Prior to?

14 Q. Yeah.

15 A. I was working at Kindred.

16 Q. Oh, okay. So you were working at Kindred,  
17 then you retired, and then you went back to Kindred?

18           A.   No.  I worked at Kindred, retired, worked  
19   at Progressive, re-retired.

20           Q.   Right.  What I'm saying is, before you  
21   retired in 2012, where did you work before then?

22           A.   I was working at Kindred from 2008 to 2012.  
23   Actually it would be 2011 technically.  It would be  
24   December of '11.

25           Q.   And my understanding is that you worked

9

1   there, and I think sometime in the summer of 2008 you  
2   moved to Kindred?

3           A.   It was fall, I think.  Early fall maybe of  
4   '08 that I went back to Kindred.

5                   MR. VOGEL:  Rob, can we go off the  
6   record?

7                   (Discussion off the record.)

8           (Ms. Hall joined the deposition telephonically.)

9   BY MR. MURDOCK:

10          Q.   So sometime in the late summer or early  
11   fall of 2008 you went to work for Kindred, correct?

12          A.   Yes.

13          Q.   And prior to working for Kindred in 2008

14 you worked at Centennial Hills, is that correct?

15 A. Yes.

16 Q. What did you do at Centennial Hills?

17 A. I was the administrative director for  
18 quality outcomes.

19 Q. When did you start that job?

20 A. Summer of '07. I think June.

21 Q. And between let's say June of '07, if  
22 that's when you started, sometime in the summer of  
23 '07, and January 20, 2008, what were you doing?  
24 Because the hospital wasn't opened yet.

25 A. Helping to get my areas of responsibility

10

1 ready to open.

2 Q. What were your areas of responsibility?

3 A. Quality, risk, infection control, medical  
4 staff office.

5 Q. What is "quality?"

6 A. It's looking at the processes and outcomes  
7 of care provided to patients.

8 Q. How do you do that?

9 A. Well, there's a lot off ways in which you

10 look at that, from setting up a plan, or how it's to  
11 be done; what are the roles and the responsibilities  
12 of each department director, how they will report  
13 their data. You teach them how to evaluate it, how  
14 to take actions.

15 Q. Is it safe to say that when you're looking  
16 at quality, that would be an after the fact issue, as  
17 opposed to before the fact? In other words, you're  
18 reviewing data?

19 A. Yes. Yes.

20 Q. In terms of "risk," tell me what that's all  
21 about.

22 A. It's very similar. You set up the  
23 processes, what the managers are responsible to do,  
24 and how do they report a concern if it arises.

25 Q. But aren't you also looking out for things

11

1 that could occur?

2 A. That's what your policy is each department  
3 manager is supposed to set up for their area.

4 Q. And how do they set that up? Is that in  
5 terms of a policy or procedure?

6 A. (Witness nods.)

7 Q. Is that a yes?

8 A. Yes.

9 Q. But for instance, I've heard "risk"  
10 described -- not in the hospital context, but like in  
11 the hotel context, where risk management would walk  
12 around the hotel looking for things that might hurt  
13 someone. For instance, a carpet that's not level, or  
14 something like that.

15 Is that something that would be  
16 part of your job as risk, something similar?

17 A. There could be components of that, where I  
18 would walk around and look.

19 But each manager has to  
20 determine -- for instance, your carpet example you  
21 gave me. That would be the director of plan ops.  
22 That would be part of his job, looking at plan  
23 operations, things that would be a potential risk to  
24 patients or staff.

25 Q. And I guess one of the procedures -- well,

12

1 do you work with the head of the departments to

2 create these policies and procedures?

3 A. The departments set their own policies and  
4 procedures up. If there is a component that relates  
5 to Joint Commission accreditation standards or the  
6 CMS conditions of participation, they may ask me to  
7 take a look at it or provide them a copy of the most  
8 current of those, so that they can ensure their  
9 policy is in full compliance with those.

10 Q. Infection control. I know what that is.

11 What is the medical staff office?

12 I don't understand that.

13 A. That has to do with the credentialing and  
14 privileging of physicians, nurse practitioners, and  
15 physician assistants.

16 Q. So that's what you did basically from the  
17 summer of 2007 until the hospital opened in January  
18 of '08, correct?

19 A. Yes.

20 Q. You were setting up all these processes and  
21 procedures and policies, things like that?

22 A. If it pertained to my area, yes.

23 Q. Right. And then when the hospital opened,  
24 what did you do then?

25 A. We started putting those processes in

1 place, setting up our meetings, having the people  
2 start monitoring and turning in the reports of their  
3 data.

4 My biggest role in that first few  
5 weeks was to work with the state when they came in  
6 and see that they had the policies, procedures;  
7 medical records, if they wanted to look at them.

8 Whatever the state wanted to look  
9 at. It was to see that whoever had the document they  
10 wanted, they brought it in and reviewed it with the  
11 state. I coordinated that process with them.

12 Q. Okay. When incidents would occur at the  
13 hospital -- for example, let's say a slip and fall --  
14 somebody slips and falls on some water somewhere in  
15 the hospital. Would you be involved in that?

16 A. If it was a patient.

17 Q. Okay.

18 A. Not an employee.

19 Q. Okay. Because worker's comp would not be  
20 part of your area, right?

21 A. Right.

22 Q. What if it was a visitor?

23 A. Yes.

24 Q. That would be part of your area?

25 A. Yes.

14

1 Q. What would that fall under? "Risk?"

2 A. Yes.

3 Q. Let me just stick with the slip and fall  
4 type thing. It's easier for a few minutes.

5 Assuming there was some kind of  
6 slip and fall or whatever, how would you go about  
7 investigating that?

8 A. The manager of the area where the patient  
9 fell -- there is a form they would complete.

10 They would investigate it,  
11 complete the documentation, review it with me, let me  
12 know if they needed to do something different. If it  
13 had been preventable, what could they do to prevent  
14 it, and then they would provide the document to me.

15 Q. What's the document?

16 A. It would be a -- every hospital has some  
17 kind of form or something.



18 Q. What was the form back at Centennial Hills?

19 A. I don't remember which form they had.

20 Q. Did they have a form, or did they have a

21 system called Midas? Do you remember that?

22 A. Yeah, they had a Midas system. I don't

23 remember what all went into it.

24 Q. Okay. And would you keep your own file

25 about that? For example, the slip and fall would

15

1 happen. Would you keep your notes and things like

2 that in a file?

3 A. If it went into the computer, my notes

4 would probably be in the computer.

5 Q. Okay.

6 A. If it were notes for me to say, "Follow up

7 on this or check on that," it might be in the paper

8 file.

9 Q. Back in May of 2008 there was an incident

10 involving Steven Farmer. Do you remember that?

11 A. A little bit.

12 Q. Tell me what you remember. Let's start

13 with that.

14           A.    I remember being contacted to come talk  
15 with a patient. When I was talking with the patient,  
16 her concerns were of inappropriate touching. That  
17 immediately made this a police matter.

18                       I remember having security come to  
19 stay outside the door, checking with nursing to make  
20 sure that the nurse taking care of the patient that  
21 day was a female, and I made the request of only  
22 female caregivers for the remainder of the patient's  
23 stay. I notified the CEO of the facility, and I  
24 notified the police.

25                       When the police arrived at the

16

1 building I escorted them up to the patient's room and  
2 I waited at the nurses' station until the police were  
3 done, in case I needed to facilitate anything, if I  
4 could assist in any way.

5           Q.    Is that it?

6           A.    I went and made some notes, and at some  
7 point later in that day we had a conference call.  
8 Beyond that, that's about it.

9           Q.    Okay. Where did you make these notes?

10           A.    Upon discussion with my attorney and able  
11   to review them, I made them on a piece of paper.

12           Q.    I'm sorry, what was the first part of that?

13           A.    Upon discussion with my attorney and  
14   reviewing documents, they were on a piece of paper.

15           Q.    I don't understand that first part, "upon  
16   discussion with your attorney."

17                   MR. PRANGLE:  She talked to me.

18                   THE WITNESS:  On discussion with my  
19   attorney.

20   BY MR. MURDOCK:

21           Q.    In 2008?

22           A.    No.  This morning.

23           Q.    Oh.

24                   MR. PRANGLE:  I think she's telling you  
25   that after talking to me, she remembered.

17

1                   MR. MURDOCK:  Oh, okay.

2                   THE WITNESS:  I didn't remember what I  
3   had done with my notes.

4   BY MR. MURDOCK:

5           Q.    Okay.  Where are those notes today?

6 MR. PRANGLE: They're in my possession.

7 MR. MURDOCK: Is there a reason I don't  
8 have them?

9 Mr. PRANGLE: Because they relate  
10 solely to Cagnina.

11 Janet, is it correct all your  
12 notes were specific to the patient Cagnina?

13 THE WITNESS: Yes. They were my notes  
14 reminding me of things I needed to do.

15 BY MR. MURDOCK:

16 Q. What did you need to do?

17 A. Well, I wanted to make sure that the  
18 department managers remind their staff if a patient  
19 expresses discomfort with a caregiver, to not have  
20 that caregiver take care of them anymore.

21 Q. That was in the note?

22 A. Yeah. It was things like that to follow up  
23 on.

24 Q. Okay. So what does that have to do with  
25 Cagnina herself? That's just a general statement,

1 right?

2           A.    Right, but those are things that you do  
3   after an event.  You re-educate staff.

4           Q.    Well, you said "re-educate."  That assumes  
5   staff is educated, correct?

6           A.    The people that are hired are experienced  
7   people.

8           Q.    Well, were staff educated in that?

9           A.    I would not know what they were educated in  
10  prior to being hired at Centennial Hills.

11          Q.    So the notes that you wrote don't  
12  specifically say "re-educate staff," do they?

13          A.    I'd have to go back and look at them.

14          Q.    When was the last time you saw them?

15          A.    This morning.

16          Q.    So you reviewed those in preparation for  
17  your deposition today, is that correct?

18          A.    (Witness nods.)

19          Q.    Is that yes?

20          A.    Yes.  But I don't remember the exact word.  
21  It could have been "remind staff," "educate" --

22                   MR. MURDOCK:  I think I'm entitled to  
23  the notes.

24                   MR. PRANGLE:  And I'm going to  
25  disagree, because this was an event that happened two

1 days after Mrs. Doe's event, and it was things -- I  
2 guess in my possession, and maybe we can take it up  
3 with the Discovery Commissioner or someone else. And  
4 this was solely related to Cagnina. It had nothing  
5 to do with Doe.

6 MR. MURDOCK: But it goes to notice.  
7 It goes to foreseeability -- the whole thing about  
8 education and everything.

9 MR. PRANGLE: Well, if another event  
10 happened two days after that, they would do the same  
11 thing.

12 MR. MURDOCK: Yeah, but it's the same  
13 thing.

14 MR. PRANGLE: I will respectfully  
15 disagree.

16 MR. MURDOCK: Okay. I'm going to keep  
17 the deposition open, because I mean that's just not  
18 right. Now I understand the issue. Okay.

19 BY MR. MURDOCK:

20 Q. So what else did your notes say?

21 A. To also make sure that the managers

22 remember to tell their staff if they felt  
23 uncomfortable with the patient, to reassign them to a  
24 different patient.

25 To remind them that any time a

20

1 patient voices discomfort and wished to talk to  
2 somebody, to get the right person in there to talk  
3 with them immediately.

4 If they make any allegation of  
5 anything, to remind them to notify their supervisor  
6 immediately so they will notify the right person.

7 Q. Was there an issue that someone wasn't  
8 notified?

9 A. No.

10 Q. So I don't understand why you're  
11 re-educating about things that didn't happen.

12 A. Because that's what we do in quality and  
13 risk. We remind everybody of the things that they  
14 need to do as part of their job responsibilities when  
15 an event of any kind occurs.

16 Q. Okay.

17 A. That's just what we do. It's part of our

18 job.

19 Q. Okay. You said you had a conference call?

20 A. Yes.

21 Q. Who did you have a conference call with?

22 A. Kevin called somebody in legal and risk,  
23 and Kevin, myself, Carol -- and I don't remember if  
24 there was even anybody else in the room.

25 Q. Okay. And tell me about the phone call.

21

1 A. It was to relate the incident that  
2 occurred; that we had notified the police.

3 Q. Okay. So it was like a one-minute phone  
4 call?

5 A. I don't remember that. I don't remember.

6 Q. Did you take notes?

7 A. No.

8 Q. As a result of that conference did you do  
9 anything?

10 A. Just followed up on whatever was on my  
11 notes.

12 Q. Which notes?

13 A. That I had made after I talked with the



14 patient.

15 Q. And how did you follow up on that? How did  
16 you do that?

17 A. I picked up the piece of paper and I looked  
18 to make sure, "Let's have a department managers'  
19 meeting, let's talk to the managers," and that kind  
20 of thing.

21 Q. So there was a department managers' meeting  
22 after this, is that correct?

23 A. At some point.

24 Q. When was it?

25 A. I don't remember.

22

1 Q. Was it days after? Was it weeks after?  
2 What are we talking about here?

3 A. I don't remember. I could only speculate.  
4 I don't remember.

5 Q. So you had a department managers' meeting.  
6 Who was there?

7 A. I assume department managers.

8 Q. Was there an agenda?

9 A. I don't know.

10 Q. Did you pass out anything?

11 A. I don't remember.

12 Q. In terms of in writing, did you give them  
13 anything?

14 A. I didn't. I don't remember giving out  
15 anything.

16 Q. Okay. So you had the conference call. You  
17 had this department managers' meeting at some point.

18 Did you meet with any of the staff  
19 involved in the Roxanne Cagnina matter?

20 A. No.

21 Q. Did you meet with Christine Murray?

22 A. I don't know who Christine is.

23 Q. Do you remember having a meeting where you  
24 were present, Carol Butler was present, and Amy  
25 Bochenek was present, where you met several people

23

1 involved with the incident with Mr. Farmer?

2 A. No, I don't remember.

3 Q. Okay.

4 MR. MURDOCK: Let's mark this.

5 (Plaintiff's Exhibit 1 marked.)

6 BY MR. MURDOCK:

7 Q. I assume one of your jobs was to review the  
8 Midas system when there were incidents, is that  
9 right?

10 A. Yes.

11 Q. Let me show you what's been marked as  
12 Plaintiff's Exhibit 1. Have you ever seen that  
13 document before?

14 MR. VOGEL: What is that?

15 MR. PRANGLE: It's the Midas report.

16 THE WITNESS: Yes, this is the report  
17 they showed me.

18 BY MR. MURDOCK:

19 Q. So you saw that this morning?

20 A. I saw it last week.

21 Q. You saw it last week. And you saw that I  
22 assume within days of the incident with Mr. Farmer,  
23 correct?

24 A. I don't remember.

25 Q. Well, wouldn't that have been part of your

24

1 job, to review the Midas report?

2 A. Yes, sir.

3 Q. And wouldn't you have done it within days?

4 MR. PRANGLE: Do you remember, or did  
5 you have a custom?

6 THE WITNESS: I reviewed them, but I  
7 couldn't tell you when I reviewed this. I don't  
8 remember seeing this. I'm sure I probably did. It's  
9 seven years ago.

10 BY MR. MURDOCK:

11 Q. I understand. Nevertheless, it was part of  
12 your job to review these reports, correct?

13 A. Yes.

14 Q. How often did you review them? Did you  
15 review Midas reports on a daily basis, weekly basis,  
16 monthly basis? What are we talking about here?

17 A. Every day or two probably.

18 Q. Okay. So is it fair to say that this was  
19 put in -- I believe it was the 16th?

20 A. Yes.

21 Q. That you probably reviewed it within a  
22 couple days? Is that fair?

23 A. Probably.

24 Q. Okay. And look at the witnesses down on  
25 the second page. There's a couple witnesses listed,

1 is that correct?

2 A. It says "Employees." "Witness Data."

3 Okay. "Employees." Yes, there's three people  
4 listed.

5 Q. One of the people is Christine Murray, is  
6 that correct?

7 A. Yes.

8 Q. So Christine Murray was a witness who would  
9 have been identified on the Midas report that would  
10 have been within days of the incident, is that  
11 correct?

12 A. Yes. This says she was a witness to it.

13 Q. And is it your testimony that you never  
14 spoke with the witnesses?

15 A. I don't remember speaking with either one  
16 of those. The director of nursing and the CNO would  
17 be the ones who would speak with the nurses.

18 Q. But that's something that would have  
19 occurred, right?

20 A. I'm assuming it would have.

21 Q. There's also another name on there.

22 There's Lorraine Wescott. Do you see that?

23 A. Uh-huh.

24 Q. Is that a yes?

25 A. Yes.

26

1 Q. And then there's somebody else. Do you see  
2 that?

3 A. Beverly Bartley Lewis.

4 Q. Who is that?

5 A. I don't know.

6 Q. Do you have any idea who she is?

7 A. No, I do not.

8 Q. Did you investigate the incident at all in  
9 terms of risk?

10 A. When an issue is a legal issue, a police  
11 issue, as this became, no, we are usually  
12 coordinators of the process for the police, the  
13 attorneys, and stuff like that. We do not get  
14 involved in interviewing people and stuff like that.

15 Q. You're aware though, of course, that Carol  
16 Butler interviewed some people, right?

17 A. As the CNO she may have, yes.

18 Q. She certainly may have interviewed some of  
19 the witnesses?

20 A. She could have.

21 Q. Would that be part of her job?

22 MR. PRANGLE: Objection. Foundation.

23 THE WITNESS: Huh?

24 MR. PRANGLE: I just made an objection  
25 for the record. If you know the answer, you can give

27

1 it.

2 THE WITNESS: I don't know who she  
3 interviewed.

4 BY MR. MURDOCK:

5 Q. No, I understand that, but wouldn't as part  
6 of her job be interviewing those witnesses?

7 MR. PRANGLE: Same objection.

8 THE WITNESS: It could be a "yes" or  
9 "no" answer to that.

10 BY MR. MURDOCK:

11 Q. Just to your knowledge.

12 A. Because this was a police issue, if she  
13 interviewed it would be done under the direction of

14 our attorneys. They may have wanted to interview;  
15 they may have asked her to talk with them. I don't  
16 know. I do not remember after seven years who told  
17 who to do what. I wrote changes, when it's a police  
18 and legal issue.

19 Q. Sure. But of course you might have that in  
20 your notes?

21 MR. PRANGLE: Might have what?

22 BY MR. MURDOCK:

23 Q. As to who instructed you to do X or Y or Z,  
24 right?

25 A. I don't remember. My role took more of a

28

1 back seat coordinator role in this.

2 Q. Who were you coordinating for?

3 A. Our attorneys.

4 Q. Who was that?

5 A. I don't remember who they were.

6 Q. Can you give me an example? Can you give  
7 me a description of who they are? Short, heavy,  
8 tall?

9 A. Sir, it's been seven years ago. No, I



10 don't remember at all.

11 Q. Were you involved in the root cause  
12 analysis?

13 A. Probably.

14 Q. That's a document that you would have  
15 reviewed, wouldn't you have?

16 A. In this particular situation the root cause  
17 was handled by another person in the company.

18 Q. Who is that?

19 A. Ann Savin.

20 Q. Who is Ann Savin?

21 A. I don't remember Ann's title, but she was  
22 over all of the facilities as far as quality and  
23 risk.

24 Q. Who does she work for, or who did she work  
25 for?

29

1 A. I don't remember the name of her specific  
2 boss.

3 Q. Well, no, no. Did she work for Valley  
4 Health Systems?

5 A. Yes, she worked for Valley Health Systems.

6 Q. Okay. So you said the root cause was  
7 probably handled by Ann, correct?

8 A. Yes.

9 Q. But do you recall reviewing it?

10 A. I don't recall, but I'm sure I did.

11 Q. Why was Ann Savin given the task of  
12 handling the root cause analysis?

13 A. Ann was the quality and risk -- whatever  
14 her title was -- over all of the hospitals, and she  
15 tended to be involved in root cause analysis when it  
16 occurred in any hospital. That was just a routine  
17 part of her job.

18 Q. Okay. So I want to go back to these notes  
19 of yours.

20 You testified that your notes  
21 stated that you needed to remind staff if patients  
22 are uncomfortable?

23 A. Remind the managers to remind their staff.

24 Q. That if patients are uncomfortable, what?

25 A. Whatever they're uncomfortable about --

30

1 let's say it's a caregiver. Change caregivers. If

2 it's a staff person taking care of a caregiver and  
3 the staff person is uncomfortable, you change the  
4 staff person.

5                   You also in the situation  
6 remind -- I'm sure it's part of my notes to remind  
7 them that because this was a police matter, if media  
8 called in, to refer them to the public relations  
9 person we had at the hospital.

10           Q.   Why is that?

11           A.   Because we don't speak to the media. That  
12 is her job.

13           Q.   When you said "we," who is "we" -- "we"  
14 don't speak to the media?

15           A.   Employees. Managers.

16           Q.   Okay. So the employees of Valley Health  
17 System or at Centennial Hills Hospital are instructed  
18 not to speak to the media?

19           A.   They're not told they can't, but if someone  
20 calls on a case, you refer them to public relations.  
21 At least the managers do.

22           Q.   Are they allowed to speak to the police?

23           A.   If the police want to talk to somebody,  
24 yes, they can talk to somebody.

25           Q.   What if they have something to say to the

1 police, and the police don't contact them first? In  
2 other words, they contact the police. Is there a  
3 problem with that?

4 A. No. That's their right.

5 Q. And they didn't need to go through you?

6 A. No.

7 Q. So there was no problem with a nurse, for  
8 example, picking up the phone and calling the police  
9 and telling them they had information regarding  
10 Mr. Farmer. Is that correct?

11 A. If an employee wanted to do that and not  
12 inform the administrative team, then that was their  
13 right to do that.

14 Q. Do you recall ever meeting with any of the  
15 personnel involved with this matter?

16 A. No.

17 Q. And I'll throw some names out to you to see  
18 if you remember. If you don't, you don't.

19 Do you remember an individual by  
20 the name of Ray Sumera?

21 A. (Witness shook head.)

22 Q. Is that a no?

23 A. No. Sorry.

24 Q. Do you remember an individual by the name  
25 of Margaret Wolfe?

32

1 A. No.

2 Q. Do you remember an individual by the name  
3 of Karen Goodheart?

4 A. No.

5 Q. In terms of your coordination of efforts  
6 for your attorneys in this matter, did you obtain  
7 certain documents for them?

8 A. If they requested me to, I would.

9 Q. For example, did you ever provide any  
10 medical records to any of your attorneys in this  
11 matter?

12 A. A medical record? They would ask the  
13 medical record department for that record.

14 Q. Okay. Did you coordinate it though?

15 A. I don't remember.

16 Q. Well, wouldn't that be a risk issue?

17 A. Not necessarily, no.

18 Q. Did they need a HIPAA release to do that?

19 A. I don't know. I don't know if the attorney  
20 needed one or not.

21 Q. Did you ever instruct medical records,  
22 "Hey, as part of your risk analysis you're not to  
23 give these medical records to anybody without a  
24 release?"

25 A. The director of medical records would do

33

1 that -- would tell their staff how to do their job,  
2 and what the rules are on that.

3 Q. But wouldn't you oversee that?

4 A. No. If there was a problem, then the  
5 director would come to me and we would talk with  
6 whomever we would need to, to resolve an issue.

7 Q. Were you involved at all with setting up  
8 the procedures in terms of hiring people?

9 A. No.

10 Q. Wouldn't you agree with me that's part of  
11 risk, to hire the right people?

12 A. That's an HR function.

13 Q. But you weren't involved with that at all?

14 A. No. Only my two people -- or three people.

15 Q. Who were they?

16 A. The infection control practitioner, the  
17 performance improvement analyst, and the medical  
18 staff office manager.

19 Q. Who was the performance and improvement  
20 analyst?

21 A. I don't remember her name now.

22 Q. Why did you leave Centennial Hills?

23 A. The company that I had worked for prior to  
24 going to Centennial Hills twisted my arm and talked  
25 to me, and they made a job offer that I really

34

1 decided I would like. And I had enjoyed working with  
2 the company and I knew a lot of people I'd be working  
3 with, so I did finally decide to accept their offer.

4 Q. When the Cagnina incident began, did you  
5 start a file on it?

6 A. I don't remember.

7 Q. At some point I assume you became aware  
8 that it was more than just Roxanne Cagnina, is that  
9 correct, who was alleging things about Mr. Farmer?

10           A.    I'm not sure I understand what you're  
11   referring to.

12           Q.    Well, did you ever become aware that there  
13   were other women who alleged improper touching and  
14   assault?

15           A.    When Mr. Farmer went to trial and it was on  
16   the news, they talked about other women coming  
17   forward and stating that he had allegedly  
18   inappropriately touched them as well. Then I knew  
19   there were other people involved.

20           Q.    So before then you didn't know, is that  
21   correct?

22           A.    No.

23           Q.    At all?

24                   MR. PRANGLE: Yes, it's correct? He  
25   asked you if it was correct, and you said, "No."

35

1                   THE WITNESS: Yes, it's correct. I did  
2   not know of anyone else.

3   BY MR. MURDOCK:

4           Q.    Okay. Did you ever ask any of the other  
5   patients if they had been improperly touched by



6 Mr. Farmer?

7 A. No.

8 Q. In other words, did you go around and just  
9 make sure that this wasn't a facility-wide issue?

10 A. No.

11 Q. Why not?

12 A. Very honestly, I had never heard of going  
13 around and asking other patients like that. I never  
14 heard of it, never known of anyone who's done it, and  
15 no, I did not.

16 Q. Did you think about it?

17 A. No.

18 Q. The conference call that you were on -- was  
19 it discussed?

20 A. Sir, I don't remember that call of seven  
21 years ago.

22 Q. What is your overriding goal of your job at  
23 Centennial Hills?

24 MR. PRANGLE: Objection to form.

25 Vague. If you understand it, you can answer.

36

1 THE WITNESS: It was to coordinate the

2 various programs I was responsible for and see that  
3 all the people who feed into quality -- which is  
4 every employee, your physicians, your managers -- are  
5 doing the things that they need to do.

6 And the managers come to me if  
7 they have questions about what they're measuring, how  
8 they're doing.

9 My job was to coordinate all of  
10 these things and to see that the right things got  
11 reported to CMS.

12 BY MR. MURDOCK:

13 Q. But all of that -- using all of that is to  
14 just go out and really look out for the safety of the  
15 patients, right?

16 A. Yes. That's what it is all about.

17 Q. Right. Now, part of your job is to also  
18 foresee things. You're the person at Centennial  
19 Hills, for example, to put grossly, who's got the  
20 crystal ball, and you're looking out for things that  
21 might happen, right?

22 MR. PRANGLE: I object to form.

23 THE WITNESS: Huh?

24 MR. PRANGLE: I just made another  
25 objection for the record. If you understand the

1 question, you can answer it.

2 THE WITNESS: Well, if you're talking  
3 about say a potential for slip and falls, to use your  
4 example from earlier -- you know, I would walk the  
5 floors, looking around, making sure they weren't wet.

6 You know, making sure things were  
7 running, and check with the managers, any concerns,  
8 any issues, and things like that.

9 BY MR. MURDOCK:

10 Q. Right. But overall, again, like you said,  
11 it's for the safety of the patients. That's the  
12 paramount interest, right?

13 A. Uh-huh.

14 Q. Is that yes?

15 A. Yes.

16 Q. But in terms of looking out for the safety  
17 of the patients, you need to kind of foresee events  
18 that could occur.

19 For example, the reason that you  
20 wanted to re-educate these department managers, to  
21 remind them of things, is so that things don't happen

22 again, right?

23 A. That's what you you'd like to try to  
24 prevent.

25 Q. Right. Because you foresee things

38

1 happening. If they don't do these things that you  
2 reminded them of, things can be foreseen, right?

3 MR. PRANGLE: Objection to form. You  
4 can answer.

5 BY MR. MURDOCK:

6 Q. Go ahead.

7 A. Yes. That's what you try to do.

8 Q. Okay. Prior to starting your job at  
9 Centennial Hills, were you a risk manager elsewhere?

10 A. Yes, I had been.

11 Q. Where?

12 A. At Kindred, and California, and -- what was  
13 that hospital? Western Medical Center, and I think  
14 West Anaheim Medical Center. I had been a risk  
15 manager in maybe three.

16 Q. Is there a -- I don't know, kind of like a  
17 magazine that like every risk manager gets? Is that

18 something that you can tell me about?

19 A. There are various magazines out there. I  
20 don't know if any one is any better than the other.

21 Q. What are the ones that you read?

22 A. I usually read the National Quality  
23 Association one, and for awhile the -- there's a  
24 national risk group.

25 Q. Is there one just for hospitals -- hospital

39

1 risk managers?

2 A. Neither one of those were strictly  
3 hospitals.

4 Q. Is there one out there for strictly  
5 hospitals?

6 A. I don't know.

7 Q. Have you ever taken any courses in hospital  
8 risk management?

9 A. A long time ago.

10 Q. When?

11 A. It would be maybe 1990, '91, in through  
12 there.

13 Q. So let's say in between 1992 and May of

14 2008, is it safe to say you took no courses regarding  
15 risk management?

16 A. You go to seminars.

17 Q. I'm sorry?

18 A. You go to seminars.

19 Q. Okay. How often did you go to seminars?

20 A. That one I couldn't even -- I don't know.

21 Q. Were they yearly?

22 A. It would depend on when they were offered.

23 I mean sometimes they would be offered once a year;

24 sometimes not for a couple of years before there

25 would be anything offered.

40

1 Q. Are you a certified risk manager?

2 A. No.

3 Q. Are you a licensed risk manager?

4 A. No. I don't know of a licensing of risk  
5 management.

6 Q. Okay. Are you a member of a group that  
7 puts on seminars?

8 A. I used to be back in the '90s. I was a  
9 member for awhile of the -- whatever the national

10 risk group is.

11 Q. Were you ever a member of any group that  
12 was specific to hospital risk management?

13 A. I was a member of the quality group. It  
14 was a quality risk group -- probably late '90s or  
15 early 2000, I would have to guess.

16 It was a quality risk group. They  
17 weren't separate groups. Well, at least not where I  
18 was in Southern California, they didn't have separate  
19 groups.

20 Q. What was the name of that group.

21 A. I don't remember.

22 Q. Let's make it specific between 2007 and  
23 2008.

24 When you started at Centennial  
25 Hills Hospital -- between the time you started and

41

1 let's say May 16, 2008, did you attend any seminars  
2 during that time period?

3 A. I don't remember attending any during that  
4 time.

5 Q. Do you remember attending any seminars at

6 all ever specifically with regard to hospital risk  
7 management?

8 A. Not since I've moved to Nevada.

9 Q. When did you move to Nevada?

10 A. 2006.

11 Q. So before 2006 you might have attended some  
12 specific seminars with regard to hospital risk  
13 management, is that correct?

14 A. It's possible, but the meetings were  
15 usually quality and risk combined.

16 Q. And all I'm talking about right now is  
17 specific. So let's put it this way.

18 At least after 2006, or starting  
19 around 2006 when you moved to Nevada, you didn't  
20 attend any seminars specific to hospital risk; is  
21 that correct?

22 A. Not specific to hospital risk.

23 Q. Did you ever meet with the risk managers  
24 from the other Valley Health System hospitals?

25 A. Yes.

42

1 Q. How often?



2           A.    I think Ann had us meet once every other  
3   month or once a quarter.  At that point in time when  
4   I worked for them, we weren't separate.  You were  
5   quality and risk, and we met together as a group with  
6   Ann.  Probably about every other month maybe.

7           Q.    So since you started in 2007 in the summer,  
8   and you left early fall/late summer of 2008, is it  
9   safe to say there were probably approximately six  
10  meetings that you attended?  Is that correct?

11          A.    Probably, yes.

12          Q.    Was the Farmer situation discussed at any  
13  meeting?

14          A.    I don't remember that being discussed.  
15  Those were not confidential meetings.  Specific  
16  instances would not be discussed at meetings like  
17  that.

18          Q.    No, but what about things you learned from  
19  that incident?

20          A.    Generalities would be discussed, sure.

21          Q.    Right.  So was that discussed?

22          A.    I don't remember.  I can only tell you I  
23  would assume at some point we did, but I can't  
24  remember.

25          Q.    And at these meetings did you take notes?

1 A. No.

2 Q. Did anybody take notes?

3 A. Not that I remember.

4 Q. Would there be an agenda?

5 A. I don't know. I don't remember if there  
6 was even an agenda.

7 Q. At any of the hospitals that you were at  
8 was there ever an incident regarding a sexual  
9 assault?

10 A. At any hospital I've worked at ever?

11 Q. Yeah.

12 A. Yes.

13 Q. Where?

14 THE WITNESS: Do I name the hospital?

15 MR. PRANGLE: Go ahead.

16 THE WITNESS: Kindred. I remember one  
17 at Kindrred.

18 BY MR. MURDOCK:

19 Q. I'm not asking the patient's name.

20 A. Yeah. It was at one of the hospitals in  
21 Southern California. I honestly don't remember which

22 one. It was way too long ago.

23 Q. Was it a staff-on-patient sexual assault?

24 A. It was a patient alleging.

25 Q. That a staff member sexually assaulted her?

44

1 A. An inappropriate touching by staff.

2 Q. So you were aware when you went to

3 Centennial Hills that a staff-on-patient sexual

4 assault could happen, correct?

5 A. Sure.

6 MR. MURDOCK: Thank you. I have

7 nothing further at this time.

8 MR. VOGEL: No questions.

9 MR. BIGGAR: No questions.

10 MR. PRANGLE: We'll reserve signature.

11 MS. HALL: I don't have any questions.

12

13 (The deposition concluded at 3:31 p.m.)

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1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA )  
3 ) ss.  
4 COUNTY OF CLARK )

5 I, Carol O'Malley, Nevada Certified Court

6 Reporter 178, do hereby certify:

7 That I reported the taking of the deposition  
8 of JANET CALLIHAM on August 18, 2015 commencing at  
9 the hour of 1:30 p.m.;

10 That prior to being examined, the witness was by  
11 me duly sworn to testify to the truth, the whole  
12 truth, and nothing but the truth;

13 That I thereafter transcribed my said  
14 shorthand notes into typewriting and that the

14 typewritten transcription of said deposition is a  
15 complete, true, and accurate transcription of my said  
16 shorthand notes taken down at said time. Review of  
17 the transcript was requested.

18 I further certify that I am not a relative or  
19 employee of an attorney or counsel involved in said  
20 action, nor financially interested in said action.

21 IN WITNESS WHEREOF, I have hereunto set my hand  
22 in my office in the County of Clark, State of Nevada,  
23 this 23rd day of August, 2015.

24

25 Carol O'Malley, CCR No. 178

♀

46

1 DEPOSITION ERRATA SHEET

2

3 File No. J0173225

4 Case Caption: Doe vs. Valley Health System

5

6

7

8 DECLARATION UNDER PENALTY OF PERJURY

9

10 I declare under penalty of perjury that I have  
11 read the entire transcript of my deposition taken in  
12 the captioned matter or the same has been read to me,  
13 and the same is true and accurate, save and except  
14 for changes and/or corrections, if any, as indicated  
15 by me on the DEPOSITION ERRATA SHEET hereof, with the  
16 understanding that I offer these changes as if still  
17 under oath.

18

19 Signed this day of ,20 .

20

21

22

JANET CALLIHAM

23

24

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1 DEPOSITION ERRATA SHEET

2 Page No. Line No. Change to:

3 Reason for change:

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24 SIGNATURE: JANET CALLIHAM DATE:  
25

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2 Page No. Line No. Change to:  
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24 SIGNATURE:

JANET CALLIHAM

DATE:

25



TAB 74

Page 1

1 DISTRICT COURT  
2 CLARK COUNTY, NEVADA  
3 JANE DOE,  
4 Plaintiff,  
5 vs.  
6 CASE NO. 09-A-595780  
7 VALLEY HEALTH SYSTEM LLC,  
8 a Nevada limited  
9 liability company, d/b/a  
10 CENTENNIAL HILLS HOSPITAL  
11 MEDICAL CENTER; UNIVERSAL  
12 HEALTH SERVICES, INC., a  
13 Delaware corporation;  
14 AMERICAN NURSING  
15 SERVICES, INC., a  
16 Louisiana corporation;  
17 STEVEN DALE FARMER, an  
18 individual; DOES I  
19 through X, inclusive; and  
20 ROE CORPORATIONS I  
21 through X, inclusive,  
22 Defendants.  
23  
24  
25

DEPOSITION OF  
MARGARET WOLFE, RN

Wednesday, May 5, 2015  
9:30 a.m.

521 S. Third Street  
Las Vegas, Nevada

Carol O'Malley, CCR 178, RMR3

Page 2

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3 WITNESS: Margaret Wolfe, RN  
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Page 5

1 Deposition of Margaret Wolfe, RN  
2 May 6, 2015  
3 (Prior to the commencement of the deposition,  
4 all of the parties present agreed to waive  
5 statements by the court reporter, pursuant to  
6 Rule 30(b)(4) of NRCP.)  
7  
8 MARGARET WOLFE, RN,  
9 having been first duly sworn, testified as follows:  
10  
11 EXAMINATION  
12 BY MR. MURDOCK:  
13 Q. Would you please state your name for the  
14 record?  
15 A. Margaret Wolfe.  
16 Q. Ms. Wolfe, have you ever had your  
17 deposition taken before?  
18 A. No.  
19 Q. Are you represented by counsel here?  
20 A. Yes.  
21 Q. Who is that?  
22 A. John Bemis.  
23 Q. How did you come to be represented by Mr.  
24 Bemis?  
25 A. I believe I was contacted by their office.

Page 6

1 Q. So he told you that you were going to be  
2 represented by him?  
3 A. They did.  
4 Q. They did?  
5 MR. BEMIS: I object to form.  
6 From the aspect of her acceptance  
7 of the representation, she can talk. But after that  
8 I'm going to instruct her not to answer about  
9 anything we talked about.  
10 BY MR. MURDOCK:  
11 Q. Go ahead.  
12 A. I was offered their representation, and I  
13 accepted it.  
14 Q. Okay. Good. How much are you paying?  
15 A. I'm not paying anything.  
16 Q. When you were offered their representation,  
17 did they tell you that they also allegedly represent  
18 a whole bunch of other people?  
19 MR. BEMIS: I object to form and  
20 instruct her not to answer anything we discussed.  
21 BY MR. MURDOCK:  
22 Q. Go ahead. You can answer the question, if  
23 you want.  
24 A. I'm going to take the advice of my  
25 attorney.

Page 7

1 Q. Okay. Did they also tell you -- or did Mr.  
2 Bemis tell you that he helped Mr. Farmer out during  
3 the criminal trial?  
4 MR. BEMIS: I'm going to instruct her  
5 not to --  
6 BY MR. MURDOCK:  
7 Q. Did he tell you that he provided documents  
8 to Mr. Farmer, so he could help out his criminal  
9 case?  
10 MR. BEMIS: I'm going to instruct her  
11 not to answer anything that her and I discussed.  
12 BY MR. MURDOCK:  
13 Q. Did he tell you that he actually represents  
14 the hospital, and not you, even here today?  
15 MR. BEMIS: You can answer, but you're  
16 not to answer anything you and I discussed.  
17 BY MR. MURDOCK:  
18 Q. Are you going to take your counsel's word  
19 for it?  
20 A. Yes, I am.  
21 Q. Okay. When did you get that phone call  
22 where they offered to represent you?  
23 A. Approximately a month ago. I don't  
24 remember exactly.  
25 Q. And who called you specifically? Do you

Page 8

1 remember?  
2 A. It was a female. I don't remember her  
3 name.  
4 Q. Was she a lawyer?  
5 A. I don't know.  
6 Q. And in that phone call was she the one who  
7 said, "We would like to represent you," or something  
8 like that, or offered to represent you?  
9 A. I believe so.  
10 Q. Did she tell you about any potential  
11 conflicts of interest between yourself and the  
12 hospital?  
13 MR. BEMIS: I'm going to instruct her  
14 not to answer anything that's been discussed with  
15 myself or my firm.  
16 BY MR. MURDOCK:  
17 Q. Do you know if she was actually even from  
18 their firm, whoever this person was?  
19 A. I'm assuming that she is. I don't know for  
20 a fact.  
21 Q. Okay. Do you remember her name?  
22 A. No.  
23 Q. Did she tell you she was from their firm?  
24 A. She told me she was from a firm. I don't  
25 remember the name of that firm.

Page 9

1 Q. Okay. And prior to your agreeing to be  
2 represented by her -- so in other words, you had not  
3 agreed to let them represent you at that point --  
4 tell me about the conversation you had.  
5 A. She told me that there was a deposition  
6 that they wanted to do, that they wanted me to be a  
7 part of, and would I be willing to help them out with  
8 that.  
9 Q. And you said?  
10 A. And I said, "Yes."  
11 Q. And what else?  
12 A. I believe at that point she offered the  
13 representation, and I accepted.  
14 Q. Did she tell you that you needed  
15 representation?  
16 MR. BEMIS: Objection to after --  
17 MR. MURDOCK: Prior. Prior.  
18 BY MR. MURDOCK:  
19 Q. Did she tell you that you needed  
20 representation?  
21 A. No.  
22 Q. Did she advise you that she thought you  
23 should be represented?  
24 A. No.  
25 Q. Did you believe you needed to be

Page 10

1 represented, for any reason whatsoever?  
2 MR. BEMIS: Calls for speculation.  
3 BY MR. MURDOCK:  
4 Q. Go ahead.  
5 A. I'm not sure if I should answer or not.  
6 Q. Well, did you believe that you needed to be  
7 represented, prior to her offering you  
8 representation?  
9 A. No.  
10 Q. In other words, was there any reason in  
11 your head that you thought, "Hey, maybe I should get  
12 a lawyer?"  
13 A. No.  
14 Q. But when they offered it, you accepted it,  
15 right?  
16 A. Yes.  
17 Q. It's free, right?  
18 A. Well, that was part of it.  
19 Q. Okay. And without telling me the contents  
20 of the discussions, did you at some point have a  
21 discussion with Mr. Bemis?  
22 A. Yes.  
23 Q. When was that?  
24 A. We've had a few conversations on the phone,  
25 and then one yesterday.

Page 11

1 Q. When were the phone conversations? Do you  
2 remember?  
3 A. Within the last couple of weeks.  
4 Q. Now, your deposition was originally set for  
5 last week?  
6 A. Yes.  
7 Q. You're aware of that, right?  
8 A. Yes.  
9 Q. But you did not show up, is that correct?  
10 A. That's correct.  
11 Q. And why didn't you show up?  
12 A. I had a conflict of interest with my  
13 employer. I did try to cancel the deposition, and  
14 apparently was unable to, and I had a choice to make  
15 of where I had to be.  
16 I had a mandatory education that I  
17 had to do with my employer, that had I not shown up  
18 to that, I would have been suspended.  
19 Q. Okay.  
20 A. And so I chose to keep my job.  
21 Q. Did you tell Mr. Bemis that?  
22 MR. BEMIS: I'm going to tell her not  
23 to respond to anything her and I discussed.  
24 BY MR. MURDOCK:  
25 Q. Did Mr. Bemis tell you there was a court

Page 12

1 notice for you to be here last week?  
2 MR. BEMIS: I'm going to instruct her  
3 not to answer anything that her and I discussed.  
4 BY MR. MURDOCK:  
5 Q. Did he tell you that?  
6 A. I'm going to take his advice.  
7 Q. Did he tell you that you could be  
8 sanctioned?  
9 MR. BEMIS: I'm going to instruct her  
10 not to answer anything that her and I discussed.  
11 BY MR. MURDOCK:  
12 Q. Did he tell you that he could be  
13 sanctioned?  
14 MR. BEMIS: I instruct her not to  
15 answer anything that her and I discussed.  
16 BY MR. MURDOCK:  
17 Q. Did he tell you that he attempted to get  
18 the Court to change it by filing a motion, but the  
19 Court refused?  
20 MR. BEMIS: I'm going to instruct her  
21 not to answer anything that her and I have discussed.  
22 BY MR. MURDOCK:  
23 Q. Did he tell you that he was too late in  
24 filing the motion, despite the fact he could have  
25 filed something earlier? Did he tell you that?

Page 13

1 MR. BEMIS: I'm going to instruct her  
2 not to answer anything her and I discussed.  
3 BY MR. MURDOCK:  
4 Q. Did he tell you that he fell below the  
5 standard of care already in representing you? Did he  
6 tell you that?  
7 MR. BEMIS: I'm going to instruct her  
8 not to answer anything that her and I discussed.  
9 BY MR. MURDOCK:  
10 Q. You're currently a nurse, correct?  
11 A. Yes.  
12 Q. And where are you a nurse at?  
13 A. UMC pediatric ER.  
14 Q. Now, Ms. Wolfe, you have no legal training,  
15 do you?  
16 A. No.  
17 Q. You're not a lawyer?  
18 A. No.  
19 Q. You're not a paralegal?  
20 A. No.  
21 Q. You haven't gone to school for any legal  
22 things?  
23 A. Nothing.  
24 Q. Do you know what perjury is?  
25 A. Yes, I do.

Page 14

1 Q. What is perjury?  
2 A. Lying under oath.  
3 Q. Do you know that it is a crime to lie to  
4 the police?  
5 A. Yes, I do.  
6 Q. Do you know that it is a crime to obstruct  
7 justice?  
8 A. Yes.  
9 Q. Do you know that it is a crime to obstruct  
10 justice by lying to the police?  
11 A. Yes.  
12 Q. Prior to this deposition you were sitting  
13 in my lobby, correct?  
14 A. Yes.  
15 Q. And I came to speak with you, correct?  
16 A. Yes.  
17 Q. And at that time I did not have an actual  
18 conversation with you, did I?  
19 A. No.  
20 Q. On the other hand, I spoke, correct?  
21 A. Correct.  
22 Q. I didn't ask you one question, correct?  
23 A. Right.  
24 Q. Do you know Steven Farmer?  
25 A. Yes.

Page 15

1 Q. Who is he?  
2 A. He was a CNA that worked at Centennial  
3 Hospital at the same time I was there.  
4 Q. What did he look like?  
5 A. Poppa Smurf. Sorry. He had a white beard,  
6 white hair, medium stature.  
7 Q. Did you give a statement to the police a  
8 couple days -- well, actually it would have been  
9 maybe a couple weeks after he was arrested, in 2008?  
10 A. Yes.  
11 Q. Did you lie to the police?  
12 A. No.  
13 Q. Did you make up any stories to tell the  
14 police?  
15 A. No.  
16 Q. After you spoke with the police, did you  
17 speak with anybody at Centennial Hills Hospital about  
18 what you told the police?  
19 A. I don't recall.  
20 Q. Who was your director of nursing at the  
21 time? Do you remember?  
22 A. Amy Bochenek.  
23 Q. That's how you pronounce it?  
24 A. (Witness nods.)  
25 Q. Is that a yes?

Page 16

1 A. Yes.  
2 Q. Now, do you recall speaking with Amy --  
3 A. Yes.  
4 Q. I'm sorry, let me finish my question.  
5 A. Okay.  
6 Q. The only reason is, she's going to get mad  
7 at me.  
8 Do you recall speaking with Amy  
9 about Mr. Farmer?  
10 A. Yes.  
11 Q. Was that before or after he was arrested?  
12 A. It was after, because the situation  
13 happened on the same day.  
14 Q. Right. Okay. And you went to Amy to  
15 discuss the situation with Ms. Hanna, is that  
16 correct?  
17 A. I didn't go directly to Amy, no.  
18 Q. Who did you go to?  
19 A. I went to my charge nurse that was on that  
20 shift.  
21 Q. Who was that, by the way?  
22 A. Ray Sumera.  
23 Q. Now, Ray testified the other day that he  
24 was a relief charge nurse.  
25 A. Uh-huh.

Page 17

1 Q. Is that a yes?  
2 A. Yes.  
3 Q. What is a relief charge nurse?  
4 MR. BEMIS: I object to form. Go ahead  
5 and answer.  
6 THE WITNESS: A relief charge nurse  
7 fills in when the permanent charge nurse is not  
8 available.  
9 BY MR. MURDOCK:  
10 Q. Okay. Why did you go to Ray to talk about  
11 that incident?  
12 A. Because that's my chain of command that I  
13 would follow.  
14 Q. Have you seen the transcript of the  
15 conversation you had with Detective Saunders?  
16 A. Yes.  
17 Q. Do you recall any mistakes in that  
18 transcript?  
19 A. No.  
20 Q. So you went to Ray because of the chain of  
21 command. After you went to Ray, did you go to  
22 somebody else?  
23 A. Yes.  
24 Q. Is that when you went to Amy?  
25 A. No.

Page 18

1 Q. Who did you go to?  
2 A. I spoke with the nurse that I was giving  
3 report to at shift change.  
4 Q. Who was that? Do you remember?  
5 A. Her name is Julie. I don't remember her  
6 last name.  
7 Q. And when did you wind up speaking with Amy?  
8 A. Later that day she called me.  
9 Q. So somehow it got back up to her?  
10 A. Yes.  
11 Q. Were you at home at the time?  
12 A. Yes.  
13 Q. And my guess is that you repeated  
14 everything you told Ray, correct?  
15 A. Yes.  
16 Q. And also everything you told Julie,  
17 correct?  
18 A. Correct.  
19 Q. Did you lie to them?  
20 A. No.  
21 Q. Prior to the day you spoke with Amy and the  
22 day you spoke with Julie, and the day you spoke with  
23 Ray when the incident with Ms. Hanna occurred, had  
24 you ever spoken to anybody before about Mr. Farmer?  
25 A. Yes.

Page 19

1 Q. Who did you speak to?  
2 A. Ray Sumera, and probably a couple other ER  
3 nurses, but I don't recall exactly who.  
4 Q. And when would that have been? Do you  
5 recall?  
6 A. Just throughout the course of his  
7 employment in the ER.  
8 Q. And do you recall what you discussed?  
9 A. I told them that he made me very  
10 uncomfortable, especially around female patients, and  
11 I did not want him in my female patients' rooms.  
12 Q. What made you uncomfortable?  
13 A. He was overly helpful with female patients,  
14 and it was just a feeling I had that made me  
15 uncomfortable and uneasy around him.  
16 He would go into females rooms  
17 when there was no need for him to be in there,  
18 sometimes with the door or the curtain shut, and I  
19 felt that was inappropriate.  
20 Q. And you had voiced this to Ray prior to the  
21 incident with Ms. Hanna?  
22 A. Yes.  
23 Q. And would it have been weeks and/or a month  
24 prior?  
25 A. Weeks.

Page 20

1 MR. SILVESTRI: I'm sorry, what was it?  
2 THE WITNESS: Weeks.  
3 MR. SILVESTRI: Thank you.  
4 BY MR. MURDOCK:  
5 Q. And when you had this discussion with Ray,  
6 what did he say -- the discussion weeks before?  
7 A. I don't recall.  
8 Q. Did he say he would take care of it?  
9 A. He did say he would talk to him.  
10 Q. When you had this conversation with Ray  
11 several weeks before, why did you have the  
12 conversation with Ray?  
13 A. Because I felt it better for a male to be  
14 talking to a male about it, than me to be approaching  
15 Mr. Farmer.  
16 Q. Was it also because Ray was a relief charge  
17 nurse?  
18 A. No.  
19 Q. But nevertheless, Ray was a relief charge  
20 nurse?  
21 A. Correct.  
22 Q. Now, a relief charge nurse is not always  
23 the charge nurse?  
24 A. Correct.  
25 Q. It's just when the charge nurse is not

Page 21

1 there, he becomes the relief charge nurse?  
2 A. Right.  
3 Q. Now, is that because the charge nurse is  
4 absent, or for example because the charge nurse has  
5 gone to lunch, or something like that?  
6 A. No. The permanent charge nurse is not  
7 scheduled that day.  
8 Q. Okay. But you knew at the very least when  
9 you had these discussions with Ray, several weeks  
10 prior to the Denise Hanna discussion, that Ray was a  
11 relief charge nurse?  
12 A. Yes.  
13 Q. He may not have been at the time, but he  
14 certainly was a relief charge nurse, correct?  
15 A. Yes.  
16 Q. Okay. So I'd like to know a little bit  
17 more about the discussion you had with Ray several  
18 weeks before.  
19 A. Okay.  
20 Q. So I want to talk about that for right now,  
21 okay?  
22 A. (Witness nods.)  
23 Q. You said that he was overly attentive --  
24 that Farmer was overly attentive with female  
25 patients?

Page 22

1 A. Yes.  
2 Q. Now, you had not seen him assault anyone,  
3 correct?  
4 A. No, not at that point.  
5 Q. You had not seen him rape anyone?  
6 A. No.  
7 Q. Now, you said that he would go into rooms  
8 of patients and you weren't there, and close the  
9 door?  
10 A. Uh-huh.  
11 Q. How did you know that --  
12 MR. SILVESTRI: Hold on. Ma'am, you  
13 have to answer out loud.  
14 MR. MURDOCK: Yeah, I'm sorry.  
15 MR. SILVESTRI: "Yeses" and "nos,"  
16 because the court reporter will have a difficult time  
17 with that.  
18 THE WITNESS: Okay. Sorry.  
19 MR. SILVESTRI: So can we get a clear  
20 answer on these? I'm sorry.  
21 MR. MURDOCK: No, no. That's okay.  
22 BY MR. MURDOCK:  
23 Q. Now, when you said that he would go into  
24 rooms of patients and close the doors -- you  
25 witnessed that, correct?

Page 23

1 A. Yes.  
2 Q. And that was one of the things you  
3 complained to Ray about, correct?  
4 A. Yes.  
5 Q. And why did you go to Ray about that? Not  
6 personally Ray, but why did you go to anybody about  
7 that?  
8 A. I went to Ray about it because I trusted  
9 him. I knew that he would keep it in confidence  
10 between he and I, and I knew that he would follow  
11 through and speak with him, as I asked him to.  
12 Q. Sure.  
13 A. And he had a little bit of authority, being  
14 that he was a relief charge nurse. It gave him a  
15 little bit more leverage.  
16 Q. Sure. Did you ever go to speak with the  
17 patients of the rooms that Mr. Farmer was in?  
18 A. No.  
19 Q. Why not?  
20 A. I didn't want to accuse somebody falsely of  
21 something, and I didn't want to raise any red flags  
22 with patients.  
23 Q. Okay. But yet you were concerned about  
24 Farmer?  
25 A. Yes.

Page 24

1 Q. Was he also in rooms with patients with the  
2 lights out? Is that what I heard you say, or not?  
3 A. No, I never said that.  
4 Q. Okay. That's somebody else.  
5 So he would walk into rooms, close  
6 the door?  
7 A. Yes.  
8 Q. That's not appropriate for a CNA, is it?  
9 MR. BEMIS: I object to form. Go ahead  
10 and answer, if you know.  
11 THE WITNESS: It's inappropriate for a  
12 male patient to be in a room with a female patient  
13 alone with the door closed.  
14 BY MR. MURDOCK:  
15 Q. Why is that?  
16 A. Because of the fact that allegations can be  
17 made and people can be accused of things that may or  
18 may not be true.  
19 Q. It's not just allegations can be made,  
20 things can actually happen, right?  
21 A. Yes.  
22 MR. SILVESTRI: Ms. Reporter, can you  
23 read back the last answer? Actually, the last  
24 question and answer.  
25 (The following was read:)

Page 25

1 "Q. Was he also in rooms with patients with the  
2 lights out? Is that what I heard you say, or  
3 not?  
4 A. No, I never said that.  
5 Q. Okay. That's somebody else. So he would  
6 walk into rooms, close the door?  
7 A. Yes.  
8 Q. That's not appropriate for a CNA, is it?  
9 MR. BEMIS: I object to form. Go ahead  
10 and answer, if you know.  
11 THE WITNESS: It's inappropriate for a  
12 male patient to be in a room with a female  
13 patient alone with the door closed.  
14 Q. Why is that?  
15 A. Because of the fact that allegations can  
16 be made and people can be accused of things  
17 that may or may not be true.  
18 Q. It's not just allegations can be made,  
19 things can actually happen, right?  
20 A. Yes."  
21 BY MR. MURDOCK:  
22 Q. And your answer was?  
23 A. Yes.  
24 Q. When I say "things can actually happen,"  
25 that would include sexual assaults, correct?

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1 A. Yes.  
2 MR. BEMIS: I object to form.  
3 BY MR. MURDOCK:  
4 Q. And that's one of the reasons why male CNAs  
5 should not be in female patients' rooms with the door  
6 closed, correct?  
7 MS. HALL: Objection. Lacks  
8 foundation. Speculation.  
9 MR. BEMIS: Join. Go ahead and answer.  
10 THE WITNESS: Correct.  
11 BY MR. MURDOCK:  
12 Q. Apparently another nurse also discussed  
13 Mr. Farmer with you, is that correct, prior to the  
14 Denise Hanna situation?  
15 A. Not to my knowledge.  
16 Q. There was a nurse by the name of Kim, and  
17 my understanding is that you told Detective Saunders  
18 that Kim relayed some concerns to you also, and that  
19 would have been the same concerns that Ray had said  
20 about his actions were suspicious, especially with a  
21 female patient?  
22 A. Yes, I do recall that now.  
23 Q. Okay. And who was Kim? Do you remember?  
24 A. Just a staff nurse there in the ER.  
25 Q. And Kim had had a conversation with you or

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1 with Ray, or both?  
2 A. I believe both of us, but I know with me.  
3 Q. And why do you believe both of you?  
4 A. Because all the nurses were talking about  
5 it together. It wasn't just me. It wasn't just Ray.  
6 All the nurses were concerned.  
7 Q. When you say "all the nurses" -- all the  
8 nurses on the shift?  
9 A. Yes.  
10 Q. Can you identify some of them? I know it's  
11 been a long time, but could you identify some of  
12 them, at least by first name?  
13 A. Gina, Kim --  
14 MR. SILVESTRI: Kim?  
15 THE WITNESS: Kim.  
16 MS. HALL: Can you just keep your voice  
17 up a little bit? It's hard for us to hear you down  
18 here.  
19 THE WITNESS: Okay.  
20 MS. HALL: Thank you.  
21 THE WITNESS: I worked with Karen, but  
22 I don't recall if we had any conversations about it  
23 or not.  
24 BY MR. MURDOCK:  
25 Q. Okay.

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1 A. I don't recall any other names, it was so  
2 long ago.  
3 Q. Okay. Suffice to say, if I would have  
4 taken your deposition much closer in time to the  
5 events occurring, you would have been able to give me  
6 the names, correct?  
7 A. Yes.  
8 Q. Okay. Now, let's talk about Kim --  
9 specifically Kim, and then we'll get to the other  
10 people.  
11 But Kim -- you had a discussion  
12 with her about Ray?  
13 A. About Ray?  
14 Q. I'm sorry. That was bad. That was bad.  
15 (Discussion off the record.)  
16 BY MR. MURDOCK:  
17 Q. You were telling me about conversations you  
18 had with Kim about Steven.  
19 A. Yes.  
20 Q. Tell me about those conversations.  
21 A. I don't remember exact details, just the  
22 fact that I had shared these same concerns I've  
23 already voiced, with her, and she felt the same way.  
24 Q. So in other words, he was being overly  
25 attentive with female patients?



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1 A. Yes.  
2 Q. And you both were suspicious about him,  
3 correct?  
4 A. Yes.  
5 Q. And when I just asked you about being  
6 suspicious about him, what were you suspicious of?  
7 A. I think "uncomfortable" is a better word  
8 than "suspicious."  
9 Q. Okay. And the reason I'm using the word  
10 "suspicious," to be honest with you, is because you  
11 used it in your conversation with Detective Saunders.  
12 A. Okay.  
13 Q. You said that Kim relayed some concern to  
14 you, the same concerns that Ray had said, about his  
15 actions were suspicious, especially with female  
16 patients.  
17 So what were you trying to convey  
18 when you used the word "suspicious" in that context?  
19 A. That there could be some actions happening  
20 by Mr. Farmer that were inappropriate.  
21 Q. Looking back at it, was it just that he was  
22 overly attentive with female patients, or was it a  
23 certain type of female patient? In other words, was  
24 it a type of female patient who maybe couldn't  
25 complain?

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1 A. I didn't notice that.  
2 Q. Okay. Now, you also said that all of the  
3 nurses were talking about it.  
4 A. Yes.  
5 Q. So it was pretty common knowledge over at  
6 Centennial Hills Hospital, right?  
7 A. Yes.  
8 MR. BEMIS: I object to form.  
9 BY MR. MURDOCK:  
10 Q. And the conversations that you had with  
11 these other nurses were basically all the same, that  
12 he was overly attentive with female patients,  
13 correct?  
14 A. Yes.  
15 Q. That he was acting at least in a suspicious  
16 manner?  
17 A. Yes.  
18 Q. And that he was -- what was the word you  
19 wanted to use besides "suspicious?"  
20 A. "Inappropriate."  
21 Q. "Inappropriate." Is that correct?  
22 A. Yes.  
23 Q. And it was all related to the same thing,  
24 where he would go into female patients' rooms and  
25 close the door, correct?

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1 A. Correct.  
2 Q. That he would be overly helpful with  
3 putting certain devices on, is that correct?  
4 A. Yes.  
5 MR. BEMIS: I object to form.  
6 BY MR. MURDOCK:  
7 Q. And those devices were basically -- it  
8 wasn't blood pressure cuffs, correct?  
9 A. No.  
10 Q. It wasn't taking someone's temperature,  
11 right?  
12 A. Right.  
13 Q. It was a medical device whereby he would be  
14 able to see female private areas. Would that be  
15 correct?  
16 MR. BEMIS: I object to form. Go ahead  
17 and answer, if you know.  
18 THE WITNESS: Yes.  
19 BY MR. MURDOCK:  
20 Q. Okay. And that would include heart  
21 monitors?  
22 A. Yes.  
23 Q. And there was a discussion the other day  
24 about whether it's a 3-lead heart monitor, a 5-lead  
25 heart monitor, or a 12.

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1 When you saw him be overly  
2 attentive regarding these heart monitors, was it with  
3 a 3, a 5, a 12 -- all?  
4 A. 5.  
5 Q. It was a 5?  
6 A. It was a 5.  
7 Q. So with a 5-lead heart monitor, where would  
8 the monitors be placed?  
9 MR. BEMIS: I object to form. Go  
10 ahead.  
11 BY MR. MURDOCK:  
12 Q. Or actually they're not monitors.  
13 They're --  
14 A. Patches.  
15 Q. The patches. Where would those patches be  
16 placed?  
17 MR. BEMIS: Same objection. Answer, if  
18 you can.  
19 THE WITNESS: There's 2 leads that go  
20 under both clavicles. There is a lead that goes on  
21 both sides.  
22 BY MR. MURDOCK:  
23 Q. The ribs?  
24 A. Yes, on the ribs.  
25 Q. Okay.

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1 A. And then there's one that goes on the  
2 sternum.  
3 Q. Now, in some women, depending on the size  
4 of their breasts, you would need to move the breast  
5 in order to place those patches, correct?  
6 A. Correct.  
7 Q. And that is what he was overly attentive  
8 in?  
9 MR. BEMIS: I object to form. Calls  
10 for speculation.  
11 BY MR. MURDOCK:  
12 Q. In placing the patches. Not holding the  
13 breast, but placing the patches?  
14 A. I never saw him place patches on a patient.  
15 Q. Okay.  
16 A. Just in the situation I observed, the  
17 patches were already in place and he appeared to be  
18 checking them.  
19 Q. Okay. Is that something that a CNA should  
20 do?  
21 MR. BEMIS: I object to form. Go ahead  
22 and answer, if you know.  
23 THE WITNESS: No. Especially when  
24 there's no alarms going off, and the patient is  
25 comfortable and the nurse is standing right there.

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1 That is out of line for a CNA.  
2 BY MR. MURDOCK:  
3 Q. And that's one of the things that made you  
4 suspicious, correct?  
5 A. Yes.  
6 Q. And that's one of the things that made you  
7 go speak to Ray, correct?  
8 A. Yes.  
9 Q. When he would check those patches, would he  
10 have to undo the gown of the patient?  
11 A. There's a way to do it that you don't have  
12 to expose the patient, but he did expose the patient  
13 when he checked them.  
14 Q. Okay. And again, this was one of the  
15 things that was well-known to Centennial Hills staff,  
16 correct?  
17 MR. BEMIS: I object to form. Calls  
18 for speculation. Answer, if you can.  
19 BY MR. MURDOCK:  
20 Q. Correct?  
21 A. No.  
22 Q. What was well-known to Centennial Hills  
23 staff?  
24 A. Just our suspicions of him. Not anything  
25 concrete.

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1 Q. But you certainly had a suspicion?  
2 A. Yes.  
3 Q. And it arose because -- at least one thing,  
4 he was opening patients' gowns to check their leads  
5 when no alarms had gone off, or things like that,  
6 right?  
7 A. That was one situation I had observed.  
8 Q. So that was one. And were there other  
9 situations that you had observed?  
10 A. Doing the same thing, no.  
11 Q. Well, what else would he do? Besides the  
12 heart patch, what else?  
13 A. Well, the things I just mentioned about  
14 being in rooms alone. Transporting patients between  
15 units, he was gone an extended period of time --  
16 longer than he should have been. Things like that.  
17 Q. And again, everything together made you  
18 suspicious?  
19 A. Right.  
20 Q. It wasn't just one thing?  
21 A. Yes.  
22 Q. After you saw him with the heart patch  
23 issue -- I assume that was several weeks before the  
24 incident with Denise Hanna?  
25 A. That was Denise Hanna.

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1 Q. Oh, that was Denise Hanna.  
2 A. Yes.  
3 Q. So prior to the Denise Hanna incident, you  
4 had a suspicion of Mr. Farmer because he was in rooms  
5 alone with patients, correct?  
6 A. Correct.  
7 Q. He was gone extended periods of time,  
8 correct?  
9 A. Yes.  
10 Q. Any other suspicions? Because you said he  
11 was overly attentive with females.  
12 A. Right.  
13 Q. Explain that.  
14 A. He would always offer to help care for  
15 female patients, whereas he didn't offer that with  
16 the males.  
17 Q. And that was several weeks before the  
18 incident with Denise Hanna?  
19 A. Yes.  
20 Q. So in other words, just so I've got this  
21 right, Denise Hanna was basically the culmination?  
22 A. Yes.  
23 Q. Would you agree with that?  
24 A. Yes.  
25 Q. But before the Denise Hanna incident, at

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1 least several weeks before, that's when the  
2 suspicions started -- where he would be in rooms  
3 alone with patients, where he was gone for extended  
4 periods of time when he was transporting patients,  
5 and where he would always offer to help female  
6 patients, as opposed to male patients, correct?  
7 A. Correct.  
8 MR. BEMIS: I object to form.  
9 BY MR. MURDOCK:  
10 Q. And in terms of the gone extended periods  
11 of time with transporting patients, that would have  
12 been with females patients, correct?  
13 MR. BEMIS: I object to form. Calls  
14 for speculation.  
15 THE WITNESS: Correct.  
16 BY MR. MURDOCK:  
17 Q. And the being in rooms alone -- again, that  
18 would be with female patients, as opposed to male  
19 patients, correct?  
20 MR. BEMIS: Same objection. Go ahead  
21 and answer.  
22 THE WITNESS: I can't say that it  
23 wasn't ever with a male patient, but we noticed it  
24 more with female patients.  
25

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1 BY MR. MURDOCK:  
2 Q. Okay. And when you say "we," who is "we?"  
3 A. The nursing staff.  
4 Q. Now, who was your charge nurse on the  
5 nightshift? Did you have one?  
6 A. We had a couple of them.  
7 Q. Who were they?  
8 A. One of them was Amy.  
9 Q. Amy who?  
10 A. I don't remember her last name.  
11 Q. Okay.  
12 A. And the other one was Danielle, and I don't  
13 remember her last name.  
14 Q. Okay. And then the relief would have been  
15 Ray?  
16 A. Yes.  
17 Q. Were Amy and Danielle made aware of these  
18 suspicions that were had by the nursing staff about  
19 Steven?  
20 MR. BEMIS: I object to form. Calls  
21 for speculation. Answer, if you know.  
22 THE WITNESS: I don't know.  
23 BY MR. MURDOCK:  
24 Q. In other words, did they know?  
25 A. I don't know.

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1 Q. I mean if everybody was talking about it,  
2 would you assume they knew?  
3 MR. BEMIS: Calls for speculation.  
4 THE WITNESS: I don't know what they  
5 knew.  
6 BY MR. MURDOCK:  
7 Q. Okay. In other words, I'd have to ask  
8 them, right?  
9 A. Uh-huh.  
10 Q. Is that a yes?  
11 A. Yes.  
12 Q. Okay. You didn't have any specific  
13 conversations with Amy or Danielle that you recall,  
14 correct?  
15 A. Correct.  
16 Q. You did have specific conversations with  
17 Ray though, correct?  
18 A. Yes.  
19 Q. And that would have been before the  
20 incident with Denise Hanna, correct?  
21 A. Yes.  
22 Q. Now, after the incident with Denise Hanna,  
23 you worked at Centennial for about another year or  
24 so. Would that be right?  
25 A. Sounds about right.

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1 Q. And my understanding is that at some point,  
2 I want to say -- I could be wrong, but in the summer  
3 of 2009, you were terminated by Centennial, is that  
4 correct?  
5 A. Yes.  
6 Q. In between the time you were terminated and  
7 the Denise Hanna incident, do you recall having any  
8 conversations with anybody at Centennial Hills  
9 Hospital regarding Steven Farmer?  
10 MR. BEMIS: Besides what she already  
11 testified to?  
12 MR. MURDOCK: Yeah.  
13 THE WITNESS: Again, all the nursing  
14 staff was talking about it, following the case. So I  
15 may have. I don't remember any specific  
16 conversations with people, but it's possible.  
17 BY MR. MURDOCK:  
18 Q. Were you ever called in, for instance by  
19 risk management, to discuss what you had witnessed  
20 with Mr. Farmer?  
21 A. No.  
22 Q. Did any lawyers ever speak with you  
23 regarding Mr. Farmer?  
24 A. No.  
25 Q. When was the first time a lawyer ever spoke

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1 with you regarding Mr. Farmer?  
2 A. When I was subpoenaed for his criminal  
3 trial.  
4 Q. And before then no lawyers, like for  
5 instance Mr. Bemis -- he never called you?  
6 A. No.  
7 Q. And nobody from risk management had called  
8 you?  
9 A. No.  
10 Q. Now, your discussion with Amy Bochenek --  
11 that was after the Denise Hanna incident, correct?  
12 A. Yes.  
13 Q. And you said that occurred that day of the  
14 Denise Hanna incident, correct?  
15 A. Correct.  
16 Q. After that day, speaking with Amy Bochenek,  
17 did you speak with anybody else regarding Mr. Farmer,  
18 in terms of administrators or administration at  
19 Centennial Hills Hospital?  
20 A. Not that I can recall.  
21 Q. Okay. When you spoke with Amy Bochenek,  
22 did you tell her that the nursing staff had all been  
23 talking about Steven Farmer?  
24 A. I don't recall.  
25 Q. Is that something that you believe that

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1 it's more likely than not that you did?  
2 A. I can't recall. I can't answer that.  
3 Q. When Mr. Farmer was arrested, that didn't  
4 come as a complete shock or surprise to you, did it?  
5 A. No.  
6 MS. HALL: Objection. Lack of  
7 foundation.  
8 BY MR. MURDOCK:  
9 Q. And it didn't come as a complete shock or  
10 surprise because you already basically had these  
11 suspicions, correct?  
12 MR. BEMIS: I object to form.  
13 BY MR. MURDOCK:  
14 Q. You can go ahead.  
15 A. Correct.  
16 Q. And these are the suspicions that you had  
17 voiced to Ray and others, correct?  
18 MR. BEMIS: Same objection.  
19 THE WITNESS: Correct.  
20 BY MR. MURDOCK:  
21 Q. Now, do you remember Kim's last name?  
22 MR. SILVESTRI: Who?  
23 MS. HALL: Kim.  
24 THE WITNESS: No, I don't. I'm sorry.  
25

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1 BY MR. MURDOCK:  
2 Q. Do you remember, was she an ER nurse?  
3 A. Yes.  
4 Q. When you said the nursing staff all knew,  
5 was that the nursing staff down at the ER?  
6 A. Yes.  
7 Q. Because that's basically who you had  
8 contact with, correct?  
9 A. Correct.  
10 Q. And that was the nursing staff on your  
11 shift?  
12 A. Correct.  
13 Q. So in other words, it wouldn't be up in the  
14 med-surg units, right?  
15 A. No.  
16 Q. That would just be down in the ER?  
17 A. Correct.  
18 Q. Had you ever heard about an incident  
19 whereby Mr. Farmer was thrown out of a room of a  
20 female patient in the med-surg unit, when he was  
21 acting as a sitter for an elderly woman?  
22 A. No.  
23 Q. Had you ever heard that there were screams  
24 coming from the room, and the nursing staff there  
25 didn't lend any credence to what she was alleging?

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1 MR. BEMIS: I object to form.  
2 MS. HALL: Lacks foundation.  
3 THE WITNESS: No.  
4 BY MR. MURDOCK:  
5 Q. Do you know a Nurse Murray -- Christine  
6 Murray? Does that name sound familiar at all?  
7 A. No.  
8 MR. MURDOCK: Let's mark this.  
9 (Plaintiff's Exhibit 1 marked.)  
10 BY MR. MURDOCK:  
11 Q. Showing you what's been marked as  
12 Plaintiff's Exhibit 1 --  
13 MR. MURDOCK: It's the statement of  
14 Margaret Wolfe. I figured you should have it.  
15 BY MR. MURDOCK:  
16 Q. Ms. Wolfe, I'm showing you what's been  
17 marked as Plaintiff's Exhibit 1.  
18 This is the transcript of your  
19 statement, is that correct?  
20 A. Yes.  
21 Q. And you said you had seen this before,  
22 correct?  
23 A. Yes.  
24 Q. When was the last time you saw this?  
25 A. Yesterday.

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1 Q. Prior to yesterday -- and by the way, that  
2 was in your meeting with Mr. Bemis?  
3 A. Yes.  
4 Q. Prior to yesterday, when was the last time  
5 you had seen it?  
6 A. Probably when I testified at the criminal  
7 trial.  
8 Q. And prior to then, do you recall seeing it?  
9 A. No, I do not.  
10 Q. Have you ever listened to the transcript  
11 itself?  
12 A. No.  
13 Q. Was it recorded?  
14 A. Yes.  
15 Q. In fact that's what the transcript comes  
16 from, right?  
17 A. Yes.  
18 Q. Where did this interview take place?  
19 A. At an Einstein bagel shop right near the  
20 Centennial Hospital.  
21 Q. Do you know how Detective Saunders got your  
22 name?  
23 A. Yes. I contacted him.  
24 Q. And why did you contact him?  
25 A. Because I was disturbed over the incident

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1 that I saw with Ms. Hanna and wanted it to be brought  
2 to his attention.  
3 Q. Because they had put out like a  
4 community-wide thing about the assault, is that  
5 correct? Were you aware of that?  
6 A. Yes.  
7 Q. And had you seen that?  
8 A. No.  
9 Q. But you knew Farmer was arrested?  
10 A. Yes.  
11 Q. And you wanted to let them know that there  
12 were other issues potentially, correct?  
13 A. Yes.  
14 Q. Do you recall what time approximately the  
15 Denise Hanna incident was?  
16 A. It was in the early morning hours.  
17 Q. Okay.  
18 A. Possibly around 3:00 a.m. I'm not saying  
19 that to be exact, but early morning hours.  
20 Q. Was Marcia Petersen your nurse? Do you  
21 remember Marcia Petersen?  
22 A. I don't know that name.  
23 Q. Okay. Was Ms. Cagnina your nurse?  
24 A. My nurse?  
25 Q. I'm sorry. Did I say that the last time,

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1 too?  
2 A. Yes.  
3 Q. Let me start over.  
4 Were you Marcia Petersen's nurse?  
5 A. No.  
6 Q. You don't even know that name, do you?  
7 A. No.  
8 Q. Were you Ms. Cagnina's nurse?  
9 A. No.  
10 Q. Do you know who Ms. Cagnina is?  
11 A. No.  
12 Q. You were Denise Hanna's nurse?  
13 A. Yes.  
14 Q. When this incident occurred with Ms. Hanna,  
15 how come you didn't go speak with Ms. Hanna?  
16 A. I didn't want to alert her to something  
17 that she may have perceived differently.  
18 I did go into the room, and there  
19 was what I perceived as eye contact between her and  
20 I, knowing that something had just happened that  
21 shouldn't have. But she did not say anything to me  
22 about it, and I didn't want to raise concerns to her  
23 if it was not an issue to her.  
24 Q. But you did go speak to Ray about it?  
25 A. Yes.

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1 Q. Okay. Take a look at Plaintiff's Exhibit  
2 1. The time you gave the statement was about 7:58 in  
3 the morning on May 30th, correct?  
4 A. Correct.  
5 Q. Do you know why it was done so early?  
6 A. It was after I got off my shift.  
7 Q. Okay. I need to ask you a personal  
8 question.  
9 A. Yes.  
10 Q. And I promise you, this will probably be  
11 the only personal question I will ever ask you.  
12 Have you ever been sexually  
13 assaulted?  
14 A. Yes.  
15 Q. Was it before this incident?  
16 A. Many years.  
17 Q. Okay. If you turn to page 2, the detective  
18 asked you, "What do you do for Centennial Hills  
19 Hospital?" And your answer was, "I'm an ER nurse."  
20 Do you see that?  
21 A. Yes.  
22 Q. Was that the truth?  
23 A. Yes.  
24 Q. You didn't lie to the cops when you told  
25 them that, right?

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1 A. No.

2 Q. Okay. And then as you go down the line it

3 says, "And what was Steven Farmer's job?" Your

4 answer was, "He was a CNA contracted out through an

5 agency."

6 Did you lie to the police there?

7 A. No.

8 Q. How did you know he was contracted out

9 through an agency?

10 A. It was just common knowledge with us there

11 that he was an agency CNA, and not a staff CNA.

12 I don't know how that information

13 got relayed. We know in the hospital which employees

14 are agency and which employees are staff.

15 Q. Agency people back then at Centennial Hills

16 Hospital -- did they have separate badges?

17 A. Yes.

18 Q. Is that how you figured out he was an

19 agency nurse?

20 A. Possibly.

21 Q. But even that separate badge said

22 "Centennial Hills Hospital" on it, correct?

23 MR. BEMIS: I object to form.

24 THE WITNESS: Correct.

25

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1 BY MR. MURDOCK:

2 Q. Was it the night of the 14th going into the

3 day of the 15th that the incident with Ms. Hanna

4 occurred?

5 A. Yes, the early morning of the 15th.

6 Q. Okay. If you would turn to page 8 in the

7 Voluntary Statement, there's a question in the middle

8 of the page. It starts with, "Did a -- excuse me."

9 It states, "Um, has uh, anybody

10 else in the ER room that you've worked with, ever

11 come to you, or have you ever talked to anybody that

12 shared similar concerns that you do about

13 Mr. Farmer?"

14 And your answer was, "Um, the same

15 nurse, Ray Sumera, had told me another time that

16 he -- to watch him around my female patients."

17 Do you see that?

18 A. Yes.

19 Q. Did you lie to the police when you said

20 that?

21 A. No.

22 Q. Were you being honest and truthful?

23 A. Yes.

24 Q. Tell me what Ray told you.

25 A. That's basically all he told me. There was

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1 not much more to that conversation.

2 Q. Well, apparently Ray told you that you

3 should watch him around your female patients. Is

4 that correct?

5 A. Yes.

6 Q. Did Ray say anything else about that? In

7 other words, did he say he was being overly

8 attentive, the same things you've already told us?

9 A. I don't recall the specifics of anything

10 else he said. Just that he did tell me that.

11 Q. Okay. And that was at some point in time

12 several weeks prior to the Denise Hanna situation,

13 correct?

14 A. Yes.

15 Q. Okay. And that's when he told you, at the

16 very least, to watch Mr. Farmer being around your

17 female patients, correct?

18 A. Yes.

19 Q. And that was something specifically that

20 Mr. Sumera told you, correct?

21 A. Yes.

22 Q. And as you go down, here's what he said --

23 and maybe this will refresh your recollection.

24 He states, "That he was concerned

25 because he" -- meaning Mr. Farmer -- "was very overly

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1 attentive with female patients, and very anxious to

2 connect them to the monitors and disconnect them from

3 the monitors, which would require him" -- meaning

4 Mr. Farmer -- "to reach into their clothing."

5 Do you see that?

6 A. Yes.

7 Q. Does that refresh your recollection?

8 A. Yes.

9 Q. Okay. So let's talk about that for a

10 second.

11 So at some point several weeks

12 prior to the Denise Hanna situation, Mr. Sumera came

13 to you and told you to watch Mr. Farmer around your

14 female patients, correct?

15 A. Correct.

16 Q. And he told you that he was concerned

17 because Mr. Farmer was overly attentive with female

18 patients, correct?

19 A. Yes.

20 Q. And he told you that Mr. Farmer was very

21 anxious to connect them to the monitors, correct?

22 A. Yes.

23 Q. And when you say "connect them to the

24 monitors," was that the heart monitors that we talked

25 about before?

| Page 53                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 55                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 A. Yes.</p> <p>2 Q. The 5 leads?</p> <p>3 A. Correct.</p> <p>4 Q. And also disconnect them from the monitors?</p> <p>5 A. Yes.</p> <p>6 Q. And that's the same heart monitors, the 5</p> <p>7 leads, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And of course that would require him to</p> <p>10 reach into their clothing, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember Julie's last name?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. If you turn to page 9, the detective</p> <p>15 asks you basically if there's anything that he might</p> <p>16 have forgotten to ask about Mr. Farmer, and you state</p> <p>17 in the middle of the page about Farmer, "He was just</p> <p>18 very suspicious in his activities. Um, such as going</p> <p>19 into rooms with doors closed with female patients,</p> <p>20 when he was not asked to." Correct?</p> <p>21 A. Correct.</p> <p>22 Q. You didn't lie to the police when you told</p> <p>23 them that, correct?</p> <p>24 A. No.</p> <p>25 Q. And by the way, going back to page 8 for a</p>                                                                                                                                                                                     | <p>1 A. No.</p> <p>2 Q. You were being honest and truthful,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. You said something on page 11 I'd like to</p> <p>6 ask you a few questions about.</p> <p>7 There's a question towards the</p> <p>8 middle of the page -- towards the bottom, I guess.</p> <p>9 It says, "Okay. Okay." Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. It says, "Do you harbor any -- do you have</p> <p>12 any personal gain by coming forward to me with this</p> <p>13 information?"</p> <p>14 That's the detective asking,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you answered, "No, I don't. In fact,</p> <p>18 I" -- something -- "fear that I could possibly get in</p> <p>19 trouble with my job if I were to give out</p> <p>20 information, you know, regarding or against" --</p> <p>21 blank -- "with my patients."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. I don't know what the blanks say. Do you</p> <p>25 know what the blanks say, or do you recall what you</p>                                                                                            |
| Page 54                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 56                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1 second, to that long sentence in the middle of the</p> <p>2 page -- when you told the police that Ray Sumera had</p> <p>3 told you that you should watch your female patients</p> <p>4 around Farmer, because Ray was concerned that Farmer</p> <p>5 was very overly attentive with female patients and</p> <p>6 very anxious to connect them to the monitors and</p> <p>7 disconnect them from the monitors -- when you told</p> <p>8 the police that, you didn't lie to the police,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. You were being and honest and truthful with</p> <p>12 the police, correct?</p> <p>13 A. Yes.</p> <p>14 Q. If you turn to page 10, in the middle of</p> <p>15 the page the detective asks you, "If you had to give</p> <p>16 me an estimate, how many times would you say that</p> <p>17 you've seen him walk into female patients' rooms</p> <p>18 where the door is closed, but there's no need for him</p> <p>19 to be in that room?" Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And your answer was, "Multiple times. I</p> <p>22 couldn't put a number on it." Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. You weren't lying to the police when you</p> <p>25 said that, correct?</p> | <p>1 were telling the police?</p> <p>2 A. I would probably have been referring to</p> <p>3 HIPAA information.</p> <p>4 Q. Because you spoke with the police?</p> <p>5 A. Yes.</p> <p>6 Q. So you were concerned about HIPAA about</p> <p>7 going to the police, correct?</p> <p>8 A. Not necessarily the police. I was</p> <p>9 concerned just about violating HIPAA laws by speaking</p> <p>10 with anybody about my patient.</p> <p>11 Q. Okay. Prior to going to the police, did</p> <p>12 you ask anybody if you could go to the police, or</p> <p>13 would you be violating HIPAA?</p> <p>14 A. No, I did not.</p> <p>15 Q. Why didn't you?</p> <p>16 A. Well, I did feel it was safe to speak with</p> <p>17 the police, and I wasn't giving specific information</p> <p>18 on her medical condition or things like that.</p> <p>19 Q. Right. You were giving specific</p> <p>20 information regarding a crime that you believe had</p> <p>21 been committed, correct?</p> <p>22 MR. BEMIS: I object to form.</p> <p>23 THE WITNESS: Right.</p> <p>24 BY MR. MURDOCK:</p> <p>25 Q. Now, then the detective, as you go along on</p> |

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1 page 11, starts talking about other people that you  
2 had discussed this with prior to the Denise Hanna  
3 situation several weeks before, and you talk about  
4 Julie specifically. Correct?  
5 A. Yes.  
6 Q. And -- oh, no, actually you don't. Because  
7 Julie didn't work the nightshift with you, right?  
8 A. Correct.  
9 Q. Okay. In fact I'm reading that wrong here.  
10 He asked you about Julie. You  
11 didn't tell him about Julie, right?  
12 A. (No response.)  
13 Q. If you look at the question, it says,  
14 "Okay, and that would be Ray Sumera. Did Julie say  
15 she had any concerns?" Do you see that?  
16 A. Yes.  
17 Q. And you said, "Julie hasn't worked with  
18 him, because she works on dayshift." Do you see  
19 that?  
20 A. Yes.  
21 Q. And you were being honest and truthful  
22 there, right?  
23 A. Yes.  
24 Q. But then as you go along, you were trying  
25 to think up I guess people's names for the detective,

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1 correct?  
2 A. Yes.  
3 Q. And then you state -- it's on the top of  
4 page 13.  
5 You state, "There's one other  
6 nurse that had come to me, that I'm trying to  
7 remember her name, that had told me some of the same  
8 things."  
9 And then you asked him to turn off  
10 the recorder for one second so you could think about  
11 it, right?  
12 A. Yes.  
13 Q. Were you nervous with the recorder being  
14 on?  
15 A. I was just nervous in general. Not so much  
16 with the recorder, but yes, I was nervous.  
17 Q. So you just couldn't think of certain  
18 things real fast, right?  
19 A. Right.  
20 Q. But then it came to you, like it does, and  
21 you came up with Kim, right?  
22 A. Yes.  
23 Q. And you state down towards the middle of  
24 the page -- the detective asks you, "And she" --  
25 meaning Kim -- "relayed some concern to you also?"

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1 And you stated, "The same concerns that Ray had said  
2 about his actions" -- meaning Farmer's -- "were  
3 suspicious, especially with a female patient."  
4 Correct?  
5 A. Yes.  
6 Q. So she had come to you, correct?  
7 A. Yes.  
8 Q. She relayed the concern to you, and I guess  
9 you discussed it with her, correct?  
10 A. Yes.  
11 Q. And you were being truthful when you said  
12 that to the police?  
13 A. Yes.  
14 Q. You weren't lying to the police?  
15 A. No.  
16 Q. I want you to take a few minutes here. I  
17 know you've looked at this before, but I want you to  
18 take a few minutes. I want you to read through your  
19 entire transcript.  
20 A. Okay.  
21 Q. And I want you to tell me if there's  
22 anything -- anything at all in the transcript that  
23 you believe is wrong.  
24 A. Okay.  
25 Q. In other words, that there's a mistake, or

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1 something like that. Okay?  
2 A. Okay.  
3 Q. So take your time, and if you want I'll  
4 give you a pen and -- well, actually just bend the  
5 page. Okay?  
6 A. Okay.  
7 Q. Take your time.  
8 MR. MURDOCK: We can go off the record.  
9 (Recess.)  
10 BY MR. MURDOCK:  
11 Q. Ms. Wolfe, you have now had an opportunity  
12 to review your voluntary statement in full, is that  
13 correct?  
14 A. Yes.  
15 Q. Is there anything at all in the voluntary  
16 statement that you believe is wrong?  
17 A. No, but there was a contradiction to  
18 something that was said earlier regarding the  
19 dates --  
20 Q. Oh, okay.  
21 A. -- of when it happened.  
22 Q. Tell me about that.  
23 A. You had said the 14th to the 15th, and it  
24 was actually the 15th to the 16th.  
25 Q. Okay. Is that something you specifically



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p style="text-align: right;">Page 61</p> <p>1 remember, or is it something that --</p> <p>2 A. Something I read in here.</p> <p>3 Q. Something you read in here?</p> <p>4 A. Yeah.</p> <p>5 Q. So in here it says the 15th to the 16th?</p> <p>6 A. Yes.</p> <p>7 Q. But it in actually it was the 14th to the</p> <p>8 15th?</p> <p>9 MR. BEMIS: I object to form. It</p> <p>10 misstates her testimony.</p> <p>11 BY MR. MURDOCK:</p> <p>12 Q. I'm trying to figure it out. I'm not</p> <p>13 trying to --</p> <p>14 A. No, I believe the dates in here are</p> <p>15 correct, the 15th and 16th.</p> <p>16 Q. Okay.</p> <p>17 MS. HALL: I believe she said one of</p> <p>18 your questions said the 14th and 15th.</p> <p>19 MR. MURDOCK: Oh, okay. So my question</p> <p>20 was wrong.</p> <p>21 BY MR. MURDOCK:</p> <p>22 Q. But anything in the statement itself,</p> <p>23 outside of my question?</p> <p>24 MR. SILVESTRI: So that would mean it</p> <p>25 would be 3:00 a.m., or thereabouts, on the 16th?</p>   | <p style="text-align: right;">Page 63</p> <p>1 BY MR. MURDOCK:</p> <p>2 Q. What does it mean to you?</p> <p>3 MR. MURDOCK: Not to you, John.</p> <p>4 THE WITNESS: I take it very seriously.</p> <p>5 That the information I give needs to be true and</p> <p>6 correct, to the best of my knowledge, and that I'm</p> <p>7 not to lie about anything.</p> <p>8 BY MR. MURDOCK:</p> <p>9 Q. Okay. When you gave the statement to the</p> <p>10 police, even though you weren't put under oath, is</p> <p>11 that the same standard you held yourself to?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 MR. MURDOCK: I have nothing further at</p> <p>15 this time.</p> <p>16 However, for the record, no matter</p> <p>17 what happens to the rest of this deposition, I'm not</p> <p>18 closing this deposition.</p> <p>19 Because just for the record, I</p> <p>20 don't believe that Mr. Bemis can act as your counsel</p> <p>21 in this matter. I believe he's got a hell of a</p> <p>22 conflict of interest at this point in this case.</p> <p>23 Whether or not he continues as counsel in the entire</p> <p>24 case is up for discussion.</p> <p>25 That being said, if need be we'll</p> |
| <p style="text-align: right;">Page 62</p> <p>1 THE WITNESS: Correct.</p> <p>2 MR. MURDOCK: Okay.</p> <p>3 MR. SILVESTRI: Thank you.</p> <p>4 BY MR. MURDOCK:</p> <p>5 Q. So outside of my question being wrong, is</p> <p>6 there anything wrong in the statement itself,</p> <p>7 Plaintiff's Exhibit 1?</p> <p>8 A. No.</p> <p>9 Q. Is there anything in Plaintiff's Exhibit 1</p> <p>10 that you lied about?</p> <p>11 A. No.</p> <p>12 Q. Is there anything in Plaintiff's Exhibit 1</p> <p>13 you weren't being honest and truthful about with the</p> <p>14 police?</p> <p>15 A. No.</p> <p>16 Q. Okay. This morning before the deposition</p> <p>17 was started -- right when the deposition was started</p> <p>18 actually, you gave an oath.</p> <p>19 A. Yes.</p> <p>20 Q. And you gave an oath to tell the truth, is</p> <p>21 that correct?</p> <p>22 A. Yes.</p> <p>23 Q. What does that oath mean to you?</p> <p>24 MR. BEMIS: I object to form. Calls</p> <p>25 for a legal conclusion. You can answer.</p> | <p style="text-align: right;">Page 64</p> <p>1 have to get a court order, and potentially, if</p> <p>2 allowed, come back and ask you questions about your</p> <p>3 conversations with Mr. Bemis.</p> <p>4 But that being said, I'll leave it</p> <p>5 to Mr. Silvestri.</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 BY MR. SILVESTRI:</p> <p>9 Q. Ms. Wolfe, my name is Jim Silvestri. I</p> <p>10 represent American Nursing Services.</p> <p>11 Why were you terminated from</p> <p>12 Centennial Hills?</p> <p>13 A. I had brought my daughter into work with me</p> <p>14 one night. I knew it was very busy that time of</p> <p>15 year, and I didn't want to call off and leave them in</p> <p>16 a bad situation.</p> <p>17 We had rooms in the back that were</p> <p>18 not being used, and she was -- you know, old enough</p> <p>19 that she didn't have to be watched continually.</p> <p>20 I just put her in one of those</p> <p>21 rooms to keep an eye on her throughout the night,</p> <p>22 instead of leaving her home alone.</p> <p>23 And she started getting sicker</p> <p>24 throughout the night. One of the doctors had</p> <p>25 suggested giving her a bag of fluid.</p>     |

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1 And she was not checked in as a  
2 patient, but we started an IV on her and gave her  
3 some fluids. And I was terminated for that.  
4 Q. Okay. And that was some breach of policy  
5 of the hospital?  
6 A. Yes.  
7 Q. And how long ago was that?  
8 A. About six years ago.  
9 Q. Now, most people would say that  
10 terminations are not pleasant; it can create bad  
11 feelings.  
12 Are you testifying here today with  
13 any animosity or bad feeling toward Centennial Hills  
14 Hospital?  
15 A. No. I know that I made a poor decision in  
16 that situation, and I don't hold the hospital  
17 responsible in any way.  
18 Q. All right. And it's true that the  
19 statement that we've seen in Exhibit 1 was given  
20 approximately a year before that event even occurred.  
21 Is that true?  
22 A. Yes.  
23 Q. Okay. I just want to go over some of these  
24 names, in case we can identify some different  
25 witnesses.

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1 You testified that several nurses  
2 had expressed or knew about similar concerns or  
3 suspicions that you had about Mr. Farmer, and I think  
4 the testimony was even these communications or  
5 statements were made weeks before the Hanna incident.  
6 Is that correct?  
7 A. Yes.  
8 Q. I don't want to misquote your testimony.  
9 Do you know Darby Curley?  
10 A. Yes.  
11 Q. And who is Darby?  
12 A. He was one of the charge nurses.  
13 Q. Shannon Brelig?  
14 A. Yes. She was one of the charge nurses.  
15 Q. Sherry Chipolene?  
16 A. I believe she was a relief charge.  
17 Q. Yvonne Fernandez?  
18 A. I do not remember her.  
19 Q. Jessica Brack?  
20 A. I don't recall her.  
21 Q. Ed Tenayo?  
22 A. I vaguely remember him.  
23 Q. Karen Evanson?  
24 A. Yes.  
25 Q. You remember her?

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1 A. Yes.  
2 Q. Were these some of the nurses that you were  
3 talking about when you said that there were other  
4 nurses at Centennial Hills that had these same  
5 concerns or suspicions about Mr. Farmer?  
6 MR. BEMIS: I object to form.  
7 Misstates testimony. Go ahead and answer.  
8 THE WITNESS: I don't recall speaking  
9 with any of those people in specific about it. Most  
10 likely I did not talk with those particular people.  
11 BY MR. SILVESTRI:  
12 Q. Is Kim's last name Davis?  
13 A. Yes, that sounds right.  
14 Q. That's the Kim that you spoke about  
15 earlier?  
16 A. Yes.  
17 Q. Do you recall Julie's last name?  
18 A. No, I don't.  
19 Q. Could it be Montero?  
20 A. I don't know.  
21 Q. How about Amy? Is there an Amy?  
22 A. There were two Amys there. The manager,  
23 Amy Bochenek; and then another Amy, who was a charge  
24 nurse. I don't recall her last name.  
25 Q. Is that Amy Agosto?

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1 A. Yes.  
2 Q. Did you ever speak to Amy Agosto about  
3 Mr. Farmer?  
4 A. No.  
5 Q. Did she speak to you about him?  
6 A. No.  
7 Q. Were there any nurses on your shift in or  
8 around May -- well, I'll take that back -- January  
9 2008 through May 2008, that you considered yourself  
10 closer to than other nurses?  
11 A. Yes.  
12 Q. And who would those be?  
13 A. Gina.  
14 Q. Was her name anything other than Gina? Do  
15 you recall if that was a nickname?  
16 A. No. To my knowledge, that's what she goes  
17 by.  
18 Q. Okay. Anybody else that you were closer  
19 to?  
20 A. Ray.  
21 Q. And that's Ray Sumera?  
22 A. Yes.  
23 Q. Anybody else?  
24 A. Karen Goodheart.  
25 Q. Was Karen an ER nurse?

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p style="text-align: right;">Page 69</p> <p>1 A. Yes.</p> <p>2 Q. Anybody else?</p> <p>3 A. Karen Evanston.</p> <p>4 Q. Anybody else?</p> <p>5 A. That's all that I can recall right now.</p> <p>6 Q. What are your outside activities? Do you</p> <p>7 belong to any groups or organizations?</p> <p>8 A. I was very active in my church for awhile.</p> <p>9 Not so much right now, but I was very active.</p> <p>10 Q. Which church is that?</p> <p>11 A. The LDS Church, Mormon.</p> <p>12 Q. Were you active with any children or youth</p> <p>13 groups at that church?</p> <p>14 A. Yes.</p> <p>15 Q. And I'm not in the LDS Church, but in my</p> <p>16 church I'm involved in some youth groups and we go</p> <p>17 through some youth training -- youth protection</p> <p>18 training.</p> <p>19 Are you familiar with any type of</p> <p>20 youth protection training?</p> <p>21 A. I am, but I have not had any.</p> <p>22 Q. Have you had any youth protection training</p> <p>23 through any other group?</p> <p>24 A. No.</p> <p>25 Q. A lot of the questions that you were asked</p>                                                                                                                                                                       | <p style="text-align: right;">Page 71</p> <p>1 you know if that alarm registers anywhere, other than</p> <p>2 on the little machine where the leads are attached</p> <p>3 to?</p> <p>4 MR. BEMIS: Incomplete hypothetical.</p> <p>5 Are you talking about in the ER specifically?</p> <p>6 MR. SILVESTRI: Let's start there, with</p> <p>7 the ER.</p> <p>8 BY MR. SILVESTRI:</p> <p>9 Q. Do you know if that's registered anywhere,</p> <p>10 like in a patient's chart, or at the nurses' station?</p> <p>11 A. At the nurses' station there's usually a</p> <p>12 central monitor. Not always.</p> <p>13 Q. Well, sometimes the alarm might be going</p> <p>14 off in a patient's room, and if somebody is not right</p> <p>15 there they're not going to fix it right away.</p> <p>16 And that's why I want to know, is</p> <p>17 that alarm registered anywhere else in the ER?</p> <p>18 MR. BEMIS: Same objection.</p> <p>19 THE WITNESS: The alarm itself?</p> <p>20 BY MR. SILVESTRI:</p> <p>21 Q. Yeah.</p> <p>22 A. No.</p> <p>23 Q. Is there some other notification though</p> <p>24 that the nurses' station would get that a lead was</p> <p>25 not attached properly, or was somehow improperly</p>            |
| <p style="text-align: right;">Page 70</p> <p>1 about whether it's appropriate or not for a male</p> <p>2 nurse or a male CNA to be in a room of a female</p> <p>3 patient alone -- a lot of those questions sometimes</p> <p>4 spoke about the door being closed and the door not</p> <p>5 being closed.</p> <p>6 A. Yes.</p> <p>7 Q. I've got a couple questions to ask you</p> <p>8 about that.</p> <p>9 Is it appropriate for a male nurse</p> <p>10 or a male CNA to be alone with a female patient with</p> <p>11 the curtain closed?</p> <p>12 MR. BEMIS: I object to form.</p> <p>13 Incomplete hypothetical. Answer, if you know.</p> <p>14 THE WITNESS: It would be similar to</p> <p>15 the door being closed.</p> <p>16 BY MR. SILVESTRI:</p> <p>17 Q. And is it my understanding that at the ER</p> <p>18 at Centennial Hills in or around January through May</p> <p>19 of 2008 -- at least in those dates, some of the rooms</p> <p>20 had doors, and some had just curtains. Is that fair?</p> <p>21 A. Yes.</p> <p>22 Q. If an alarm goes on because a lead is</p> <p>23 detached or is not working properly, with respect to</p> <p>24 a patient that has, as you talked about, a 5-lead</p> <p>25 monitor on a patient, and that alarm goes off -- do</p> | <p style="text-align: right;">Page 72</p> <p>1 working?</p> <p>2 A. The alarm doesn't necessarily mean that a</p> <p>3 lead is not attached properly. It just means there's</p> <p>4 an arrhythmia that needs to be addressed, which could</p> <p>5 be caused from a lead not being attached properly.</p> <p>6 Q. Okay.</p> <p>7 A. The alarms are very loud, so you would hear</p> <p>8 it outside of the room.</p> <p>9 Q. Is there any other mechanism though that</p> <p>10 registers that problem or that issue?</p> <p>11 A. Sometimes there's central monitors, that an</p> <p>12 alarm would go off on that central monitor at the</p> <p>13 nurses' station as well.</p> <p>14 Q. Do you know if that central alarm goes off</p> <p>15 if it's registered in a patient's chart?</p> <p>16 A. Occasionally the monitor will print out a</p> <p>17 strip of what the rhythm is, and that could be placed</p> <p>18 into the patient's chart.</p> <p>19 Q. And it would print out this arrhythmia?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know if it's the same system up on</p> <p>22 the 6th floor of Centennial Hills Hospital?</p> <p>23 A. I do not know.</p> <p>24 MR. BEMIS: Objection. Foundation.</p> <p>25</p> |

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1 BY MR. SILVESTRI:  
2 Q. Do you know where Kim Davis is today?  
3 A. No, I don't.  
4 Q. You also mentioned Gina. Do you know where  
5 Gina is today, where she works?  
6 A. The last I knew she was working at UMC. I  
7 don't know if she's still there.  
8 Q. Do you know what department?  
9 A. I believe med-surg.  
10 Q. Then you mentioned Karen Evanson. Do you  
11 know where she is?  
12 A. No, I don't.  
13 Q. Then there was one other person. I think  
14 it was another Karen.  
15 A. Karen Goodheart.  
16 Q. Do you know where Karen Goodheart is?  
17 A. I don't. I know they're still in Las  
18 Vegas, but I don't know where they're working.  
19 Q. I'm sorry if I've asked this before.  
20 Did you ever communicate with the  
21 agencies, or any agency nurse or agency CNA, while  
22 you worked at Centennial Hills Hospital?  
23 A. No.  
24 Q. And the Julie that we spoke of in your  
25 statement, do you know where she is today?

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1 A. No, I don't.  
2 Q. Do you know if she's still in Las Vegas?  
3 A. I do not know.  
4 Q. Do you know the last place that you were  
5 aware of where she worked?  
6 A. Centennial Hills.  
7 MR. SILVESTRI: Thank you, Ms. Wolfe.  
8 MS. BROOKHYSER: I have no questions.  
9 MS. HALL: Just a couple.  
10  
11 EXAMINATION  
12 BY MS. HALL:  
13 Q. I just want to get some context on a couple  
14 of things that you testified to earlier.  
15 Earlier when Mr. Murdock was  
16 questioning you, you mentioned that -- I think your  
17 testimony was that among the nurses it was kind of  
18 well-known, these suspicions or concerns about Steven  
19 Farmer, correct?  
20 A. Yes.  
21 Q. Were you talking about before May 16, 2008?  
22 A. Yes.  
23 Q. Do you know if before May 16, 2008 there  
24 was ever any sort of internal investigation at  
25 Centennial related to Steven Farmer?

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1 MR. BEMIS: Objection.  
2 THE WITNESS: Not to my knowledge.  
3 BY MS. HALL:  
4 Q. You certainly weren't ever contacted by  
5 anyone at Centennial and asked to give any sort of  
6 statement about Steven related to an internal  
7 investigation, true?  
8 A. True.  
9 MS. HALL: Thank you. That's all I  
10 have.  
11  
12 FURTHER EXAMINATION  
13 BY MR. MURDOCK:  
14 Q. Had you been asked by Centennial about  
15 Steven Farmer prior to Denise Hanna, that situation,  
16 what would you have told them?  
17 A. Exactly what I've told you here. That he  
18 made me uncomfortable and I did not want him around  
19 my female patients.  
20 Q. Because he was overly attentive?  
21 A. Yes.  
22 Q. And you were suspicious?  
23 A. Yes.  
24 MR. MURDOCK: Thank you. I have  
25 nothing further at this time.

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1 MR. SILVESTRI: Oh, I just have one  
2 other question.  
3  
4 FURTHER EXAMINATION  
5 BY MR. SILVESTRI:  
6 Q. You mentioned you went to Ray Sumera, as he  
7 was a relief charge nurse. He was also a male.  
8 Typically at your work, if you're  
9 on your shift and you have any issues, is the charge  
10 nurse the first person you would go to?  
11 A. Yes.  
12 MR. SILVESTRI: That's all I've got.  
13 Thank you.  
14 MR. MURDOCK: You have an opportunity  
15 to read and sign, if you so desire. I know John will  
16 tell you to read and sign, so --  
17 MR. BEMIS: We'll read and sign.  
18 MR. MURDOCK: Very good.  
19  
20 (The deposition concluded at 11:03 a.m.)  
21  
22  
23  
24  
25

| Page 77                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | Page 79                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF NEVADA )</p> <p>3 ) ss.</p> <p>4 COUNTY OF CLARK )</p> <p>5 I, Carol O'Malley, Nevada Certified Court</p> <p>6 Reporter 178, do hereby certify:</p> <p>7 That I reported the taking of the deposition</p> <p>8 of MARGARET WOLFE, RN on May 6, 2015 commencing at</p> <p>9 the hour of 9:30 a.m.;</p> <p>10 That prior to being examined, the witness was by</p> <p>11 me duly sworn to testify to the truth, the whole</p> <p>12 truth, and nothing but the truth;</p> <p>13 That I thereafter transcribed my said</p> <p>14 shorthand notes into typewriting and that the</p> <p>15 typewritten transcription of said deposition is a</p> <p>16 complete, true, and accurate transcription of my said</p> <p>17 shorthand notes taken down at said time. Review of</p> <p>18 the transcript was requested.</p> <p>19 I further certify that I am not a relative or</p> <p>20 employee of an attorney or counsel involved in said</p> <p>21 action, nor financially interested in said action.</p> <p>22 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>23 in my office in the County of Clark, State of Nevada,</p> <p>24 this 7th day of May, 2015.</p> <p>25 <i>Carol O'Malley</i><br/>Carol O'Malley, CCR No. 178</p> |  | <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. Line No. Change to:</p> <p>3 Reason for change:</p> <p>4 Page No. Line No. Change to:</p> <p>5 Reason for change:</p> <p>6 Page No. Line No. Change to:</p> <p>7 Reason for change:</p> <p>8 Page No. Line No. Change to:</p> <p>9 Reason for change:</p> <p>10 Page No. Line No. Change to:</p> <p>11 Reason for change:</p> <p>12 Page No. Line No. Change to:</p> <p>13 Reason for change:</p> <p>14 Page No. Line No. Change to:</p> <p>15 Reason for change:</p> <p>16 Page No. Line No. Change to:</p> <p>17 Reason for change:</p> <p>18 Page No. Line No. Change to:</p> <p>19 Reason for change:</p> <p>20 Page No. Line No. Change to:</p> <p>21 Reason for change:</p> <p>22</p> <p>23</p> <p>24 SIGNATURE: DATE:</p> <p>25 MARGARET WOLFE, RN</p> |  |
| Page 78                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | Page 80                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3 File No. 104099</p> <p>4 Case Caption: Doe vs. Valley Health Systems</p> <p>5</p> <p>6</p> <p>7</p> <p>8 DECLARATION UNDER PENALTY OF PERJURY</p> <p>9</p> <p>10 I declare under penalty of perjury that I have</p> <p>11 read the entire transcript of my deposition taken in</p> <p>12 the captioned matter or the same has been read to me,</p> <p>13 and the same is true and accurate, save and except</p> <p>14 for changes and/or corrections, if any, as indicated</p> <p>15 by me on the DEPOSITION ERRATA SHEET hereof, with the</p> <p>16 understanding that I offer these changes as if still</p> <p>17 under oath.</p> <p>18</p> <p>19 Signed this day of , 20 .</p> <p>20</p> <p>21</p> <p>22</p> <p>23 MARGARET WOLFE, RN</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. Line No. Change to:</p> <p>3 Reason for change:</p> <p>4 Page No. Line No. Change to:</p> <p>5 Reason for change:</p> <p>6 Page No. Line No. Change to:</p> <p>7 Reason for change:</p> <p>8 Page No. Line No. Change to:</p> <p>9 Reason for change:</p> <p>10 Page No. Line No. Change to:</p> <p>11 Reason for change:</p> <p>12 Page No. Line No. Change to:</p> <p>13 Reason for change:</p> <p>14 Page No. Line No. Change to:</p> <p>15 Reason for change:</p> <p>16 Page No. Line No. Change to:</p> <p>17 Reason for change:</p> <p>18 Page No. Line No. Change to:</p> <p>19 Reason for change:</p> <p>20 Page No. Line No. Change to:</p> <p>21 Reason for change:</p> <p>22</p> <p>23</p> <p>24 SIGNATURE: DATE:</p> <p>25 MARGARET WOLFE, RN</p> |  |

TAB 75

RSPN

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Nevada Bar No. 8619

JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

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*Attorneys for Defendants*

*Centennial Hills Hospital and*

*Universal Health Services, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

MISTY PETERSEN, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
JANE DOE,

Plaintiff,

vs.

VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual; DOES I  
through X, inclusive; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

CASE NO. A595780  
DEPT NO. II

**DEFENDANT VALLEY HEALTH SYSTEM, LLC'S  
RESPONSES TO PLAINTIFF'S ELEVENTH SET OF INTERROGATORIES**



COMES NOW, Defendant, VALLEY HEALTH SYSTEM, LLC, by and through their  
counsel of record, the law firm of HALL PRANGLE & SCHOONVELD, LLC, and hereby  
provides the following responses to Plaintiff's Eleventh Set of Interrogatories:

**INTERROGATORIES**

**INTERROGATORY NO. 18:**

Please state when you received the LVMPD Statement of Margaret Wolfe.

**RESPONSE NO. 18:**

Objection. This Interrogatory seeks information protected by the attorney-client  
privilege. Without waiving said Objection, this Answering Defendant has only learned of the  
LVMPD Statement of Margaret Wolfe through counsel.

**INTERROGATORY NO. 19:**

Please state when you first became aware that Margaret Wolfe had spoken with the  
LVMPD regarding Steven Farmer.

**RESPONSE NO. 19:**

See Response No. 18.

**INTERROGATORY NO. 20:**

Please identify who transported Jane Doe from the Emergency Room at Centennial Hills  
to her room on the 6<sup>th</sup> floor on May 13, 2008.

**RESPONSE NO. 20:**

Please see CHH00217-222, CHH00212, CHH00197-201.

**INTERROGATORY NO. 21:**

Please state exactly where Steven Farmer was assigned to be by Centennial Hills Hospital  
from May 13, 2008 through May 16, 2008.



1 **RESPONSE NO. 21:**

2 May 13, 2008 – Steven Farmer was not on schedule to work at Centennial Hills Hospital

3 May 14, 2008 – Steven Farmer was scheduled to be in the Emergency Department from  
4 7:00 pm – 7:00 am the following morning. At 2130, Mr. Farmer was floated to the 6<sup>th</sup> floor.

5 May 15, 2008 – Steven Farmer was scheduled in the Emergency Room at Centennial  
6 Hills Hospital from 7:00pm – 7:00 am the following morning.

7 May 16, 2008 – Steven Farmer was continuing his May 15, 2008, shift until 7:00 am.

8 **INTERROGATORY NO. 22:**

9 Please state the exact whereabouts of Steven Farmer at Centennial Hills Hospital from  
10 May 13, 2008 through May 16, 2008.

11 **RESPONSE NO. 22:**

12 Objection. This Interrogatory is vague as “exact whereabouts,” vague, overbroad and  
13 unduly burdensome. Without waiving said Objection, please see Response No. 21, and  
14 CHH00322-325.

15 DATED this 12<sup>th</sup> day of June, 2015.

16 HALL PRANGLE & SCHOONVELD, LLC

17 By: /s/ John Bemis  
18 MICHAEL E. PRANGLE, ESQ.  
19 Nevada Bar No. 8619  
20 JOHN F. BEMIS, ESQ.  
21 Nevada Bar No. 9509  
22 HALL PRANGLE & SCHOONVELD, LLC  
23 1160 North Town Center Drive, Suite 200  
24 Las Vegas, NV 89144  
25 *Attorneys for Defendants*  
26 *Centennial Hills Hospital and*  
27 *Universal Health Services, Inc.*  
28

VERIFICATION

STATE OF NEVADA       )  
                                      ) ss:  
COUNTY OF CLARK       )

AMANDA BELL, being first duly sworn and upon her oath, deposes and says:


That she is the Risk Analyst at Centennial Hills Hospital Medical Center, a named Defendant in the foregoing District Court action;

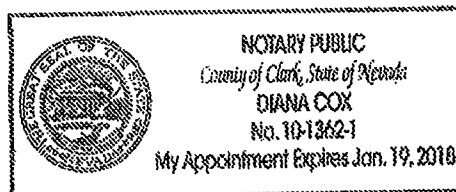
That she has read the foregoing Responses to Plaintiff's Eleventh Set of Interrogatories, knows the contents thereof, and the same is true to the best of her knowledge, except as to those matters therein stated on information and belief, and as to those matters, she believes them to be true. Information for these answers was gathered from various departments and individuals throughout Centennial Hills Hospital. Amanda Bell, Risk Analyst, of Centennial Hills Hospital reviewed same, and is signing these documents in her capacity, based upon information and belief that the information contained herein is accurate.

DATED this 12 day of June, 2015.

  
AMANDA BELL  
RISK ANALYST

Subscribed and sworn to before me this  
12 day of June, 2015.

  
NOTARY PUBLIC in and for said  
County of Clark and State of Nevada



HALL PRANGLE & SCHOONVELD, LLC  
1160 NORTH TOWN CENTER DRIVE  
SUITE 200  
LAS VEGAS, NEVADA 89144  
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 12<sup>th</sup> day of June, 2015, I served a true and correct copy of the foregoing DEFENDANT VALLEY HEALTH SYSTEM, LLC'S RESPONSES TO PLAINTIFF'S ELEVENTH SET OF INTERROGATORIES via E-Service on Wiznet pursuant to mandatory NEFCR 4(b) to the following parties:

Robert E. Murdock, Esq.  
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-and-  
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*Steven Dale Farmer Attorneys for*  
*Defendant*  
*Steven Dale Farmer*

/s/ Diana Cox  
An employee of HALL PRANGLE & SCHOONVELD, LLC

TAB 76

RSPN  
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*Attorneys for Defendants*  
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*Universal Health Services, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

MISTY PETERSEN, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
JANE DOE,

CASE NO. A595780  
DEPT NO. II

Plaintiff,

vs.

VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual; DOES I  
through X, inclusive; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

**DEFENDANT VALLEY HEALTH SYSTEM, LLC'S**  
**RESPONSES TO PLAINTIFF'S TENTH SET OF INTERROGATORIES**



COMES NOW, Defendant, VALLEY HEALTH SYSTEM, LLC, by and through their  
counsel of record, the law firm of HALL PRANGLE & SCHOONVELD, LLC, and hereby  
provides the following responses to Plaintiff's Tenth Set of Interrogatories:

**INTERROAGORIES**

**INTERROGATORY NO. 17:**

Identify any and all persons present at the meeting between Renato Sumera and  
Centennial Hills Hospital after Farmer was arrested.

**RESPONSE NO. 17:**

Objection. This Interrogatory is irrelevant. Counsel of record met with Mr. Sumera  
following Mr. Farmer's arrest. Former Centennial Hills Hospital Risk Manager, Janet Calliham,  
and her staff provided introduction and left the meeting prior to any substantive discussion.

DATED this 10<sup>th</sup> day of June, 2015.

HALL PRANGLE & SCHOONVELD, LLC

By: 

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

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VERIFICATION

STATE OF NEVADA )  
 ) ss:  
COUNTY OF CLARK )

AMANDA BELL, being first duly sworn and upon her oath, deposes and says:

That she is the Risk Analyst at Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center, a named Defendant in the foregoing District Court action;

That she has read the foregoing Responses to Plaintiff's Tenth Set of Interrogatories, knows the contents thereof, and the same is true to the best of her knowledge, except as to those matters therein stated on information and belief, and as to those matters, she believes them to be true. Information for these answers was gathered from various departments and individuals throughout Centennial Hills Hospital. Amanda Bell, Risk Analyst, of Centennial Hills Hospital reviewed same, and is signing these documents in her capacity, based upon information and belief that the information contained herein is accurate.

DATED this 10 day of June, 2015.

*Amanda Bell*  
AMANDA BELL  
RISK ANALYST

Subscribed and sworn to before me this  
10 day of June, 2015.

*Lorraine Castro*  
NOTARY PUBLIC in and for said  
County of Clark and State of Nevada



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 10<sup>th</sup> day of June, 2015, I served a true and correct copy of the foregoing **DEFENDANT VALLEY HEALTH SYSTEM, LLC'S RESPONSES TO PLAINTIFF'S TENTH SET OF INTERROGATORIES** via E-Service on Wiznet pursuant to mandatory NEFCR 4(b) to the following parties:

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Las Vegas, NV 89113  
*Attorneys for Defendant*  
*Steven Dale Farmer Attorneys for*  
*Defendant*  
*Steven Dale Farmer*

  
An employee of HALL PRANGLE & SCHOONVELD, LLC



**TAB 62**

*Subject:* Cagnina v. ANS/Steve Farmer et al.  
*Date:* Thu, 09 Apr 2009 15:55:03 -0700  
*From:* "Brent Vogel" <bvogel@lbbslaw.com>  
*To:* roundtsa@co.clark.nv.us  
*Attachments:* cagnina mot compel 20090409154419.pdf

Stacey,

It was a pleasure speaking with you today. Attached is the Motion to Compel Mrs. Cagnina filed against Metro seeking the statements, DNA/Rape kit records, etc. It is set before the Discovery Commissioner on 4/22 at 10:00 a.m. Mrs. Cagnina's depo remains set for 4/28 at 9:00 a.m. at Hall, Prangle&Schoonveld, 777 N. Rainbow Blvd., #225. Mr. Cagnina's depo is the same day at 1:00 p.m. I would appreciate copies of any statements, medical records, etc., that you have that may help our investigation. I am happy to share whatever information I can. Thank you.

Yours truly,  
S. Brent Vogel  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
400 South Fourth Street  
5th Floor  
Las Vegas, Nevada 89101  
702.693.4320 - Direct  
702.893.3383 - Main  
702.893.3789 - Facsimile  
bvogel@lbbslaw.com

www.lbbslaw.com

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Please consider the environment before printing this e-mail

*From:* Brent Vogel [mailto:bvogel@lbbslaw.com]  
*Sent:* Monday, September 14, 2009 2:19 PM  
*To:* Jane Everitt  
*Subject:* Steven Farmer

Jane,

This is to follow up on our phone conversation this afternoon and the voice mail message I just left for you. Are you and Stacey available this Wednesday, 9/16 at 2:00 p.m. to meet with Michele Simmons from American Nursing? She can meet you at my office at that time. Thank you.

Yours truly,  
S. Brent Vogel, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
400 South Fourth Street



5th Floor  
 Las Vegas, Nevada 89101  
 702.693.4320 - Direct  
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Please consider the environment before printing this e-mail

*Subject:* RE: Steven Farmer  
*Date:* Mon, 14 Sep 2009 14:42:54 -0700  
*From:* "Jane Everitt" <everitt@co.clark.nv.us>  
*To:* "Brent Vogel" <bvogel@lbbslaw.com>  
*Cc:* "Stacey Roundtree" <roundtsa@co.clark.nv.us>

Hello Brent,

I spoke with Stacey and Wednesday at 2:00 will work fine for both us. We will meet at your office. Thank you very much for your assistance.

Jane

*Subject:* Steven Farmer  
*Date:* Wed, 27 Jan 2010 15:10:54 -0600  
*From:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>  
*To:* "Stacey Roundtree" <roundtsa@co.clark.nv.us>  
*Cc:* "Bob McBride" <bob@mandelbaumschwarz.com>. "Brent Vogel" <bvogel@lbbslaw.com>

Hi Stacey:

Hope all is well with you. Just wanted to let you know that Christine Murray (the former nurse of Centennial Hills who received Cagnina from Farmer on the floor after the alleged assault occurred) is being deposed right now. I think she has a lot of information that will help you. She is a bit difficult to get in touch with so I'd be happy to share the details with you when you get some time.

Also, I have a question. Can you tell me where there was any DNA evidence to support the claims of Cagnina? With her assertion that he was licking his fingers and using them on her I would have expected to see some DNA. Can you let me know?

Thanks.

David P. Ferrainolo, Esq.  
 HALL PRANGLE & SCHOONVELD, LLC  
 777 North Rainbow Blvd., Ste. 225  
 Las Vegas, NV 89107  
 702.889.6400 (office)  
 702.384.6025 (fax)

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*Subject:* RE: Steven Farmer  
*Date:* Sun, 31 Jan 2010 20:16:12 -0800  
*From:* "Stacey Roundtree" <roundtsa@ClarkCountvNV.gov>  
*To:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

I'm really swamped right now, but I wanted to speak to you about the DNA which is very ambiguous as I see it. It's rather complicated for me to explain what I understand to be the findings, so I'd rather talk to you personally. I have court tomorrow morning (Monday) a hearing which may go into the afternoon, but not all day. Would you like to call me in the later p.m. around 3? Or another day this week is fine too. My cell number is 235-2694.

*From:* Dave Ferrainolo [<mailto:dferrainolo@HPSLAW.COM>]  
*Sent:* Sunday, January 31, 2010 8:22 PM  
*To:* Stacey Roundtree  
*Subject:* Re: Steven Farmer

I will try you tomorrow around 3

*Subject:* RE: Steven Farmer  
*Date:* Sun, 31 Jan 2010 21:32:23 -0800  
*From:* "Stacey Roundtree" <roundtsa@ClarkCountvNV.gov>  
*To:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

Perfect.

*Subject:* Cagnina (Steven Farmer)  
*Date:* Mon, 1 Feb 2010 23:47:43 -0600  
*From:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>  
*To:* "Stacey Roundtree" <roundtsa@co.clark.nv.us>  
*Attachments:* Pep Notice. Roxanne Cagnina.004.doc; Pep Notice. Scott Cagnina.004.doc

Stacey:

Here are the dep notices for Roxanne and Scott. They are set for the 10th starting at 9 am.

David P. Ferrainolo, Esq.  
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From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
 Sent: Wednesday, February 10, 2010 2:59 PM  
 To: Stacey Roundtree  
 Cc: John Bemis  
 Subject: Cagnina

Hi Stacey:

Sorry for all the confusion today. I hope it was helpful to attend the depositions.  
 Do you think the criminal trial will go in March? Also, I am not going to claim any expertise in the criminal world but I would like to try to find a time that I either come to meet with you or you come to meet with me to go over some of the testimony in this case. I think there are major contradictions in Roxanne's story that just might create reasonable doubt. Primarily, Roxanne says she reported the incident immediately to the first person she saw. However, I have a nurse Christine Murray and a CNA Corrine Brown who testified that Farmer reported that he had dropped the patient off and she was in the bathroom. When they went to her room she was in fact in the bathroom. They helped her back to her bed. The nurse, Christine Murray did her admission assessment (takes 15 to 20 minutes and requires her to talk to the patient during that time). Nurse Murray asked specifically about incidents of domestic abuse which Roxanne denied. So at least two people interacted with her after Farmer left and she did not report the incident or seem traumatized.

So, in terms of my civil case they will have to choose a path that I suspect they will have to choose in the criminal case. Either Roxanne's version of events is so off because the nurse and

CNA are liars and the medical records are fabricated or her version of events is so off because she was under the influence of a lot of medications. (The ER nurse told me she felt like Roxanne was a drug seeker and did have a good amount of pain killers on board). But, if the events are so off because she was doped up, isn't it just as likely that she was so doped up she dreaming or hallucinated the incident which is why she reported it around 7am, after she woke up?  
 Let me know if you have any time the begging of March or whenever it is most helpful to you in the criminal case.

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*Subject:* RE: Cagnina  
*Date:* Thu, 11 Feb 2010 20:48:16 -0800  
*From:* "Stacey Roundtree" <roundtsa@co.clark.nv.us>  
*To:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

Thanks for keeping me in loop. When you open in FLA, are you going to have a SEX TEAM? If so, I know someone who's interested, and would LOVE to re-locate. =)

*From:* Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
*Sent:* Thursday, February 11, 2010 8:49 PM  
*To:* Stacey Roundtree  
*Subject:* RE: Cagnina

Perhaps, although the rules in Florida will be no work after 6 pm.

*Subject:* RE: Cagnina  
*Date:* Thu, 11 Feb 2010 20:50:44 -0800  
*From:* "Stacey Roundtree" <roundtsa@co.clark.nv.us>  
*To:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

Even better!

*Subject:* Steven Farmer - Cagnina matter  
*Date:* Wed, 28 Apr 2010 17:22:24 -0500  
*From:* "John Bemis" <JBemis@HPSLaw.com>  
*To:* roundtsa@co.clark.nv.us  
*Cc:* "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>  
*Attachments:* Pltfs Odd to Centennial Hills' Mtn to Continue Trial on Order Shortening Time 04-27-10.pdf

Hi Stacey:

As you know, the Steven Farmer criminal trial was recently continued. Based upon a protective order we have in the civil case against Centennial Hills, we have been unable to conduct any discovery regarding the criminal investigation. As such, we moved to have our trial continued (scheduled for August 2, 2010) Plaintiffs counsel has opposed this motion and seeks a counter-motion to open discovery in the criminal matter. As we have no standing to bring up the due process violations this would cause, I wanted you to be aware of this issue. Additionally, I wanted to make sure you knew that the hearing is in chambers.

Thank you for your time. Should you have any questions or concerns, please feel free to contact us at 889-6400.

Sincerely,  
 John F. Bemis, Esq.  
 HALL PRANGLE & SCHOONVELD, LLC  
 777 North Rainbow Blvd., Ste. 225  
 Las Vegas, NV 89107  
 702.889.6400 (office)  
 702.384.6025 (fax)

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*From:* John Bemis [mailto:JBemis@HPSLaw.com]  
*Sent:* Wednesday, May 19, 2010 9:03 AM  
*To:* bob@mandelbaumschwarz.com; Stacey Roundtree  
*Subject:* Cagnina

Bob and Stacy:

I am attaching Plaintiffs counter-motion to open discovery in Mr. Farmer's criminal case. It is being heard in front of the Discovery Commissioner this Friday at 9:30 a.m.

We moved the hearing from Walsh to Bonnie as Dave had a conversation with Bonnie for another issue and she intimated she would kick the trial and not allow the discovery to be opened. I wanted you to be aware of this, especially in light of the recent Doe hearing where Bonnie would not allow Murdoch to conduct discovery until the criminal trial is over.

Call me with any questions

Thanks,

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
777 North Rainbow Blvd., Ste. 225  
Las Vegas, NV 89107  
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*From:* Stacey Roundtree [mailto:roundtsa@co.clark.nv.us]  
*Sent:* Wednesday, May 19, 2010 12:37 PM  
*To:* John Bemis  
*Subject:* RE: Cagnina

Thanks. Haven't connected (telephonically) with the DNA expert yet! I confess that because I begin trial next week, I've been scarce around here. Will let you know when I do.

Subject: RE: Cagnina  
Date: Fri, 21 May 2010 16:27:33 -0500  
From: "John Bemis" <JBemis(5)HPSLaw.com>  
To: "Stacey Roundtree" <roundtsa@co.clark.nv.us>

Stacey:

Have you had an opportunity to discuss this case with your expert?  
Our civil trial was continued today, and will be contingent on the criminal trial.

Thanks for your time,

John



*Subject:* RE: Cagnina  
*Date:* Sun, 23 May 2010 15:23:26 -0700  
*From:* "Stacey Roundtree" <roundtsa@ClarkCountvNV.gov>  
*To:* "'John Bemis'" <JBemis@HPSLaw.com>

I haven't yet. We keep playing phone tag, and I am in trial now. I promise after the trial (a week long event) I will call him and then you. Sorry to keep you hanging. Judge hasn't decided what to do about severance yet. A representative from Hyman's firm always shows up when we argue motions though.

*From:* Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
*Sent:* Sunday, July 11, 2010 5:35 PM  
*To:* Stacey Roundtree  
*Cc:* John Bemis; Mike Prangle  
*Subject:* Steven Farmer

Hi Stacey:

I hope all is well with you. Plaintiff's counsel in our Civil Case, Neal Hyman tells us that the prosecution won their motion to consolidate all cases against Farmer. Can you tell us if that is true. Mr. Hyman also says that the prosecutor is confident that decision will force a plea from Mr. Farmer. I certainly understand that you cannot reveal any of your conversations with Mr. Farmer or your strategy, but any info you can give us would be appreciated.

Thanks. Dave

*Subject:* RE: Steven Farmer  
*Date:* Mon, 12 Jul 2010 10:15:48 -0700  
*From:* "Stacey Roundtree" <roundtsa@ClarkCountvNV.gov>  
*To:* "'Dave Ferrainolo'" <dferrainolo@HPSI\_AW.COM>

It is partially true that the State won motion to consolidate. All cases will be tried together except the Frances Farmer (Steven's gal pal at Rawson Neal). Frankly, Co-counsel and I have always felt it would be difficult to show the weakness of the other (non-Cagnina) allegations w/out reference to the fact that the others were working under the impression that a dangerous "rapist" was in their midst. (The media stories, the police interrogations of patients of Farmer...) So, while it will definitely be difficult to win a case involving 5 accusers, it will allow us to show the jury how Cagnina's story snow-balled as well. Please don't tell anyone this, but I don't know if Farmer will ever plead to anything. I can't blame him and don't. That being said, even before the State won the motion to consolidate (actually we lost motion to sever) the DA was talking an offer of a non-life sentence for Farmer. Not sure what he was considering. We offered DA two Gross Misdo's b/c he would get time served. He refused that. Other than that, maybe they'll offer

him a 2 to 20 or two 2 to 20's. Farmer will NOT accept that. If they come to a Coercion, then we may have to push him to accept that. It's a 1 to 5.

*Subject:* Steven Farmer  
*Date:* Wed, 30 May 2012 16:40:07 -0500  
*From:* John Bemis <JBemis(5)HPSLaw.com>  
*To:* Jeffrey Maningo <maninqis@ClarkCountvNV.gov>  
*Cc:* Diana Cox <DCox@HPSLaw.com>

Hi Jeff,  
Please recall that I represent Centennial Hills Hospital related to civil allegations stemming from the alleged conduct of Mr. Farmer. We have a status check in our case coming up and I wanted to see if you could give me a brief update on what is going on in the criminal matter.

Thank you for your time,

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD  
777 N. Rainbow Blvd., STE 225  
Las Vegas, NV89107  
Phone: (702)889-6400  
Fax: (702)384-6025

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*Subject:* RE: Steven Farmer  
*Date:* Fri, 1 Jun 2012 07:50:57 -0700  
*From:* Jeffrey Maningo <maningjs@ClarkCountvNV.gov>  
*To:* John Bemis <JBemis@HPSLaw.com>

Hi John:  
Spoke with Bob McBride yesterday, he said he would fill you in. If you don't hear from him, please let me know and I will get you updated. Short version, however, is that Steve is NOT currently planning on pleading guilty.  
That information, provided by Roxanne Cagnina's counsel, is incorrect.  
JSM

*From:* John Bemis [mailto:JBemis@HPSLaw.com]  
*Sent:* Friday, June 01, 2012 10:03 AM

To: Jeffrey Maningo  
Subject: RE: Steven Farmer

Thanks Jeff,  
I appreciate the update. Currently, is it looking like the November trial setting is a go?

Have a nice day,

John

Subject: RE: Steven Farmer  
Date: Fri, 1 Jun 2012 10:20:49 -0700  
From: Jeffrey Maningo <maninois@ClarkCountvNV.gov>  
To: John Bemis <JBemis@HPSLaw.com>

well, so far it's a go, however, we are still waiting for the DNA to be retested. That was at the DA's request and was recently litigated. So depending on timing and results, and possible need for our own expert to review the results...  
but I'll keep you updated when I know for sure.

have a good weekend

JSM

Subject: Steven Farmer matter  
Date: Mon, 30 Jul 2012 19:29:00 -0500  
From: John Bemis <JBemis@HPSLaw.com>  
To: Jeffrey Maningo <maninqis@ClarkCountvNV.gov>

Hi Jeff,

I see that Mr. Farmer's criminal trial is continued until March of 2013. Can you give me any update?

Thanks,

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD  
777 N. Rainbow Blvd., STE 225  
Las Vegas, NV89107  
Phone: (702)889-6400  
Fax: (702)384-6025

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*Subject:* RE: Steven Farmer  
*Date:* Thu, 20 Sep 2012 18:54:14 -0500  
*From:* John Bemis <JBemis@HPSLaw.com>  
*To:* Jeffrey Maningo <maninqis@ClarkCountvNV.gov>

Hi Jeff,  
I hope all is well. I wanted to follow up on this matter with the new criminal trial date. Do we know whether the retesting of the DNA has been completed? do we know any results?  
Is there anything going on in this matter or is it just waiting for trial?  
Please let me know if there is anything we can help you with.

Thanks and have a nice evening,  
John

*Subject:* RE: Steven Farmer  
*Date:* Fri, 21 Sep 2012 07:58:56 -0700  
*From:* Jeffrey Maningo <maninqis@ClarkCountvNV.gov>  
*To:* John Bemis <JBemis@HPSLaw.com>

Hi John:  
No results yet, testing still not done. Still trying to find a common ground between Steve and DA for negotiations, so might need your help there once we find a reasonable deal. Otherwise just waiting on trial date. I'm sure myself and Jane (investigator) will be contacting you soon for clarification on some of this discovery we have.

Thanks for all your help and interest. I will keep you updated.

Jeff

*From:* Bob McBride <bob@memlaw.net>  
*Date:* January 16, 2013 12:58:43 PM PST  
*To:* 'Jeffrey Maningo' <maningis(g),ClarkCountyNV.gov>  
*Cc:* Allie Hanson <Allie@memlaw.net>, Heather Hall <Heather(a).memlaw.net>  
*Subject:* RE: Steven Farmer criminal trial

Jeff,

Just wondering if Steven's trial is still going next month, or if it is being continued. Any brief update that I can pass along to the others in our civil case? When you get a chance. Thanks!

Bob  
 Robert C. McBride, Esq.  
 Mandelbaum, Ellerton & McBride  
 2012 Hamilton Lane  
 Las Vegas, NV 89106  
 702-367-1234(0)  
 702-367-1978(f)  
 702-285-7315 (c)  
 bob@memlaw.net

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*From:* Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]  
*Sent:* Wednesday, January 16, 2013 1:28 PM  
*To:* Bob McBride  
*Cc:* Jeffrey Maningo  
*Subject:* FW: Steven Farmer criminal trial

Hi Bob - Jeffs in trial right now on another case, so I told him I would get back to you. I'm the second chair on this case and am entrenched in nothing but this file right now trying to get everything up to speed. As of right now, we are hoping to be ready for the 03/04/13 trial setting, but there's a lot left to do. I would really like to meet with you and the others in the civil case to talk about about the status of our file. We are missing a lot of documents, have witnesses to interview, and experts to retain, and it would be great if you and the others could help us out with that.

Do you have time for a meeting early next week with us and the the others in the civil case, and do you mind coordinating the meeting? I'm available any day next week, anytime, except for early Wednesday morning. Jeff may or may not be finished with trial and able to join us. We can come to your office or we can all meet here -whatever is easiest for you and everyone else. Please let me know if we can meet up next week. Thanks so much.

Amy A. Feliciano  
 Deputy Public Defender  
 Clark County Public Defender's Office  
 (702) 455-5733 (direct)  
 (702) 366-9370 (fax)

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Wed, 16 Jan 2013 14:06:00 -0800  
*From:* Bob McBride <bob@lmemlaw.net>  
*To:* 'Amy Feliciano' <iohnsoaa@ClarkCountvNV.qov>  
 c . Jeffrey Maningo <maningis@ClarkCountvNV.qov>. "JBemis@HPSLaw.com"  
 <JBemis@HPSLaw.com>. "bvoael@lbbslaw.com" <bvoael@lbbslaw.com>

Amy,  
 Thanks for the quick response. Absolutely! We would be happy to help out in any way we can. Mr. Bemis has been involved with the Cagnina case after the Plaintiff's attorney, for some reason, dismissed Steven and his employer, so he has the most information about her that I am sure he will gladly share. I previously gave Jeff the name of our expert for the Petersen (Doe) case. I thought he had retained her already. All of us are available to meet Monday morning if that works. I would suggest my office which has plenty of room and is easily located behind UMC hospital, off Tonopah. 2012 Hamilton Lane. What time works? 9? 10? Let us know.

Thanks.  
 Bob

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Wed, 16 Jan 2013 14:09:09 -0800  
*From:* Amy Feliciano <johnsoaa(5)ClarkCountvNV.qov>  
*To:* 'Bob McBride' <bob@memlaw.net>  
 r . Jeffrey Maninao <maninais@ClarkCountvNV.QOV>. "JBemis@HPSLaw.com"  
 c: <JBemis@HPSLaw.com>. "bvoaekailbbslaw.com" <bvoael(3)lbbslaw.com>

Thanks so much, Bob. Monday morning at your office is perfect. Either 9 or 10 works for us - what does everyone else prefer? And we have retained the Petersen expert (Higelin), but we need additional experts that hopefully you can help us with. Thanks so much - and just let me know what time works the best for everyone.  
 I really appreciate the help!

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Wed, 16 Jan 2013 14:10:54 -0800  
*From:* Bob McBride <bob@memlaw.net>  
*To:* 'Amy Feliciano' <iohnsoaa@ClarkCountvNV.gov>  
 c Jeffrey Maningo <maninqis@ClarkCountvNV.gov> "JBemis@HPSLaw.com"  
 <JBemis@HPSLaw.com>. "bvoael@lbbslaw.com" <bvoqel@lbbslaw.com>

Amy,  
 Why don't we shoot for 10? Is that good for you Brent and John?  
 Bob

*From:* John Bemis [mailto:JBemis@HPSLaw.com]  
*Sent:* Wednesday, January 16, 2013 2:16 PM  
*To:* Bob McBride; Amy Feliciano  
*Cc:* Jeffrey Maningo; bvogel@lbbslaw.com  
*Subject:* RE: Steven Farmer criminal trial

10 sounds just fine for me. Are there any documents that are needed?  
 Thanks,  
 John

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Wed, 16 Jan 2013 14:21:52 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
*To:* 'John Bemis' <JBemis@HPSLaw.com>. Bob McBride <bob@memlaw.net>  
*Cc:* Jeffrey Maningo <maninais(3@ClarkCountvNV.gov>. "bvoaek3lbbslaw.com"  
 <bvoael@lbbslaw.com>

10 is perfect for us. We are missing almost all of the civil filings - the Responses to RFPDs, Answers to Interrogatories (if any), depositions (we only have a few transcripts), etc. My secretary can access some docs on Odyssey and is working on getting what's been filed for me. Let's talk on Monday and I'll let you know what depositions we have and what we don't and we can talk about if you have other things we don't have (and vice versa)  
 Also, we don't have Cagnina's records from when she was Legal 2000'd, her Monte Vista records, the records from when she OD'd and was in a coma, and the records from Las Vegas Recovery Center. If you have those, that would shortcut so much for us.  
 Thank you so much, everyone.

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Wed, 16 Jan 2013 14:23:33 -0800  
*From:* Bob McBride <bob@memlaw.net>  
*To:* 'Amy Feliciano' <iohnsoaa@ClarkCountvNV.gov>, 'John Bemis' <JBemis@HPSLaw.com>  
 c Jeffrey Maningo <maninqis@ClarkCountvNV.gov>, "bvoael@lbbslaw.com"  
 <bvoael@lbbslaw.com>  
 Allie Hanson <Allie@memlaw.net>, Heather Hall <Heather@memlaw.net>

Ok. See everyone here. We will gather what we have for you.  
 Bob

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Wed, 16 Jan 2013 14:25:10 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
*To:* 'Bob McBride' <bob@memlaw.net>, 'John Bemis' <JBemis@HPSLaw.com>  
 c . Jeffrey Maninao <maninais(S>ClarkCountvNV.gov>, "bvoael@lbbslaw.com"  
 <bvoael@lbbslaw.com>.  
 Allie Hanson <Allie@memlaw.net>, Heather Hall <Heather(5)memlaw.net>

Thank you so much. See you on Monday.

*Subject:* RE: Steven Farmer criminal trial  
*Date:* Thu, 17 Jan 2013 00:23:30 +0000  
*From:* "Vogel, Brent" <bvoael(5).lbbslaw.com>  
 John Bemis' <JBemis@HPSLaw.com>, Bob McBride <bob@memlaw.net>, Amy Feliciano  
 <iohnsoaa@ClarkCountvNV.gov>  
 c . Jeffrey Maningo <maninqis@ClarkCountvNV.gov>, "Brookhyser, Amanda"  
 <abrookhvser@lbbslaw.com>, "Etienne, Nicole" <netienne@lbbslaw.com>

10:00 works for me.

Brent Vogel, Esq.  
 Las Vegas Administrative Partner  
 LEWIS BRISBOIS BISGAARD & SMITH LLP  
 6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
 Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
 bvoael@lbbslaw.com <http://www.lbbslaw.com>



*From:* Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]  
*Sent:* Tuesday, January 22, 2013 11:08 PM  
*To:* Heather Hall; 'Bob McBride'; bvogel@lbbslaw.com; John Bemis  
*Cc:* Jeffrey Maningo  
*Subject:* Farmer

Hi All – It was a pleasure meeting with everyone yesterday, and I really appreciate your time and all of your help.

I'm attaching a copy of the Sorenson DNA report, the State's Fifth Supplemental Notice of Witnesses, and the list of witnesses that I compiled (Heather printed this out at the meeting for us). Just FYI... the list of witnesses that I compiled is still in a very rough state - it's basically my thoughts and notes made as I've been going through the file.

My work contact info is below, and my cell is (702) 465-7365. Please don't hesitate to contact me any time.

Bob - I hope that your brother is okay, and I'm sending my best wishes to you and your family.

John - I know you wanted police reports - do you need them for all six cases (including Frances Rose) or just for the Marcia Peterson case? Let me know what you need, and I'll get it to you.

Also, if anyone else needs police reports, etc., please let me know, and I will get them to you.

Thank you so much.

Amy A. Feliciano  
 Deputy Public Defender  
 Clark County Public Defender's Office  
 (702) 455-5733 (direct)  
 (702) 366-9370 (fax)

*From:* John Bemis [mailto:JBemis@HPSLaw.com]  
*Sent:* Tuesday, January 22, 2013 11:15 AM  
*To:* Amy Feliciano  
*Cc:* Diana Cox  
*Subject:* RE: Farmer

Thanks Amy,

I am putting all the depositions on a disk and getting the video depo of Scott copied for you. I will also be putting all the divorce files on a disk, including the settlement information. I am working with our nurses (in house) to get expert names for you. I am in mediation all day, so I won't be able to get that to you until tomorrow.

I would appreciate the Peterson, Cagnina and Francis Rose police files.

I am going to be going through my record summaries and get everything I have to you.

Thanks, and don't hesitate to ask if you need anything.

Have a great day,

John

*Subject:* RE: Farmer  
*Date:* Tue, 22 Jan 2013 11:18:58 -0800  
*From:* Amy Feliciano <iohnsoaa(5?ClarkCountvNV.gov>  
*To:* 'John Bemis' <JBemis@HPSLaw.com>  
*Cc:* Diana Cox <DCox(5).HPSLaw.com>

You are the best. Thanks so much.

I'll get together the police files for those cases. Do you have their voluntary statements to the police or do you need those too?

*From:* Vogel, Brent [mailto:bvogel@lbbslaw.com]  
*Sent:* Tuesday, January 22, 2013 11:25 AM  
*To:* Amy Feliciano; Heather Hall; 'Bob McBride'; 'John Bemis'  
*Cc:* Jeffrey Maningo  
*Subject:* RE: Farmer

Thank you!

I like to have all the police reports please.

Brent Vogel, Esq.  
 Las Vegas Administrative Partner  
 BRISBOIS LEWIS BRISBOIS BISGAARD & SMITH LLP  
 6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
 Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
 bvoael@lbbslaw.com <http://www.Ibbslaw.com>

*Subject:* RE: Farmer  
*Date:* Tue, 22 Jan 2013 11:27:58 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
*To:* "Vogel, Brent" <bvoael@lbbslaw.com>. Heather Hall <Heather(@memlaw.net>. 'Bob McBride' <bob@memlaw.net>. 'John Bemis' <JBemis@HPSLaw.com>  
*Cc:* Jeffrey Maningo <maninqis(5>ClarkCountvNV.ciov>

Will do. Same cases? And do you have the voluntary statements to police or do you need them?

*From:* John Bemis [mailto:JBemis@HPSLaw.com]  
*Sent:* Tuesday, January 22, 2013 11:35 AM  
*To:* Amy Feliciano  
*Cc:* Diana Cox  
*Subject:* RE: Farmer

We don't have any police information

*Subject:* RE: Farmer  
*Date:* Tue, 22 Jan 2013 11:40:17 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
*To:* 'John Bemis' <JBemis@HPSLaw.com>  
*Cc:* Diana Cox <DCox@HPSLaw.com>

I'll get you the voluntary statements too.

*Subject:* Re: Farmer  
*Date:* Tue, 22 Jan 2013 14:47:03 -0800  
*From:* Bob McBride <bob@memlaw.net>  
*To:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
 "Vogel, Brent" <bvoael@lbbslaw.com>. Heather Hall <Heather@memlaw.net>. Bob McBride  
*Cc:* <bob@memlaw.net>. John Bemis <JBemis@HPSLaw.com> Jeffrey Maningo  
 <maninais@ClarkCountvNV.gov>

Can I have all of those as well please. Thanks

Bob

Sent from my iPhone 6.

*Subject:* RE: Farmer  
*Date:* Tue, 22 Jan 2013 14:49:50 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
*To:* 'Bob McBride' <bob@memlaw.net>  
*Cc:* "Vogel, Brent" <bvoael@lbbslaw.com>. Heather Hall <Heather@memlaw.net>. John Bemis  
 <JBemis@HPSLaw.com>. Jeffrey Maningo <maninqis@ClarkCountvNV.gov>

Will do.

From: Bob McBride [mailto:bob@memlaw.net]  
 Sent: Tuesday, January 22, 2013 3:23 PM  
 To: Amy Feliciano  
 Cc: Heather Hall; bvogel@lbbslaw.com; John Bemis; Jeffrey Maningo  
 Subject: Re: Farmer

Thanks Amy. I will be back to the office most likely on Friday and I will try to get a hold of you then or next week. Let us know if you need anything further.

B.  
 Robert C. McBride, Esq.  
 Mandelbaum, Ellerton & McBride  
 2012 Hamilton Lane  
 Las Vegas, NV 89106  
 702-367-1234(0)  
 702-367-1978 (f)  
 702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

*Subject:* RE: Farmer  
*Date:* Tue, 22 Jan 2013 15:25:37 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.qov>  
*To:* 'Bob McBride' <bob@memlaw.net>  
 c Heather Hall <Heather@memlaw.net>. "bvoqeKgilbbslaw.com" <bvoqel@lbbslaw.com>.  
 John Bemis  
 <JBemis@HPSL.aw.com>. Jeffrey Maningo <maninqis@ClarkCountvNV.qov>

Thanks so much. I really appreciate it. I'll touch base with you next week.

From: Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]  
 Sent: Thursday, January 31, 2013 2:58 PM  
 To: Bob McBride; Heather Hall; John Bemis; bvogel@lbbslaw.com  
 Subject: Farmer criminal docs

Hi All - the Farmer criminal docs and audio files are ready and on a disc. They will go out in the mail tomorrow, and you should have them by Monday. If you would like to send a runner over to our office to pick them up so you can have them faster, please let me know. Thanks.

Amy A. Feliciano  
 Deputy Public Defender  
 Clark County Public Defender's Office  
 (702) 455-5733 (direct)

(702) 366-9370 (fax)

*Subject:* RE: Farmer criminal docs  
*Date:* Thu, 31 Jan 2013 15:11:02 -0800  
*From:* Heather Hall <Heather@memlaw.net>  
 T. 'Amy Feliciano' <iohnsoaa@ClarkCountvNV.gov>. Bob McBride <bob@memlaw.net>. John Bemis <JBemis@HPSLaw.com>. "bvoqel@lbbslaw.com" <bvoael@lbbslaw.com>

That works for us. Thanks for doing this!

*From:* Vogel, Brent [mailto:bvogel@lbbslaw.com]  
*Sent:* Friday, February 22, 2013 11:31 AM  
*To:* AmyFeliciano; Amy Feliciano  
*Cc:* bob@memlaw.net; John Bemis (JBemis@HPSLaw.com)  
*Subject:* Steven Farmer adv. State of NV  
*Importance:* High

Amy,  
 We received this Opposition to the Motion to Continue Trial filed by Ms. Cagnina s counsel. I wasn't sure if it was provided to you.  
 Brent Vogel, Esq.  
 Las Vegas Administrative Partner  
**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
 6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
 Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
 bvoQel@lbbslaw.com <http://www.lbbslaw.com>

*Subject:* RE: Steven Farmer adv. State of NV  
*Date:* Fri, 22 Feb 2013 12:53:44 -0800  
*From:* Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>  
*To:* "Vogel, Brent" <bvoqel@lbbslaw.com>  
 "bob@memlaw.net" <bob@memlaw.net>. "John Bemis (JBemis@HPSLaw.com V  
*Cc:* <JBemis@HPSLaw.com>

Thanks so much. We haven't seen it yet, but I believe it's on it's way to us. Thanks for sending.

*From:* Crystal L.Marven rmailto:marven@morrisullivanlaw.coml  
*Sent:* Thursday, April 04, 2013 10:32 AM  
*To:* Heather@memlaw.net; jbemis@HPSLaw.com; Charlotte Bible; barter.pace@clarkcountyda.com  
 7P/D3010/2009174 12:58:  
*Cc:* Neal K. Hyman  
*Subject:* Cagnina v. Valley Health System, LLC

Dear Counsel:

Attached please find the Report and Recommendation Re: Joint Motion to Compel Production of Documents from Las Vegas Metropolitan Police Dept. and the Clark County District Attorneys Office on an OST for your review and approval.

Please sign as soon as possible as we need the original signatures back promptly.

Thank you,

*Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.*

<image001.jpg>

*Nevada Office:*

2441 W. Horizon Ridge Pkwy., Ste. 120

Henderson, NV 89052

Telephone: (702) 939-5234

Telecopier: (702) 939-5235

marven@morrisullivanlaw.com

www.morrisullivanlaw.com

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San Diego, CA 92131

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Telecopier: (858) 566-6602

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*From:* Charlotte Bible rmailto:C9479B@LVMPD.COM1  
*Sent:* Tuesday, April 09, 2013 3:22 PM  
*To:* Crystal L.Marven; Heather@memlaw.net; ibemis@HPSLaw.com;  
 barter.pace@clarkcountyda.com  
*Cc:* Neal K. Hyman  
*Subject:* RE: Cagnina v. Valley Health System, LLC

Mr. Hyman and Mr. Bemis,

I was out of the office last Thursday and Friday and just reviewed the Report and Recommendation. Is it possible to change the address in the signature block? LVMPD is not at 400 Stewart any more. We are located at 400 Martin L King Blvd., LV 89106. I understand the Discovery Commissioner approved the taking of the deposition of Steven Farmer. I wanted to

advise you that the Clark County Detention Center will not transport an inmate for a civil deposition. You will need to make arrangements with Captain Michael See to coordinate the date and time for the deposition at CCDC. The contact number for Captain See is 671-3862.

Additionally, after the Report is signed, would you please contact me about the logistics of the production of the records?

Thank you,

Charlotte M. Bible

Assistant General Counsel

Las Vegas Metropolitan Police Department

400 Martin L. King Blvd.

Las Vegas, Nevada 89106

(702) 828-3310 (office)

(702) 828-3191 (fax)

*From:* Crystal L. Marven

*Sent:* Tuesday, April 09, 2013 4:33 PM

*To:* 'Charlotte Bible'

*Cc:* 'Barter Pace'; 'ibemis@HPSLaw.com'; Neal K. Hyman;

'Heather@memlaw.net'

*Subject:* RE: Cagnina v. Valley Health System, LLC

Ms. Bible:

Attached please find your signature block revised with your correct address. Please sign and mail back the original signature page as soon as possible.

Thank you,

*Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.*

<image001.jpg>

*Nevada Office:*

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Henderson, NV 89052

Telephone: (702) 939-5234

Telecopier: (702) 939-5235

marven@morrissullivanlaw.com

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San Diego, CA 92131

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*From:* Neal K. Hyman [mailto:hyman@morrisullivanlaw.com]  
*Sent:* Tuesday, April 16, 2013 11:47 AM  
*To:* Crystal L. Marven; Charlotte Bible  
*Cc:* Barter Pace; jbemis@HPSLaw.com; Heather@memlaw.net  
*Subject:* RE: Cagnina v. Valley Health System, LLC

Unfortunately the Discovery Commissioner kicked back the signed R&R with procedural errors. We are revising the R&R and will re-circulate for signature.

Neal

Neal K. Hyman, Esq.

*Nevada Office:*

2441 W. Horizon Ridge Pkwy., Ste. 120

Henderson, NV 89052

Telephone: (702) 939-5234

*California Office:*

9915 Mira Mesa Blvd., Ste. 300

San Diego, CA 92131

Telephone: (858) 566-7600

*From:* Charlotte Bible [mailto:C9479B@LVMPP.COM]  
*Sent:* Tuesday, April 16, 2013 11:56 AM  
*To:* Neal K. Hyman; Crystal L. Marven  
*Cc:* Barter Pace; ibemis@HPSLaw.com; Heather@memlaw.net  
*Subject:* RE: Cagnina v. Valley Health System, LLC

Okay. I will watch for it.

Charlotte M. Bible

Assistant General Counsel

Las Vegas Metropolitan Police Department

400 Martin L. King Blvd.

Las Vegas, Nevada 89106

(702) 828-3310 (office)

(702) 828-3191 (fax)

*From:* Neal K. Hyman [mailto:hyman@morrisullivanlaw.com]  
*Sent:* Monday, May 06, 2013 9:29 AM  
*To:* Charlotte Bible; Crystal L. Marven  
*Cc:* Barter Pace; ibemis(g)HPSLaw.com; Heather Hall; cagnina; Shawn Morris  
*Subject:* RE: Cagnina v. Valley Health System, LLC

Counsel:



We are told that the Judge has the R&R regarding Metro criminal records and, if not already signed, it should be signed today. Ms. Bible, please confirm the Metro file is ready for us to pick up. Our discovery cut-off for all criminal and other matters is 5/31 so we need the Metro file ASAP.

Regarding Mr. Farmer's videotaped deposition, it will be noticed for 5/30 in the Clark County Detention facility (we need the R&R to notice it). Mr. Bemis approved the date. The PD's and DA's Office are invited to attend, and Mr. Farmer's civil counsel must be there. A notice will go out soon. If you have any questions, please call us. We look forward to hearing from you.

Neal K. Hyman, Esq.

*Nevada Office:*

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Subject: Fwd: Cagnina v. Valley Health System, LLC

Date: Mon, 6 May 2013 10:24:42 -0700

From: Bob McBride <bob@memlaw.net>

To: "Neal K. Hyman" <hvmn(3)@morrisullivanlaw.com>

John Bemis <JBemis@HPSLaw.com>. Amy Feliciano <iohnsoaa@ClarkCountvNV.qov>.

Jeffrey

Cc: Maningo <maninqis@ClarkCountvNV.qov>. Brent Vogel <bvoqel@lbbslaw.com>. Heather Hall <Heather@memlaw.net>. Allie Hanson <Allie@memlaw.net>

Neal,

While I think it is great that John Bemis "approved the date" for Mr. Farmer's deposition on May 30, as you know, Mr. Bemis doesn't represent Mr. Farmer. It would be nice for you to work with our office toward a convenient date for the deposition of my client. At the very least, check with my schedule, or Ms. Hall's since you correctly point out that Mr. Farmer's civil counsel must be there. And please be so kind as to include me on any emails having to do with this deposition in addition to Ms. Hall. Thanks.

I look forward to hearing from you.

Bob

Robert C. McBride, Esq.  
 Mandelbaum, Ellerton & McBride  
 2012 Hamilton Lane  
 Las Vegas, NV 89106  
 702-367-1234(0)  
 702-367-1978 (f)  
 702-285-7315 (c)  
 bob@memlaw.net

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**Subject:** RE: Cagnina v. Valley Health System, LLC  
**Date:** Mon, 6 May 2013 10:29:48 -0700  
**From:** "Neal K. Hyman" <hvm@morrisullivanlaw.com>  
**To:** Bob McBride bob@memlaw.net John Bemis <JBemis@HPSLaw.com>. Amy Feliciano <iohnsoaa@ClarkCountyNV.Qov>. Jeffrey  
**Cc:** Maningo <maninqis@ClarkCountyNV.aov>. Brent Vogel <bvoack5@lbbbslaw.com>. Heather Hall <Heather@memlaw.net>. Allie Hanson <Allie@memlaw.net>

Bob,

Again with the snotty attitude? Are you available or not? If not please provide alternate dates.

Thank you.

Neal K. Hyman, Esq.

*Nevada Office:*

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Henderson, NV 89052

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Telecopier: (702) 939-5235

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Subject: RE: Cagnina v. Valley Health System, LLC  
 Date: Mon, 6 May 2013 10:44:06 -0700  
 From: Bob McBride <bob@memlaw.net>  
 To: "Neal K. Hyman" <hvman@morrissullivanlaw.com> John Bemis <JBemis@HPSLaw.com>.  
 Amy Feliciano <iohnsoaa(a)ClarkCountvNV.gov>. Jeffrey  
 Cc: Maningo <maninqis@ClarkCountvNV.QOV>. Brent Vogel <bvoqeka@lbbslaw.com>.  
 Heather Hall <Heather@memlaw.net>. Allie Hanson <Allie@memlaw.net>

Neal,

Really, Neal? Forgive me for pointing out the obvious to you in my last email. I just don't understand why it has been so hard for you to simply abide by common professional courtesy and at least include my office (as well as Mr. Farmer's criminal counsel) in your plan to schedule the deposition of our client. Especially given the last experience where you failed to serve our office with a courtesy copy of the Motion to Compel Mr. Farmer's deposition last year.

Ms. Hall and I are set to start a trial in front of Judge Cory on May 20. I will check with the court and opposing counsel in that case to see if they anticipate the trial date continuing into the next week. I will also consult with Mr. Farmer's criminal counsel on their availability and I will let you know. Thanks for your prompt inquiry.

Bob

Robert C. McBride, Esq.  
 Mandelbaum, Ellerton & McBride  
 2012 Hamilton Lane  
 Las Vegas, NV 89106  
 702-367-1234(0)  
 702-367-1978 (f)  
 702-285-7315 (c)  
 bob@memlaw.net

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Subject: Re: Cagnina v. Valley Health System, LLC  
 Date: Mon, 6 May 2013 10:54:17 -0700  
 From: "Neal K. Hyman" <hvman@morrissullivanlaw.com>  
 To: Bob McBride <bob@memlaw.net> John Bemis <JBemis@HPSLaw.com>. Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>. Jeffrey  
 Cc: Maningo <maninqis(a)ClarkCountvNV.gov>. Brent Vogel <bvoael@lbbslaw.com>.  
 Heather Hall <Heather@memlaw.net>. Allie Hanson <Allie(5)@memlaw.net>.  
 <caanina@morrissullivanlaw.com>

Ok, sounds good. Please note that our firm discovery cut-off is May 31, 2013, and Mr. Bemis may be unavailable the week of May 20, and he has two depositions in this case set for May 16-17. Please let me know this week so we can notice it when everyone can attend.

Neal K. Hyman, Esq.  
 MORRIS, SULLIVAN  
 & LEMKUL LLP  
 NEVADA OFFICE  
 2441 W. Horizon Ridge Pkwy, Suite 120  
 Henderson, NV 89052  
 702 939-5234  
 702 939-5235 (fax)  
 hvman@jnorrisullivanlaw.com  
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CALIFORNIA OFFICE  
 9915 Mira Mesa Blvd., Suite 300  
 San Diego, CA 92131  
 858 566-7600  
 858 566-6602 (fax)  
 Sent from my iPad

Subject: RE: Cagnina v. Valley Health System, LLC  
 Date: Wed, 8 May 2013 08:21:57 -0700  
 From: Bob McBride <bob@memlaw.net>  
 To: "Neal K. Hyman" <hvman@morrisullivanlaw.com> John Bemis <JBemis@HPSLaw.com>.  
 Amy Feliciano <iohnsoaa@ClarkCountvNV.gov>. Jeffrey Maningo  
 <maninais@ClarkCountvNV.gov>.  
 Cc: Brent Vogel <bvogel(5)@Jbbslaw.com>. Heather Hall <Heathen@memlaw.net>. Allie  
 Hanson <Allie@memlaw.net>. [caqnina@morrisullivanlaw.com](mailto:caqnina@morrisullivanlaw.com)  
 <caqnina@morrisullivanlaw.com>

Mr. Hyman,  
 Please be advised that the May 30 date for Steven's deposition will work, as my trial should be over by 5/27 at the latest. Please provide me with a copy of the Notice of Deposition at your convenience. Thanks.

Bob  
 Robert C. McBride, Esq.  
 Mandelbaum, Ellerton & McBride  
 2012 Hamilton Lane  
 Las Vegas, NV 89106  
 702-367-1234(0)  
 702-367-1978 (f)  
 702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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*From:* Robert E. Murdock, Esq. <mailto:lasveqasiustice@aol.com>  
*Sent:* Friday, September 20, 2013 11:06 AM  
*To:* [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com); [abrookhvser@lbbslaw.com](mailto:abrookhvser@lbbslaw.com); [kwebster@hpslaw.com](mailto:kwebster@hpslaw.com); [ibemis@hpslaw.com](mailto:ibemis@hpslaw.com); Bob McBride  
*Cc:* [keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)  
*Subject:* Doe v. UHS, Centennial, ANS and Farmer

Be advised that I am in the process of setting the deposition (and serving subpoenas in New Orleans) of Connie Brown and Johnette Spellman. Once they are served, i will not be willing to change the deposition date because I am going to stick by the served subpoena so there won't be any issues. So, if they can't make it that day, or your schedules change and you can't make it, I am letting you know in advance that we won't be making any changes.

This being said, if there are any dates in the next 30-45 days where you absolutely cannot make it, let me know by Monday. Similarly, if Ms. Brown and Ms. Spellman wish to have input, I will do so, but I will ask that they allow you to simply accept the subpoena and that they agree to be bound by that subpoena.

Thank you.

Robert E. Murdock, Esq.  
 MURDOCK & ASSOCIATES  
 520 South Fourth Street  
 Las Vegas, Nevada 89101  
 702-384-5563  
 702-384-4570 fax  
 702-497-7560 cell

*From:* Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
*To:* 'Robert E. Murdock, Esq.' <[lasveqasiustice@aol.com](mailto:lasveqasiustice@aol.com)>; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com); [abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com); [kwebster@hpslaw.com](mailto:kwebster@hpslaw.com); [jbemis@hpslaw.com](mailto:jbemis@hpslaw.com)  
*Cc:* [keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)  
*Sent:* Mon, Sep 23, 2013 9:42 am  
*Subject:* RE: Doe v. UHS, Centennial, ANS and Farmer

Rob,

Given the recent passing of Ms. Peterson, and Mr. Vogel's Suggestion of Death recently filed, can you advise me of your plan to either Amend the Complaint or refile a Wrongful Death

Action (if that is the plan) on behalf of Ms. Peterson's heirs? I am assuming that since nothing has been filed as of yet, that the deposition of Steven that you had noticed to take place this Wednesday, 9/25, will not be proceeding on that date. Please let me know so we can make arrangements for another date for Steven's deposition after the pleadings have been cleared up. Thanks.

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, NV 89106  
702-367-1234(0)  
702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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*From:* John Bemis <mailto:JBemis@HPSLaw.com>  
*Sent:* Monday, September 23, 2013 10:32 AM  
*To:* Robert E. Murdock, Esq.; Bob McBride; [bvoqel@lbbslaw.com](mailto:bvoqel@lbbslaw.com); [abrookhvser@lbbslaw.com](mailto:abrookhvser@lbbslaw.com); Ken Webster  
*Cc:* [keachmurdock@aol.com](mailto:keachmurdock@aol.com)  
*Subject:* RE: Doe v. UHS, Centennial, ANS and Farmer

It is my understanding that there is no jurisdiction over the deceased. As such, the action is suspended until substitution occurs or the deadline for substitution expires. Walker v. Burkham 68 Nev 250, 229 P.2d 158. Substitution of the parties is essential for the action to go forward. Until substitution is ordered, no party can move in the case.

*From:* Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
*To:* 'John Bemis' <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>; Robert E. Murdock, Esq. <[lasveaasjustice@aol.com](mailto:lasveaasjustice@aol.com)>; [bvoael@lbbslaw.com](mailto:bvoael@lbbslaw.com)>; [abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com)>; Ken Webster <[kwebster@HPSLAW.COM](mailto:kwebster@HPSLAW.COM)>  
*Cc:* [keachmurdock@qmail.com](mailto:keachmurdock@qmail.com)>  
*Sent:* Mon, Sep 23, 2013 10:36 am  
*Subject:* RE: Doe v. UHS, Centennial, ANS and Farmer

This would seem to provide additional reason to continue Mr. Farmer's deposition until these issues have been resolved.

Bob

*From:* Robert E. Murdock, Esq. [mailto:lasvegasjustice@aol.com]  
*Sent:* Monday, September 23, 2013 11:27 AM  
*To:* Bob McBride; JBemis@HPSLaw.com; bvogel@lbbslaw.com; abrookhyser@lbbslaw.com; kwebster@HPSLAW.COM  
*Cc:* keachmurdock@gmail.com  
*Subject:* Re: Doe v. UHS, Centennial, ANS and Farmer

I have reviewed the case that John provided and I disagree with his read of the case. The case involved a judgment and not discovery. What would happen, for example, if the party would die and a discovery date was pending? Under John's premise, the date would simply be "tolled". To me, this doesn't make much sense. Most important, the case does not stand for that proposition. Moreover, a motion for protective order is needed and I have not seen one yet.

The issue regarding criminal counsel is simply not one that I care about. If Bob was not in the case, then, I think the individual should have some counsel at the deposition, or at least be advised that they should have counsel. However, there certainly is no requirement that Farmer have both criminal and civil counsel present.

However, rather than arguing about this bit of flotsam, I will continue the depositions until such time as the Substitution is entered. I will be filing it this week on an OST.

But, let me caution all of you. Once the substitution is entered, I will set the depositions immediately. There will be no more delays in this case. There will be no more discovery continuances without a protective order. Whether farmer has counsel or not, whether ANS has correct 30(b)(6) witnesses or not, whether UHS personnel are involved in SEC meetings or not, is all meaningless at this point. Our case will take precedent unless a Protective Order is issued. All parties could simply move forward with these depositions this week. But, you want another delay. So be it. But, there will be no more delays.

Robert E. Murdock, Esq.  
 MURDOCK & ASSOCIATES  
 520 South Fourth Street  
 Las Vegas, Nevada 89101  
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 702-384-4570 fax  
 702-497-7560 cell

Subject: RE: Doe v. UHS, Centennial, ANS and Farmer  
 Date: Mon, 23 Sep 2013 11:43:34 -0700  
 From: Bob McBride <bob@memlaw.net>  
 "Robert E. Murdock, Esq." <lasveasjustice@aol.com>. "JBemis@HPSLaw.com"  
 <JBemis@HPSLaw.com>. "bvogel@lbbslaw.com" <bvogel@lbbslaw.com>.  
 To: "abrookhyser@lbbslaw.com" <abrookhyser@lbbslaw.com>, "kwebster@HPSLAW.COM"

<kwebster@HPSLAW.COM>

"keachmurdock@aol.com" <keachmurdock@qmail.com>. "Jeffrey Maningo

Cc: fmaninais@ClarkCountyNV.gov" <maninqis@ClarkCountyNV.gov>. Allie Hanson

<jAllie@memlaw.net>. Heather Hall <Heather@memlaw.net>

Rob,

Thanks for your email. While I understand with your different interpretation of the case cited by John, I, on the other hand (and not surprisingly to you, I am sure) agree with Mr. Bemis' interpretation of the case. However, I appreciate your agreement to continue the deposition of Steven under the circumstances. And while I know you don't care about the participation of Mr. Farmer's criminal counsel at his deposition, I would simply ask, as a professional courtesy, that you provide me some dates that you would like to take Steven's deposition in the near future so that I can coordinate not only my availability to attend, but also, at least one of his criminal counsel. My calendar has been filling up with dates for depositions in other matters, where discovery dates are closing, and I need to be able to clear a date to attend. As you are well aware, I have, at all times, provided you with professional courtesy in agreeing to forego unilaterally noticing your former client, Ms. Peterson's deposition, as well as her children, when there was no requirement for me to do so, and all I would ask is that you allow me the same professional courtesy in return. I appreciate this courtesy in advance. Thank you very much.

Bob

Robert C. McBride, Esq.

Mandelbaum, Ellerton & McBride

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Las Vegas, NV 89106

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702-367-1978 (f)

702-285-7315 (c)

bob@memlaw.net

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*From:* Robert E. Murdock, Esq. fmailto:lasveqasiustice@aol.com1

*Sent:* Monday, September 23, 2013 11:51 AM

*To:* bob@memlaw.net: bvoqel@lbbslaw.com: abrookhvser@lbbslaw.com: Ken Webster; John Bemis

*Cc:* keachmurdock@qmail.com

*Subject:* Re: Doe v. UHS, Centennial, ANS and Farmer

Bob,

The deposition is going forward. As you know, Rule 25 provides for 90 days for the filing from the date of the Suggestion of Death. An amendment per Rule 25 will be filed within the time



frame. There is no "stay" of discovery within those 90 days per any Rule that I know of. As you know, a wrongful death case is a different animal and the children have two years from the date of the death to file a lawsuit.

Regardless, I will be taking Mr. Farmer's deposition on Wednesday just as I will be taking the 30(b)(6) tmrw of ANS and other depositions in the next short while.

I look forward to seeing you.

Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES  
520 South Fourth Street  
Las Vegas, Nevada 89101  
702-384-5563  
702-384-4570 fax  
702-497-7560 cell

Subject: Marcia Peterson  
Date: Tue, 21 Jan 2014 11:07:39 -0800  
From: Jane Everitt <everitt@ClarkCountvNV.qov>  
To: "ibemis@hpslaw.com" <ibemis@hpslaw.com>  
Cc: Jeffrey Maningo <maninqis@ClarkCountvNV.qov>. "Ryan J. Bashor" <bashorri@ClarkCountvNV.qov>

Good morning Mr. Bemis,

As you probably know we are preparing for the Farmer trial, which begins on February 3. Jeff Maningo and Ryan Basher are the attorney's that are defending Mr. Farmer. We recently discovered that Marcia Peterson killed herself. Ryan has asked me to get in contact with you regarding Peterson and her death. We are asking if you could share with us any information you have on her mental health prior to her suicide and of her death. Also, if you have any documents (medical records, etc.) that pertain to her mental health and suicide. Any of this would be very helpful to us.

Please feel free to call myself, Ryan or Jeff at anytime. My office number is 455-0586, Ryan's is 455-0086 and Jeffs is 455-4228.

Thank you in advance,  
Jane Everitt  
Investigator  
Clark County Public Defender

Subject: Re: Marcia Peterson  
Date: Tue, 21 Jan 2014 11:13:00 -0800  
From: John Bemis <JBemis@HPSLaw.com>  
To: Jane Everitt <everitt@ClarkCountvNV.qov>  
Cc: Jeffrey Maningo <maninqis@ClarkCountvNV.qov>. "Ryan J. Bashor" <bashorri@ClarkCountvNV.oov>

I don't have any medical records regarding suicide but all obits and paperwork mention her ongoing seizures  
I will call you when I'm done with deposition or in morning tomorrow  
Sent from my iPad

*Subject:* RE: Marcia Peterson

*Date:* Tue, 21 Jan 2014 11:23:26 -0800

*From:* Jeffrey Maningo <maninqis@ClarkCountyNV.gov>

*To:* John Bemis <JBemis@HPSLaw.com>, Jane Everitt <everitil@ClarkCountyNV.gov>

*Cc:* "Ryan J. Bashor" <bashorri@ClarkCountyNV.gov>

Hi John. I think we just need confirmation that it was suicide. Not worried about the seizures.  
Thanks  
JSM

*Subject:* RE: Marcia Peterson

*Date:* Tue, 21 Jan 2014 11:25:38 -0800

*From:* John Bemis <JBemis@HPSLaw.com>

*To:* Jeffrey Maningo <maninqis@ClarkCountyNV.gov> Jane Everitt  
<everitil@ClarkCountyNV.gov>

*Cc:* "Ryan J. Bashor" <bashorri@ClarkCountyNV.gov>

Definitely a suicide

Sent via the Samsung GALAXY S 4, an AT&T 4G LTE smartphone

TAB 63



## Office of the Public Defender

309 So. Third St. • Second Floor • PO Box 552610 • Las Vegas, NV 89155-2610

(702) 455-4885 • Fax (702) 455-5112

Philip J. Kohn, Public Defender • Daren B. Richards, Assistant Public Defender

### PRIVILEGED AND CONFIDENTIAL

January 31, 2013

Robert C. McBride, Esq.  
Heather S. Hall, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, Nevada 89106

John F. Bernis, Esq.  
Hall, Frangle & Schoonveld LLC  
777 North Rainbow Boulevard, #225  
Las Vegas, Nevada 89107

S. Brent Vogel, Esq.  
Lewis, Btisbois, Bisgaard & Smith  
6385 South Rainbow Boulevard, #600  
Las Vegas, Nevada 89118

RE: State of Nevada v. Steven Dale Farmer  
Case No. C245739

Dear Messrs McBride, Bernis, and Vogel and Ms. Hall:

We appreciate your consulting with us on the above-named case. Enclosed, per our January 21, 2013 meeting, please find the documents necessary for your review to assist with your consultation with us on this case. If you have any questions, please do not hesitate to contact me at (702) 455-5733. Thank you.

Very truly yours,

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

Amy A. Feliciano  
Deputy Public Defender

/s/af

Enclosure(s)



PDDISC0073

AA2791

**TAB 64**

1 **NEO**  
2 WILL A. LEMKUL, ESQ.  
3 Nevada Bar No. 006715  
4 NEAL K. HYMAN, ESQ.  
5 Nevada Bar No. 005998  
6 **MORRIS, SULLIVAN & LEMKUL LLP**  
7 2441 W. Horizon Ridge Parkway, Suite 120  
8 Henderson, NV 89052  
9 Telephone: (702) 939-5234  
10 Facsimile: (702) 939-5235  
11 *Attorneys for Plaintiff*

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DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

ROXANNE CAGNINA, an individual,  
Plaintiff,

vs.

VALLEY HEALTH SYSTEM LLC dba Centennial  
Hills Hospital Medical Center; a Nevada Limited  
Liability Company,  
Defendants.

NOTICE OF ENTRY OF ORDER  
RE: DISCOVERY  
COMMISSIONER'S REPORT AND  
RECOMMENDATIONS

CASE NO.: A570756  
DEPT. NO.: XXVII

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1 PLEASE TAKE NOTICE that on May 3, 2013, the Court entered an Order adopting the findings  
2 of the Discovery Commissioner's Report and Recommendations which was signed on May 3, 2013. A  
3 copy of the Order is attached hereto as Exhibit 1.

4 DATED this 6<sup>th</sup> day of May, 2013.

5  
6 MORRIS, SULLIVAN & LEMKUL

7  
8 */s/ Neal K. Hyman, Esq.*

9 By: \_\_\_\_\_

10 WILL A. LEMKUL, ESQ.  
11 Nevada Bar No. 006715  
12 NEAL K. HYMAN, ESQ  
13 Nevada Bar No. 005998  
14 2441 W. Horizon Ridge Pkwy., Suite 120  
15 Henderson, NV 89052  
16 *Attorneys for Plaintiff*  
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Hall Prangle & Schoonveld  
Contact Email  
Diana Cox dcox@hpslaw.com  
John F. Bemis, Esq. jbemis@hpslaw.com

Morris Sullivan & Lemkul  
Contact Email  
Crystal L. Marven, Paralegal marven@morrisullivanlaw.com  
Neal K. Hyman, Esq. hyman@morrisullivanlaw.com

By: /s/ Crystal L. Marven  
An employee of Morris, Sullivan & Lemkul LLP



**CERTIFICATE OF FACSIMILE AND MAILING**

I do hereby certify that on May 6, 2013, I served a copy of the following document(s):  
**NOTICE OF ENTRY OF ORDER RE: DISCOVERY COMMISSIONER'S REPORT AND  
RECOMMENDATIONS** by e-mail and enclosing the same in a sealed envelope upon which  
first-class postage was fully prepaid addressed to the following:

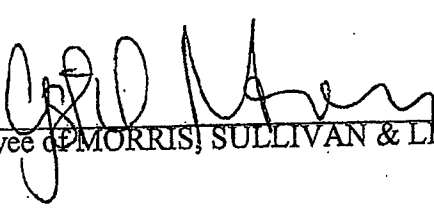
John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Ste. 200  
Las Vegas, NV 89144  
Fax (702) 384-6025  
*Attorneys for Valley Health System, LLC*

Robert C. McBride, Esq.  
MANDELBAUM, ELLERTON &  
McBRIDE  
2012 Hamilton Lane  
Las Vegas, NV 89106  
Fax: (702) 367-1978  
*Civil Attorney for Steven Farmer  
(Dismissed Party)  
Cagnina v. Valley Health System, LLC  
Case No. A570756*

Barter Pace, Esq.  
Jaclyn Booth, Esq.  
DISTRICT ATTORNEY'S OFFICE  
200 E. Lewis Avenue  
Las Vegas, NV 89101  
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*Attorneys for the State of Nevada*

Philip J. Kohn, Esq.  
PUBLIC DEFENDER'S OFFICE  
309 S. Third Street, #226  
Las Vegas, NV 89155-2610  
Fax: (702) 380-3029  
*Criminal Attorney for Steven Farmer*

Charlotte M. Bible  
LAS VEGAS METROPOLITAN POLICE DEPT.  
400 S. Martin Luther King Blvd.  
Las Vegas, NV 89106  
Fax : (702) 828-3191  
*Attorney for Las Vegas Metropolitan Police Dept.*

  
An Employee of MORRIS, SULLIVAN & LEMKUL LLP

# **EXHIBIT 1**

**ORIGINAL**

1 **DCRR**

2 WILL LEMKUL, ESQ.; NV Bar No. 6715

3 NEAL K. HYMAN, ESQ.; NV Bar No. 5998

4 MORRIS, SULLIVAN & LEMKUL LLP

5 2441 W. Horizon Ridge Parkway, Suite 120

6 Las Vegas, NV 89052

7 Telephone: (702) 939-5234

8 Telecopier: (702) 939-5235

9 Attorneys for Plaintiff

10 Roxanne Cagnina

11  
12  
13  
14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 ROXANNE CAGNINA, an individual,

17 Plaintiff,

18 vs.

19 VALLEY HEALTH SYSTEM LLC dba  
20 Centennial Hills Hospital Medical Center; a  
21 Nevada Limited Liability Company,

22 Defendants.

Case No.: A570756

Dept. No.: XXVII

23 **DISCOVERY COMMISSIONER'S**  
24 **REPORT AND RECOMMENDATIONS**

25 **DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS**

26 HEARINGS DATE:

April 3, 2013

27 APPEARANCES:

28 1. Plaintiff:

Neal K. Hyman, Esq.  
MORRIS, SULLIVAN & LEMKUL LLP

2. Defendant  
Valley Health System LLC

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC

3. Defendant  
Steven Dale Farmer

Name: Heather S. Hall, Esq.  
MANDELBAUM, SCHWARZ,  
ELLERTON & McBRIDE

4. Non-Party  
Las Vegas Metropolitan  
Police Department

Charlotte M. Bible, Esq.  
Assistant General Counsel  
DOUGLAS C. GILLESPIE, SHERIFF

5. Non-Party  
Clark County D.A.

Barter Pace  
Chief Deputy D.A.  
CLARK COUNTY D.A. (Criminal)

1 I.

2 FINDINGS

3 After full briefing and oral argument on April 3, 2013, Plaintiff's and Valley Health System,  
4 LLC's ("Valley Health) Joint Motion to Compel Production of Documents from Las Vegas  
5 Metropolitan Police Department and the Clark County District Attorney's Office on an Order  
6 Shortening Time is GRANTED.

7 II.

8 RECOMMENDATIONS

9 IT IS HEREBY RECOMMENDED AND ORDERED:

10 1. Plaintiff's and Valley Health's Joint Motion to Compel Production of Documents  
11 from Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office  
12 on an Order Shortening Time is GRANTED; and the stay of discovery related to the criminal action  
13 involving Steven Farmer entitled *State v. Farmer*, Case No. C245739 ("Criminal Action") is lifted,  
14 and counsel must proceed with the civil case;

15 2. All discovery concerning the Criminal Action is subject to the Protective Order  
16 previously entered on September 17, 2009, which remains in full force and effect; all Las Vegas  
17 Metropolitan Police Department depositions and transcripts, and Mr. Farmer's deposition and  
18 transcript, must be kept under seal; and all documents relating to the Criminal Action must be kept  
19 as confidential;

20 3. Las Vegas Metropolitan Police Department will promptly produce its entire criminal  
21 file in the Criminal Action to Plaintiff and Valley Health; and

22 4. Mr. Farmer's deposition will proceed in this civil case and Ms. Hall will defend him;  
23 Ms. Hall must be noticed of Mr. Farmer's deposition; Mr. Farmer cannot assert Fifth Amendment  
24 rights in certain portions of his deposition, however, some questions must be answered, or Mr.  
25 Farmer will be subject to the consequences; all counsel must review the Fifth Amendment.

26 ///

27 ///

28 ///

1 IT IS FURTHER HEREBY RECOMMENDED AND ORDERED:


2 Mr. Hyman will prepare the report and recommendations, and all counsel of record and with  
3 an interest in this matter will approve as to form and content.

4 DATED this 18 day of April 2013.

5  
6   
7 DISCOVERY COMMISSIONER

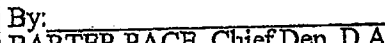
8 Respectfully submitted by

9 MORRIS, SULLIVAN & LEMKUL LLP

10  
11 By:   
12 WILL A. LEMKUL, ESQ.  
13 State Bar No. 006715  
14 NEAL K. HYMAN, ESQ.  
15 State Bar No. 005998  
16 2441 W. Horizon Ridge Parkway, Suite 120  
17 Henderson, NV 89052  
18 Attorneys for Plaintiff Roxanne Cagnina

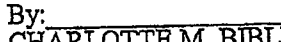
16 Approved as to form and content:

17 CLARK COUNTY D.A.'S OFFICE

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22 200 E. Lewis  
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24 Attorneys for Non-Party State of Nevada


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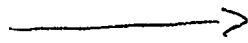
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19 LLC

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23 Las Vegas, NV 89106  
24 Civil Attorneys for Non-Party Steven Dale  
25 Farmer

1 IT IS FURTHER HEREBY RECOMMENDED AND ORDERED:

2 Mr. Hyman will prepare the report and recommendations, and all counsel of record and with  
3 an interest in this matter will approve as to form and content.

4 DATED this \_\_\_\_\_ day of April 2013.

5  
6 DISCOVERY COMMISSIONER

7  
8 Respectfully submitted by

9 MORRIS, SULLIVAN & LEMKUL LLP

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& McBRIDE 4/16/13

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Pursuant to E.D.C.R. 2.34(f) an objection must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of the party's lawyer in the Clerk's office. See E.D.C.R. 2.34(f).

\_\_\_\_\_ Mailed to Plaintiff/Defendant at the following address on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Placed in the folder of Plaintiff's/Defendant's counsel in the Clerk's office of the  
22 day of April, 2013.

By: Janifer Roth  
Deputy Clerk

Cagnina v. Valley Health System, LLC

Case No. A570756

**ORDER**

The Court, having reviewed the above report and recommendations prepared by the  
Discovery Commissioner and,

\_\_\_\_\_ The parties having waived the right to object thereto,

<sup>mm</sup>  
X \_\_\_\_\_ No timely objection having been received in the office of the Discovery  
Commissioner pursuant to E.D.C.R. 2.34(f),

\_\_\_\_\_ Having received the objections thereto and the written arguments in support of said  
objections, and good cause appearing,

AND

X \_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and  
Recommendations are affirmed and adopted.

\_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and  
Recommendations are affirmed and adopted as modified in the following matter.  
(attached hereto)

\_\_\_\_\_ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report  
is set for \_\_\_\_\_, 2013, at \_\_\_\_\_ a.m./p.m.

DATED this 3 day of May, 2013.

Nancy L. Allen  
DISTRICT JUDGE

TAB 65

PHS Depo. Exh. # 2  
Carol O'Malley, CCR No. 178, RMR

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

**CONFIDENTIAL**

EVENT #:080516-1021

**SPECIFIC CRIME: SEXUAL ASSAULT, OPEN AND GROSS LEWDNESS**

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

**NAME OF PERSON GIVING STATEMENT: MURRAY, CHRISTINE**

|                       |                                               |                           |              |
|-----------------------|-----------------------------------------------|---------------------------|--------------|
| <b>DOB:</b>           |                                               | <b>SOCIAL SECURITY #:</b> |              |
| <b>RACE:</b>          |                                               | <b>SEX:</b>               | Female       |
| <b>HEIGHT:</b>        |                                               | <b>WEIGHT:</b>            |              |
| <b>HAIR:</b>          |                                               | <b>EYES:</b>              |              |
| <b>WORK SCHEDULE:</b> |                                               | <b>DAYS OFF:</b>          |              |
| <b>HOME ADDRESS:</b>  | 3350 N. Durango #1120 Las Vegas, Nevada 89149 | <b>HOME PHONE:</b>        | 734-624-2755 |
| <b>WORK ADDRESS:</b>  |                                               | <b>WORK PHONE:</b>        |              |

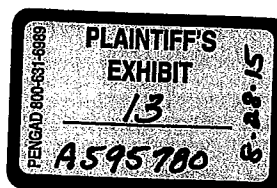
**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

The following is the transcription of a tape-recorded interview conducted by Detective M. Saunders, P# 6076, LVMPD Sexual Assault Detail, on 06/13/2008 at 0635 hours.

Q. Good morning, Operator, this is Detective M. Saunders, S-A-U-N-D-E-R-S. A conducting one taped interview reference event number 080516-1021. This interviews taking place at 6900 North Durango Las Vegas, Nevada 89149.

Vol-Statement, No Affirmation (Rev. 9/00) s AUTOMATED



LVMPD0167

AA2805

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 2

**CONFIDENTIAL**

EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

Centennial Hills Hospital, sixth floor, um, nurse, nurses supervisors room. A it is approximately 0635 hours on the thirteenth of June, 2008. Present for this interview um, last name of Murray, M-U-R-R-A-Y, first name of Christine, C-H-R-I-S-T-I-N-E. Date of birth of 04-0 - or, 04/20/1950, a address of 3350 North Durango Drive #1, 120 Las Vegas, Nevada 89129. She has a contact phone number of 734- a 624-2755. Is that information true and correct?

A. Um-hum, yes it is.

Q. Okay. And is it alright if I call you Christine or -

A. Chris is fine.

Q. Chris is fine, okay.

A. Um-hum.

Q. Um, Chris, I=am here to speak to you about an ongoing investigation that I have um, a reference a CNA that a was arrested out of this hospital. Are, are you familiar with what I=am talking about?

A. Yes, I am.

Q. Okay. And do you know the name of that individual?

A. Yes.

Q. That CNA?

A. Steve Farmers.

LVMPD0168

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 3

CONFIDENTIAL

EVENT #:080616-1021

STATEMENT OF: MURRAY, CHRISTINE

- Q. Okay. And I wanna direct your attention back to the sixteenth of May, a 2008.  
Were you working that night?
- A. Yes, I was.
- Q. In which capacity were you working?
- A. Registered nurse.
- Q. Okay.
- A. On the seventh floor.
- Q. On the seventh floor. And that, that particular morning did you have a patient brought up from the ER by the name of Roxanne Cagnina (phonetic)?
- A. Yes, I did.
- Q. Okay, and do you remember, by chance, what room number she went into?
- A. I believe it was 727.
- Q. 727, okay, it could of been 725?
- A. Yes.
- Q. Okay, 725, okay. Um, when she was brought up, um, can you, can you explain to me the, the details um, of the first time that you had contact with her. As, as best you remember.
- A. With her?
- Q. Well, yes, we=ll, we=ll get back to Mr. Farmer.
- A. Okay.

LVMPD0169

AA2807

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 4

CONFIDENTIAL

EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

Q. But we just, like what time was she brought up to the floor, that you remember?

A. She came up to the floor about four-twenty. The first that I saw her was when myself and the CNA, Corrine, walked in. We had been told that she had, had seizures. So we wanted to pad the bed rails. We found um, Mr. Farmer, walking her into the bathroom. We said, we would take it from there and he left immediately. And we walked her back, back to the bedroom. Back a, to the bed, after.

Q. Okay. Did she say anything to you after Mr. Farmer left? Did she appear distraught, distressed, anything?

A. She seemed confused. A when somebody has a lot of a drugs in them -

Q. Um-hum.

A. -a like that. Um, she did say, when we were walking her back, from the bathroom to the bed, are, is it all girls here? And we said, yes. And she said, oh good, I wanna pull my gown this way so when I sit down, I don't choke myself. Which a lot of people do.

Q. Okay.

A. And so we said, oh yes, it's all girls here, you go right ahead. And she did and then she got into bed.

LVMPD0170

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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**CONFIDENTIAL**

EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- Q. Okay. Um, when she was first brought, you say she got in, in about four-twenty. Was that the first time you physically saw her or did you see him like coming off the elevator with her at four-twenty?
- A. No, that was the first time I saw her, in her room, was the first time I saw her.
- Q. Okay. Saw her, okay. And how did you know that she was a put into her room? She was brought-
- A. Because - well, I was standing in another patients room, speaking to the family members.
- Q. Um-hum.
- A. Mr. Farmer came into the other patients room and told me that the patient he had just brought up and put in a room twenty-five was um, on a lot of drugs, pain killers and such and that she was kinda loopy and that she wouldn't notice if I didn't come right over there to see her.
- Q. Okay. And is that common? Has he, has he ever -
- A. I -
- Q. - done something like that before?
- A. I had never had him do that before.
- Q. Okay, and how long would you say, I know you didn't work directly with him, but how-often, a how long have Mr. Farmer - had you seen Mr. Farmer at the hospital?

LVMPD0171



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 6

**CONFIDENTIAL**

EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- A. I=d say for at least two months on and off, you know, cause we work different days but I=d seen him around quite a bit.
- Q. Right. Okay, so he=d been there awhile?
- A. Yea.
- Q. And that was the first time he ever made a comment to you like that about a -
- A. Yes.
- Q. -a patient.
- A. Yes.
- Q. Okay, did you find that odd?
- A. I found that strange, first of all, cause their not supposed to just walk into another patients room. You=re not supposed to walk into a patients room unless you have business in there. And he didn=t have business in there, he could of told that to my charge nurse.
- Q. Okay. Um, at um, okay and he told you \_\_\_\_\_ that, that she=s ready, ready to go be seen and then when you went in, um, in the room that=s when you found him about to take her to the bathroom and you guys -
- A. He actually was walking her into the bathroom.
- Q. Okay. Was she exposed in any way?
- A. No.

LVMPD0172

AA2810

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 7

**CONFIDENTIAL**

EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- Q. Okay. Um, and that was at, you said about four-twenty.
- A. Um-hum.
- Q. Okay.
- A. Yes.
- Q. And what time, do you, do you recall what time that you annotated on your notes, for arrival?
- A. A around a quarter to five.
- Q. Okay. And is, would this um, I=m gonna show you this paper right here and it=s a - it=s a, looks like nurses notes.
- A. Um-hum.
- Q. It=s um, given to me by Centennial Hills. It says, 0445 a, patient to floor on stretcher. A vi., \_\_\_\_\_
- A. Vital signs stable.
- Q. Okay. Heavily sedated, needed assistance to walk to bathroom, stated my headache is still not gone.
- A. Um-hum.
- Q. Okay. Alright. Now, did she disclose or she say anything to you at that time about anything that a, a might of happened to her or occurred?
- A. No.
- Q. And did she seem distressed or scared?

LVMPD0173

AA2811

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
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EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- A. No, she seemed, the thing that she seemed the most was distress cause her headache. She had come in with a headache, she=d had it for a couple days. And that was the one thing, she said it doesn=t seem to matter what their, they=re giving me, it=s not getting rid of this headache.
- Q. Okay. Alright. So, um, you had made a comment to me earlier that a - when you were \_\_\_\_\_ the gur..., the gurney was outside the door .
- A. Um-hum.
- Q. Can you explain that to me? What, what was the -
- A. When he came to me and I finished talking to the patients.
- Q. Um-hum.
- A. The other patients and a it took me, I=d say, three to five minutes to finish up there and walk around where her room was.
- Q. Um-hum.
- A. It was on the other side. And I noticed his gurney was still there, which surprised me because our transport people usually bring the person up. Get them into the bed as quickly as possible, and then get back downstairs because we don=t have a lot of transporters and we, their usually called on their walkie talkies, like come on down. We=ve got somebody else to transport. So you usually don=t see a gurney and a trans..., and a transporter hanging around.

LVMPD0174

AA2812

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
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EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- Q. Okay.
- A. So when we walked in and we saw him, and we said, we would take over from here - a Corrine and I, the CNA. He um, disappeared. He like grabbed the gurney and went.
- Q. Okay. Cause normally he did, he wouldn't of even been there, he would of already -
- A. Right, right, he would of gotten her into the bed, handed her the call light, and showed her how to use it, and been gone.
- Q. Okay. And was that um, and that was at about, what time do you think, four-twenty?
- A. Probably about, yea, around four-twenty.
- Q. Okay. Um, lets see, \_\_\_\_\_. Um, as far as, well, \_\_\_\_\_ well, back to that. Did um, at about seven a.m, did you go and check on the patient again?
- A. No, I had been in there around six-thirty. A I was trying to find out if she had had a seizure, I was trying to anticipate what her - um, her needs were for the next shift when they were coming on.
- Q. Yea.
- A. If she needed anymore medicine or if she could have anymore medicine. At about six-thirty, she seemed like she was kind of dozing off so, I didn't wanna interrupt

LVMPD0175

AA2813

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
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EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

her. Cause sometimes sleep will get rid of the headache. So, I left her about six-thirty and I, I did not see - I was not looking toward her room.

Q. Okay.

A. The majority of my patients were on the other side.

Q. Okay.

A. So, I really didn't ch..., I figured she had gone to sleep. We weren't gonna disturb her.

Q. Okay. Do you ever recall seeing Mr. Farmer back up on the floor, anytime between six-thirty, seven o'clock?

A. No, I do not.

Q. Okay.

A. But then I wasn't looking for him.

Q. Did, has any other nurses or anyone else said anything to you that they saw him at about seven o'clock, standing in her room?

A. No.

Q. Walked in on, \_\_\_\_\_.

A. Nobody mentioned that to me.

Q. Okay. Um, did - when did you first find out about the allegations of that, the patient Roxanne Cagnina, had against Mr. Farmer?

LVMPD0176

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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**CONFIDENTIAL**

EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- A. When I woke up the next day and there were a couple messages from you, on my phone, and I called you because of course, the first thing I thought was my daughters, my granddaughter.
- Q. Okay.
- A. Those were the things I thought because nobody had the courtesy from here, to call and say that something had happened and they had given you my telephone number. Which I was really upset about.
- Q. Okay. You-re -
- A. Not that I gave you the number -
- Q. Right.
- A. -but that they didn't call me and tell me so I -
- Q. That they didn't bother to no..., notify you on -
- A. Yea.
- Q. -on what was happening.
- A. Yea.
- Q. Did um, okay. On a - did Ms. um, Cagnina, at any time, make any disclosures to you about anything that Mr. Farmer had done to her?
- A. No, she did not.
- Q. Okay. Alright. And can, what are - well let me, let me back up. You had made a comment earlier um, that he seemed to be very um, attentive.

LVMPD0177

AA2815

**CONFIDENTIAL**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- A. Um-hum.
- Q. Can you, can you go over those details with me. What, what was it that you o..., you observed about um, Mr. Farmer?
- A. Well, when he brought a patient up, if they had to have a \_\_\_\_\_ on, he would offer to put the \_\_\_\_\_ on. Which means of course, you know, behind the chest and a they have to go on the rib cages. So of course, on women it=s usually, you have to move the breast to put the, underneath the breast and stuff. He would always say, oh I=ll do that for you, you know, and you do what you have to do. He was always very complementary to everybody. He was always willing to do something extra if you wanted to. Very um, you know, just very helpful. He just wouldn=t -
- Q. Did it seem to be more for female patients or any patient?
- A. Actually, I think it was more for female patients.
- Q. Okay, and when you say he had to put on the to..., \_\_\_\_\_ -
- A. Um-hum.
- Q. -how many, how many points of um, these, these leads?
- A. There=s five leads.
- Q. There=s five leads.
- A. On our portable monitors, \_\_\_\_\_.

LVMPD0178

AA2816

**CONFIDENTIAL**

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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**EVENT #:080516-1021**

**STATEMENT OF: MURRAY, CHRISTINE**

- Q. And there=s, so one on basically on top of a, a below the clavicle -
- A. Right here.
- Q. -above, above the breast.
- A. Yea, by the belly area here.
- Q. And then two, one under each side of the breast -
- A. Right.
- Q. -and then one in between the breast.
- A. Right.
- Q. Okay. And he always seemed more than willing to -
- A. Oh, I=ll put that on for you, yup.
- Q. Did um, as far as his job, um, a is - where a CNA is concerned, does that normally does, when somebody puts on the \_\_\_\_\_, is that usually conduc..., um, completed by a nurse?
- A. No, we do have the CNA=s do that.
- Q. \_\_\_\_\_ (inaudible, both talking).
- A. So, see that=s not really out of the realm of his responsibilities.
- Q. Um-hum.
- A. So, nobody thought anything of it.

**LVMPD0179**

**AA2817**



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
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EVENT #:080516-1021

STATEMENT OF: MURRAY, CHRISTINE

- Q. Okay. Would, does CNA duties change from floor to floor? Like if somebody, like would ER have their own set of, of things that CNA-s can do and things that they can=t as compared to a CNA that was assigned to a, a floor for recovery?
- A. I think they would, yes.
- Q. Okay.
- A. I=am not positive.
- Q. Um-hum.
- A. Because I=ve never worked ER. Um, but I would think they would because that=s the first assessment is to \_\_\_\_\_ first everything that their coming in and their usually pretty serious down there.
- Q. Oh, okay. Um, can you think of anything else that I didn=t ask you or I might not be aware of that you feels important, that might assist me in my investigation or something that I need to be made aware of?
- A. The only thing I can think of like I said, is the older lady that he did the one to one sittings with.
- Q. Um-hum.
- A. Which means that the doctor ordered for somebody to be in the room with her at all times. He was in there, on the evening shift, it was dark because he has the lights out. The door was closed. Which usually for a one to one, I, if I had been the

LVMPD0180

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EVENT #.080516-1021

STATEMENT OF: MURRAY, CHRISTINE

nurse, which I wasn't. I would want the door open. I wanna see what=s going on. But we did hear her yelling. I don=t want you by me, get outta here. And we thought, she=s a little crazy.

Q. Um-hum.

A. She=s a little crazy, old lady, that=s why she has the sitter.

Q. Um-hum.

A. So we didn=t put any credence into what she was saying.

Q. Okay. Do you remember when that occurred?

A. I don=t.

Q. Okay. Before or after this incident, that we=re talking about?

A. Before. Before.

Q. Okay. A couple of weeks, couple of days?

A. A it had to be more toward the beginning of when we opened up because it was on the sixth floor here and we didn=t open the seventh floor until about two in a half, three months after we opened. So, obviously, it have to be probably in February or March, something like that.

Q. Okay. Do you remember what she was um, in for, what that victim -

A. I don=t know.

Q. -or \_\_\_\_\_ the patient, \_\_\_\_\_.

LVMPD0181

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 16

**CONFIDENTIAL**

EVENT #:080616-1021

STATEMENT OF: MURRAY, CHRISTINE

A. Cause I, you know what, I never had her as a patient.

Q. Okay.

A. So.

Q. Um, ever observe or see anything else that just didn't seem right with you? A  
anything that Mr. Farmer ever did that was, a out of the scope or realm of his duties  
or anything else that just appeared - professional. From, from your professional  
opinion and, and your knowledge of the, the nursing field. Of something that he  
wasn't doing that was correct with patients?

A. No. But you know what, I didn't pay much attention to him.

Q. Okay. Alright. Is there anything else?

A. No.

Q. Okay. Operator, this will end the interview. The time is approximately 0649  
hours, on the 13<sup>th</sup> of June, 2008. Same people present, same location. Thank  
you.

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 6900 N. DURANGO ON THE  
13<sup>th</sup> DAY OF JUNE, 2008 AT 0649 HOURS.**

MS:sl

LVMPD0182

AA2820

TAB 66

## VOLUNTARY STATEMENT

PAGE 1

EVENT #: 080530-2056 (Reference 080516-1021)

SPECIFIC CRIME: OPEN & GROSS LEWDNESS

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGASCLARK COUNTYNAME OF PERSON GIVING STATEMENT: MARGARET WOLFE

DOB: 06/11/70

SOCIAL SECURITY #:

RACE:

SEX: F

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS:

HOME PHONE:

WORK ADDRESS: CENTENNIAL HILLS HOSPITAL

WORK PHONE: 629-1211

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE M. SAUNDERS, P# 6076, LVMPD SEXUAL ASSAULT Detail, on MAY 30, 2008 at 0758 hours.

Q. Hello operator. This is Detective M. Saunders, P# 6076, dictating—or not dictating. I'm sorry. Uh, having one taped interview reference event number 080516-1021. This interview is taking place at 8775 West Deer Springs Road, Las Vegas, Nevada 89149. The time is approximately 0758 hours on the 30<sup>th</sup> of May, 2008. Present for this interview, last name of Wolfe, W-O-L-F-E, first name of Margaret, M-A-R-G-



**VOLUNTARY STATEMENT**

PAGE 2

EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A-R-E-T. Her date of birth is 06/11 of 1970. She has a work phone number of 629-

1211. Is that information true and correct?

A. Yes.

Q. Okay. Is it all right if I call you Margaret?

A. Yes.

Q. Okay. Margaret, um, I was talking to you a little while ago about an incident that you're aware of that occurred at your hospital, uh, and you work at Centennial Hills Hospital. Correct?

A. That's correct.

Q. And where do, where, what do you do for uh, uh, Centennial Hills Hospital?

A. I'm an E.R. nurse.

Q. \_\_\_\_\_ And were you working on the day of uh, or the, the evening shift or graveyard shift of...uh...May 15<sup>th</sup> to May 16<sup>th</sup>?

A. Yes, I was.

Q. Okay. And was there somebody that worked with you or was assisting, I should say, in the E.R., by the name of Steven Farmer?

A. Yes.

Q. Okay. And what was Steven Farmer's job?

A. He was a CNA. Contracted out through an agency.

Q. \_\_\_\_\_ And what would you say his job duties were?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 3

EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. Um, he was to assist the nurses with um, patient care, taking them to the bathroom.

uh, possibly changing their clothing, cleaning any uh, messes that patient, you know, may have. Uh, just, just general assistance in patient care. Transporting patients to and from different units.

Q. Okay. Um...and did you know Mr. Farmer?

A. Just through work.

Q. Just through work. Okay. Um...I want to direct you back to--on that specific in--uh, specific night there was a young lady that was brought into the E.R. that I believe, um, um, Nurse Goodheart, uh, Karen Goodheart worked on, and uh--or was assigned to and her name was um...Roxanne Ca--uh, Cagnina. Was that--does that name sound familiar?

A. No.

Q. Okay. Um, are you familiar with the circumstances with Mr. Farmer and his arrest?

A. Yes.

Q. Um, that night--uh, let me back up. There was--while I was talking to you um, you relayed some information to me that you saw something one night--on that same night. It was the 15<sup>th</sup>, that you felt was inappropriate and, and suspicious and can you tell me about what that situation was again.

A. Yes. I had a patient that was um...brought in...by ambulance and uh, she was laying on the gurney, uh, in a gown that opened from the front. She was brought

**VOLUNTARY STATEMENT**

PAGE 4

EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

from a Quick Care. Our gowns open in the back, but um, this gown happened to  
open in the front and...

Q. Okay.

A. um, he went into her room for uh, no apparent reason. The call light was not on. The alarms on the monitor were not going off and I was standing right outside the patient's room. So he had no reason to have gone in there.

Q. And she was your patient?

A. Yes, she was.

Q. Okay. And he was not assigned to her?

A. No, he was not.

Q. Okay.

A. He's just assigned to the general E.R.

Q. Okay.

A. Not to specific patients.

Q. Okay.

A. Um, so he went into the room, opened her gown, fully, underneath the sheets. Uh, he put his hands inside of her gown. I didn't see what he was touching but to me it looked like he pretended like he was uh, checking the monitor wires that were on her to see if there were placed correctly which again, he would have absolutely no



**VOLUNTARY STATEMENT**

PAGE 5

EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

~~reason to do that and in fact it's out of his scope of practice to be checking monitor~~

placements. Um--

Q. What was the...what was this um, this patient, um, what was her mental status?

Was she awake, asleep, was she--

A. She was awake and alert.

Q. \_\_\_\_ Um, was she on any medications?

A. I don't recall if I gave her any morphine or not.

Q. Okay.

A. Um, if she had any medication it would have been morphine.

Q. Okay. And what would--uh, I don't know if you can tell me or not, do you remember what she was brought in for?

A. I do.

Q. Okay. I don't know--what, you know, never mind. We won't--I don't need to know that. Do you remember what the patient's name was?

A. It was Denise Hanna.

Q. Denise Hanna. Do you remember how that's spelled?

A. The last name is H-A-N-N-A. The first name is D-E-N-I-S-E.

Q. Okay. And how old was she?

A. Uh, approximately thirties or forties.

Q. Thirties to forties? Okay. And white female, black female, Hispanic?

**VOLUNTARY STATEMENT**

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. White female.

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Q. White female. Okay. Okay. And so...did Ms. Hanna say anything to you or...

A. I was out, outside of the room, but within view, um, at the time. She didn't say anything but she quickly closed her gown and appeared very uncomfortable about what had just happened. Um, when I had gone back into the room, she didn't say anything about the situation but uh, continued to just act in a way that she was uh, very self conscious about uh, being covered up.

Q. Okay. Now you say that he put his hands, \_\_\_\_ he opened up the front of her gown but he put his hands under the sheets. Were there sheets still laying over the top of her?

A. He lifted the sheet up and opened her gown, so the sheet wasn't touching her but it was lifted up over the top of her body.

Q. Okay. So were her breasts completely exposed?

A. Yes.

Q. Okay. And could you see her breasts—

A. \_\_\_\_

Q. —from where you were at?

A. Not from where I was at but the view he was standing at, she would have been completely exposed.

Q. She was completely exposed to him?

**VOLUNTARY STATEMENT**

PAGE 7

EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. Yes.

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Q. Okay. And he did this...um...under the pretense that, that you could assu—that you assumed by what you could see what he was doing, like wanting to check wires?

A. Right. The heart monitor.

Q. The heart monitor. Okay. And where would the probes, so to speak, be placed on a, on a female patient, um, that had this type of monitor hooked up to them?

A. There's five leads. Two of them go underneath the clavicle, midline underneath the clavicle. One of them goes, um, approximately between the breasts and then there's two that would be on the ribs, kind of on the sides, that would be on a woman, usually fall underneath her breasts.

Q. Okay. So it'd be just, just under the—to, \_\_\_\_ to the right and the left of the breasts?

A. Yes.

Q. Okay. Um...did he say anything to you, did he say anything to you when uh, when he came out of the room?

A. No, he did not. He walked away.

Q. Did he immediately go to another room or what did he—did you see where he went to or what he did?

A. I didn't see where he went after that.

Q. Okay. Um, and, and Ms. Hanna never said anything to you?

A. No.

**VOLUNTARY STATEMENT**

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

Q. Okay. Did anybody, um...did you talk to anybody about this?

---

A. I did. I told another male nurse. His name is Ray Sumera.

Q. Okay.

A. And I asked him if he would talk to him about it, which he told me he did.

Q. Okay. Did Ray say, did Mr. Sumera say anything about what uh, Mr. Farmer's response was to him?

A. No, he did not.

Q. Did uh...excuse me. Um...has uh, anybody else in the E.R. room, that you've worked with, uh, ev--ever come to you or have you ever talked to anybody that shared similar concerns that you do about Mr. Farmer?

A. Um, the same nurse, Ray Sumera, had told me um, another time that he--to watch him around my female patients. That he was concerned because he was very, overly attentive with female patients and very anxious to um to connect them to the monitors and disconnect them from the monitors, which would, um, require him to reach into their clothing.

Q. Okay. Had, had anybody else \_\_\_\_-had you talked to anybody else about Mr. Uh, Mr. Farmer?

A. I told Julie, who is the nurse I gave report to that morning, about the situation that happened with Ms. Hanna.

Q. Okay. And again, all this occurred on the uh, morning of the 16<sup>th</sup>?

**VOLUNTARY STATEMENT**

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. Correct.

---

Q. Okay. Um...was uh, Ms. Hanna, um, released from E.R.—did she go home or was she admitted to the hospital?

A. She was admitted to the hospital but she was released um, later that day.

Q. Later that day. Okay. Um...can you think of anything that uh, might be beneficial that I might have forgot to ask to something that you feel is important that I need to know?

A. He was just very suspicious in his activities. Um, such as going into rooms with doors closed with female patients when he was not asked to.

Q. Is that against protocol?

A. It's not against protocol. It's just unusual—

Q. It's just unusual.

A. —for a CNA to do something like this.

Q. Okay.

A. Typically, if they enter a room, it's because a call light is on or um, a nurse has asked them to go in there. Especially when a door is closed, it's um, very atypical for somebody, even another nurse, just to walk into that room when there's no need for it.

Q. Okay. Wh—are the door normally closed? What would be a reason that they would close doors?

**VOLUNTARY STATEMENT**

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. If there was um, some sort of exam going on.

---

Q. Okay.

A. Um...if there was a procedure going on that was exposing the patient or a patient would be uncomfortable about. Uh, if a patient was sleeping.

Q. Okay.

A. Typically the doors stay open and um, curtains, often times, are closed, but doors typically stay open.

Q. How...if you had to give me an estimate, how many times would you say that you...you've seen him walk into rooms, for female patients, where the doors are closed but there's no, no need for him to be in that room?

A. Multiple times. I couldn't put a number on it.

Q. Okay. Um...have you ever had any conversations or talked to Mr. Farmer, before?

A. Um, just in general—

Q. Just \_\_\_\_\_

A. —course of work.

Q. Okay. Um...and you said that he just—these, these actions that he was doing is what made uh...it, it was of a concern and made you suspicious?

A. Yes.

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

Q. Had there been anything else or had any other patients ever come forward to you

on anything else, um, anything that Mr. Farmer had ever done that seemed inappropriate?

A. Not any other patients. No.

Q. \_\_\_\_\_ patients? But, but uh, some—Ms. Hanna's the only, only one that, that \_\_\_\_\_ to mind with you, where you actually observed him do something that, as you put it, was beyond his scope?

A. Yes.

Q. Okay. Um...okay. And then you understand that Mr. Farmer is the subject of an investigation right now, into a, a sexual assault?

A. Yes, I do.

Q. Okay. Okay. Do you harbor any...do you have any personal gain by coming forward to uh, with—to me with this information?

A. No, I don't. In fact um, I \_\_\_\_\_ fear that I could possibly get uh, in trouble with my job if I were to give out information uh, you know, regarding—against \_\_\_\_\_ with my patients.

Q. Okay. Um, anything else you can think of that might be of uh, useful information to me to assist me in my investigation?

A. Um, nothing that comes to mind other than, like I said, there were other people that had um, told me that they had the same—

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

Q. Ex-expressed concerns?

---

A. Yeah. Concerns about him.

Q. Okay. And that would be Ray S--Sumera. Did Julie say she had any concerns?

A. Julie hasn't worked with him because she works on the day shift.

Q. Okay.

A. So um, she wouldn't normally be able to observe--

Q. Okay.

A. --any actions of his.

Q. Okay. And was he primarily just E.R. help? Did he ever go to any other areas of the hospital and assist there instead?

A. He worked on multiple floors.

Q. He worked multiple floors?

A. He was not specifically assigned to the E.R. every night.

Q. Okay. All right.

A. Sometimes he was um, assigned to be what's called a sitter, with um, psychiatric patients that are not medically cleared, if they are transferred up to the medical floor and are a flight risk or need to be observed um, for suicide precautions, things like that. Then they're um...they're put on a one on one sitter situation where he would be alone, watching that patient.

Q. Gotcha. Okay. All right. Well, um, anything else?



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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

- A. There's one other nurse that had come to me that I'm, I'm trying to remember her  
name, that had told me some of the same things. Um...if you could turn it off one  
second and give me a second to think \_\_\_\_\_
- Q. That, that's all right. What we'll do, we'll uh, what we'll do is, we'll go ahead and  
terminate this interview. Uh-
- A. Kim. That's her name. Kim.
- Q. Kim?
- A. Yeah.
- Q. Okay. And where, where does Kim work?
- A. She works in the E.R. as well.
- Q. She works in the E.R. as well?
- A. Yes.
- Q. Okay. And she, she um, relayed some concern to you also?
- A. The same concerns that Ray had said about uh, his actions were suspicious,  
especially with a female patient.
- Q. Was--and, and is Ray a nurse also or is he a--
- A. Yes.
- Q. Okay.
- A. He's a nurse and occasionally works as a charge nurse.
- Q. Okay. Okay. Um...okay. Anything else?

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. (No audible response.)

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Q. That you can think of? If I needed to speak with you about anything further, would that, would that still be possible?

A. Yes.

Q. Okay. Operator, this will end the interview. The time is uh...0811 hours on the 30<sup>th</sup> of May, 2008. Same people present. Same location. Thank you.

---

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 8775 WEST DEER SPRINGS ROAD, LAS VEGAS, NEVADA 89149, ON THE 30<sup>TH</sup> DAY OF MAY, 2008 AT 0811 HOURS.**

MS:gm

**TAB 67**

*Anna L. Quinn*  
CLERK OF THE COURT

0113  
MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
JOHN F. BEMIS, ESQ.  
Nevada Bar No. 9509  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144  
702-889-6400 – Office  
702-384-6025 – Facsimile  
[mprangle@hpslaw.com](mailto:mprangle@hpslaw.com)  
[jbemis@hpslaw.com](mailto:jbemis@hpslaw.com)  
*Attorneys for Defendant*  
*Centennial Hills Hospital*

DISTRICT COURT  
CLARK COUNTY, NEVADA

JANE DOE,

Plaintiff,

vs.

VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual; DOES I  
through X, inclusive; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

CASE NO. A595780  
DEPT NO. II

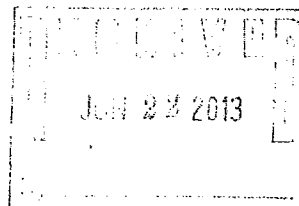
*7-24-13*  
*9:00*  
*Wise Court*

DEFENDANT VALLEY HEALTH SYSTEMS, LLC d/b/a CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER'S MOTION FOR PROTECTIVE ORDER

COMES NOW, Defendant, VALLEY HEALTH SYSTEMS, LLC d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER, (hereinafter "Centennial Hills Hospital") by and  
through its attorneys, HALL PRANGLE & SCHOONVELD, LLC, hereby files its Motion for



Page 1 of 7



HALL PRANGLE & SCHOONVELD, LLC  
1160 NORTH TOWN CENTER DRIVE  
SUITE 200  
LAS VEGAS, NEVADA 89144  
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

*off line 7-8-13; Calendar; reply due 7-17-13*

AA2835

HALL PRANGLE & SCHOONVELD, LLC  
1160 NORTH TOWN CENTER DRIVE  
SUITE 200  
LAS VEGAS, NEVADA 89144  
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

1 Protective Order to prevent the deposition of John Bemis, Esq., counsel for Centennial Hospital.

2 This Motion is made and based upon the pleadings and papers on file herein, the  
3 following points and authorities and oral argument of counsel at the time of hearing in this  
4 matter.

5 DATED this 19<sup>th</sup> day of June, 2013.

6 HALL PRANGLE & SCHOONVELD, LLC

7 By: 

8 MICHAEL E. PRANGLE, ESQ.

9 Nevada Bar No. 8619

10 JOHN F. BEMIS, ESQ.

11 Nevada Bar No. 9509

12 HALL PRANGLE & SCHOONVELD, LLC

13 1160 North Town Center Drive, Suite 200

14 Las Vegas, NV 89144

15 *Attorneys for Defendant*

16 *Centennial Hills Hospital*

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**NOTICE OF MOTION**

It appearing to the satisfaction of the Court, and good cause appearing therefore,

IT IS HEREBY ORDERED that the foregoing DEFENDANT VALLEY HEALTH  
SYSTEMS, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER'S  
MOTION FOR PROTECTIVE ORDER ON AN ORDER SHORTENING TIME shall be  
heard on the 24 day of July, 2013, at the hour of 9:00 before the Discovery  
Commissioner.

DATED this 19<sup>th</sup> day of June, 2013.

HALL PRANGLE & SCHOONVELD, LLC

By: 

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

HALL PRANGLE & SCHOONVELD, LLC

1160 North Town Center Drive, Suite 200

Las Vegas, NV 89144

*Attorneys for Defendant*

*Centennial Hills Hospital*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**INTRODUCTION**

The allegations contained within Plaintiff Jane Doe's Amended Complaint arise out of an  
alleged sexual assault committed by Defendant Steven Famer occurring at Centennial Hills  
Hospital. On June 3, 2013, Plaintiff's counsel served John F. Bemis, Esq. with a notice and  
subpoena for his deposition. See Notice of Taking Deposition of John F. Bemis, Esq. and

1 Subpoena Re: Deposition, attached hereto as Exhibits A and B respectively. Mr. Bemis is and  
2 has at all times been counsel of record for Centennial Hills Hospital, a defendant in this action.

3 Prior to the noticing of the deposition, Plaintiff's counsel, Robert e. Murdock, Esq.,  
4 informed Mr. Bemis that he intended to depose Mr. Bemis regarding the date and time Mr.  
5 Bemis met with Defendant Steven Farmer's criminal counsel.  
6

7 If this is the purpose of the deposition, the information would be irrelevant, and solely for  
8 the purposes of annoyance, harassment, embarrassment and undue expense. As such, a  
9 protective order under NRCP 26(c) is warranted and the deposition of counsel for this  
10 Defendant, Mr. Bemis, should be precluded.  
11

12 II.

13 LEGAL ARGUMENT

14 A. **This Deposition is Irrelevant and for the Purpose of Harassment and Undue**  
15 **Expense, thus a Protective Order should be issued Pursuant to NRCP 26(c)**  
16 **and Club Vista Financial Services, LLC.**

17 Although generally, NRCP 26(a) permits a deposition be taken of "any person", this  
18 broad rule is limited by NRCP 26(c). NRCP 26(c) states that a protective order may be issued to  
19 "protect a party or person from annoyance, embarrassment, oppression, or undue burden or  
20 expense..."

21 The Nevada Supreme Court recently addressed the exact issue before the Court today. In  
22 *Club Vista Financial Services, LLC v. Eighth Judicial District Court*, counsel noticed the  
23 deposition of opposing counsel for the purposes of determining the facts that supported the  
24 underlying complaint based on deposition testimony from the parties that they were unfamiliar  
25 with the allegations within the Complaint. *Club Vista Financial Services, LLC v. Eighth Judicial*  
26  
27  
28

1 District Court, 276 P.3d 246, 247-248 (Nev. 2012). The District Court permitted the deposition  
2 and the parties took the matter to the Supreme Court on a Writ of Mandamus.

3 The Supreme Court stated that forcing opposing counsel to act as a witness "has long  
4 been discouraged and recognized as disrupting the adversarial nature of our judicial system." *Id.*  
5 at 249. The Court went further to discourage this practice: "In particular, requiring attorneys to  
6 participate in such a manner may increase the time and costs of litigation, create delays to  
7 resolve work-product and attorney-client objections, distract the attorney from representation of  
8 the client, and prevent clients from openly communicating with their attorneys." *Id.*

10 Thus, the Court adopted a three-factor test which the party seeking the deposition has the  
11 burden of proof:

13 "(1) no other means exist to obtain the information than to depose  
14 opposing counsel; (2) the information sought is relevant and nonprivileged;  
15 and (3) the information is crucial to the preparation of the case."

16 *Id.* at 250. The Court went further and stated: "in the absence of these conditions, a party  
17 should not be permitted to depose an opposing party's attorney..." *Id.* In this evaluation,  
18 the Court stated that the lower court should consider whether the attorney is actually a percipient  
19 witness to the facts that give rise to the litigation. *Id.* Even if the party seeking the deposition is  
20 able to establish the factors above, (which the Supreme Court describes "so remarkable") "the  
21 district court should provide specific limiting instructions to ensure that the parties avoid  
22 improper disclosure of protected information.

24 In the instant case, Plaintiff cannot demonstrate the three factor test. If as assumed,  
25 Plaintiff intends to seek the time and date that counsel for the Defendant met with co-  
26 Defendant's criminal counsel only, this information is clearly irrelevant and has nothing to do  
27 with the preparation of the Plaintiff's case. Counsel of record conducting an investigation after  
28



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1 the commencement of litigation is of no relevance to the underlying facts of the litigation and is  
2 clearly being used as a means to harass the Defendant and cause undue expense. The only  
3 purpose this information could serve is exactly the purpose the Nevada Supreme Court was  
4 attempting to prevent: "such depositions could provide a back-door method for attorneys to glean  
5 privileged information about an opponent's litigation strategy from the opposing attorney's  
6 awareness of various documents." *Id.*

7  
8 Therefore, as the deposition of John F. Bemis, counsel of record for Defendant  
9 Centennial Hills, is irrelevant, is unrelated to the underlying facts of the complaint, and is for  
10 purpose of harassment and undue expense, a Protective Order should be granted pursuant to  
11 NRCP 26(c) and *Club Vista Financial Services v. Eighth Judicial District Court*.

12  
13 **III.**

14 **CONCLUSION**

15 Based upon the foregoing, Defendant Centennial Hills Hospital respectfully requests this  
16 Honorable Court enter a Protective Order preventing the deposition of counsel of record for  
17 Centennial Hills Hospital, John F. Bemis, Esq.

18  
19 DATED this 19<sup>th</sup> day of June, 2013.

20 HALL PRANGLE & SCHOONVELD, LLC

21  
22 By: 

23 MICHAEL E. PRANGLE, ESQ.

24 Nevada Bar No. 8619

25 JOHN F. BEMIS, ESQ.

26 Nevada Bar No. 9509

27 HALL PRANGLE & SCHOONVELD, LLC

28 1160 North Town Center Drive, Suite 200

Las Vegas, NV 89144

Attorneys for Defendant

Centennial Hills Hospital

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 19<sup>th</sup> day of June, 2013, I served a true and correct copy of the foregoing DEFENDANT VALLEY HEALTH SYSTEMS, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER'S MOTION FOR PROTECTIVE ORDER in a sealed envelope, via US Mail, first class postage pre-paid to the following parties at their last known address:

Robert E. Murdock, Esq.  
Murdock & Associates, Chtd.  
520 South Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

Eckley M. Keach, Esq.  
Eckley M. Keach, Chtd.  
520 South Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiffs*

S. Brent Vogel, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
*Attorneys for Defendant*  
*American Nursing Services, Inc.*

Robert C. McBride, Esq.  
MANDELBAUM ELLERTON &  
MCBRIDE  
2012 Hamilton Lane  
Las Vegas, Nevada 89106  
*Attorneys for Defendant*  
*Steven Dale Farmer*

  
An employee of HALL PRANGLE & SCHOONVELD, LLC

4840-7350-1716, v. 1

EXHIBIT A

1 Robert E. Murdock, Esq.  
2 Nevada Bar No. 4013  
3 MURDOCK & ASSOCIATES, CHTD.  
4 520 South Fourth Street  
5 Las Vegas, NV 89101  
6 702-384-5563

7 Eckley M. Keach, Esq.  
8 Nevada Bar No. 1154  
9 ECKLEY M. KEACH, CHTD.  
10 520 South Fourth Street  
11 Las Vegas, NV 89101  
12 702-384-5563  
13 Attorneys for Plaintiff

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA  
12

13 JANE DOE,

14 Plaintiff,

15 vs.

16 VALLEY HEALTH SYSTEM LLC, a Nevada  
17 limited liability company, d/b/a CENTENNIAL  
18 HILLS HOSPITAL MEDICAL CENTER;  
19 UNIVERSAL HEALTH SERVICES, INC., a  
20 Delaware corporation; AMERICAN NURSING  
21 SERVICES, INC., a Louisiana corporation;  
22 STEVEN DALE FARMER, an individual; DOES I  
23 through X, inclusive; and ROE CORPORATIONS  
24 I through X, inclusive,

25 Defendants.

CASE NO. 09-A-595780-C  
DEPT. NO. II

NOTICE OF TAKING  
DEPOSITION OF  
JOHN F. BEMIS, ESQ.

DATE: June 24, 2013  
TIME: 9:30 a.m.

26 TO: ALL DEFENDANTS HEREIN; and

27 TO: THEIR RESPECTIVE COUNSEL OF RECORD

28 Pursuant to Rules 26 and 30 of the Nevada Rules of Civil Procedure, please take notice  
that on Monday, June 24, 2013, at 9:30 a.m. at Murdock & Associates, Chtd., 520 South

1 Fourth Street, Las Vegas, Nevada 89101, Plaintiff will take the deposition of John F. Bemis, Esq.

2 Said deposition will be taken by stenographic and video tape means before a notary public,  
3 or before some other officer authorized by law to administer oaths. Testimony shall continue from  
4 day to day until completed. You are invited to attend and cross-examine.

5 DATED this 3<sup>rd</sup> day of June, 2013.

6 MURDOCK & ASSOCIATES, CHTD.  
7 ECKLEY M. KEACH, CHTD.

8 /s/ Robert E. Murdock  
9 Robert E. Murdock Bar No. 4013  
10 Eckley M. Keach Bar No. 1154  
11 520 South Fourth Street  
12 Las Vegas, NV 89101  
13 Attorneys for Plaintiff  
14  
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**S. Brent Vogel, Esq.**  
**Lewis Brisbois Bisgaard & Smith**  
**6385 South Rainbow, Suite 600**  
**Las Vegas, NV 89118**

3

EXHIBIT B

1 Robert E. Murdock, Esq.  
2 Nevada Bar No. 4013  
3 MURDOCK & ASSOCIATES, CHTD.  
4 520 South Fourth Street  
5 Las Vegas, NV 89101  
6 702-384-5563

7 Eckley M. Keach, Esq.  
8 Nevada Bar No. 1154  
9 ECKLEY M. KEACH, CHTD.  
10 520 South Fourth Street  
11 Las Vegas, NV 89101  
12 702-384-5563  
13 Attorneys for Plaintiff

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA  
12

13 JANE DOE,

14 Plaintiff,  
15

16 vs.

17 VALLEY HEALTH SYSTEM LLC, a Nevada  
18 limited liability company, d/b/a CENTENNIAL  
19 HILLS HOSPITAL MEDICAL CENTER;  
20 UNIVERSAL HEALTH SERVICES, INC., a  
21 Delaware corporation; AMERICAN NURSING  
22 SERVICES, INC., a Louisiana corporation;  
23 STEVEN DALE FARMER, an individual;  
24 DOES I through X, inclusive; and ROE  
25 CORPORATIONS I through X, inclusive,

26 Defendants.  
27  
28

CASE NO. 09-A-595780-C  
DEPT. NO. II

SUBPOENA RE: DEPOSITION

25 THE STATE OF NEVADA SENDS GREETINGS TO:

26 JOHN F. BEMIS, ESQ.  
27 Hall Prangle & Schoonveld, LLC  
28 1160 North Town Center Dr., Suite 200  
Las Vegas, NV 89144





1 EXHIBIT A

2 SCHEDULE OF DOCUMENTS

3 Under NRCP 45, this Subpoena Duces Tecum requires that you permit inspection and  
4 copying of the documents and/or objects as defined and described below.

5 DEFINITIONS

6 A. The following definitions apply to this subpoena:

7 1. The term "CONCERNING" means relating to, referring to, describing, evidencing,  
8 or constituting.

9 2. The term "DOCUMENT" is defined to be synonymous in meaning and equal in  
10 scope to the usage of this term in Nevada Rule of Civil Procedure 34(a), including, without  
11 limitation, electronic or computerized data compilations. A draft or non-identical copy is a  
12 separate document within the meaning of this term.

13 3. "Medical and/or Hospital" records include, but are not limited to, records  
14 maintained by or on behalf of treating physicians, radiologists, psychiatrists, psychologists,  
15 chiropractors, and any practitioner of the healing arts by any institution providing medical care,  
16 including drug or alcohol rehabilitation centers.

17 4. The term "PERSON" is defined as any natural person or any legal or informal  
18 entity, including, without limitation, a firm, association, organization, partnership, business, trust,  
19 corporation or public entity.

20 5. "YOU" or "YOUR" refer to and include JOHN F. BEMIS, ESQ. and, where  
21 applicable, your officers, directors, employees, partners, corporate parent, subsidiaries or affiliates.

22 6. The phrase "YOUR POSSESSION OR CONTROL" extends to any document in  
23 the possession, custody or control of YOU or any of YOUR present or former agents, employees,  
24 accountants, attorneys and/or representatives. A DOCUMENT or thing is deemed to be in YOUR  
25 possession, custody or control if it is in the physical custody of any other PERSON and YOU: (a)  
26 own such DOCUMENT in whole or in part; (b) have a right by contract, statute or otherwise, to  
27 use, inspect, examine, or copy such DOCUMENT on any terms; (c) have an understanding,  
28 express or implied, that YOU may use, inspect, examine or copy such DOCUMENT on any terms;

1 or (d) are, as a practical matter, able to use, inspect, examine or copy such DOCUMENT.

2 B. The following rules of construction apply to this subpoena:

3 1. The terms "all" and "each" shall be construed as all and each.

4 2. The connectives "and" and "or" shall be construed either disjunctively or  
5 conjunctively as necessary to bring within the scope of the discovery request all responses which  
6 might otherwise be construed to be outside of its scope.

7 3. The use of the singular form of any word includes the plural and vice versa.

8 4. If HIPAA or other privacy rules are claimed, please remove all last names of  
9 patients.

10 DOCUMENTS TO BE PRODUCED

11 None.

12

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TAB 68

HALL PRANGLE & SCHOONVELD, LLC  
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SUITE 200  
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TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

DCRR

MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
KENNETH M. WEBSTER, ESQ.  
Nevada Bar No. 7205  
JOHN F. BEMIS, ESQ.  
Nevada Bar No. 9509  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144  
702-889-6400 – Office  
702-384-6025 – Facsimile  
[mprangle@hpslaw.com](mailto:mprangle@hpslaw.com)  
[kwebster@hpslaw.com](mailto:kwebster@hpslaw.com)  
[jbemis@hpslaw.com](mailto:jbemis@hpslaw.com)  
*Attorneys for Defendant*  
*Centennial Hills Hospital*

Electronically Filed  
09/04/2013 10:46:15 AM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

JANE DOE,

Plaintiff,

vs.

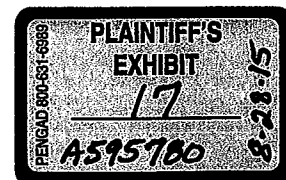
VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual; DOES I  
through X, inclusive; and ROE CORPORATIONS I  
through X, inclusive,

Defendants.

CASE NO. A595780  
DEPT NO. II

DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATION

DATE OF HEARING: 7/24/13  
TIME OF HEARING: 9:00 a.m.



APPEARANCES:

Plaintiff: Robert Murdock, Esq.  
MURDOCK & ASSOCIATES

Defendant: Kenneth Webster, Esq.  
*Centennial Hills Hospital* HALL PRANGLE & SCHOONVELD, LLC

Defendant: Amanda Brookhyser, Esq.  
*American Nursing Services, Inc.* LEWIS BRISBOIS BISGAARD & SMITH

Defendant: Robert McBride, Esq.  
*Steven Dale Farmer* MANDELBAUM, ELLERTON & MCBRIDE

I.

FINDINGS

This matter having come on for hearing before the Honorable Discovery Commissioner, Bonnie Bulla on Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion for Protective Order to prohibit Plaintiff from deposing defense counsel, John Bemis, Esq.

The Honorable Discovery Commissioner finds the applicable test for this question is found in *Club Vista Financial Services, LLC v. Eighth Judicial District Court*, 276 P.3d 246, 247-248 (Nev. 2012). The three-factor test which the party seeking the deposition must demonstrate requires:

"(1) no other means exist to obtain the information than to depose opposing counsel; (2) the information sought is relevant and non-privileged; and (3) the information is crucial to the preparation of the case."

The Honorable Discovery Commissioner finds Plaintiff does not meet her burden of proof regarding the *Club Vista* factors. First, other means are available to obtain the information regarding how many times and on what dates Hospital counsel met with or spoke to defendant

Farmer's criminal counsel, including an affidavit or declaration. Second, the information regarding the number and timing of conversations between Hospital counsel and defendant Farmer's criminal counsel is not relevant to the current litigation and is not reasonably calculated to lead to the discovery of admissible evidence. The information could potentially be privileged as work product, but the fact remains that it is still not relevant. Finally, the information sought is not crucial to the preparation of the case by Plaintiff's counsel in the civil case.

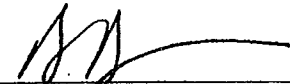
II.

RECOMMENDATIONS

Based upon the findings above, the Honorable Discovery Commissioner recommends the following:


1. Defendant's Motion for Protective is GRANTED.

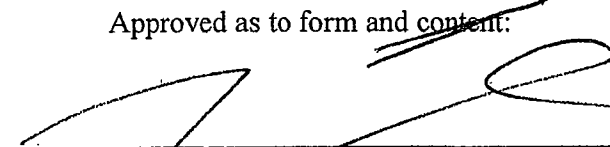
DATED this 5 day of August, 2013.

  
DISCOVERY COMMISSIONER

Respectfully submitted by:

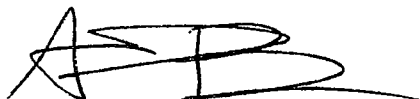
Approved as to form and content:

  
Kenneth M. Webster, Esq.  
Nevada Bar No. 7205  
Hall Prangle & Schoonveld, LLC  
1160 N. Town Center Dr., Ste. 200  
Las Vegas, NV 89144  
*Attorneys for Defendant  
Centennial Hills Hospital*

  
Robert Murdoek, Esq.  
Murdoek & Associates  
520 South Fourth Street  
Las Vegas, Nevada 89101  
*Attorney for Plaintiff*

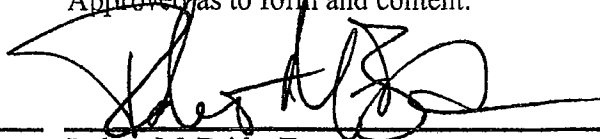
HALL PRANGLE & HOONVELD, LLC  
1160 NORTH TOWN CENTER DRIVE  
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TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

Approved as to form and content:



Amanda Brookhyser, Esq.  
Lewis Brisbois Bisgaard & Smith  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
*Attorney for Defendant  
American Nursing Services, Inc.*

Approved as to form and content:



Robert McBride, Esq.  
Mandelbaum Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, Nevada 89106  
*Attorney for Defendant  
Steven Dale Farmer*



**NOTICE**

Pursuant to NRCPP 16.1 (d) (2), you are hereby notified you have five (5) days from the date you received this document within to file written objections.

Pursuant to E.D.C.R. 2.34(f) and objection must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office. See E.D.C.R. 2.34(F).

A copy of the foregoing Discovery Commissioner's Report was:

\_\_\_\_\_ Mailed to Plaintiffs/Defendant at the following address on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

✓ \_\_\_\_\_ Placed in the folder of Plaintiff's/Defendant's counsel in the Clerk's office on the 60 day of August, 2013.

STEVEN D. GRIERSON

By: Natille Fols *for*  
DEPUTY CLERK

HALL PRANGLE & SCHOONVELD, LLC  
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ORDER

The Court, having reviewed the above report and recommendations prepared by the  
Discovery Commissioner and,

\_\_\_\_\_ The parties having waived the right to object thereto,

X <sup>mm</sup>  
\_\_\_\_\_ No timely objection having been received in the office of the Discovery  
Commissioner pursuant to E.D.C.R. 2.34 (f).

\_\_\_\_\_ Having received objections thereto and the written argument in support of said  
objections, and good cause appearing.


AND

X  
\_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and  
Recommendations is affirmed and adopted,

\_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and  
Recommendations are affirmed and adopted as modified in the following manner.  
(attached hereto)

\_\_\_\_\_ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's  
Report is set for \_\_\_\_\_, 2013, at \_\_\_\_:\_\_\_\_ a.m.

DATED this 19<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
DISTRICT JUDGE

TAB 69

**Rule 3.3. Candor Toward the Tribunal.**

(a) A lawyer shall not knowingly:

(1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) Offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

[Added; effective May 1, 2006.]

PLTF'S PROPOSED

EXHIBIT # **20**

Case #  
**A595780**

AA2857

**CASE NO. 70083**

---

**IN THE  
SUPREME COURT OF NEVADA**

---

**VALLEY HEALTH SYSTEM, LLC, a Nevada limited liability company,  
d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER; AND  
UNIVERSAL HEALTH SERVICES, INC., a Delaware corporation,**

Appellants,

vs.

**ESTATE OF JANE DOE, BY AND THROUGH ITS SPECIAL  
ADMINISTRATOR, MISTY PETERSON,**

Respondent.

---

**APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK  
COUNTY, NEVADA  
HONORABLE JUDGE RICHARD SCOTTI, CASE NO. A-09-595780-C**

---

**APPELLANTS' APPENDIX TO OPENING BRIEF**

**VOLUME XIV of XVII**

---

---

DENNIS L. KENNEDY,

NEV. BAR NO. 1462

JOSEPH A. LIEBMAN,

NEV. BAR NO. 10125

JOSHUA P. GILMORE,

NEV. BAR. NO. 11576

**BAILEY ♦ KENNEDY**

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KENNETH M. WEBSTER,

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JOHN F. BEMIS,

NEV. BAR NO. 9509

**HALL PRANGLE & SCHOONVELD,  
LLC**

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MPRANGLE@HPSLAW.COM

KWEBSTER@HPSLAW.COM

JBEMIS@HPSLAW.COM

*Attorneys for Appellants*

**APPENDIX TO APPELLANTS' OPENING BRIEF**

**VOLUME XIV of XVII**

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| <b><u>Tab<br/>No.</u></b> | <b><u>Document Title:</u></b>                                                                                                                                  | <b><u>Page<br/>Nos.:</u></b> |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 61                        | Plaintiff's Exhibit 10 – Public Defender's Office E-mails                                                                                                      | AA2623-<br>AA2757            |
| 62                        | Plaintiff's Exhibit 10a – Chronology of Public Defender's Office E-mails                                                                                       | AA2758-<br>AA2790            |
| 63                        | Plaintiff's Exhibit 11 – Letter from Amy Feliciano to McBride, Bemis & Vogel dated January 31, 2013                                                            | AA2791                       |
| 64                        | Plaintiff's Exhibit 12 – Notice of Entry of Order Re: Discovery Commissioner's Report and Recommendations dated May 6, 2013.                                   | AA2792-<br>AA2804            |
| 65                        | Plaintiff's Exhibit 13 – Christine Murray Voluntary Statement to Las Vegas Metropolitan Police Department dated June 13, 2008                                  | AA2805-<br>AA2820            |
| 66                        | Plaintiff's Exhibit 14 – Margaret Wolfe Voluntary Statement to Las Vegas Metropolitan Police Department dated May 30, 2008                                     | AA2821-<br>AA2834            |
| 67                        | Plaintiff's Exhibit 16 – Defendant Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order filed June 19, 2013 | AA2835-<br>AA2850            |
| 68                        | Plaintiff's Exhibit 17 – Discovery Commissioner's Report and Recommendation filed September 4, 2013                                                            | AA2851-<br>AA2856            |
| 69                        | Plaintiff's Exhibit 20 – Rule 3.3 Candor Toward Tribunal                                                                                                       | AA2857                       |

**APPENDIX TO APPELLANTS' OPENING BRIEF**

**ALPHABETICAL INDEX**

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------|--------------------------|
| Amended Complaint filed August 21, 2009                                                                                                                                                                                                                                                            | I                         | 2                      | AA0007-<br>AA0012        |
| Complaint filed July 23, 2009                                                                                                                                                                                                                                                                      | I                         | 1                      | AA0001-<br>AA0006        |
| Defendant American Nursing Services, Inc.'s Joinder to Plaintiff's Opposition to Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order filed December 4, 2015 | X                         | 27                     | AA1822-<br>AA1824        |
| Defendant Steven Dale Farmer's Limited Opposition to Plaintiff's Motion for Summary Judgment Re: Liability filed October 13, 2014                                                                                                                                                                  | I                         | 5                      | AA0094-<br>AA0098        |
| Defendant Universal Health Services, Inc.'s Answer to Plaintiff's Amended Complaint filed September 11, 2013                                                                                                                                                                                       | I                         | 3                      | AA0013-<br>AA0021        |
| Defendants Centennial Hills Hospital and Universal Health Services, Inc.'s Errata to their Opposition to Plaintiff's Motion for Summary Judgment Re: Liability and Joinder to Defendant Steven Dale Farmer's Limited Opposition October 16, 2014                                                   | I                         | 7                      | AA0113-<br>AA0116        |
| Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Brief in Support of Their Position Re: Evidentiary Hearing filed August 26, 2015                                                                                          | IV                        | 20                     | AA0612-<br>AA0735        |



| <b><u>Document Title:</u></b>                                                                                                                                                                                      | <b><u>Volume No.:</u></b> | <b><u>Tab No.:</u></b> | <b><u>Page Nos.:</u></b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------|--------------------------|
| Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Joint Notice of Appeal filed March 30, 2016                                               | XVII                      | 84                     | AA3306-AA3308            |
| Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order filed November 19, 2015 | VIII                      | 25                     | AA1390-AA1589            |
| Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for NRC P 37 Sanctions filed May 13, 2015                | III                       | 13                     | AA0469-AA0487            |
| Defendant's Exhibit A – Las Vegas Metropolitan Police Dept. File                                                                                                                                                   | X & XI                    | 35                     | AA1867-AA2050            |
| Defendant's Exhibit A-1 (Pictures of Defendant Farmer)                                                                                                                                                             | XI                        | 36                     | AA2244-AA2249            |
| Defendant's Exhibit List from Vault                                                                                                                                                                                | X                         | 33                     | AA1863                   |
| Discovery Commissioner's Report and Recommendations filed August 19, 2015                                                                                                                                          | IV                        | 19                     | AA0605-AA0611            |
| Evidentiary Hearing Brief in Support of the Striking of Defendant Centennial Hills Hospital's Answer to Plaintiff's Amended Complaint and Affirmative Defenses filed August 26, 2015                               | V                         | 21                     | AA0736-AA0948            |
| Notice of Entry of Order Denying Motion for Reconsideration filed December 11, 2015                                                                                                                                | X                         | 30                     | AA1842-AA1847            |
| Notice of Entry of Order on Plaintiff's Motion for Summary Judgment Re: Liability filed March 2, 2015                                                                                                              | III                       | 10                     | AA0352-AA0362            |
| Notice of Entry of Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct filed November 5, 2015                                                                         | VII                       | 24                     | AA1348-AA1389            |

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| Notice of Entry of Stipulation and Order for Dismissal with Prejudice filed February 29, 2016                                                                                                                 | X                         | 32                     | AA1854-AA1862            |
| Order Denying Motion for Reconsideration filed December 10, 2015                                                                                                                                              | X                         | 29                     | AA1839-AA1841            |
| Order Denying Petition for Writ of Mandamus or Prohibition filed May 20, 2015                                                                                                                                 | III                       | 14                     | AA0488-AA0489            |
| Order on Plaintiff's Motion for Summary Judgment Re: Liability filed February 27, 2015                                                                                                                        | III                       | 9                      | AA0344-AA0351            |
| Order Setting Evidentiary Hearing filed August 4, 2015                                                                                                                                                        | IV                        | 18                     | AA0602-AA0604            |
| Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct filed November 4, 2015                                                                                       | VII                       | 23                     | AA1309-AA1347            |
| Plaintiff's Exhibit 1 – Defendant Centennial Hills Hospital and Universal Health Services, Inc.'s Initial Early Case Conference List of Witnesses and Documents dated November 24, 2009                       | XI                        | 37                     | AA2250-AA2254            |
| Plaintiff's Exhibit 1 – Photo of Universal Health Services Address with Vault Exhibit Form                                                                                                                    | XI                        | 38                     | AA2255-AA2256            |
| Plaintiff's Exhibit 1a – Defendant Centennial Hills Hospital and Universal Health Services, Inc.'s First Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated April 16, 2010 | XI                        | 39                     | AA2257-AA2262            |

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| Plaintiff's Exhibit 1b – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Second Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated February 12, 2013 | XI                        | 40                     | AA2263-AA2269            |
| Plaintiff's Exhibit 1c – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Third Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated March 11, 2013     | XI                        | 41                     | AA2270-AA2275            |
| Plaintiff's Exhibit 1d – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Fourth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated March 12, 2013    | XI                        | 42                     | AA2276-AA2281            |
| Plaintiff's Exhibit 1e – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Fifth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated March 18, 2013     | XI                        | 43                     | AA2282-AA2288            |
| Plaintiff's Exhibit 1f – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Sixth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated June 7, 2013       | XI                        | 44                     | AA2289-AA2296            |
| Plaintiff's Exhibit 1g – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Seventh Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated October 27, 2014 | XII                       | 45                     | AA2297-AA2304            |

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| Plaintiff's Exhibit 1h – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Eighth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated April 22, 2015    | XII                       | 46                     | AA2305-AA2315            |
| Plaintiff's Exhibit 1i – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Ninth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated June 10, 2015      | XII                       | 47                     | AA2316-AA2326            |
| Plaintiff's Exhibit 1j – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Tenth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated June 16, 2015      | XII                       | 48                     | AA2327-AA2340            |
| Plaintiff's Exhibit 1k – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Eleventh Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated June 17, 2015   | XII                       | 49                     | AA2341-AA2354            |
| Plaintiff's Exhibit 1l – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Twelfth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated July 10, 2015    | XII                       | 50                     | AA2355-AA2369            |
| Plaintiff's Exhibit 1m – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Thirteenth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated July 13, 2015 | XII                       | 51                     | AA2370-AA2384            |

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| Plaintiff's Exhibit 1n – Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Fourteenth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated July 20, 2015                                                                                   | XII                       | 52                     | AA2385-AA2399            |
| Plaintiff's Exhibit 2 – Centennial Security Daily Activity Logs May 14-16, 2008                                                                                                                                                                                                                                | XII                       | 53                     | AA2400-AA2421            |
| Plaintiff's Exhibit 3 – Deposition Transcript of Renato Sumera, RN taken on May 1, 2015                                                                                                                                                                                                                        | XII                       | 54                     | AA2422-AA2461            |
| Plaintiff's Exhibit 4 – Universal Health Services Incident Report dated May 15, 2008                                                                                                                                                                                                                           | XII                       | 55                     | AA2462-AA2464            |
| Plaintiff's Exhibit 5 – Complaint for Money Damages, Cagnina v. Centennial Hills Hospital Medical Center, et al., Case No. A570756, filed September 2, 2008 and First Amended Complaint for Money Damages, Cagnina v. Centennial Hills Hospital Medical Center, et al., Case No. A570756, filed April 28, 2010 | XII                       | 56                     | AA2465-AA2489            |
| Plaintiff's Exhibit 6 – Deposition Transcript of Christine Murray dated January 27, 2010                                                                                                                                                                                                                       | XIII                      | 57                     | AA2490-AA2566            |
| Plaintiff's Exhibit 7 – Deposition Transcript of Amy Bochenek dated March 10, 2010                                                                                                                                                                                                                             | XIII                      | 58                     | AA2567-AA2589            |
| Plaintiff's Exhibit 8 – Deposition Transcript of Amy Blasing, MSN, RN dated July 28, 2015                                                                                                                                                                                                                      | XIII                      | 59                     | AA2590-AA2621            |
| Plaintiff's Exhibit 9 – Rule 16.1 Mandatory Pretrial Discovery Requirements                                                                                                                                                                                                                                    | XIII                      | 60                     | AA2622                   |
| Plaintiff's Exhibit 10 – Public Defender's Office E-mails                                                                                                                                                                                                                                                      | XIV                       | 61                     | AA2623-AA2757            |
| Plaintiff's Exhibit 10a – Chronology of Public Defender's Office E-mails                                                                                                                                                                                                                                       | XIV                       | 62                     | AA2758-AA2790            |

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| Plaintiff's Exhibit 11 – Letter from Amy Feliciano to McBride, Bemis & Vogel dated January 31, 2013                                                                                                                                                             | XIV                       | 63                     | AA2791                   |
| Plaintiff's Exhibit 12 – Notice of Entry of Order Re: Discovery Commissioner's Report and Recommendations dated May 6, 2013                                                                                                                                     | XIV                       | 64                     | AA2792-AA2804            |
| Plaintiff's Exhibit 13 – Christine Murray Voluntary Statement to Las Vegas Metropolitan Police Department dated June 13, 2008                                                                                                                                   | XIV                       | 65                     | AA2805-AA2820            |
| Plaintiff's Exhibit 14 – Margaret Wolfe Voluntary Statement to Las Vegas Metropolitan Police Department dated May 30, 2008                                                                                                                                      | XIV                       | 66                     | AA2821-AA2834            |
| Plaintiff's Exhibit 15 - Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Objection to Discovery Commissioner Report and Recommendation filed July 30, 2015                             | III                       | 16                     | AA0566-AA0580            |
| Plaintiff's Exhibit 16 – Defendant Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order filed June 19, 2013                                                                                                  | XIV                       | 67                     | AA2835-AA2850            |
| Plaintiff's Exhibit 17 – Discovery Commissioner's Report and Recommendation filed September 4, 2013                                                                                                                                                             | XIV                       | 68                     | AA2851-AA2856            |
| Plaintiff's Exhibit 18 – Defendants Centennial Hills Hospital and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment Re: Liability and Joinder to Defendant Steven Dale Farmer's Limited Opposition filed October 14, 2014 | I                         | 6                      | AA0099-AA0112            |

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| Plaintiff's Exhibit 19 – Petitioners Valley Health System, LLC, d/b/a Centennial Hills Medical Center's and Universal Health Services, Inc.'s Petition for Writ of Mandamus and/or Writ of Prohibition filed April 29, 2015                 | III                       | 11                     | AA0363-AA0406            |
| Plaintiff's Exhibit 20 – Rule 3.3 Candor Toward Tribunal                                                                                                                                                                                    | XIV                       | 69                     | AA2857                   |
| Plaintiff's Exhibit 21 – Recorder's Transcript of Proceedings – Plaintiff's Motion for NRCP 37 Sanctions Against Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services filed August 4, 2015 | IV                        | 17                     | AA0581-AA0601            |
| Plaintiff's Exhibit 22 – Deposition Transcript of Christine Murray dated January 8, 2015                                                                                                                                                    | XV                        | 70                     | AA2858-AA2880            |
| Plaintiff's Exhibit 23 – Deposition Transcript of Sajit Pullarkat dated August 7, 2015                                                                                                                                                      | XV                        | 71                     | AA2881-AA2896            |
| Plaintiff's Exhibit 24 – Deposition Transcript of PMK of Centennial Hills Hospital (Sajit Pullarkat) dated August 7, 2015                                                                                                                   | XV                        | 72                     | AA2897-AA2908            |
| Plaintiff's Exhibit 25 – Deposition Transcript of Janet Calliham dated August 18, 2015                                                                                                                                                      | XV                        | 73                     | AA2909-AA2964            |
| Plaintiff's Exhibit 26 – Deposition Transcript of Margaret Wolfe, RN dated May 5, 2015                                                                                                                                                      | XV                        | 74                     | AA2965-AA2984            |
| Plaintiff's Exhibit 27 – Defendant Valley Health System, LLC's Responses to Plaintiff's Eleventh Set of Interrogatories dated June 12, 2015                                                                                                 | XV                        | 75                     | AA2985-AA2989            |

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| Plaintiff's Exhibit 28 – Defendant Valley Health System, LLC's Responses to Plaintiff's Tenth Set of Interrogatories dated June 10, 2015                                                                                                                                                                                                                                          | XV                        | 76                     | AA2990-AA2993            |
| Plaintiff's Exhibit 29 – Las Vegas Metropolitan Police Department's Criminal file of Steven Dale Farmer bates labeled LVMPD00001-LVMPD00190 with Privilege Log (Exhibit W to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Seventh Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated October 27, 2014) | XVI                       | 77                     | AA2994-AA3185            |
| Plaintiff's Exhibit 30 – Excerpts of Deposition of Carol Butler dated June 9, 2015                                                                                                                                                                                                                                                                                                | XVII                      | 78                     | AA3186-AA3201            |
| Plaintiff's Exhibit 31 – Excerpts of Deposition of Renato Sumera, RN dated May 1, 2015                                                                                                                                                                                                                                                                                            | XVII                      | 79                     | AA3202-AA3213            |
| Plaintiff's Exhibit 32 – Excerpts of Deposition of Margaret Wolfe, RN dated May 5, 2015                                                                                                                                                                                                                                                                                           | XVII                      | 80                     | AA3214-AA3221            |
| Plaintiff's Exhibit 33 – Excerpts of Deposition of Amy Blasing, MSN, RN dated July 28, 2015                                                                                                                                                                                                                                                                                       | XVII                      | 81                     | AA3222-AA3246            |
| Plaintiff's Exhibit 34 – Excerpts of Deposition of Christine Murray, RN dated January 8, 2015                                                                                                                                                                                                                                                                                     | XVII                      | 82                     | AA3247-AA3251            |
| Plaintiff's Exhibit List from Vault                                                                                                                                                                                                                                                                                                                                               | X                         | 34                     | AA1864-AA1866            |
| Plaintiff's Motion for NRCP 37 Sanctions Against Valley Health System LLC, d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, LLC filed April 29, 2015                                                                                                                                                                                                 | III                       | 12                     | AA0407-AA0468            |



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| Plaintiff's Motion for Summary Judgment Re: Liability filed September 29, 2014                                                                                                                                                               | I                         | 4                      | AA0022-AA0093            |
| Plaintiff's Opposition to Defendant's Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order filed December 2, 2015 | IX                        | 26                     | AA1590-AA1821            |
| Reply in Support of Motion for Reconsideration filed December 4, 2015                                                                                                                                                                        | X                         | 28                     | AA1825-AA1838            |
| Reply to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for NRCP 37 Sanctions filed May 21, 2015                                  | III                       | 15                     | AA0490-AA0565            |
| Reply to Defendants' Oppositions to Plaintiff's Motion for Summary Judgment Re: Liability filed November 21, 2014                                                                                                                            | II                        | 8                      | AA0117-AA0343            |
| Reporter's Transcript of Evidentiary Hearing and Motions held on August 28, 2015                                                                                                                                                             | VI & VII                  | 22                     | AA0949-AA1175            |
| Stipulation and Order for Dismissal with Prejudice filed February 29, 2016                                                                                                                                                                   | X                         | 31                     | AA1848-AA1853            |
| Transcript of Proceedings – Defendant Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order                        | XVII                      | 83                     | AA3252-AA3305            |

TAB 61

**Subject:** Cagnina v. ANS/Steve Farmer et al.  
**Date:** Thu, 09 Apr 2009 15:55:03 -0700  
**From:** "Brent Vogel" <bvogel@lbbslaw.com>  
**To:** roundtsa@co.clark.nv.us  
**Attachments:** cagnina mot compel 20090409154419.pdf

---

Stacey,

It was a pleasure speaking with you today. Attached is the Motion to Compel Mrs. Cagnina filed against Metro seeking the statements, DNA/Rape kit records, etc. It is set before the Discovery Commissioner on 4/22 at 10:00 a.m. Mrs. Cagnina's depo remains set for 4/28 at 9:00 a.m. at Hall, Prangle & Schoonveld, 777 N. Rainbow Blvd., #225. Mr. Cagnina's depo is the same day at 1:00 p.m. I would appreciate copies of any statements, medical records, etc., that you have that may help our investigation. I am happy to share whatever information I can. Thank you.

Yours truly,

S. Brent Vogel  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
400 South Fourth Street  
5th Floor  
Las Vegas, Nevada 89101

702.693.4320 - Direct  
702.893.3383 - Main  
702.893.3789 - Facsimile  
bvogel@lbbslaw.com  
www.lbbslaw.com

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**Attachments:** cagnina mot compel 20090409154419.pdf

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**Subject:** RE: Steven Farmer  
**Date:** Mon, 14 Sep 2009 14:42:54 -0700  
**From:** "Jane Everitt" <everittj@co.clark.nv.us>  
**To:** "Brent Vogel" <bvogel@lbbslaw.com>  
**Cc:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>

---

Hello Brent,

I spoke with Stacey and Wednesday at 2:00 will work fine for both us. We will meet at your office. Thank you very much for your assistance.

Jane

---

**From:** Brent Vogel [mailto:bvogel@lbbslaw.com]  
**Sent:** Monday, September 14, 2009 2:19 PM  
**To:** Jane Everitt  
**Subject:** Steven Farmer

Jane,  
This is to follow up on our phone conversation this afternoon and the voice mail message I just left for you. Are you and Stacey available this Wednesday, 9/16 at 2:00 p.m. to meet with Michele Simmons from American Nursing? She can meet you at my office at that time. Thank you.

Yours truly,

S. Brent Vogel, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
400 South Fourth Street  
5th Floor  
Las Vegas, Nevada 89101  
702.693.4320 - Direct  
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**Subject:** Steven Farmer

**Date:** Wed, 27 Jan 2010 15:10:54 -0600

**From:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

**To:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>

**Cc:** "Bob McBride" <bob@mandelbaumschwarz.com>, "Brent Vogel" <bvogel@lbbslaw.com>

---

Hi Stacey:

Hope all is well with you. Just wanted to let you know that Christine Murray (the former nurse of Centennial Hills who received Cagnina from Farmer on the floor after the alleged assault occurred) is being deposed right now. I think she has a lot of information that will help you. She is a bit difficult to get in touch with so I'd be happy to share the details with you when you get some time.

Also, I have a question. Can you tell me where there was any DNA evidence to support the claims of Cagnina? With her assertion that he was licking his fingers and using them on her I would have expected to see some DNA. Can you let me know?

Thanks.

David P. Ferrainolo, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
777 North Rainbow Blvd., Ste. 225  
Las Vegas, NV 89107  
702.889.6400 (office)  
702.384.6025 (fax)

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I'm really swamped right now, but I wanted to speak to you about the DNA which is very ambiguous as I see it. It's rather complicated for me to explain what I understand to be the findings, so I'd rather talk to you personally. I have court tomorrow morning (Monday) a hearing which may go into the afternoon, but not all day. Would you like to call me in the later p.m. around 3? Or another day this week is fine too. My cell number is 235-2694.

---

From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Wednesday, January 27, 2010 1:11 PM  
To: Stacey Roundtree  
Cc: Bob McBride; Brent Vogel  
Subject: Steven Farmer

Hi Stacey:

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---

**Subject:** RE: Steven Farmer  
**Date:** Sun, 31 Jan 2010 20:16:12 -0800  
**From:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>  
**To:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

---

I'm really swamped right now, but I wanted to speak to you about the DNA which is very ambiguous as I see it. It's rather complicated for me to explain what I understand to be the findings, so I'd rather talk to you personally. I have court tomorrow morning (Monday) a hearing which may go into the afternoon, but not all day. Would you like to call me in the later p.m. around 3? Or another day this week is fine too. My cell number is 235-2694.

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To: "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

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Perfect.

---

From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Sunday, January 31, 2010 8:22 PM  
To: Stacey Roundtree  
Subject: Re: Steven Farmer

I will try you tomorrow around 3

---

From: Stacey Roundtree  
To: Dave Ferrainolo  
Sent: Sun Jan 31 22:16:12 2010  
Subject: RE: Steven Farmer

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From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Wednesday, January 27, 2010 1:11 PM  
To: Stacey Roundtree  
Cc: Bob McBride; Brent Vogel  
Subject: Steven Farmer

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David P. Ferrainolo, Esq.

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**Subject:** RE: Steven Farmer

**Date:** Sun, 31 Jan 2010 21:32:23 -0800

**From:** "Stacey Roundtree" <[roundtsa@co.clark.nv.us](mailto:roundtsa@co.clark.nv.us)>

**To:** "Dave Ferrainolo" <[dferrainolo@HPSLAW.COM](mailto:dferrainolo@HPSLAW.COM)>

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**Subject:** Re: Steven Farmer  
**Date:** Sun, 31 Jan 2010 22:22:14 -0600  
**From:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>  
**To:** [roundtsa@co.clark.nv.us](mailto:roundtsa@co.clark.nv.us)

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**Subject:** Cagnina (Steven Farmer)  
**Date:** Mon, 1 Feb 2010 23:47:43 -0600  
**From:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>  
**To:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>  
**Attachments:** Dep Notice. Roxanne Cagnina.004.doc; Dep Notice. Scott Cagnina.004.doc

---

Stacey:

Here are the dep notices for Roxanne and Scott. They are set for the 10<sup>th</sup> starting at 9 am.

David P. Ferrainolo, Esq.  
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From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Wednesday, February 10, 2010 2:59 PM  
To: Stacey Roundtree  
Cc: John Bemis  
Subject: Cagnina

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**Subject:** RE: Cagnina

**Date:** Thu, 11 Feb 2010 20:48:16 -0800

**From:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>

**To:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

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**Date:** Wed, 10 Feb 2010 16:58:55 -0600

**From:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

**To:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>

**Cc:** "John Bemis" <JBemis@HPSLaw.com>

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**Cc:** John Bemis  
**Subject:** Cagnina

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Even better!

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To: Stacey Roundtree  
Subject: RE: Cagnina

Perhaps, although the rules in Florida will be no work after 6 pm.

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From: Stacey Roundtree [mailto:roundtsa@co.clark.nv.us]  
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**From:** Dave Ferrainolo [mailto:[dferrainolo@HPSLAW.COM](mailto:dferrainolo@HPSLAW.COM)]  
**Sent:** Wednesday, February 10, 2010 2:59 PM  
**To:** Stacey Roundtree  
**Cc:** John Bemis  
**Subject:** Cagnina

Hi Stacey:

Sorry for all the confusion today. I hope it was helpful to attend the depositions.

Do you think the criminal trial will go in March? Also, I am not going to claim any expertise in the criminal world but I would like to try to find a time that I either come to meet with you or you come to meet with me to go over some of the testimony in this case. I think there are major contradictions in Roxanne's story that just might create reasonable doubt. Primarily, Roxanne says she reported the incident immediately to the first person she saw. However, I have a nurse Christine Murray and a CNA Corrine Brown who testified that Farmer reported that he had dropped the patient off and she was in the bathroom. When they went to her room she was in fact in the bathroom. They helped her back to her bed. The nurse, Christine Murray did her admission assessment (takes 15 to 20 minutes and requires her to talk to the patient during that time). Nurse Murray asked specifically about incidents of domestic abuse which Roxanne denied. So at least two people interacted with her after Farmer left and she did not report the incident or seem traumatized.

So, in terms of my civil case they will have to choose a path that I suspect they will have to choose in the criminal

case. Either Roxanne's version of events is so off because the nurse and CNA are liars and the medical records are fabricated or her version of events is so off because she was under the influence of a lot of medications. (The ER nurse told me she felt like Roxanne was a drug seeker and did have a good amount of pain killers on board). But, if the events are so off because she was doped up, isn't it just as likely that she was so doped up she dreaming or hallucinated the incident which is why she reported it around 7am, after she woke up?

Let me know if you have any time the begging of March or whenever it is most helpful to you in the criminal case.

David P. Ferrainolo, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
777 North Rainbow Blvd., Ste. 225  
Las Vegas, NV 89107  
702.889.6400 (office)  
702.384.6025 (fax)

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Subject: RE: Cagnina  
Date: Thu, 11 Feb 2010 20:50:44 -0800  
From: "Stacey Roundtree" <roundtsa@ClarkCountyNV.gov>  
To: "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

---

Even better!

---

From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Thursday, February 11, 2010 8:49 PM  
To: Stacey Roundtree  
Subject: RE: Cagnina

Perhaps, although the rules in Florida will be no work after 6 pm.

---

From: Stacey Roundtree [mailto:roundtsa@co.clark.nv.us]  
Sent: Thursday, February 11, 2010 10:48 PM  
To: Dave Ferrainolo  
Subject: RE: Cagnina

Thanks for keeping me in loop. When you open in FLA, are you going to have a SEX TEAM? If so, I know someone who's interested, and would LOVE to re-locate. =)

---

From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Wednesday, February 10, 2010 2:59 PM  
To: Stacey Roundtree  
Cc: John Bemis  
Subject: Cagnina

Hi Stacey:

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David P. Ferrainolo, Esq.

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**Subject:** RE: Cagnina  
**Date:** Thu, 11 Feb 2010 22:48:35 -0600  
**From:** "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>  
**To:** "Stacey Roundtree" <roundtsa@co.clark.nv.us>

---

Perhaps, although the rules in Florida will be no work after 6 pm.

---

**From:** Stacey Roundtree [mailto:roundtsa@co.clark.nv.us]  
**Sent:** Thursday, February 11, 2010 10:48 PM  
**To:** Dave Ferrainolo  
**Subject:** RE: Cagnina

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**From:** Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
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**To:** Stacey Roundtree  
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**Subject:** Cagnina

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**Subject:** Steven Farmer - Cagnina matter  
**Date:** Wed, 28 Apr 2010 17:22:24 -0500  
**From:** "John Bemis" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**To:** [roundtsa@co.clark.nv.us](mailto:roundtsa@co.clark.nv.us)  
**Cc:** "Dave Ferrainolo" <[dferrainolo@HPSLAW.COM](mailto:dferrainolo@HPSLAW.COM)>  
**Attachments:** Pltf's Opp to Centennial Hills' Mtn to Continue Trial on Order Shortening Time 04-27-10.pdf

---

Hi Stacey:

As you know, the Steven Farmer criminal trial was recently continued. Based upon a protective order we have in the civil case against Centennial Hills, we have been unable to conduct any discovery regarding the criminal investigation. As such, we moved to have our trial continued (scheduled for August 2, 2010). Plaintiff's counsel has opposed this motion and seeks a countermotion to open discovery in the criminal matter. As we have no standing to bring up the due process violations this would cause, I wanted you to be aware of this issue. Additionally, I wanted to make sure you knew that the hearing is in chambers.

Thank you for your time. Should you have any questions or concerns, please feel free to contact us at 889-6400.

Sincerely,

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
777 North Rainbow Blvd., Ste. 225  
Las Vegas, NV 89107  
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**Date:** Wed, 28 Apr 2010 17:22:24 -0500  
**From:** "John Bemis" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**To:** [roundtsa@co.clark.nv.us](mailto:roundtsa@co.clark.nv.us)  
**Cc:** "Dave Ferrainolo" <[dferrainolo@HPSLAW.COM](mailto:dferrainolo@HPSLAW.COM)>  
**Attachments:** Pltf's Opp to Centennial Hills' Mtn to Continue Trial on Order Shortening Time 04-27-10.pdf

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Subject: RE: Cagnina

Date: Wed, 19 May 2010 10:37:20 -0700

From: "Stacey Roundtree" <roundtsa@ClarkCountyNV.gov>

To: "John Bemis" <JBemis@HPSLaw.com>

---

Thanks. Haven't connected (telephonically) with the DNA expert yet! I confess that because I begin trial next week, I've been scarce around here. Will let you know when I do.

---

From: John Bemis [mailto:JBemis@HPSLaw.com]  
Sent: Wednesday, May 19, 2010 9:03 AM  
To: bob@mandelbaumschwarz.com; Stacey Roundtree  
Subject: Cagnina

Bob and Stacy:

I am attaching Plaintiff's counter-motion to open discovery in Mr. Farmer's criminal case. It is being heard in front of the Discovery Commissioner this Friday at 9:30 a.m.

We moved the hearing from Walsh to Bonnie as Dave had a conversation with Bonnie for another issue and she intimated she would kick the trial and not allow the discovery to be opened. I wanted you to be aware of this, especially in light of the recent Doe hearing where Bonnie would not allow Murdoch to conduct discovery until the criminal trial is over.

Call me with any questions

Thanks,

John F. Bemis, Esq.

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**Subject:** RE: Cagnina  
**Date:** Fri, 21 May 2010 16:27:33 -0500  
**From:** "John Bemis" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**To:** "Stacey Roundtree" <[roundtsa@co.clark.nv.us](mailto:roundtsa@co.clark.nv.us)>

---

Stacey:

Have you had an opportunity to discuss this case with your expert?

Our civil trial was continued today, and will be contingent on the criminal trial.

Thanks for your time,

John

---

**From:** Stacey Roundtree [<mailto:roundtsa@co.clark.nv.us>]  
**Sent:** Wednesday, May 19, 2010 12:37 PM  
**To:** John Bemis  
**Subject:** RE: Cagnina

Thanks. Haven't connected (telephonically) with the DNA expert yet! I confess that because I begin trial next week, I've been scarce around here. Will let you know when I do.

---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Wednesday, May 19, 2010 9:03 AM  
**To:** [bob@mandelbaumschwarz.com](mailto:bob@mandelbaumschwarz.com); Stacey Roundtree  
**Subject:** Cagnina

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Subject: RE: Cagnina

Date: Sun, 23 May 2010 15:23:26 -0700

From: "Stacey Roundtree" <roundtsa@ClarkCountyNV.gov>

To: "John Bemis" <JBemis@HPSLaw.com>

---

I haven't yet. We keep playing phone tag, and I am in trial now. I promise after the trial (a week long event) I will call him and then you. Sorry to keep you hanging. Judge hasn't decided what to do about severance yet. A representative from Hyman's firm always shows up when we argue motions though.

---

From: John Bemis [mailto:JBemis@HPSLaw.com]  
Sent: Friday, May 21, 2010 2:28 PM  
To: Stacey Roundtree  
Subject: RE: Cagnina

Stacey:

Have you had an opportunity to discuss this case with your expert?

Our civil trial was continued today, and will be contingent on the criminal trial.

Thanks for your time,

John

---

From: Stacey Roundtree [mailto:roundtsa@co.clark.nv.us]  
Sent: Wednesday, May 19, 2010 12:37 PM  
To: John Bemis  
Subject: RE: Cagnina

Thanks. Haven't connected (telephonically) with the DNA expert yet! I confess that because I begin trial next week, I've been scarce around here. Will let you know when I do.

From: John Bemis [mailto:JBemis@HPSLaw.com]  
Sent: Wednesday, May 19, 2010 9:03 AM  
To: bob@mandelbaumschwarz.com; Stacey Roundtree  
Subject: Cagnina

Bob and Stacy:

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Subject: RE: Steven Farmer

Date: Mon, 12 Jul 2010 10:15:48 -0700

From: "Stacey Roundtree" <roundtsa@ClarkCountyNV.gov>

To: "Dave Ferrainolo" <dferrainolo@HPSLAW.COM>

---

It is partially true that the State won motion to consolidate. All cases will be tried together except the Frances Farmer (Steven's gal pal at Rawson Neal). Frankly, Co-counsel and I have always felt it would be difficult to show the weakness of the other (non-Cagnina) allegations w/out reference to the fact that the others were working under the impression that a dangerous "rapist" was in their midst. (The media stories, the police interrogations of patients of Farmer...) So, while it will definitely be difficult to win a case involving 5 accusers, it will allow us to show the jury how Cagnina's story snow-balled as well.

Please don't tell anyone this, but I don't know if Farmer will ever plead to anything. I can't blame him and don't. That being said, even before the State won the motion to consolidate (actually we lost motion to sever) the DA was talking an offer of a non-life sentence for Farmer. Not sure what he was considering. We offered DA two Gross Misdo's b/c he would get time served. He refused that. Other than that, maybe they'll offer him a 2 to 20 or two 2 to 20's. Farmer will NOT accept that. If they come to a Coercion, then we may have to push him to accept that. It's a 1 to 5.

---

From: Dave Ferrainolo [mailto:dferrainolo@HPSLAW.COM]  
Sent: Sunday, July 11, 2010 5:35 PM  
To: Stacey Roundtree  
Cc: John Bemis; Mike Prangle  
Subject: Steven Farmer

Hi Stacey:

I hope all is well with you. Plaintiff's counsel in our Civil Case, Neal Hyman tells us that the prosecution won their motion to consolidate all cases against Farmer. Can you tell us if that is true. Mr. Hyman also says that the prosecutor is confident that decision will force a plea from Mr. Farmer. I certainly understand that you cannot reveal any of your conversations with Mr. Farmer or your strategy, but any info you can give us would be appreciated.

Thanks. Dave



**Subject:** Steven Farmer

**Date:** Sun, 11 Jul 2010 19:35:11 -0500

**From:** "Dave Ferrainolo" <[dferrainolo@HPSLAW.COM](mailto:dferrainolo@HPSLAW.COM)>

**To:** "Stacey Roundtree" <[roundtsa@co.clark.nv.us](mailto:roundtsa@co.clark.nv.us)>

**Cc:** "John Bemis" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, "Mike Prangle" <[mprangle@HPSLAW.COM](mailto:mprangle@HPSLAW.COM)>

---

Hi Stacey:

I hope all is well with you. Plaintiff's counsel in our Civil Case, Neal Hyman tells us that the prosecution won their motion to consolidate all cases against Farmer. Can you tell us if that is true. Mr. Hyman also says that the prosecutor is confident that decision will force a plea from Mr. Farmer. I certainly understand that you cannot reveal any of your conversations with Mr. Farmer or your strategy, but any info you can give us would be appreciated.

Thanks. Dave

**Subject:** Steven Farmer  
**Date:** Wed, 30 May 2012 16:40:07 -0500  
**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**To:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**Cc:** Diana Cox <[DCox@HPSLaw.com](mailto:DCox@HPSLaw.com)>

---

Hi Jeff,

Please recall that I represent Centennial Hills Hospital related to civil allegations stemming from the alleged conduct of Mr. Farmer. We have a status check in our case coming up and I wanted to see if you could give me a brief update on what is going on in the criminal matter.

Thank you for your time,

John F. Bemis, Esq.  
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777 N. Rainbow Blvd., STE 225  
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Phone: (702) 889-6400  
Fax: (702) 384-6025

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**Subject:** RE: Steven Farmer  
**Date:** Fri, 1 Jun 2012 07:50:57 -0700  
**From:** Jeffrey Maningo <[maningis@ClarkCountyNV.gov](mailto:maningis@ClarkCountyNV.gov)>  
**To:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

---

Hi John:

Spoke with Bob McBride yesterday, he said he would fill you in. If you don't hear from him, please let me know and I will get you updated. Short version, however, is that Steve is NOT currently planning on pleading guilty. That information, provided by Roxanne Cagnina's counsel, is incorrect.

JSM

---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Wednesday, May 30, 2012 2:40 PM  
**To:** Jeffrey Maningo  
**Cc:** Diana Cox  
**Subject:** Steven Farmer

Hi Jeff,

Please recall that I represent Centennial Hills Hospital related to civil allegations stemming from the alleged conduct of Mr. Farmer. We have a status check in our case coming up and I wanted to see if you could give me a brief update on what is going on in the criminal matter.

Thank you for your time,

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**Subject:** RE: Steven Farmer  
**Date:** Fri, 1 Jun 2012 10:20:49 -0700  
**From:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**To:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

---

well, so far it's a go, however, we are still waiting for the DNA to be retested. That was at the DA's request and was recently litigated. So depending on timing and results, and possible need for our own expert to review the results...

but I'll keep you updated when I know for sure.

have a good weekend  
JSM

---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Friday, June 01, 2012 10:03 AM  
**To:** Jeffrey Maningo  
**Subject:** RE: Steven Farmer

Thanks Jeff,

I appreciate the update. Currently, is it looking like the November trial setting is a go?

Have a nice day,

John

---

**From:** Jeffrey Maningo [<mailto:maningjs@ClarkCountyNV.gov>]  
**Sent:** Friday, June 01, 2012 9:51 AM  
**To:** John Bemis  
**Subject:** RE: Steven Farmer

Hi John:

Spoke with Bob McBride yesterday, he said he would fill you in. If you don't hear from him, please let me know and I will get you updated. Short version, however, is that Steve is NOT currently planning on pleading guilty. That information, provided by Roxanne Cagnina's counsel, is incorrect.

JSM

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**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Wednesday, May 30, 2012 2:40 PM  
**To:** Jeffrey Maningo  
**Cc:** Diana Cox  
**Subject:** Steven Farmer

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**Subject:** RE: Steven Farmer

**Date:** Fri, 1 Jun 2012 12:02:43 -0500

**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**To:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>

---

Thanks Jeff,

I appreciate the update. Currently, is it looking like the November trial setting is a go?

Have a nice day,

John

---

**From:** Jeffrey Maningo [<mailto:maningjs@ClarkCountyNV.gov>]

**Sent:** Friday, June 01, 2012 9:51 AM

**To:** John Bemis

**Subject:** RE: Steven Farmer

Hi John:

Spoke with Bob McBride yesterday, he said he would fill you in. If you don't hear from him, please let me know and I will get you updated. Short version, however, is that Steve is NOT currently planning on pleading guilty. That information, provided by Roxanne Cagnina's counsel, is incorrect.

JSM

---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]

**Sent:** Wednesday, May 30, 2012 2:40 PM

**To:** Jeffrey Maningo

**Cc:** Diana Cox

**Subject:** Steven Farmer

Hi Jeff,

Please recall that I represent Centennial Hills Hospital related to civil allegations stemming from the alleged conduct of Mr. Farmer. We have a status check in our case coming up and I wanted to see if you could give me a brief update on what is going on in the criminal matter.

Thank you for your time,

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD  
777 N. Rainbow Blvd., STE 225  
Las Vegas, NV 89107  
Phone: (702) 889-6400  
Fax: (702) 384-6025

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**Subject:** Steven Farmer matter

**Date:** Mon, 30 Jul 2012 19:29:00 -0500

**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**To:** Jeffrey Maningo <[maningis@ClarkCountyNV.gov](mailto:maningis@ClarkCountyNV.gov)>

---

Hi Jeff,

I see that Mr. Farmer's criminal trial is continued until March of 2013. Can you give me any update?

Thanks,

John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD  
777 N. Rainbow Blvd., STE 225  
Las Vegas, NV 89107  
Phone: (702) 889-6400  
Fax: (702) 384-6025

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**Subject:** RE: Steven Farmer

**Date:** Thu, 20 Sep 2012 18:54:14 -0500

**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**To:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>

---

Hi Jeff,

I hope all is well. I wanted to follow up on this matter with the new criminal trial date. Do we know whether the retesting of the DNA has been completed? do we know any results?

Is there anything going on in this matter or is it just waiting for trial?

Please let me know if there is anything we can help you with.

Thanks and have a nice evening,

John

---

**From:** Jeffrey Maningo [<mailto:maningjs@ClarkCountyNV.gov>]

**Sent:** Friday, June 01, 2012 12:21 PM

**To:** John Bemis

**Subject:** RE: Steven Farmer

well, so far it's a go, however, we are still waiting for the DNA to be retested. That was at the DA's request and was recently litigated. So depending on timing and results, and possible need for our own expert to review the results...

but I'll keep you updated when I know for sure.

have a good weekend

JSM

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**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]

**Sent:** Friday, June 01, 2012 10:03 AM

**To:** Jeffrey Maningo

**Subject:** RE: Steven Farmer

Thanks Jeff,

I appreciate the update. Currently, is it looking like the November trial setting is a go?

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**Sent:** Friday, June 01, 2012 9:51 AM

**To:** John Bemis

**Subject:** RE: Steven Farmer

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**Subject:** RE: Steven Farmer  
**Date:** Fri, 21 Sep 2012 07:58:56 -0700  
**From:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**To:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

---

Hi John:

No results yet, testing still not done. Still trying to find a common ground between Steve and DA for negotiations, so might need your help there once we find a reasonable deal. Otherwise just waiting on trial date. I'm sure myself and Jane(investigator) will be contacting you soon for clarification on some of this discovery we have.

Thanks for all your help and interest. I will keep you updated.

Jeff

---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Thursday, September 20, 2012 4:54 PM  
**To:** Jeffrey Maningo  
**Subject:** RE: Steven Farmer

Hi Jeff,

I hope all is well. I wanted to follow up on this matter with the new criminal trial date. Do we know whether the retesting of the DNA has been completed? do we know any results?

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**Cc:** Diana Cox

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**Subject:** RE: Steven Farmer criminal trial  
**Date:** Wed, 16 Jan 2013 14:06:00 -0800  
**From:** Bob McBride <bob@memlaw.net>  
**To:** 'Amy Feliciano' <johnsoaa@ClarkCountyNV.gov>  
**Cc:** Jeffrey Maningo <maningjs@ClarkCountyNV.gov>, "JBemis@HPSLaw.com" <JBemis@HPSLaw.com>, "bvogel@lbbslaw.com" <bvogel@lbbslaw.com>

---

Amy,

Thanks for the quick response. Absolutely! We would be happy to help out in any way we can. Mr. Bemis has been involved with the Cagnina case after the Plaintiff's attorney, for some reason, dismissed Steven and his employer, so he has the most information about her that I am sure he will gladly share. I previously gave Jeff the name of our expert for the Petersen (Doe) case. I thought he had retained her already. All of us are available to meet Monday morning if that works. I would suggest my office which has plenty of room and is easily located behind UMC hospital, off Tonopah. 2012 Hamilton Lane. What time works? 9? 10? Let us know.

Thanks.  
Bob

---

**From:** Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]  
**Sent:** Wednesday, January 16, 2013 1:28 PM  
**To:** Bob McBride  
**Cc:** Jeffrey Maningo  
**Subject:** FW: Steven Farmer criminal trial

Hi Bob - Jeff's in trial right now on another case, so I told him I would get back to you. I'm the second chair on this case and am entrenched in nothing but this file right now trying to get everything up to speed. As of right now, we are hoping to be ready for the 03/04/13 trial setting, but there's a lot left to do. I would really like to meet with you and the others in the civil case to talk about about the status of our file. We are missing a lot of documents, have witnesses to interview, and experts to retain, and it would be great if you and the others could help us out with that.

Do you have time for a meeting early next week with us and the the others in the civil case, and do you mind coordinating the meeting? I'm available any day next week, anytime, except for early Wednesday morning. Jeff may or may not be finished with trial and able to join us. We can come to your office or we can all meet here - whatever is easiest for you and everyone else.

Please let me know if we can meet up next week. Thanks so much.

Amy A. Feliciano  
Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

---

**From:** Jeffrey Maningo  
**Sent:** Wednesday, January 16, 2013 1:10 PM  
**To:** Amy Feliciano  
**Subject:** Fwd: Steven Farmer criminal trial

Sent from my iPhone

Begin forwarded message:

**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
**Date:** January 16, 2013 12:58:43 PM PST  
**To:** 'Jeffrey Maningo' <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**Cc:** Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>  
**Subject:** RE: Steven Farmer criminal trial

Jeff,

Just wondering if Steven's trial is still going next month, or if it is being continued. Any brief update that I can pass along to the others in our civil case? When you get a chance. Thanks!

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, NV 89106  
702-367-1234 (o)  
702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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**From:** Jeffrey Maningo [<mailto:maningjs@ClarkCountyNV.gov>]  
**Sent:** Monday, November 14, 2011 1:14 PM  
**To:** Bob McBride  
**Subject:** farmer

Thanks.

**Subject:** RE: Steven Farmer criminal trial  
**Date:** Wed, 16 Jan 2013 14:09:09 -0800  
**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>  
**To:** 'Bob McBride' <[bob@memlaw.net](mailto:bob@memlaw.net)>  
**Cc:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, "JBemis@HPSLaw.com" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, "bvogel@lbbslaw.com" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>

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Thanks so much, Bob. Monday morning at your office is perfect. Either 9 or 10 works for us - what does everyone else prefer? And we have retained the Petersen expert (Higelin), but we need additional experts that hopefully you can help us with. Thanks so much - and just let me know what time works the best for everyone. I really appreciate the help!

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**Sent:** Wednesday, January 16, 2013 2:06 PM  
**To:** Amy Feliciano  
**Cc:** Jeffrey Maningo; JBemis@HPSLaw.com; bvogel@lbbslaw.com  
**Subject:** RE: Steven Farmer criminal trial  
**Importance:** High

Amy,

Thanks for the quick response. Absolutely! We would be happy to help out in any way we can. Mr. Bemis has been involved with the Cagnina case after the Plaintiff's attorney, for some reason, dismissed Steven and his employer, so he has the most information about her that I am sure he will gladly share. I previously gave Jeff the name of our expert for the Petersen (Doe) case. I thought he had retained her already. All of us are available to meet Monday morning if that works. I would suggest my office which has plenty of room and is easily located behind UMC hospital, off Tonopah. 2012 Hamilton Lane. What time works? 9? 10? Let us know.

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**Subject:** Fwd: Steven Farmer criminal trial

Sent from my iPhone

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**Cc:** Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>  
**Subject:** RE:Steven Farmer criminal trial

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**Sent:** Monday, November 14, 2011 1:14 PM  
**To:** Bob McBride  
**Subject:** farmer

Thanks.



**Subject:** RE: Steven Farmer criminal trial  
**Date:** Wed, 16 Jan 2013 14:10:54 -0800  
**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
**To:** 'Amy Feliciano' <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>  
**Cc:** Jeffrey Maningo <[maningis@ClarkCountyNV.gov](mailto:maningis@ClarkCountyNV.gov)>, "JBemis@HPSLaw.com" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, "bvogel@lbbslaw.com" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>

---

Amy,  
Why don't we shoot for 10? Is that good for you Brent and John?

Bob

---

**From:** Amy Feliciano [<mailto:johnsoaa@ClarkCountyNV.gov>]  
**Sent:** Wednesday, January 16, 2013 2:09 PM  
**To:** Bob McBride  
**Cc:** Jeffrey Maningo; [JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com); [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)  
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**Sent:** Monday, November 14, 2011 1:14 PM

**To:** Bob McBride

**Subject:** farmer

Thanks.

**Subject:** RE: Steven Farmer criminal trial

**Date:** Wed, 16 Jan 2013 14:21:52 -0800

**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**To:** 'John Bemis' <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>

**Cc:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, "[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>

---

10 is perfect for us. We are missing almost all of the civil filings - the Responses to RFPDs, Answers to Interrogatories (if any), depositions (we only have a few transcripts), etc. My secretary can access some docs on Odyssey and is working on getting what's been filed for me. Let's talk on Monday and I'll let you know what depositions we have and what we don't and we can talk about if you have other things we don't have (and vice versa).

Also, we don't have Cagnina's records from when she was Legal 2000'd, her Monte Vista records, the records from when she OD'd and was in a coma, and the records from Las Vegas Recovery Center. If you have those, that would shortcut so much for us.

Thank you so much, everyone.

---

**From:** John Bemis [mailto:[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)]

**Sent:** Wednesday, January 16, 2013 2:16 PM

**To:** Bob McBride; Amy Feliciano

**Cc:** Jeffrey Maningo; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)

**Subject:** RE: Steven Farmer criminal trial

10 sounds just fine for me. Are there any documents that are needed?

Thanks,

John

---

**From:** Bob McBride [mailto:[bob@memlaw.net](mailto:bob@memlaw.net)]

**Sent:** Wednesday, January 16, 2013 4:11 PM

**To:** 'Amy Feliciano'

**Cc:** Jeffrey Maningo; John Bemis; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)

**Subject:** RE: Steven Farmer criminal trial

Amy,

Why don't we shoot for 10? Is that good for you Brent and John?

Bob

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**From:** Amy Feliciano [mailto:[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)]

**Sent:** Wednesday, January 16, 2013 2:09 PM

**To:** Bob McBride

**Cc:** Jeffrey Maningo; [JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com); [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)

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**To:** Amy Feliciano  
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**To:** Bob McBride  
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**Date:** Wed, 16 Jan 2013 16:15:38 -0600  
**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**To:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>  
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**Sent:** Wednesday, January 16, 2013 2:22 PM  
**To:** 'John Bemis'; Bob McBride  
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**To:** Amy Feliciano; 'John Bemis'  
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**Date:** Thu, 17 Jan 2013 00:23:30 +0000  
**From:** "Vogel, Brent" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>  
**To:** 'John Bemis' <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>  
**Cc:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, "Brookhyser, Amanda" <[abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com)>, "Etienne, Nicole" <[netienne@lbbslaw.com](mailto:netienne@lbbslaw.com)>

---

10:00 works for me.

**LEWIS** Brent Vogel, Esq.  
**BRISBOIS** Las Vegas Administrative Partner  
**BISGAARD** LEWIS BRISBOIS BISGAARD & SMITH LLP  
& SMITH LLP 6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com) <http://www.lbbslaw.com>

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---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Wednesday, January 16, 2013 2:16 PM  
**To:** Bob McBride; Amy Feliciano  
**Cc:** Jeffrey Maningo; Vogel, Brent  
**Subject:** RE: Steven Farmer criminal trial

10 sounds just fine for me. Are there any documents that are needed?

Thanks,

John

---

**From:** Bob McBride [<mailto:bob@memlaw.net>]  
**Sent:** Wednesday, January 16, 2013 4:11 PM  
**To:** 'Amy Feliciano'  
**Cc:** Jeffrey Maningo; John Bemis; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)  
**Subject:** RE: Steven Farmer criminal trial

Amy,  
Why don't we shoot for 10? Is that good for you Brent and John?

Bob

---

**From:** Amy Feliciano [<mailto:johnsoaa@ClarkCountyNV.gov>]  
**Sent:** Wednesday, January 16, 2013 2:09 PM  
**To:** Bob McBride  
**Cc:** Jeffrey Maningo; [JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com); [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)  
**Subject:** RE: Steven Farmer criminal trial

Thanks so much, Bob. Monday morning at your office is perfect. Either 9 or 10 works for us - what does everyone else prefer? And we have retained the Petersen expert (Higelin), but we need additional experts that hopefully you can help us with. Thanks so much - and just let me know what time works the best for everyone. I really appreciate the help!

---

**From:** Bob McBride [mailto:bob@memlaw.net]  
**Sent:** Wednesday, January 16, 2013 2:06 PM  
**To:** Amy Feliciano  
**Cc:** Jeffrey Maningo; JBemis@HPSLaw.com; bvogel@lbbslaw.com  
**Subject:** RE: Steven Farmer criminal trial  
**Importance:** High

Amy,

Thanks for the quick response. Absolutely! We would be happy to help out in any way we can. Mr. Bemis has been involved with the Cagnina case after the Plaintiff's attorney, for some reason, dismissed Steven and his employer, so he has the most information about her that I am sure he will gladly share. I previously gave Jeff the name of our expert for the Petersen (Doe) case. I thought he had retained her already. All of us are available to meet Monday morning if that works. I would suggest my office which has plenty of room and is easily located behind UMC hospital, off Tonopah. 2012 Hamilton Lane. What time works? 9? 10? Let us know.

Thanks.  
Bob

---

**From:** Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]  
**Sent:** Wednesday, January 16, 2013 1:28 PM  
**To:** Bob McBride  
**Cc:** Jeffrey Maningo  
**Subject:** FW: Steven Farmer criminal trial

Hi Bob - Jeff's in trial right now on another case, so I told him I would get back to you. I'm the second chair on this case and am entrenched in nothing but this file right now trying to get everything up to speed. As of right now, we are hoping to be ready for the 03/04/13 trial setting, but there's a lot left to do. I would really like to meet with you and the others in the civil case to talk about about the status of our file. We are missing a lot of documents, have witnesses to interview, and experts to retain, and it would be great if you and the others could help us out with that.

Do you have time for a meeting early next week with us and the the others in the civil case, and do you mind coordinating the meeting? I'm available any day next week, anytime, except for early Wednesday morning. Jeff may or may not be finished with trial and able to join us. We can come to your office or we can all meet here - whatever is easiest for you and everyone else.

Please let me know if we can meet up next week. Thanks so much.

Amy A. Feliciano  
Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

---

**From:** Jeffrey Maningo  
**Sent:** Wednesday, January 16, 2013 1:10 PM  
**To:** Amy Feliciano  
**Subject:** Fwd: Steven Farmer criminal trial

Sent from my iPhone

Begin forwarded message:

**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
**Date:** January 16, 2013 12:58:43 PM PST  
**To:** 'Jeffrey Maningo' <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**Cc:** Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>  
**Subject:** RE:Steven Farmer criminal trial

Jeff,

Just wondering if Steven's trial is still going next month, or if it is being continued. Any brief update that I can pass along to the others in our civil case? When you get a chance. Thanks!

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, NV 89106  
702-367-1234 (o)  
702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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---

**From:** Jeffrey Maningo [<mailto:maningjs@ClarkCountyNV.gov>]  
**Sent:** Monday, November 14, 2011 1:14 PM  
**To:** Bob McBride  
**Subject:** farmer

Thanks.

**Subject:** RE: Farmer  
**Date:** Tue, 22 Jan 2013 11:18:58 -0800  
**From:** Amy Feliciano <johnsoaa@ClarkCountyNV.gov>  
**To:** 'John Bemis' <JBemis@HPSLaw.com>  
**Cc:** Diana Cox <DCox@HPSLaw.com>

---

You are the best. Thanks so much.

I'll get together the police files for those cases. Do you have their voluntary statements to the police or do you need those too?

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**From:** John Bemis [mailto:JBemis@HPSLaw.com]  
**Sent:** Tuesday, January 22, 2013 11:15 AM  
**To:** Amy Feliciano  
**Cc:** Diana Cox  
**Subject:** RE: Farmer

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I am going to be going through my record summaries and get everything I have to you.

Thanks, and don't hesitate to ask if you need anything.

Have a great day,

John

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**From:** Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]  
**Sent:** Tuesday, January 22, 2013 1:08 PM  
**To:** Heather Hall; 'Bob McBride'; bvogel@lbbsslw.com; John Bemis  
**Cc:** Jeffrey Maningo  
**Subject:** Farmer

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Bob - I hope that your brother is okay, and I'm sending my best wishes to you and your family.

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Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

**Subject:** RE: Farmer

**Date:** Tue, 22 Jan 2013 11:27:58 -0800

**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**To:** "'Vogel, Brent'" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, 'Bob McBride' <[bob@memlaw.net](mailto:bob@memlaw.net)>, 'John Bemis' <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**Cc:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>

Will do. Same cases? And do you have the voluntary statements to police or do you need them?

---

**From:** Vogel, Brent [<mailto:bvogel@lbbslaw.com>]

**Sent:** Tuesday, January 22, 2013 11:25 AM

**To:** Amy Feliciano; Heather Hall; 'Bob McBride'; 'John Bemis'

**Cc:** Jeffrey Maningo

**Subject:** RE: Farmer

Thank you!

I like to have all the police reports please.

**LEWIS  
BRISBOIS  
BISGAARD  
& SMITH LLP**

Brent Vogel, Esq.

Las Vegas Administrative Partner

LEWIS BRISBOIS BISGAARD & SMITH LLP

6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118

Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789

[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com) <http://www.lbbslaw.com>

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**From:** Amy Feliciano [<mailto:johnsoaa@ClarkCountyNV.gov>]

**Sent:** Tuesday, January 22, 2013 11:08 AM

**To:** Heather Hall; 'Bob McBride'; Vogel, Brent; 'John Bemis'

**Cc:** Jeffrey Maningo

**Subject:** Farmer

Hi All - It was a pleasure meeting with everyone yesterday, and I really appreciate your time and all of your help. I'm attaching a copy of the Sorenson DNA report, the State's Fifth Supplemental Notice of Witnesses, and the list of witnesses that I compiled (Heather printed this out at the meeting for us). Just FYI... the list of witnesses that I compiled is still in a very rough state - it's basically my thoughts and notes made as I've been going through the file.

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John - I know you wanted police reports - do you need them for all six cases (including Frances Rose) or just for the Marcia Peterson case? Let me know what you need, and I'll get it to you.

Also, if anyone else needs police reports, etc., please let me know, and I will get them to you.

Thank you so much.

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Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

---

LEWIS  
BRISBOIS  
BISGAARD  
ATTORNEYS AT LAW



**Subject:** RE: Farmer  
**Date:** Tue, 22 Jan 2013 11:40:17 -0800  
**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>  
**To:** 'John Bemis' <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**Cc:** Diana Cox <[DCox@HPSLaw.com](mailto:DCox@HPSLaw.com)>

---

I'll get you the voluntary statements too.

---

**From:** John Bemis [<mailto:JBemis@HPSLaw.com>]  
**Sent:** Tuesday, January 22, 2013 11:35 AM  
**To:** Amy Feliciano  
**Cc:** Diana Cox  
**Subject:** RE: Farmer

We don't have any police information

---

**From:** Amy Feliciano [<mailto:johnsoaa@ClarkCountyNV.gov>]  
**Sent:** Tuesday, January 22, 2013 1:19 PM  
**To:** John Bemis  
**Cc:** Diana Cox  
**Subject:** RE: Farmer

You are the best. Thanks so much.

I'll get together the police files for those cases. Do you have their voluntary statements to the police or do you need those too?

---

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**Sent:** Tuesday, January 22, 2013 11:15 AM  
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**Subject:** RE: Farmer

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I would appreciate the Peterson, Cagnina and Francis Rose police files.

I am going to be going through my record summaries and get everything I have to you.

Thanks, and don't hesitate to ask if you need anything.

Have a great day,

John

---

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**Sent:** Tuesday, January 22, 2013 1:08 PM

**To:** Heather Hall; 'Bob McBride'; bvogel@lbbslaw.com; John Bemis  
**Cc:** Jeffrey Maningo  
**Subject:** Farmer

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Thank you so much.

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Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

**Subject:** RE: Farmer

**Date:** Tue, 22 Jan 2013 13:14:30 -0600

**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**To:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**Cc:** Diana Cox <[DCox@HPSLaw.com](mailto:DCox@HPSLaw.com)>

---

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**Cc:** Jeffrey Maningo

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(702) 455-5733 (direct)  
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**Subject:** RE: Farmer

**Date:** Tue, 22 Jan 2013 13:35:09 -0600

**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**To:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**Cc:** Diana Cox <[DCox@HPSLaw.com](mailto:DCox@HPSLaw.com)>

---

We don't have any police information

---

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**To:** John Bemis

**Cc:** Diana Cox

**Subject:** RE: Farmer

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Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

**Subject:** Re: Farmer

**Date:** Tue, 22 Jan 2013 14:47:03 -0800

**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>

**To:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

"Vogel, Brent" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>, John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>

---

Can I have all of those as well please. Thanks

Bob

Sent from my iPhone 6.

On Jan 22, 2013, at 11:28 AM, "Amy Feliciano" <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)> wrote:

Will do. Same cases? And do you have the voluntary statements to police or do you need them?

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**From:** Vogel, Brent [<mailto:bvogel@lbbslaw.com>]

**Sent:** Tuesday, January 22, 2013 11:25 AM

**To:** Amy Feliciano; Heather Hall; 'Bob McBride'; 'John Bemis'

**Cc:** Jeffrey Maningo

**Subject:** RE: Farmer

Thank you!

I like to have all the police reports please.

<!--[if !vml]--><image002.jpg><!--[endif]-->Brent Vogel, Esq.

Las Vegas Administrative Partner

LEWIS BRISBOIS BISGAARD & SMITH LLP

6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118

Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789

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LAS VEGAS □ LOS ANGELES □ MADISON COUNTY □ NEW ORLEANS □ NEW YORK □ NEWARK □ ORANGE COUNTY □ PHOENIX □  
SACRAMENTO □ SAN BERNARDINO □ SAN DIEGO □ SAN FRANCISCO □ SEATTLE □ TAMPA □ TEMECULA □ TUCSON

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**Cc:** Jeffrey Maningo

**Subject:** Farmer

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Clark County Public Defender's Office  
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(702) 366-9370 (fax)

**Subject:** RE: Farmer

**Date:** Tue, 22 Jan 2013 14:49:50 -0800

**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**To:** 'Bob McBride' <[bob@memlaw.net](mailto:bob@memlaw.net)>

**Cc:** "Vogel, Brent" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>

Will do.

**From:** Bob McBride [mailto:[bob@memlaw.net](mailto:bob@memlaw.net)]

**Sent:** Tuesday, January 22, 2013 2:47 PM

**To:** Amy Feliciano

**Cc:** Vogel, Brent; Heather Hall; Bob McBride; John Bemis; Jeffrey Maningo

**Subject:** Re: Farmer

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On Jan 22, 2013, at 11:28 AM, "Amy Feliciano" <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)> wrote:

Will do. Same cases? And do you have the voluntary statements to police or do you need them?

**From:** Vogel, Brent [mailto:[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)]

**Sent:** Tuesday, January 22, 2013 11:25 AM

**To:** Amy Feliciano; Heather Hall; 'Bob McBride'; 'John Bemis'

**Cc:** Jeffrey Maningo

**Subject:** RE: Farmer

Thank you!

I like to have all the police reports please.

<image002.jpg>Brent Vogel, Esq.

Las Vegas Administrative Partner

LEWIS BRISBOIS BISGAARD & SMITH LLP

6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118

Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789

[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com) <http://www.lbbslaw.com>

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**From:** Amy Feliciano [mailto:[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)]

**Sent:** Tuesday, January 22, 2013 11:08 AM



**To:** Heather Hall; 'Bob McBride'; Vogel, Brent; 'John Bemis'  
**Cc:** Jeffrey Maningo  
**Subject:** Farmer

Hi All - It was a pleasure meeting with everyone yesterday, and I really appreciate your time and all of your help. I'm attaching a copy of the Sorenson DNA report, the State's Fifth Supplemental Notice of Witnesses, and the list of witnesses that I compiled (Heather printed this out at the meeting for us). Just FYI. . . the list of witnesses that I compiled is still in a very rough state - it's basically my thoughts and notes made as I've been going through the file.

My work contact info is below, and my cell is (702) 465-7365. Please don't hesitate to contact me anytime.

Bob - I hope that your brother is okay, and I'm sending my best wishes to you and your family.

John - I know you wanted police reports - do you need them for all six cases (including Frances Rose) or just for the Marcia Peterson case? Let me know what you need, and I'll get it to you.

Also, if anyone else needs police reports, etc., please let me know, and I will get them to you.

Thank you so much.

Amy A. Feliciano  
Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

**Subject:** RE: Farmer

**Date:** Tue, 22 Jan 2013 15:25:37 -0800

**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**To:** 'Bob McBride' <[bob@memlaw.net](mailto:bob@memlaw.net)>

**Cc:** Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, "bvogel@lbbslaw.com" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Jeffrey Maningo <[maningis@ClarkCountyNV.gov](mailto:maningis@ClarkCountyNV.gov)>

---

Thanks so much. I really appreciate it. I'll touch base with you next week.

---

**From:** Bob McBride [mailto:[bob@memlaw.net](mailto:bob@memlaw.net)]

**Sent:** Tuesday, January 22, 2013 3:23 PM

**To:** Amy Feliciano

**Cc:** Heather Hall; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com); John Bemis; Jeffrey Maningo

**Subject:** Re: Farmer

Thanks Amy. I will be back to the office most likely on Friday and I will try to get a hold of you then or next week. Let us know if you need anything further.

B.

Robert C. McBride, Esq.

Mandelbaum, Ellerton & McBride

2012 Hamilton Lane

Las Vegas, NV 89106

702-367-1234 (o)

702-367-1978 (f)

702-285-7315 (c)

[bob@memlaw.net](mailto:bob@memlaw.net)

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On Jan 22, 2013, at 11:07 AM, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)> wrote:

Hi All - It was a pleasure meeting with everyone yesterday, and I really appreciate your time and all of your help. I'm attaching a copy of the Sorenson DNA report, the State's Fifth Supplemental Notice of Witnesses, and the list of witnesses that I compiled (Heather printed this out at the meeting for us). Just FYI. . . the list of witnesses that I compiled is still in a very rough state - it's basically my thoughts and notes made as I've been going through the file.

My work contact info is below, and my cell is (702) 465-7365. Please don't hesitate to contact me anytime.

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John - I know you wanted police reports - do you need them for all six cases (including Frances Rose) or just for the Marcia Peterson case? Let me know what you need, and I'll get it to you.

Also, if anyone else needs police reports, etc., please let me know, and I will get them to you.

Thank you so much.

Amy A. Feliciano  
Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

<Sorenson DNA.pdf><State's Fifth Supplemental Wit List.pdf><Master List of Witnesses.doc>

**Subject:** RE: Farmer

**Date:** Tue, 22 Jan 2013 19:24:51 +0000

**From:** "Vogel, Brent" <bvogel@lbbslaw.com>

**To:** 'Amy Feliciano' <johnsoaa@ClarkCountyNV.gov>, Heather Hall <Heather@memlaw.net>, 'Bob McBride' <bob@memlaw.net>, 'John Bemis' <JBemis@HPSLaw.com>

**Cc:** Jeffrey Maningo <maningis@ClarkCountyNV.gov>

Thank you!

I like to have all the police reports please.

**LEWIS** Brent Vogel, Esq.  
**BRISBOIS** Las Vegas Administrative Partner  
**BISGAARD** LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
bvogel@lbbslaw.com <http://www.lbbslaw.com>

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---

**From:** Amy Feliciano [mailto:johnsoaa@ClarkCountyNV.gov]

**Sent:** Tuesday, January 22, 2013 11:08 AM

**To:** Heather Hall; 'Bob McBride'; Vogel, Brent; 'John Bemis'

**Cc:** Jeffrey Maningo

**Subject:** Farmer

Hi All - It was a pleasure meeting with everyone yesterday, and I really appreciate your time and all of your help. I'm attaching a copy of the Sorenson DNA report, the State's Fifth Supplemental Notice of Witnesses, and the list of witnesses that I compiled (Heather printed this out at the meeting for us). Just FYI... the list of witnesses that I compiled is still in a very rough state - it's basically my thoughts and notes made as I've been going through the file.

My work contact info is below, and my cell is (702) 465-7365. Please don't hesitate to contact me anytime.

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Also, if anyone else needs police reports, etc., please let me know, and I will get them to you.

Thank you so much.

Amy A. Feliciano  
Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

**Subject:** RE: Farmer criminal docs

**Date:** Thu, 31 Jan 2013 15:11:02 -0800

**From:** Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>

**To:** 'Amy Feliciano' <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>, Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>, John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, "[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>

---

That works for us. Thanks for doing this!

---

**From:** Amy Feliciano [<mailto:johnsoaa@ClarkCountyNV.gov>]

**Sent:** Thursday, January 31, 2013 2:58 PM

**To:** Bob McBride; Heather Hall; John Bemis; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)

**Subject:** Farmer criminal docs

Hi All - the Farmer criminal docs and audio files are ready and on a disc. They will go out in the mail tomorrow, and you should have them by Monday. If you would like to send a runner over to our office to pick them up so you can have them faster, please let me know. Thanks.

Amy A. Feliciano  
Deputy Public Defender  
Clark County Public Defender's Office  
(702) 455-5733 (direct)  
(702) 366-9370 (fax)

**Subject:** Read: RE: Farmer criminal docs

**Date:** Thu, 31 Jan 2013 15:19:43 -0800

**From:** "Amy Feliciano" <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**To:** "Heather Hall" <[Heather@memlaw.net](mailto:Heather@memlaw.net)>

---

Your message

**To:** Amy Feliciano; Bob McBride; John Bemis; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)

**Subject:** RE: Farmer criminal docs

was read on 1/31/2013 3:19:43 PM

**Subject:** RE: Steven Farmer adv. State of NV

**Date:** Fri, 22 Feb 2013 12:53:44 -0800

**From:** Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**To:** "'Vogel, Brent'" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>

**Cc:** "[bob@memlaw.net](mailto:bob@memlaw.net)" <[bob@memlaw.net](mailto:bob@memlaw.net)>, "John Bemis ([JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com))" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

---

Thanks so much.. We haven't seen it yet, but I believe it's on it's way to us. Thanks for sending.

---

**From:** Vogel, Brent [<mailto:bvogel@lbbslaw.com>]

**Sent:** Friday, February 22, 2013 11:31 AM

**To:** Amy Feliciano; Amy Feliciano

**Cc:** [bob@memlaw.net](mailto:bob@memlaw.net); John Bemis ([JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com))

**Subject:** Steven Farmer adv. State of NV

**Importance:** High

Amy,

We received this Opposition to the Motion to Continue Trial filed by Ms. Cagnina's counsel. I wasn't sure if it was provided to you.

**LEWIS** Brent Vogel, Esq.  
**BRISBOIS** Las Vegas Administrative Partner  
**BISGAARD** LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
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---

**LEWIS**  
**BRISBOIS**  
**BISGAARD**

**Subject:** Steven Farmer adv. State of NV

**Date:** Fri, 22 Feb 2013 19:31:06 +0000

**From:** "Vogel, Brent" <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>

**To:** "Amy Feliciano ([Amy.Feliciano@clarkcountynv.gov](mailto:Amy.Feliciano@clarkcountynv.gov))" <[Amy.Feliciano@clarkcountynv.gov](mailto:Amy.Feliciano@clarkcountynv.gov)>, "Amy Feliciano ([johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov))" <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>

**Cc:** "[bob@memlaw.net](mailto:bob@memlaw.net)" <[bob@memlaw.net](mailto:bob@memlaw.net)>, "John Bemis ([JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com))" <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

---

Amy,

We received this Opposition to the Motion to Continue Trial filed by Ms. Cagnina's counsel. I wasn't sure if it was provided to you.

**LEWIS** Brent Vogel, Esq.  
**BRISBOIS** Las Vegas Administrative Partner  
**BISGAARD** LEWIS BRISBOIS BISGAARD & SMITH LLP  
**& SMITH LLP** 6385 S. Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118  
Main: (702) 893.3383 | Direct: (702) 693.4320 | Fax: (702) 893.3789  
[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com) <http://www.lbbslaw.com>

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---

**LEWIS**  
**BRISBOIS**  
**BISGAARD**  
**& SMITH LLP**



**From:** Charlotte Bible [<mailto:C9479B@LVMPD.COM>]  
**Sent:** Tuesday, April 16, 2013 11:56 AM  
**To:** Neal K. Hyman; Crystal L. Marvin  
**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Okay. I will watch for it.

Charlotte M. Bible  
Assistant General Counsel  
Las Vegas Metropolitan Police Department  
400 Martin L. King Blvd.  
Las Vegas, Nevada 89106  
(702) 828-3310 (office)  
(702) 828-3191 (fax)

---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]  
**Sent:** Tuesday, April 16, 2013 11:47 AM  
**To:** Crystal L. Marvin; Charlotte Bible  
**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Unfortunately the Discovery Commissioner kicked back the signed R&R with procedural errors. We are revising the R&R and will re-circulate for signature.

Neal

Neal K. Hyman, Esq.

**Nevada Office:**

**California Office:**

2441 W. Horizon Ridge Pkwy., Ste. 120 9915  
Mira Mesa Blvd., Ste. 300  
Henderson, NV 89052 San  
Diego, CA 92131  
Telephone: (702) 939-  
5234 Telephone: (858) 566-7600  
Telecopier: (702) 939-  
5235 Telecopier: (858) 566-6602  
[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)  
[www.morrisullivanlaw.com](http://www.morrisullivanlaw.com)

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---

**From:** Crystal L. Marven  
**Sent:** Tuesday, April 09, 2013 4:33 PM  
**To:** 'Charlotte Bible'  
**Cc:** 'Barter Pace'; 'jbemis@HPSLaw.com'; Neal K. Hyman;  
'Heather@memlaw.net'  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Ms. Bible:

Attached please find your signature block revised with your correct address. Please sign and mail back the original signature page as soon as possible.

Thank you,

**Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.**  
<image001.jpg>

|                                                                              |                            |
|------------------------------------------------------------------------------|----------------------------|
| <b>Nevada Office:</b>                                                        | <b>California</b>          |
| <b>Office:</b>                                                               |                            |
| 2441 W. Horizon Ridge Pkwy., Ste. 120                                        | 9915                       |
| Mira Mesa Blvd., Ste. 300                                                    |                            |
| Henderson, NV 89052                                                          | San Diego,                 |
| CA 92131                                                                     |                            |
| Telephone: (702) 939-5234                                                    | Telephone: (858) 566-7600  |
| Telecopier: (702) 939-5235                                                   | Telecopier: (858) 566-6602 |
| <a href="mailto:marven@morrisullivanlaw.com">marven@morrisullivanlaw.com</a> |                            |
| <a href="http://www.morrisullivanlaw.com">www.morrisullivanlaw.com</a>       |                            |

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persons or entities other than the intended recipient or recipients is prohibited. Illegal interception of this communication is a violation of 11 U.S.C. 2511. Nothing in this message is to be interpreted as a digital or electronic signature that may be used to authenticate a contract or other legal document. If you received this transmission in error, please contact the sender, delete the material from any computer and permanently discard any printed or duplicate version of the material. Thank you for your cooperation.

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**From:** Charlotte Bible [mailto:C9479B@LVMPD.COM]  
**Sent:** Tuesday, April 09, 2013 3:22 PM  
**To:** Crystal L.  
Marven; [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [barter.pace@clarkcountynyda.com](mailto:barter.pace@clarkcountynyda.com)  
**Cc:** Neal K. Hyman  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Mr. Hyman and Mr. Bemis,  
I was out of the office last Thursday and Friday and just reviewed the Report and Recommendation. Is it possible to change the address in the signature block? LVMPD is not at 400 Stewart any more. We are located at 400 Martin L. King Blvd., LV 89106.  
I understand the Discovery Commissioner approved the taking of the deposition of Steven Farmer. I wanted to advise you that the Clark County Detention Center will not transport an inmate for a civil deposition. You will need to make arrangements with Captain Michael See to coordinate the date and time for the deposition at CCDC. The contact number for Captain See is 671-3862.  
Additionally, after the Report is signed, would you please contact me about the logistics of the production of the records? Thank you,

Charlotte M. Bible  
Assistant General Counsel  
Las Vegas Metropolitan Police Department  
400 Martin L. King Blvd.  
Las Vegas, Nevada 89106  
(702) 828-3310 (office)  
(702) 828-3191 (fax)

---

**From:** Crystal L.  
Marven [mailto:marven@morrissullivanlaw.com]  
**Sent:** Thursday, April 04, 2013 10:32 AM  
**To:** [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Charlotte Bible; [barter.pace@clarkcountynyda.com](mailto:barter.pace@clarkcountynyda.com)

**Cc:** Neal K. Hyman  
**Subject:** Cagnina v. Valley Health System, LLC

Dear Counsel:

Attached please find the Report and Recommendation  
Re: Joint Motion to Compel Production of Documents  
from Las Vegas Metropolitan Police Dept. and the  
Clark County District Attorneys Office on an OST for  
your review and approval.

Please sign as soon as possible as we need the original  
signatures back promptly.

Thank you,

Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.  
<image001.jpg>

|                                                                                |                            |
|--------------------------------------------------------------------------------|----------------------------|
| <b>Nevada Office:</b>                                                          | <b>California</b>          |
| <b>Office:</b>                                                                 |                            |
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| Mira Mesa Blvd., Ste. 300                                                      |                            |
| Henderson, NV 89052                                                            | San Diego,                 |
| CA 92131                                                                       |                            |
| Telephone: (702) 939-5234                                                      | Telephone: (858) 566-7600  |
| Telecopier: (702) 939-5235                                                     | Telecopier: (858) 566-6602 |
| <a href="mailto:marven@morrissullivanlaw.com">marven@morrissullivanlaw.com</a> |                            |
| <a href="http://www.morrissullivanlaw.com">www.morrissullivanlaw.com</a>       |                            |

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PD00098

AA2720

**Subject:** Fwd: Cagnina v. Valley Health System, LLC

**Date:** Mon, 6 May 2013 10:24:42 -0700

**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>

**To:** "Neal K. Hyman" <[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)>

**Cc:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>, Jeffrey Maningo <[maningis@ClarkCountyNV.gov](mailto:maningis@ClarkCountyNV.gov)>, Brent Vogel <[bvogel@lbbbslaw.com](mailto:bvogel@lbbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>

---

Neal,

While I think it is great that John Bemis "approved the date" for Mr. Farmer's deposition on May 30, as you know, Mr. Bemis doesn't represent Mr. Farmer. It would be nice for you to work with our office toward a convenient date for the deposition of my client. At the very least, check with my schedule, or Ms. Hall's since you correctly point out that Mr. Farmer's civil counsel must be there. And please be so kind as to include me on any emails having to do with this deposition in addition to Ms. Hall. Thanks.

I look forward to hearing from you.

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, NV 89106  
702-367-1234 (o)  
702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]

**Sent:** Monday, May 06, 2013 9:29 AM

**To:** Charlotte Bible; Crystal L. Marven

**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Heather Hall; cagnina; Shawn Morris

**Subject:** RE: Cagnina v. Valley Health System, LLC

Counsel:

We are told that the Judge has the R&R regarding Metro criminal records and, if not already signed, it should be signed today. Ms. Bible, please confirm the Metro file is ready for us to pick up. Our

discovery cut-off for all criminal and other matters is 5/31 so we need the Metro file ASAP.

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If you have any questions, please call us. We look forward to hearing from you.

Neal K. Hyman, Esq.

**Nevada Office:**

2441 W. Horizon Ridge Pkwy., Ste. 120  
Henderson, NV 89052  
Telephone: (702) 939-5234  
Telecopier: (702) 939-5235  
[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)  
[www.morrisullivanlaw.com](http://www.morrisullivanlaw.com)

**California Office:**

9915 Mira Mesa Blvd., Ste. 300  
San Diego, CA 92131  
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---

**From:** Charlotte Bible [<mailto:C9479B@LVMPD.COM>]  
**Sent:** Tuesday, April 16, 2013 11:56 AM  
**To:** Neal K. Hyman; Crystal L. Marven  
**Cc:** Barter Pace; [jbermis@HPSLaw.com](mailto:jbermis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Okay. I will watch for it.

Charlotte M. Bible  
Assistant General Counsel  
Las Vegas Metropolitan Police Department  
400 Martin L. King Blvd.  
Las Vegas, Nevada 89106  
(702) 828-3310 (office)  
(702) 828-3191 (fax)

---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]  
**Sent:** Tuesday, April 16, 2013 11:47 AM  
**To:** Crystal L. Marven; Charlotte Bible  
**Cc:** Barter Pace; [jbermis@HPSLaw.com](mailto:jbermis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Unfortunately the Discovery Commissioner kicked back the signed R&R with procedural errors. We are revising the R&R and will re-circulate for signature.

Neal

Neal K. Hyman, Esq.

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**From:** Crystal L. Marven

**Sent:** Tuesday, April 09, 2013 4:33 PM

**To:** 'Charlotte Bible'

**Cc:** 'Barter Pace'; '[jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com)'; Neal K. Hyman; '[Heather@memlaw.net](mailto:Heather@memlaw.net)'

**Subject:** RE: Cagnina v. Valley Health System, LLC

Ms. Bible:

Attached please find your signature block revised with your correct address. Please sign and mail back the original signature page as soon as possible.

Thank you,

Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.

**Nevada Office:**

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**Sent:** Tuesday, April 09, 2013 3:22 PM

**To:** Crystal L.

Marven; [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [barter.pace@clarkcountyda.com](mailto:barter.pace@clarkcountyda.com)

**Cc:** Neal K. Hyman

**Subject:** RE: Cagnina v. Valley Health System, LLC

Mr. Hyman and Mr. Bemis,

I was out of the office last Thursday and Friday and just reviewed the Report and Recommendation. Is it possible to change the address in the signature block? LVMPD is not at 400 Stewart any more. We are located at 400 Martin L. King Blvd., LV 89106. I understand the Discovery Commissioner approved the taking of the deposition of Steven Farmer. I wanted to advise you that the Clark County Detention Center will not transport an inmate for a civil deposition. You will need to make arrangements with Captain Michael See to coordinate the date and time for the deposition at CCDC. The contact number for Captain See is 671-3862. Additionally, after the Report is signed, would you please contact me about the logistics of the production of the records? Thank you,

Charlotte M. Bible

Assistant General Counsel

Las Vegas Metropolitan Police Department

400 Martin L. King Blvd.

Las Vegas, Nevada 89106

(702) 828-3310 (office)

(702) 828-3191 (fax)

---

**From:** Crystal L. Marven [mailto:[marven@morrisullivanlaw.com](mailto:marven@morrisullivanlaw.com)]

**Sent:** Thursday, April 04, 2013 10:32 AM

**To:** [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Charlotte Bible; [barter.pace@clarkcountyda.com](mailto:barter.pace@clarkcountyda.com)

**Cc:** Neal K. Hyman

**Subject:** Cagnina v. Valley Health System, LLC

Dear Counsel:

Attached please find the Report and Recommendation Re: Joint Motion to Compel Production of Documents from Las Vegas Metropolitan Police Dept. and the Clark County District Attorney's Office on an OST for your review and approval.

Please sign as soon as possible as we need the original signatures back promptly.

Thank you,

Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.

**MORRIS | SULLIVAN | LEMKUL**



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**Subject:** RE: Cagnina v. Valley Health System, LLC

**Date:** Mon, 6 May 2013 10:29:48 -0700

**From:** "Neal K. Hyman" <[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)>

**To:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>

**Cc:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>, Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, Brent Vogel <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>

Bob,

Again with the snotty attitude? Are you available or not? If not please provide alternate dates. Thank you.

Neal K. Hyman, Esq.

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**From:** Bob McBride [<mailto:bob@memlaw.net>]

**Sent:** Monday, May 06, 2013 10:25 AM

**To:** Neal K. Hyman

**Cc:** John Bemis; Amy Feliciano; Jeffrey Maningo; Brent Vogel; Heather Hall; Allie Hanson

**Subject:** Fwd: Cagnina v. Valley Health System, LLC

Neal,

While I think it is great that John Bemis "approved the date" for Mr. Farmer's deposition on May 30, as you know, Mr. Bemis doesn't represent Mr. Farmer. It would be nice for you to work with our office toward a convenient date for the deposition of my client. At the very least, check with my schedule, or Ms. Hall's since you correctly point out that Mr. Farmer's civil counsel must be there. And please be so kind as to include me on any emails having to do with this deposition in addition to Ms. Hall. Thanks.

I look forward to hearing from you.

Bob

Robert C. McBride, Esq.

Mandelbaum, Ellerton & McBride

2012 Hamilton Lane

Las Vegas, NV 89106

702-367-1234 (o)  
702-367-1978 (f)  
702-285-7315 (c)  
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**Sent:** Monday, May 06, 2013 9:29 AM  
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**To:** Neal K. Hyman; Crystal L. Marvin  
**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)  
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Assistant General Counsel  
Las Vegas Metropolitan Police Department  
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**Sent:** Tuesday, April 09, 2013 4:33 PM  
**To:** 'Charlotte Bible'  
**Cc:** 'Barter Pace'; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Neal K. Hyman; [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Ms. Bible:

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Thank you,

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Assistant General Counsel

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Las Vegas, Nevada 89106  
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**To:** [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Charlotte Bible; [barter.pace@clarkcountynvda.com](mailto:barter.pace@clarkcountynvda.com)  
**Cc:** Neal K. Hyman  
**Subject:** Cagnina v. Valley Health System, LLC

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**Subject:** RE: Cagnina v. Valley Health System, LLC

**Date:** Mon, 6 May 2013 10:44:06 -0700

**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>

**To:** "Neal K. Hyman" <[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)>

**Cc:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>, Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, Brent Vogel <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>

---

Neal,

Really, Neal? Forgive me for pointing out the obvious to you in my last email. I just don't understand why it has been so hard for you to simply abide by common professional courtesy and at least include my office (as well as Mr. Farmer's criminal counsel) in your plan to schedule the deposition of our client. Especially given the last experience where you failed to serve our office with a courtesy copy of the Motion to Compel Mr. Farmer's deposition last year.

Ms. Hall and I are set to start a trial in front of Judge Cory on May 20. I will check with the court and opposing counsel in that case to see if they anticipate the trial date continuing into the next week. I will also consult with Mr. Farmer's criminal counsel on their availability and I will let you know. Thanks for your prompt inquiry.

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, NV 89106  
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702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]

**Sent:** Monday, May 06, 2013 10:30 AM

**To:** Bob McBride

**Cc:** John Bemis; Amy Feliciano; Jeffrey Maningo; Brent Vogel; Heather Hall; Allie Hanson

**Subject:** RE: Cagnina v. Valley Health System, LLC

Bob,

Again with the snotty attitude? Are you available or not? If not please provide alternate dates. Thank you.

Neal K. Hyman, Esq.

**Nevada Office:**

2441 W. Horizon Ridge Pkwy., Ste. 120  
Henderson, NV 89052  
Telephone: (702) 939-5234  
Telecopier: (702) 939-5235

[hyman@morrissullivanlaw.com](mailto:hyman@morrissullivanlaw.com)

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**California Office:**

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**Subject:** Fwd: Cagnina v. Valley Health System, LLC

Neal,

While I think it is great that John Bemis "approved the date" for Mr. Farmer's deposition on May 30, as you know, Mr. Bemis doesn't represent Mr. Farmer. It would be nice for you to work with our office toward a convenient date for the deposition of my client. At the very least, check with my schedule, or Ms. Hall's since you correctly point out that Mr. Farmer's civil counsel must be there. And please be so kind as to include me on any emails having to do with this deposition in addition to Ms. Hall. Thanks.

I look forward to hearing from you.

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
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702-367-1234 (o)  
702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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**From:** Neal K. Hyman [mailto:hyman@morrissullivanlaw.com]  
**Sent:** Monday, May 06, 2013 9:29 AM  
**To:** Charlotte Bible; Crystal L. Marven  
**Cc:** Barter Pace; jbemis@HPSLaw.com; Heather Hall; cagnina; Shawn Morris  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Counsel:

We are told that the Judge has the R&R regarding Metro criminal records and, if not already signed, it should be signed today. Ms. Bible, please confirm the Metro file is ready for us to pick up. Our discovery cut-off for all criminal and other matters is 5/31 so we need the Metro file ASAP.

Regarding Mr. Farmer's videotaped deposition, it will be noticed for 5/30 in the Clark County Detention facility (we need the R&R to notice it). Mr. Bemis approved the date. The PD's and DA's Office are invited to attend, and Mr. Farmer's civil counsel must be there. A notice will go out soon.

If you have any questions, please call us. We look forward to hearing from you.

Neal K. Hyman, Esq.

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---

**From:** Charlotte Bible [mailto:C9479B@LVMPD.COM]  
**Sent:** Tuesday, April 16, 2013 11:56 AM  
**To:** Neal K. Hyman; Crystal L. Marven  
**Cc:** Barter Pace; jbemis@HPSLaw.com; Heather@memlaw.net  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Okay. I will watch for it.

Charlotte M. Bible  
Assistant General Counsel  
Las Vegas Metropolitan Police Department  
400 Martin L. King Blvd.  
Las Vegas, Nevada 89106

(702) 828-3310 (office)  
(702) 828-3191 (fax)

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]  
**Sent:** Tuesday, April 16, 2013 11:47 AM  
**To:** Crystal L. Marven; Charlotte Bible  
**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Unfortunately the Discovery Commissioner kicked back the signed R&R with procedural errors. We are revising the R&R and will re-circulate for signature.

Neal

Neal K. Hyman, Esq.

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---

**From:** Crystal L. Marven  
**Sent:** Tuesday, April 09, 2013 4:33 PM  
**To:** 'Charlotte Bible'  
**Cc:** 'Barter Pace'; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Neal K. Hyman; [Heather@memlaw.net](mailto:Heather@memlaw.net)  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Ms. Bible:

Attached please find your signature block revised with your correct address. Please sign and mail back the original signature page as soon as possible.

Thank you,

Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.



**Nevada Office:**

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**From:** Charlotte Bible [<mailto:C9479B@LVMPD.COM>]

**Sent:** Tuesday, April 09, 2013 3:22 PM

**To:** Crystal L.

Marven; [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [barter.pace@clarkcountyda.com](mailto:barter.pace@clarkcountyda.com)

**Cc:** Neal K. Hyman

**Subject:** RE: Cagnina v. Valley Health System, LLC

Mr. Hyman and Mr. Bemis,

I was out of the office last Thursday and Friday and just reviewed the Report and Recommendation. Is it possible to change the address in the signature block? LVMPD is not at 400 Stewart any more. We are located at 400 Martin L. King Blvd., LV 89106.

I understand the Discovery Commissioner approved the taking of the deposition of Steven Farmer. I wanted to advise you that the Clark County Detention Center will not transport an inmate for a civil deposition. You will need to make arrangements with Captain Michael See to coordinate the date and time for the deposition at CCDC. The contact number for Captain See is 671-3862. Additionally, after the Report is signed, would you please contact me about the logistics of the production of the records? Thank you,

Charlotte M. Bible  
Assistant General Counsel  
Las Vegas Metropolitan Police Department  
400 Martin L. King Blvd.  
Las Vegas, Nevada 89106  
(702) 828-3310 (office)  
(702) 828-3191 (fax)

---

**From:** Crystal L. Marven [<mailto:marven@morrisullivanlaw.com>]

**Sent:** Thursday, April 04, 2013 10:32 AM

**To:** [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Charlotte Bible; [barter.pace@clarkcountyda.com](mailto:barter.pace@clarkcountyda.com)

**Cc:** Neal K. Hyman

**Subject:** Cagnina v. Valley Health System, LLC

Dear Counsel:

Attached please find the Report and Recommendation Re: Joint Motion to Compel Production of Documents from Las Vegas Metropolitan Police Dept. and the Clark County District Attorney's Office on an OST for your review and approval.

Please sign as soon as possible as we need the original signatures back promptly.

Thank you,

Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.



**Nevada Office:**

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Henderson, NV 89052

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**Subject:** Re: Cagnina v. Valley Health System, LLC

**Date:** Mon, 6 May 2013 10:54:17 -0700

**From:** "Neal K. Hyman" <[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)>

**To:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>

**Cc:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Amy Feliciano <[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>, Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, Brent Vogel <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, Allie Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>, <[cagnina@morrisullivanlaw.com](mailto:cagnina@morrisullivanlaw.com)>

---

Ok, sounds good. Please note that our firm discovery cut-off is May 31, 2013, and Mr. Bemis may be unavailable the week of May 20, and he has two depositions in this case set for May 16-17. Please let me know this week so we can notice it when everyone can attend.

Neal K. Hyman, Esq.  
MORRIS, SULLIVAN  
& LEMKUL LLP

NEVADA OFFICE  
2441 W. Horizon Ridge Pkwy, Suite 120  
Henderson, NV 89052  
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CALIFORNIA OFFICE  
9915 Mira Mesa Blvd., Suite 300  
San Diego, CA 92131  
858 566-7600  
858 566-6602 (fax)

Sent from my iPad

On May 6, 2013, at 10:43 AM, "Bob McBride" <[bob@memlaw.net](mailto:bob@memlaw.net)> wrote:

Neal,

Really, Neal? Forgive me for pointing out the obvious to you in my last email. I just don't understand why it has been so hard for you to simply abide by common professional courtesy and at least include my office (as well as Mr. Farmer's criminal counsel) in your plan to schedule the deposition of our client. Especially given the last experience where you failed to serve our office with a courtesy copy of the Motion to Compel Mr. Farmer's deposition last year.

Ms. Hall and I are set to start a trial in front of Judge Cory on May 20. I will check with the court and opposing counsel in that case to see if they anticipate the trial date continuing into the next week. I will also consult with Mr. Farmer's criminal counsel on their availability and I will let you know. Thanks for your prompt inquiry.

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride

2012 Hamilton Lane  
Las Vegas, NV 89106  
702-367-1234 (o)  
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Thank you.

Neal K. Hyman, Esq.

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I look forward to hearing from you.

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Counsel:

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**Subject:** RE: Cagnina v. Valley Health System, LLC

Okay. I will watch for it.

Charlotte M. Bible

Assistant General Counsel

Las Vegas Metropolitan Police Department

400 Martin L. King Blvd.

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**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [Heather@memlaw.net](mailto:Heather@memlaw.net)

**Subject:** RE: Cagnina v. Valley Health System, LLC

Unfortunately the Discovery Commissioner kicked back the signed R&R with procedural errors. We are revising the R&R and will re-circulate for signature.

Neal

Neal K. Hyman, Esq.

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**From:** Crystal L. Marvin

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**Cc:** 'Barter Pace'; 'jbemis@HPSLaw.com'; Neal K. Hyman; 'Heather@memlaw.net'

**Subject:** RE: Cagnina v. Valley Health System, LLC

Ms. Bible:

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Thank you,

Crystal L. Marvin, Paralegal to Neal K. Hyman, Esq.

<image001.jpg>

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---

**From:** Charlotte Bible [mailto:C9479B@LVMPD.COM]

**Sent:** Tuesday, April 09, 2013 3:22 PM

**To:** Crystal L.

Marven; [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); [barter.pace@clarkcountyda.com](mailto:barter.pace@clarkcountyda.com)

**Cc:** Neal K. Hyman

**Subject:** RE: Cagnina v. Valley Health System, LLC

Mr. Hyman and Mr. Bemis,

I was out of the office last Thursday and Friday and just reviewed the Report and Recommendation. Is it possible to change the address in the signature block? LVMPD is not at 400 Stewart any more. We are located at 400 Martin L. King Blvd., LV 89106.

I understand the Discovery Commissioner approved the taking of the deposition of Steven Farmer. I wanted to advise you that the Clark County Detention Center will not transport an inmate for a civil deposition. You will need to make arrangements with Captain Michael See to coordinate the date and time for the deposition at CCDC. The contact number for Captain See is 671-3862. Additionally, after the Report is signed, would you please contact me about the logistics of the production of the records? Thank you,

Charlotte M. Bible  
Assistant General Counsel  
Las Vegas Metropolitan Police Department  
400 Martin L. King Blvd.  
Las Vegas, Nevada 89106  
(702) 828-3310 (office)  
(702) 828-3191 (fax)

---

**From:** Crystal L. Marven [mailto:marven@morrissullivanlaw.com]

**Sent:** Thursday, April 04, 2013 10:32 AM

**To:** [Heather@memlaw.net](mailto:Heather@memlaw.net); [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Charlotte Bible; [barter.pace@clarkcountyda.com](mailto:barter.pace@clarkcountyda.com)

**Cc:** Neal K. Hyman

**Subject:** Cagnina v. Valley Health System, LLC

Dear Counsel:

Attached please find the Report and Recommendation Re: Joint Motion to Compel Production of Documents from Las Vegas Metropolitan Police Dept. and the Clark County District Attorney's Office on an OST for your review and approval.

Please sign as soon as possible as we need the original signatures back promptly.

Thank you,

Crystal L. Marven, Paralegal to Neal K. Hyman, Esq.

<image001.jpg>

**Nevada Office:**

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300

Henderson, NV 89052

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**Subject:** RE: Cagnina v. Valley Health System, LLC  
**Date:** Wed, 8 May 2013 08:21:57 -0700  
**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
**To:** "Neal K. Hyman" <[hyman@morrisullivanlaw.com](mailto:hyman@morrisullivanlaw.com)>  
John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Amy Feliciano  
<[johnsoaa@ClarkCountyNV.gov](mailto:johnsoaa@ClarkCountyNV.gov)>, Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>,  
**Cc:** Brent Vogel <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>, Heather Hall <[Heather@memlaw.net](mailto:Heather@memlaw.net)>, Allie  
Hanson <[Allie@memlaw.net](mailto:Allie@memlaw.net)>, "cagnina@morrisullivanlaw.com"  
<[cagnina@morrisullivanlaw.com](mailto:cagnina@morrisullivanlaw.com)>

---

Mr. Hyman,

Please be advised that the May 30 date for Steven's deposition will work, as my trial should be over by 5/27 at the latest. Please provide me with a copy of the Notice of Deposition at your convenience. Thanks.

Bob

Robert C. McBride, Esq.  
Mandelbaum, Ellerton & McBride  
2012 Hamilton Lane  
Las Vegas, NV 89106  
702-367-1234 (o)  
702-367-1978 (f)  
702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]  
**Sent:** Monday, May 06, 2013 10:54 AM  
**To:** Bob McBride  
**Cc:** John Bemis; Amy Feliciano; Jeffrey Maningo; Brent Vogel; Heather Hall; Allie Hanson;  
[cagnina@morrisullivanlaw.com](mailto:cagnina@morrisullivanlaw.com)  
**Subject:** Re: Cagnina v. Valley Health System, LLC

Ok, sounds good. Please note that our firm discovery cut-off is May 31, 2013, and Mr. Bemis may be unavailable the week of May 20, and he has two depositions in this case set for May 16-17. Please let me know this week so we can notice it when everyone can attend.

Neal K. Hyman, Esq.

MORRIS, SULLIVAN  
& LEMKUL LLP

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858 566-6602 (fax)

Sent from my iPad

On May 6, 2013, at 10:43 AM, "Bob McBride" <[bob@memlaw.net](mailto:bob@memlaw.net)> wrote:

Neal,

Really, Neal? Forgive me for pointing out the obvious to you in my last email. I just don't understand why it has been so hard for you to simply abide by common professional courtesy and at least include my office (as well as Mr. Farmer's criminal counsel) in your plan to schedule the deposition of our client. Especially given the last experience where you failed to serve our office with a courtesy copy of the Motion to Compel Mr. Farmer's deposition last year.

Ms. Hall and I are set to start a trial in front of Judge Cory on May 20. I will check with the court and opposing counsel in that case to see if they anticipate the trial date continuing into the next week. I will also consult with Mr. Farmer's criminal counsel on their availability and I will let you know. Thanks for your prompt inquiry.

Bob

Robert C. McBride, Esq.  
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702-367-1234 (o)  
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702-285-7315 (c)  
[bob@memlaw.net](mailto:bob@memlaw.net)

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PD00123

AA2745

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---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]  
**Sent:** Monday, May 06, 2013 10:30 AM  
**To:** Bob McBride  
**Cc:** John Bemis; Amy Feliciano; Jeffrey Maningo; Brent Vogel; Heather Hall; Allie Hanson  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Bob,

Again with the snotty attitude? Are you available or not? If not please provide alternate dates. Thank you.

Neal K. Hyman, Esq.

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---

**From:** Bob McBride [<mailto:bob@memlaw.net>]  
**Sent:** Monday, May 06, 2013 10:25 AM  
**To:** Neal K. Hyman  
**Cc:** John Bemis; Amy Feliciano; Jeffrey Maningo; Brent Vogel; Heather Hall; Allie

Hanson

**Subject:** Fwd: Cagnina v. Valley Health System, LLC

Neal,

While I think it is great that John Bemis "approved the date" for Mr. Farmer's deposition on May 30, as you know, Mr. Bemis doesn't represent Mr. Farmer. It would be nice for you to work with our office toward a convenient date for the deposition of my client. At the very least, check with my schedule, or Ms. Hall's since you correctly point out that Mr. Farmer's civil counsel must be there. And please be so kind as to include me on any emails having to do with this deposition in addition to Ms. Hall. Thanks.

I look forward to hearing from you.

Bob

Robert C. McBride, Esq.  
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---

**From:** Neal K. Hyman [<mailto:hyman@morrisullivanlaw.com>]  
**Sent:** Monday, May 06, 2013 9:29 AM  
**To:** Charlotte Bible; Crystal L. Marven

PD00125

AA2747

**Cc:** Barter Pace; [jbemis@HPSLaw.com](mailto:jbemis@HPSLaw.com); Heather Hall; cagnina;  
Shawn Morris  
**Subject:** RE: Cagnina v. Valley Health System, LLC

Counsel:

We are told that the Judge has the R&R regarding Metro criminal records and, if not already signed, it should be signed today. Ms. Bible, please confirm the Metro file is ready for us to pick up. Our discovery cut-off for all criminal and other matters is 5/31 so we need the Metro file ASAP.

Regarding Mr. Farmers videotaped deposition, it will be noticed for 5/30 in the Clark County Detention facility (we need the R&R to notice it). Mr. Bemis approved the date. The PDs and DAs Office are invited to attend, and Mr. Farmers civil counsel must be there. A notice will go out soon.

If you have any questions, please call us. We look forward to hearing from you.

Neal K. Hyman, Esq.

**Nevada Office:**

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[www.morrisullivanlaw.com](http://www.morrisullivanlaw.com)

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---



**Subject:** RE: Doe v. UHS, Centennial, ANS and Farmer

**Date:** Mon, 23 Sep 2013 11:43:34 -0700

**From:** Bob McBride <bob@memlaw.net>

**To:** "Robert E. Murdock, Esq." <lasvegasjustice@aol.com>, "JBemis@HPSLaw.com" <JBemis@HPSLaw.com>, "bvogel@lbbslaw.com" <bvogel@lbbslaw.com>, "abrookhyser@lbbslaw.com" <abrookhyser@lbbslaw.com>, "kwebster@HPSLAW.COM" <kwebster@HPSLAW.COM>

**Cc:** "keachmurdock@gmail.com" <keachmurdock@gmail.com>, "Jeffrey Maningo (maningjs@ClarkCountyNV.gov)" <maningjs@ClarkCountyNV.gov>, Allie Hanson <Allie@memlaw.net>, Heather Hall <Heather@memlaw.net>

Rob,

Thanks for your email. While I understand with your different interpretation of the case cited by John, I, on the other hand (and not surprisingly to you, I am sure) agree with Mr. Bemis' interpretation of the case. However, I appreciate your agreement to continue the deposition of Steven under the circumstances. And while I know you don't care about the participation of Mr. Farmer's criminal counsel at his deposition, I would simply ask, as a professional courtesy, that you provide me some dates that you would like to take Steven's deposition in the near future so that I can coordinate not only my availability to attend, but also, at least one of his criminal counsel. My calendar has been filling up with dates for depositions in other matters, where discovery dates are closing, and I need to be able to clear a date to attend. As you are well aware, I have, at all times, provided you with professional courtesy in agreeing to forego unilaterally noticing your former client, Ms. Peterson's deposition, as well as her children, when there was no requirement for me to do so, and all I would ask is that you allow me the same professional courtesy in return. I appreciate this courtesy in advance. Thank you very much.

Bob

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**From:** Robert E. Murdock, Esq. [mailto:lasvegasjustice@aol.com]

**Sent:** Monday, September 23, 2013 11:27 AM

**To:** Bob McBride; JBemis@HPSLaw.com; bvogel@lbbslaw.com; abrookhyser@lbbslaw.com; kwebster@HPSLAW.COM

**Cc:** keachmurdock@gmail.com

**Subject:** Re: Doe v. UHS, Centennial, ANS and Farmer

I have reviewed the case that John provided and I disagree with his read of the

case. The case involved a judgment and not discovery. What would happen, for example, if the party would die and a discovery date was pending? Under John's premise, the date would simply be "tolled". To me, this doesn't make much sense. Most important, the case does not stand for that proposition. Moreover, a motion for protective order is needed and I have not seen one yet.

The issue regarding criminal counsel is simply not one that I care about. If Bob was not in the case, then, I think the individual should have some counsel at the deposition, or at least be advised that they should have counsel. However, there certainly is no requirement that Farmer have both criminal and civil counsel present.

However, rather than arguing about this bit of flotsam, I will continue the depos until such time as the Substitution is entered. I will be filing it this week on an OST.

But, let me caution all of you.

Once the substitution is entered, I will set the depositions immediately. There will be no more delays in this case. There will be no more discovery continuances without a protective order. Whether farmer has counsel or not, whether ANS has correct 30(b)(6) witnesses or not, whether UHS personnel are involved in SEC meetings or not, is all meaningless at this point. Our case will take precedent unless a Protective Order is issued.

All parties could simply move forward with these depositions this week. But, you want another delay. So be it. But, there will be no more delays.

Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES  
520 South Fourth Street  
Las Vegas, Nevada 89101  
702-384-5563  
702-384-4570 fax  
702-497-7560 cell

-----Original Message-----

From: Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
To: 'John Bemis' <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>; Robert E. Murdock, Esq. <[lasvegasjustice@aol.com](mailto:lasvegasjustice@aol.com)>; bvogel <[bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com)>; abrookhyser <[abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com)>; Ken Webster <[kwebster@HPSLAW.COM](mailto:kwebster@HPSLAW.COM)>  
Cc: keachmurdock <[keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)>  
Sent: Mon, Sep 23, 2013 10:36 am  
Subject: RE: Doe v. UHS, Centennial, ANS and Farmer

This would seem to provide additional reason to continue Mr. Farmer's deposition until these issues have been resolved.

Bob

---

From: John Bemis [<mailto:JBemis@HPSLaw.com>]  
Sent: Monday, September 23, 2013 10:32 AM  
To: Robert E. Murdock, Esq.; Bob McBride; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com); [abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com); Ken Webster  
Cc: [keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)  
Subject: RE: Doe v. UHS, Centennial, ANS and Farmer

It is my understanding that there is no jurisdiction over the deceased. As such, the action is suspended until substitution occurs or the deadline for substitution expires. Walker v. Burkham 68 Nev 250, 229 P.2d 158. Substitution of the parties is essential for the action to go forward. Until substitution is ordered, no party can move

in the case.

---

**From:** Robert E. Murdock, Esq. [<mailto:lasvegasjustice@aol.com>]  
**Sent:** Monday, September 23, 2013 11:51 AM  
**To:** [bob@memlaw.net](mailto:bob@memlaw.net); [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com); [abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com); Ken Webster; John Bemis  
**Cc:** [keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)  
**Subject:** Re: Doe v. UHS, Centennial, ANS and Farmer

Bob,

The deposition is going forward. As you know, Rule 25 provides for 90 days for the filing from the date of the Suggestion of Death. An amendment per Rule 25 will be filed within the time frame. There is no "stay" of discovery within those 90 days per any Rule that I know of. As you know, a wrongful death case is a different animal and the children have two years from the date of the death to file a lawsuit.

Regardless, I will be taking Mr. Farmer's deposition on Wednesday just as I will be taking the 30(b)(6) tmrw of ANS and other depositions in the next short while.

I look forward to seeing you.

Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES  
520 South Fourth Street  
Las Vegas, Nevada 89101  
702-384-5563  
702-384-4570 fax  
702-497-7560 cell

-----Original Message-----

**From:** Bob McBride <[bob@memlaw.net](mailto:bob@memlaw.net)>  
**To:** 'Robert E. Murdock, Esq.' <[lasvegasjustice@aol.com](mailto:lasvegasjustice@aol.com)>; [bvogel@lbbslaw.com](mailto:bvogel@lbbslaw.com); [abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com); [kwebster@hpslaw.com](mailto:kwebster@hpslaw.com); [jbemis@hpslaw.com](mailto:jbemis@hpslaw.com)  
**Cc:** [keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)  
**Sent:** Mon, Sep 23, 2013 9:42 am  
**Subject:** RE: Doe v. UHS, Centennial, ANS and Farmer

Rob,

Given the recent passing of Ms. Peterson, and Mr. Vogel's Suggestion of Death recently filed, can you advise me of your plan to either Amend the Complaint or refile a Wrongful Death Action (if that is the plan) on behalf of Ms. Peterson's heirs? I am assuming that since nothing has been filed as of yet, that the deposition of Steven that you had noticed to take place this Wednesday, 9/25, will not be proceeding on that date. Please let me know so we can make arrangements for another date for Steven's deposition after the pleadings have been cleared up.  
Thanks.

Bob

Robert C. McBride, Esq.  
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**From:** Robert E. Murdock, Esq. [<mailto:lasvegasjustice@aol.com>]

**Sent:** Friday, September 20, 2013 11:06 AM

**To:** [byogel@lbbslaw.com](mailto:byogel@lbbslaw.com); [abrookhyser@lbbslaw.com](mailto:abrookhyser@lbbslaw.com); [kwebster@hpslaw.com](mailto:kwebster@hpslaw.com); [jbemis@hpslaw.com](mailto:jbemis@hpslaw.com); Bob McBride

**Cc:** [keachmurdock@gmail.com](mailto:keachmurdock@gmail.com)

**Subject:** Doe v. UHS, Centennial, ANS and Farmer

Be advised that I am in the process of setting the deposition (and serving subpoenas in New Orleans) of Connie Brown and Johnette Spellman. Once they are served, i will not be willing to change the deposition date because I am going to stick by the served subpoena so there won't be any issues. So, if they can't make it that day, or your schedules change and you can't make it, I am letting you know in advance that we won't be making any changes.

This being said, if there are any dates in the next 30-45 days where you absolutely cannot make it, let me know by Monday. Similarly, if Ms. Brown and Ms. Spellman wish to have input, I will do so, but I will ask that they allow you to simply accept the subpoena and that they agree to be bound by that subpoena.

Thank you.

Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES  
520 South Fourth Street  
Las Vegas, Nevada 89101  
702-384-5563  
702-384-4570 fax  
702-497-7560 cell

**Subject:** Marcia Peterson

**Date:** Tue, 21 Jan 2014 11:07:39 -0800

**From:** Jane Everitt <everittj@ClarkCountyNV.gov>

**To:** "'jbemis@hpslaw.com'" <jbemis@hpslaw.com>

**Cc:** Jeffrey Maningo <maningjs@ClarkCountyNV.gov>, "Ryan J. Bashor" <bashorj@ClarkCountyNV.gov>

---

Good morning Mr. Bemis,

As you probably know we are preparing for the Farmer trial, which begins on February 3. Jeff Maningo and Ryan Basher are the attorney's that are defending Mr. Farmer.

We recently discovered that Marcia Peterson killed herself. Ryan has asked me to get in contact with you regarding Peterson and her death. We are asking if you could share with us any information you have on her mental health prior to her suicide and of her death. Also, if you have any documents (medical records, etc.) that pertain to her mental health and suicide. Any of this would be very helpful to us.

Please feel free to call myself, Ryan or Jeff at anytime. My office number is 455-0586, Ryan's is 455-0086 and Jeff's is 455-4228.

Thank you in advance,

Jane Everitt  
Investigator  
Clark County Public Defender

**Subject:** Re: Marcia Peterson

**Date:** Tue, 21 Jan 2014 11:13:00 -0800

**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>

**To:** Jane Everitt <[everittj@ClarkCountyNV.gov](mailto:everittj@ClarkCountyNV.gov)>

**Cc:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, "Ryan J. Bashor" <[bashorj@ClarkCountyNV.gov](mailto:bashorj@ClarkCountyNV.gov)>

---

I don't have any medical records regarding suicide but all obits and paperwork mention her ongoing seizures

I will call you when I'm done with deposition or in morning tomorrow

Sent from my iPad

On Jan 21, 2014, at 11:07 AM, "Jane Everitt" <[everittj@ClarkCountyNV.gov](mailto:everittj@ClarkCountyNV.gov)> wrote:

Good morning Mr. Bemis,

As you probably know we are preparing for the Farmer trial, which begins on February 3. Jeff Maningo and Ryan Basher are the attorney's that are defending Mr. Farmer.

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Thank you in advance,

Jane Everitt  
Investigator  
Clark County Public Defender

**Subject:** RE: Marcia Peterson  
**Date:** Tue, 21 Jan 2014 11:23:26 -0800  
**From:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**To:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Jane Everitt <[everitjl@ClarkCountyNV.gov](mailto:everitjl@ClarkCountyNV.gov)>  
**Cc:** "Ryan J. Bashor" <[bashorj@ClarkCountyNV.gov](mailto:bashorj@ClarkCountyNV.gov)>

---

Hi John. I think we just need confirmation that it was suicide. Not worried about the seizures.

Thanks  
JSM

---

**From:** John Bemis [mailto:[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)]  
**Sent:** Tuesday, January 21, 2014 11:13 AM  
**To:** Jane Everitt  
**Cc:** Jeffrey Maningo; Ryan J. Bashor  
**Subject:** Re: Marcia Peterson

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Investigator  
Clark County Public Defender

**Subject:** RE: Marcia Peterson  
**Date:** Tue, 21 Jan 2014 11:25:38 -0800  
**From:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>  
**To:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>, Jane Everitt <[everitjl@ClarkCountyNV.gov](mailto:everitjl@ClarkCountyNV.gov)>  
**Cc:** "Ryan J. Bashor" <[bashorj@ClarkCountyNV.gov](mailto:bashorj@ClarkCountyNV.gov)>

---

Definitely a suicide

Sent via the Samsung GALAXY S 4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Jeffrey Maningo <[maningjs@ClarkCountyNV.gov](mailto:maningjs@ClarkCountyNV.gov)>  
**Date:** 01/21/2014 11:23 AM (GMT-08:00)  
**To:** John Bemis <[JBemis@HPSLaw.com](mailto:JBemis@HPSLaw.com)>, Jane Everitt <[everitjl@ClarkCountyNV.gov](mailto:everitjl@ClarkCountyNV.gov)>  
**Cc:** "Ryan J. Bashor" <[bashorj@ClarkCountyNV.gov](mailto:bashorj@ClarkCountyNV.gov)>  
**Subject:** RE: Marcia Peterson

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**Cc:** Jeffrey Maningo; Ryan J. Bashor  
**Subject:** Re: Marcia Peterson

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Thank you in advance,

Jane Everitt

Investigator

Clark County Public Defender

**CASE NO. 70083**

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**IN THE  
SUPREME COURT OF NEVADA**

Electronically Filed  
Aug 16 2016 09:32 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**VALLEY HEALTH SYSTEM, LLC, a Nevada limited liability company,  
d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER; AND  
UNIVERSAL HEALTH SERVICES, INC., a Delaware corporation,**

Appellants,

vs.

**ESTATE OF JANE DOE, BY AND THROUGH ITS SPECIAL  
ADMINISTRATOR, MISTY PETERSON,**

Respondent.

---

**APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK  
COUNTY, NEVADA  
HONORABLE JUDGE RICHARD SCOTTI, CASE NO. A-09-595780-C**

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**APPELLANTS' APPENDIX TO OPENING BRIEF**

**VOLUME XIII of XVII**

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**APPENDIX TO APPELLANTS' OPENING BRIEF**

**VOLUME XIII of XVII**

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| Plaintiff's Exhibit 8 – Deposition Transcript of Amy Blasing, MSN, RN dated July 28, 2015                                                                                                                                                                                                                      | XIII                      | 59                     | AA2590-AA2621            |
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| Stipulation and Order for Dismissal with Prejudice filed February 29, 2016                                                                                                                                                                   | X                         | 31                     | AA1848-AA1853            |
| Transcript of Proceedings – Defendant Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order                        | XVII                      | 83                     | AA3252-AA3305            |

TAB 57

DISTRICT COURT  
CLARK COUNTY, NEVADA

ROXANNE CAGNINA, an individual, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.  
 ) A570756  
CENTENNIAL HILLS HOSPITAL MEDICAL )  
CENTER AUXILIARY, a Nevada )  
corporation; VALLEY HEALTH SYSTEM )  
LLC, Limited Liability Company; )  
VALLEY HOSPITAL MEDICAL CENTER, )  
INC., a Nevada corporation; )  
UNIVERSAL HEALTH SERVICES )  
FOUNDATION, a Pennsylvania )  
corporation; AMERICAN NURSING )  
SERVICES, INC., a Louisiana )  
corporation; STEVEN DALE FARMER, )  
an individual; DOES INDIVIDUALS )  
1 through 10 and ROE BUSINESS OR )  
GOVERNMENTAL ENTITIES 1 through )  
10, inclusive, )  
 )  
Defendants. )  
 )

DEPOSITION OF CHRISTINE MURRAY

Taken on January 27, 2010

At 12:59 P.M.

1640 West Alta Drive, Suite 4

Las Vegas, Nevada



LST 117315B

Reported by: Jennifer A. Caton, RDR, CRR, CCR #422



APPEARANCES:

For the Plaintiff:

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Center:

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I N D E X

| Witness                  | Page |
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| CHRISTINE MURRAY         |      |
| Examination by Mr. Hyman | 3    |

E X H I B I T S

| Number | Page   | Description |
|--------|--------|-------------|
|        | (None) |             |

1 LAS VEGAS, NEVADA; JANUARY 27, 2010

2 12:59 P.M.

3 -oOo-

4  
5 CHRISTINE MURRAY,  
6 having been called as a witness and having been  
7 first duly sworn, was examined and testified as  
8 follows:

9 (Prior to the commencement of  
10 the deposition, all counsel  
11 present agreed to waive  
12 statements by the court  
13 reporter pursuant to  
14 Rule 30(b)(4) of the NRC.P.)  
15

16 EXAMINATION

17 BY MR. HYMAN:

18 Q. Good afternoon. My name is Neal Hyman.  
19 I'm here on behalf of the plaintiff in this case  
20 called Cagnina versus Valley Health System, LLC, I  
21 think.

22 A. Okay.

23 Q. Would you please state your name and  
24 spell your last name for the record.

25 A. Christine Murray, M-U-R-R-A-Y.

1 Q. And what is your current employment?

2 A. I'm a registered nurse.

3 Q. Is that with Centennial Hills Hospital?

4 A. No.

5 Q. Is there a certain place that you're  
6 primarily working at?

7 A. Yes. North Vista Hospital.

8 Q. You don't happen to know the address, do  
9 you?

10 A. No. It is on Lake Mead. I know that.  
11 It's in North Las Vegas.

12 Q. Have you had your deposition taken  
13 before?

14 A. No, I haven't.

15 Q. Okay. So what I'll do is I'm going to  
16 go over a series of ground rules, admonitions that  
17 kind of explain the deposition process.

18 The first is there's a court reporter  
19 you can see to your right taking down everything I  
20 say and everything you say.

21 A. Uh-huh.

22 Q. This will basically be question and  
23 answer, and the important thing is not to talk over  
24 each other. So please let me finish what I'm  
25 saying, pause a second or two, that will give your

1 attorney a chance to object if he wants to, and then  
2 answer, and this will avoid us talking over each  
3 other. Okay?

4 A. Okay.

5 Q. And there is a tendency sometimes where  
6 the witness will anticipate the answer to my  
7 question before I'm done and they start to  
8 automatically answer, so just try not to do that.  
9 Okay?

10 A. Okay.

11 Q. You understand that you've been placed  
12 under oath. This would be just like testifying in a  
13 court of law.

14 A. Yes, I do.

15 Q. And obviously for not telling the truth,  
16 there will be a perjury penalty.

17 Do you understand that?

18 A. Absolutely.

19 Q. Can you think of any reason why you  
20 wouldn't be able to offer your best testimony here  
21 today?

22 A. No, I do not.

23 Q. You're not under the influence of  
24 anything? You got enough rest and all that?

25 A. Absolutely.

1 Q. With this type of deposition, it's  
2 pretty fact driven. You're just being produced as a  
3 fact witness. Earlier we had sort of designated --  
4 or didn't designate you but identified you as a  
5 person most knowledgeable for the hospital. Now  
6 I've been told that you're not a person most  
7 knowledgeable of the hospital so, I guess, are you  
8 clear that you're just basically here as a fact  
9 witness?

10 A. Sure.

11 MR. HYMAN: And then obviously for  
12 record purposes, any of the PMK subjects that you  
13 were identified for, I'll reserve my right to take a  
14 person most knowledgeable deposition on that.

15 MR. FERRAINOLO: That's fine.

16 BY MR. HYMAN:

17 Q. The incident we're going to be talking  
18 about occurred in May of 2008, and I'll ask you some  
19 questions about what you remember about that.  
20 Obviously memories fade, so I don't want you to  
21 guess or speculate. If you can give me your best  
22 estimate, that would be great.

23 We only want what's in your personal  
24 knowledge so, say, if somebody told something to you  
25 or you read something or you saw something, that's

1 all personal knowledge. We just don't want to get  
2 into the whole hearsay, so-and-so told so-and-so  
3 something.

4 Do you understand that?

5 A. Yes.

6 Q. And if at any point you don't understand  
7 my question or you want it read back, we can do any  
8 of those options, but it's important for you to  
9 understand the question.

10 Do you understand that?

11 A. Yes.

12 Q. And then at the conclusion of the  
13 deposition, they will put together a deposition  
14 booklet. It's a transcript which will have  
15 everything I asked you and everything you answered,  
16 and you have an opportunity to make changes to that.

17 A. Uh-huh.

18 Q. I would just caution you, if it's any  
19 sort of substantive change, say, for example, if  
20 today in this case -- if today you said you saw the  
21 plaintiff on May 18 and then when you get the  
22 transcript you said, oh, it was actually the 16th,  
23 that's a substantive change. If it's just simply  
24 correcting, you know, the spelling of a name or  
25 something, that's not that big of a deal.

1 Do you understand that?

2 A. Yes.

3 Q. So what I will do is I kind of want to  
4 start at the beginning. It's typical in a  
5 deposition to sort of go over a witness's  
6 background, so I just kind of want to start a little  
7 bit with where are you from? I mean, what state  
8 were you born in?

9 A. Michigan.

10 Q. And with the last witness, she moved  
11 around quite a bit.

12 So was there any states in between  
Michigan and Nevada that you've lived in?

14 A. Before. I came from Michigan to Nevada.

15 Q. Okay.

16 A. But before that, I did live in South  
17 Carolina for about six months.

18 Q. Okay. And did you go to high school in  
19 Michigan?

20 A. Yes.

21 Q. Graduated?

22 A. Yes.

23 Q. Did you go to any post high school  
24 education in Michigan?

25 A. That's where I got my nursing degree

1 from.

2 Q. You recall the school, obviously. What  
3 was the --

4 A. Henry Ford Community College.

5 Q. And so that was a degree in nursing?

6 A. Yes.

7 Q. And did you ever get licensed to be a  
8 nurse?

9 A. Yes.

10 Q. Like a registered nurse?

11 A. Uh-huh, yes.

12 Q. In Michigan?

13 A. In Michigan and Nevada.

14 Q. Do you recall, like, a year when you got  
15 that in Michigan?

16 A. 2004.

17 Q. And did you ever work as a registered  
18 nurse in Michigan in any sort of health facility?

19 A. Yes.

20 Q. A hospital?

21 A. Yes.

22 Q. Which ones?

23 A. I worked at Garden City Hospital.

24 Q. And were you assigned to any specific  
25 departments of the hospital?



1           A.           I worked on the third floor, which was  
2 joint and hip replacement.

3           Q.           Did you ever work -- actually, I won't  
4 ask you this one.

5                       Well, have you ever worked in an ER as a  
6 nurse?

7           A.           No.

8           Q.           In the Garden City Hospital, did you  
9 ever work, like, on an admissions floor where  
10 patients were being admitted?

11          A.           Yes.

12          Q.           And at some point, did you go from  
13 Michigan to South Carolina?

14          A.           I went from Michigan to South Carolina,  
15 then back to Michigan and got the degree, and then  
16 out to Nevada.

17          Q.           Okay.

18          A.           So I was not an RN when I was in South  
19 Carolina.

20          Q.           And so what was the purpose of moving to  
21 South Carolina?

22          A.           My parents had retired there, and my  
23 father had dementia, and my mother was terminally  
24 ill from cancer.

25          Q.           Okay. So you went there for family

1 reasons and then went back to Michigan?

2 A. I brought my mother back to Michigan to  
3 die.

4 Q. Okay. Sorry about that.

5 But you didn't work as a nurse in South  
6 Carolina?

7 A. No.

8 Q. And you haven't been licensed in South  
9 Carolina?

10 A. No.

11 Q. And when was it that you moved from  
12 Michigan to Nevada?

13 A. In 2006.

14 Q. Do you remember the month?

15 A. June.

16 Q. And what prompted a move to Nevada?

17 A. My daughters and my granddaughter lived  
18 here, and they kept asking me to come out and live  
19 by them.

20 Q. Was there any job reasons why you moved  
21 to Nevada?

22 A. No. It was just they knew that St. Rose  
23 was building a new hospital, and they said there  
24 were plenty of jobs available.

25 Q. So St. Rose in Henderson?

1 A. Uh-huh.

2 Q. And there's different campuses. Do you  
3 remember, was it the old Henderson one?

4 A. No. I was at the Siena campus.

5 Q. And when you came to Nevada, was it  
6 something where you could just use your Michigan  
7 license and transfer it over?

8 A. No. I had gotten my Nevada license.

9 Q. So you actually, like, took a test or  
10 something?

11 A. No. You can fill out -- they have a  
12 certain set of forms, and you get your fingerprints  
13 taken and all that stuff, and you send everything  
14 in. And then they check your records, and then they  
15 send you your license.

16 Q. Okay. So other than submitting the  
17 paperwork and whatnot, you didn't have to take new  
18 courses or anything?

19 A. No, huh-uh.

20 Q. And at the Siena campus, were you  
21 assigned to certain areas of the hospital?

22 A. To the joint and hip replacement.

23 Q. Did you ever work in, like, you know,  
24 just admissions from the ER or anything like that?

25 A. There? Yeah, because you always have

1 overflow patients, you know, patients that they need  
2 beds for and you don't have as many hip or knee  
3 replacements as you have beds, so they'll send you  
4 some, so yeah.

5 Q. And at the St. Rose campus -- or  
6 hospital, did they offer you any sort of internal  
7 nursing courses that they offered or essentially  
8 just your normal courses you take to maintain your  
9 license?

10 A. Well, there was a three-day course on  
11 the knee and hip replacement, which I took. And  
12 other than that, we have to keep our continuing  
13 education credits going. You know, you have to have  
14 25 every two years.

15 Q. Okay.

16 A. So that's mostly on computer.

17 Q. And I'm leading up to where you ended up  
18 at Centennial Hills Hospital. Was that directly  
19 from St. Rose?

20 A. Uh-huh.

21 Q. Yes?

22 A. Uh-huh, yes.

23 Q. The uh-huhs don't really come up on the  
24 record.

25 A. Yes.

1 Q. Do you recall when that was?

2 A. I opened with Centennial Hills. I was  
3 in their opening group of nurses.

4 Q. And from --

5 A. I believe that was January 2007 -- '8.

6 Q. '7 or '8?

7 A. '8.

8 Q. 2008; right?

9 A. Yes.

10 Q. And was that something where they were,  
11 like, advertising positions or anything?

12 A. Yes, they had a large half a page ad in  
13 the paper, and it was closer to where I was living.

14 Q. And I kind of went through this with the  
15 last witness that was here, but have you always  
16 worked directly as an employee for health facilities  
17 as opposed to sometimes, you know, you work through  
18 an outsourcing type company?

19 A. Agencies?

20 Q. Right.

21 A. I've worked for agencies for part-time.

22 Q. Do you recall the names of any of those?

23 A. I only really worked for one. God, I  
24 can't remember the name of it. I can't remember. I  
25 haven't worked for them for two years. But they

1 specifically provide nurses for MountainView and the  
2 other groups that are -- the other hospitals that  
3 are in that group. That's the only people they  
4 provide nurses for.

5 Q. Okay. But at least for St. Rose, you  
6 were a direct employee of theirs?

7 A. Yes.

8 Q. And same thing with Centennial Hills?

9 A. Yes, uh-huh.

10 Q. Have you ever heard of a company called  
11 American Nursing Services?

12 A. No. What is American Nurses?

13 Q. It was a party in this case, but it's an  
14 outsourcing company, essentially.

15 A. Oh.

16 Q. Okay. So are you familiar at all with  
17 the facts that are alleged in this case, what the  
18 plaintiff is saying happened at Centennial Hills  
19 Hospital?

20 A. I believe I am.

21 Q. Okay. The plaintiff is Roxanne Cagnina.  
22 Does that name ring a bell?

23 A. Yes.

24 Q. Okay. Do you remember when she was a  
25 patient, I guess, at Centennial Hills Hospital in

1 May of 2008?

2 A. Yes.

3 Q. And specifically, I think it was around  
4 May 15, she was admitted into the emergency room.  
5 Do you recall anything like that?

6 A. I'm not exactly sure what the date was.  
7 I know it was around that time of the year, you  
8 know, the late spring, early summer.

9 Q. Okay. And you would have been working  
10 not in the emergency. You were on the admissions  
11 floor?

12 A. Yes.

13 Q. And at least the way we understand the  
14 facts is she was taken to the seventh floor. Is  
15 that where you were?

16 A. Yes.

17 Q. Were you assigned to any other floors  
18 but seven at that time?

19 A. I was -- I wasn't assigned --  
20 occasionally they would pull us down to six, because  
21 six and seven both were med-surg floors, but we got  
22 the joint replacements on seven mostly.

23 Q. Okay. And when you said med -- is that,  
24 like, med surgeries?

25 A. Medical-surgical, yes.

1 Q. So for -- say in Roxanne Cagnina's case,  
2 where she was admitted to the ER for seizures, and  
3 my understanding is that she was admitted to the  
4 hospital for, I don't know, maybe just observation,  
5 is that where you would go?

6 A. You mean to seven?

7 Q. Right, seven.

8 A. If six didn't have -- if six's beds were  
9 filled or they didn't have enough nurses and we had  
10 beds open and nurses weren't up to their max, then  
11 yes.

12 Q. But six would be the first place to go?

13 A. It's --

14 MR. FERRAINOLO: Object to form.

15 THE WITNESS: I don't know.

16 BY MR. HYMAN:

17 Q. I'm just trying to figure, like, does it  
18 really matter? Is it different services on the  
19 sixth floor?

20 A. Not really. Not really.

21 Q. We have some medical records, and I can  
22 show them to you if we need to, and I don't even  
23 know if they would give you the answer to this. But  
24 do you have a recollection of how busy the seventh  
25 floor was when Roxanne Cagnina was taken to the



1 seventh floor? I mean, was there -- you know, were  
2 you over capacity or did --

3 A. No.

4 Q. -- you have enough nurses working?  
5 I mean, do you remember anything  
6 about -- was it inordinately not busy?

7 A. No. I would say it was a typical night.

8 Q. And do you recall the time period?  
9 Would this kind of carry over into the early hours  
10 of the morning when she --

11 A. Yes.

12 Q. I mean, it sounds to me like you're  
13 answering most of this from memory, so you can kind  
14 of remember this incident?

15 A. Yeah.

16 Q. Is there a reason why it's more  
17 memorable to you? Is it because of what's  
18 ultimately being alleged that happened or --

19 A. Yes.

20 Q. Okay.

21 A. Well, also because -- well, this gets  
22 into the whole thing, but because I was told nothing  
23 about this and when I came in the next evening, I  
24 was told -- I said, what happened to the patient?  
25 Did she go home?

1 And all the sudden, oh, you know, we put  
2 her under another name. We put her on another  
3 floor, blah, blah, blah, blah.

4 And I'm like, wow, okay.

5 Q. Okay. So we'll kind of just keep taking  
6 this in sequence, then, and I'll show you the  
7 medical records if you need that. But have you  
8 reviewed, like, either the medical records or  
9 anything to get ready for this deposition?

10 A. Outside of here?

11 Q. I mean other than -- I haven't showed  
12 you anything yet so I mean --

13 A. No.

14 Q. You haven't, like, say in the last  
15 couple weeks gone through the medical records or  
16 anything?

17 A. Oh, God, no, huh-uh.

18 Q. And as far as things specifically  
19 related to this case, like the complaint or there's  
20 been some discovery that's been exchanged, you  
21 haven't seen anything like that?

22 A. No.

23 Q. No witness statements or reports or  
24 anything?

25 A. No.

1 Q. Nothing. Okay.

2 So let's take this apart a little bit.

3 I understand that she was in the emergency room, at  
4 least based on the last witness that testified,  
5 sometime on May 15, I think around 8:20-ish P.M.,  
6 and then stayed in the ER probably for a period of  
7 about six hours and was ultimately -- sometime  
8 around 2:30, 2:45 A.M. on the 16th, the process was  
9 started to send her to the seventh floor. Does that  
10 sound right?

11 MR. FERRAINOLO: Object to form.

12 THE WITNESS: You know, yeah, you'd have  
13 to check the form, because we don't see -- we don't  
14 get told any of that. We just get told we're  
15 getting a patient.

16 BY MR. HYMAN:

17 Q. And when you say "the form" -- because,  
18 you know, we have these medical records which we  
19 went through in detail with, you know, the ER  
20 witness.

21 A. Uh-huh.

22 Q. I pulled out a few documents that I  
23 thought had to do with sending in a request or  
24 notice to the seventh floor, you know, a patient is  
25 coming here. Are those the type of things you're

1 talking about?

2 A. The type -- the thing that they send  
3 that they fax up is just a basic -- what they call  
4 SBAR sheet, which just tells you, you know, basics  
5 on the patient and what room they're going to.

6 Q. Okay. So there wouldn't be any, I  
7 guess, per se, emergency department room records or  
8 notes or anything that you would be that concerned  
9 with --

10 A. Huh-uh.

11 Q. -- at that point?

12 A. No.

13 Q. Okay. So I'm going to show you this  
14 document that -- we refer to this number at the  
15 bottom corner here.

16 A. Okay.

17 Q. CAG -- I'll omit the zeros -- 57. This  
18 is an emergency department fax report.

19 A. Uh-huh.

20 Q. And that's taken from the medical  
21 records we got in this case.

22 A. Right. This is what we call, like, an  
23 SBAR report. It shows you all -- these are just  
24 things you would basically need, you know, so that  
25 when the patient came up, you could have the room

1 ready for her. Do they need a pump? Do they need  
2 this? You know, do they need SCD stock? What do  
3 they need and a basic idea of this. That's it.

4 Q. Do you know who fills this form out? Is  
5 that done either by you or the seventh floor or the  
6 ER department?

7 A. Oh, no, this would be the ER. Somebody  
8 down in ER would do this.

9 Q. Okay. And is there anything on here  
10 that indicates who actually filled this thing out or  
11 whose handwriting that might be?

12 A. No, there's nothing here. It's just --  
13 they have -- there's no nurse thing. There's no  
14 charge nurse. There's no nothing. Just basics.

15 Q. Well, it's obviously too legible for a  
16 doctor.

17 A. That's true. It probably is either the  
18 nurse or the charge nurse who is, you know, sending  
19 the patient up.

20 Q. Can you -- do you see anything on  
21 here -- and specifically, I guess I'll target you to  
22 the top of the document -- indicating the date and  
23 time of when this would have been prepared or sent  
24 to the seventh floor?

25 MR. FERRAINOLO: Object to form.

1 THE WITNESS: On here it just is telling  
2 you 2:45 in the morning that this was written or  
3 started. It could have just been started at that  
4 time.

5 BY MR. HYMAN:

6 Q. And then are you familiar with the  
7 process of -- okay, someone in the ER fills this  
8 out.

9 A. Uh-huh.

10 Q. Then what do they do? They fax that  
11 somewhere?

12 MR. FERRAINOLO: Object to form.

13 THE WITNESS: Yes.

14 BY MR. HYMAN:

15 Q. Yes?

16 MR. FERRAINOLO: You can answer.

17 THE WITNESS: Oh, I was just going to  
18 say they should fax it to the floor.

19 BY MR. HYMAN:

20 Q. And one thing we went over with the last  
21 witness who was -- I think it was Ms. Goodhart from  
22 the ER. Do you know who that is?

23 A. No.

24 Q. We were talking a little bit about, you  
25 know, the information on the room numbers.

1 A. Uh-huh.

2 Q. And you can see here, there's -- it  
3 looks like 717 and then below it 725.

4 A. Uh-huh.

5 Q. Yes.

6 Do you know why there would have  
7 originally been one room number and then it was  
8 switched to 725?

9 A. Well, the charge nurse has to tell  
10 whoever calls from ER what room they're going to put  
11 the patient in, so possibly this person -- you know,  
12 maybe the 715 -- maybe she realized that that wasn't  
13 clean. Maybe housekeeping didn't come up and get it  
14 clean yet and wasn't, you know, in shape for a  
15 patient. Maybe she didn't think and -- and  
16 something else was going on.

17 These are all single rooms so -- the  
18 only thing I can think of is that maybe the 715  
19 [sic] was, you know, not cleaned up yet from the  
20 patient 'cause -- yeah, 'cause sometimes these rooms  
21 sat dirty for, you know, a couple hours, depending  
22 on how big the housekeeping staff was, if they  
23 couldn't get up there 'cause they have to do the ER,  
24 and all the floors. So -- and maybe she just said,  
25 okay, well, that one is still dirty, we better send

1       them over to this one. That's the only thing I can  
2       think of.

3           Q.       Okay. Just to be clear, then --

4           A.       That's not fact or knowledge. That's  
5       just what I have seen them do before.

6           Q.       Just to be clear, then, you mentioned  
7       the charge nurse. Are we talking about the charge  
8       nurse from the seventh floor?

9           A.       Yes.

10          Q.       Okay. Would somehow either -- on the  
11       phone, I'm presuming, talk to ER?

12          A.       Yes.

13          Q.       And give them the room number?

14          A.       Yes.

15          Q.       And then the ER would input the room  
16       number, which in this case we have two different  
17       room numbers, so maybe there was a follow-up phone  
18       call or something; right?

19          A.       Uh-huh.

20          Q.       Yes?

21          A.       There could have been, yes.

22          Q.       Okay. And then this is presumably faxed  
23       to the seventh floor.

24          A.       Yes.

25          Q.       So there's already been some sort of



1 dialogue between the seventh floor and the ER before  
2 this is faxed.

3 A. Yes.

4 MR. FERRAINOLO: Object to form.

5 BY MR. HYMAN:

6 Q. And let's just assume that this time is  
7 correct, 2:45 when this was written or they put the  
8 date on the top.

9 A. Yes.

10 Q. Is there ever a lag time between, you  
11 know, the person's in the ER to when they actually  
12 get up to the seventh floor?

13 MR. FERRAINOLO: Same objection.

14 Go ahead.

15 THE WITNESS: I was just going to say,  
16 it -- I would not know. The only thing I could say  
17 is if they brought somebody in, you know, through  
18 the ER that needed emergency care or something and  
19 this person who was filling this out had to go  
20 help -- I don't know. I have no idea.

21 BY MR. HYMAN:

22 Q. And before we move off of this form,  
23 obviously there's lots of things noted on here, but  
24 at the bottom, it says other pertinent info.  
25 There's an asterisk, and it says seizure

1 precautions, I and O.

2 A. Uh-huh.

3 Q. Do you know what that would be telling  
4 people on the seventh floor?

5 A. Yes. Seizure precautions means that you  
6 have to pad the bed rails so that if the person had  
7 a seizure in the bed, they wouldn't hurt themselves  
8 on the railings.

9 I and O means they want intake and  
10 output, what they take in, fluids and food-wise, and  
11 what they would urinate or if they had a bowel  
12 movement.

13 Q. Okay. And so then assuming everything  
14 goes to plan, by the time the patient is transferred  
15 up to the seventh floor, the room is ready, and all  
16 of these instructions are already in place?

17 A. Well, you get this. The nurse gets a  
18 copy of this, and then you look at that. And then  
19 you take -- you have to go by the doctor's orders,  
20 but this gives you an idea of what kind of meds she  
21 was given down there, which is important because the  
22 way she came up.

23 Q. Does anything on this form indicate to  
24 you that someone in particular, you know, a type of  
25 hospital employee, should be transporting this

1 patient to the seventh floor, such as a nurse or  
2 somebody specific due to her medical condition?

3 A. No.

4 Q. Okay. Who -- based on your knowledge,  
5 who -- what type of employees can transport this  
6 type of patient up to the seventh floor?

7 A. People hired for transportation  
8 purposes. A nurse can. Usually we don't have time  
9 to do that. Even a doctor can, not that they ever  
10 would.

11 Q. So, like, a nurse's assistant or a CNA?

12 A. A nursing assistant, yeah, she could. I  
13 mean, nobody -- nobody is going to stop if you want  
14 to jump in and do more work than you're supposed to  
15 be there for.

16 Q. Now, you said "she." What about a male  
17 nurse's assistant?

18 A. We had those, yes.

19 Q. So the fact that this was a female  
20 patient who was obviously on various medications  
21 suffering from seizures being admitted to the  
22 hospital, do you think that some sort of female  
23 transporter should have been used?

24 MR. FERRAINOLO: Object to form.

25 THE WITNESS: I'll go with him. I -- to

1 me, they hire who they can get, and it's really --  
2 from what I've seen, it's better to have men because  
3 they can move the bodies around better.

4 BY MR. HYMAN:

5 Q. And if I submitted to you just a couple  
6 hours ago, Ms. Goodhart testified that she was the  
7 RN that was working kind of in the area of  
8 Mr. Farmer and she initially was going to take  
9 Roxanne Cagnina up to the seventh floor and was told  
10 by somebody not to and to have Mr. Farmer do it, the  
11 CNA, does that all sound okay?

12 MR. FERRAINOLO: Object to form.

13 THE WITNESS: Yes.

14 BY MR. HYMAN:

15 Q. All right. And you wouldn't have any  
16 knowledge about who might have given that  
17 instruction or why?

18 A. All right. You're asking me if I know  
19 why somebody would say to the nurse, don't you take  
20 her up, let Mr. Farmer take her up?

21 Q. Right. Do you have any knowledge of why  
22 that decision was made?

23 A. Not really. I don't know why, other  
24 than nurses are important. They have to stay there  
25 where the patients need them.

1 Q. Okay.

2 A. They want you on the floor so you can do  
3 stuff. They don't want you transporting people.  
4 That's why they hired transportation.

5 Q. Based on the type of work you've done in  
6 hospitals and at Centennial Hills Hospital, do you  
7 work alongside nurse's assistants and CNAs that  
8 often?

9 A. Yes.

10 Q. So do you kind of know what their  
11 general duties are?

12 A. I was a CNA, so yes.

13 Q. Okay. And so safe to assume it does not  
14 involve medical treatment to patients.

15 A. No.

16 Q. That's more for nurses and doctors?

17 A. Yes.

18 Q. Would it include, you know, getting  
19 somebody a blanket, just making sure they're  
20 comfortable, that kind of thing?

21 A. Yes.

22 Q. And in certain circumstances, could it  
23 involve some sort of medical treatment? I mean,  
24 like, providing them with a catheter or IV or  
25 something?

1 A. No.

2 Q. Okay. And at least based on this case,  
3 you're not aware of any reason why a certified  
4 nurse's assistant should have been treating this  
5 patient at all?

6 MR. FERRAINOLO: Object to form.

7 THE WITNESS: No.

8 BY MR. HYMAN:

9 Q. I'm going to show you another document,  
10 and this was produced by Valley Health in this case.  
11 It says ED transport log 1. This is also from --  
12 actually, that's not from the medical records but --

13 MR. FERRAINOLO: Can we go off the  
14 record for a second?

15 MR. HYMAN: Sure.

16 (A discussion was held off the  
17 record.)

18 BY MR. HYMAN:

19 Q. Have you seen this type of document  
20 before?

21 A. No.

22 Q. It says at the top Centennial Hills ER  
23 admit log.

24 A. Yes.

25 Q. I guess, if you had to venture a best

1 estimate, would you say this is an ER document?

2 A. Yes.

3 Q. Okay. Looking just at this top block  
4 which only pertains to Roxanne Cagnina -- I could  
5 kind of go through the different boxes with you, but  
6 if you just glance through there, does that tend to  
7 provide you with some information about when  
8 timing-wise she was in the ER, when they, you know,  
9 submitted for her to be admitted and when the room  
10 was ready and that kind of stuff?

11 MR. FERRAINOLO: Object to the form of  
12 the question.

THE WITNESS: Yeah.

14 BY MR. HYMAN:

15 Q. Okay. So why don't we just, like, take  
16 these boxes part by part. Actually, I think I have  
17 a copy. So if we look at the top left box, there's  
18 a box that says disposition time, 2:30. I guess  
19 that's in the morning; right?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. And then on top of that, you can see the  
24 date. It says May 16, 2008; right?

25 A. Yes.

1 Q. So this is the early hours of the  
2 morning on the 16th.

3 A. Yes.

4 Q. Do you know what disposition time is  
5 referring to?

6 A. No, I don't.

7 Q. I don't think anybody does.

8 But now 2:30 is 15 minutes before --  
9 remember the earlier form we looked at that said  
10 2:45 A.M.?

11 A. Yes.

12 Q. So, I mean, I guess your best  
13 estimate -- do you have one that it's -- it's all  
14 part of this initial time of when this fax was being  
15 generated?

16 MR. FERRAINOLO: Object to form.

17 THE WITNESS: Yes.

18 BY MR. HYMAN:

19 Q. Or at least the process is being  
20 initiated to send her to the seventh floor; right?

21 A. Yes.

22 Q. Below that, it says bed type, and it's  
23 got a number. Does that mean anything to you?

24 A. No.

25 Q. Then we move to the second box over on



1 the top. It says time super was called. Would that  
2 be the supervisor?

3 A. Yes, the house supervisor.

4 Q. And do you know if that's referring to  
5 someone on the seventh floor?

6 A. No. That would -- that would be the  
7 house supervisor. They usually stay down in the ER,  
8 but they travel around to each floor at night and  
9 see how things are going until -- see what -- you  
10 know, what's going on, what beds are available, how  
11 many people they can take, how many nurses they  
12 have, what the staffing situation is.

13 Q. Okay. And for this instance, you don't  
14 know who that person would have been on this day?

15 A. I have no idea.

16 Q. Okay. Then below that box, it says time  
17 super called back. This must be a very efficient  
18 employee 'cause it's the same time; right?

19 A. I guess, yes.

20 Q. Do you know the significance of that  
21 time, why they would be calling back or --

22 A. No.

23 Q. Then the next box over on the top  
24 says inpatient bed number 717. So what does  
25 that mean?

1 MR. FERRAINOLO: Object to the form.

2 THE WITNESS: It looks like they're  
3 saying that's the bed that they intend that patient  
4 to go to.

5 BY MR. HYMAN:

6 Q. And then if we look back at the earlier  
7 document we were talking about, remember how there  
8 was the two numbers, there was 717 --

9 A. Yes.

10 Q. I think you thought it looked like 715,  
11 but it's probably 717 and then 725; right?

12 MR. FERRAINOLO: Object to the form.

13 THE WITNESS: Right.

14 BY MR. HYMAN:

15 Q. Are you, like, familiar, sitting here  
16 right now, with the way the seventh floor is laid  
17 out?

18 A. Yes.

19 Q. And the sequence of the different rooms?

20 A. Yes, I believe I can remember that.

21 Q. Maybe we don't need to have you try to  
22 draw a map. If we can just have you testify to it.  
23 But is 717 in the near vicinity of 725?

24 A. Let me think.

25 MR. FERRAINOLO: Object to the form.

1 BY MR. HYMAN:

2 Q. If you think drawing a map would help,  
3 you could do that.

4 A. No. It would be about eight rooms'  
5 difference, because each room is a single room. So  
6 you would have 17 more toward the front -- toward  
7 the nurses station, and then 25 was more toward the  
8 elevators, toward the back.

9 Q. And that was leading to my next  
10 question, because obviously the way we understand  
11 this case is that Mr. Farmer took Miss Cagnina out  
12 of the ER on a roller bed or gurney, whatever you're  
13 going to call it, to the elevators up to the seventh  
14 floor.

15 A. Yes.

16 Q. So let's follow that through. If you  
17 take the elevators up to the seventh floor, is there  
18 a nursing station around?

19 A. Around the elevators themselves?

20 Q. Right.

21 A. There's one a short distance but not  
22 right there. I mean, you wouldn't step off the  
23 elevator and see the nurses station, no.

24 Q. So not necessarily in complete  
25 visibility?

1           A.           There's people walking around all the  
2 time.

3           Q.           Let me ask you this. If you were at the  
4 nurses station --

5           A.           Yes.

6           Q.           -- could you see somebody -- a patient  
7 being taken up through the elevator?

8                       MR. FERRAINOLO: Object to the form.

9                       THE WITNESS: No, no.

10 BY MR. HYMAN:

11          Q.           Is there more than one nurses station on  
12 this floor?

13          A.           There is two nurses stations, but both  
14 of them face this way. And the elevators come up  
15 like this, and they go off that way.

16          Q.           And if you took the elevator up and were  
17 going to wheel somebody to room 717, would you go  
18 past the nursing station?

19                       MR. FERRAINOLO: Object to form.

20                       THE WITNESS: No. 717 or 725 where she  
21 went?

22 BY MR. HYMAN:

23          Q.           No, I was first asking you about the  
24 717, which is written here for some reason.

25          A.           Oh, you know, I'm not sure. I can't

1 tell you exactly.

2 Q. Would your answer be the same about 725?  
3 Would you go past a nursing station?

4 A. No, you would not.

5 Q. And as far as you can recall, these  
6 rooms are basically comparable. I mean, there's  
7 nothing significantly different about the rooms?

8 A. No, there is not.

9 Q. Now, the next box over from the 717 on  
10 this log says time to floor, 3:51. Do you know any  
11 reason why we have a discrepancy here between 2:45  
12 on the fax sheet and 3:51 on the time to floor?

13 MR. FERRAINOLO: I'll object to the  
14 form.

15 THE WITNESS: I have no idea.

16 BY MR. HYMAN:

17 Q. 'Cause, I mean, just based on these  
18 numbers, we're looking at about an hour.

19 A. Uh-huh.

20 MR. FERRAINOLO: Same objection.

21 BY MR. HYMAN:

22 Q. Is that something that happens to where  
23 somebody might be ready to be admitted to a room but  
24 stays in the ER for an hour?

25 MR. FERRAINOLO: Object to the form.

1 THE WITNESS: I have no idea, 'cause we  
2 don't ever see these up on the floor, so I would  
3 have no idea what time was there. I just would get  
4 a copy of this.

5 BY MR. HYMAN:

6 Q. Okay. And you know, we do have a report  
7 that I'm going to be showing you that actually  
8 probably was prepared by you which has some other  
9 times, and we can compare them to these.

10 But you'd agree, at least based on this  
11 log, they're saying time to floor at 3:51?

12 A. Yes.

13 Q. And then almost done here. There's a  
14 box that says copy initials AD. Do you know what  
15 that would mean?

16 A. I have no idea.

17 Q. And then bed request, and there's a  
18 number 7. Do you know why somebody would want to  
19 specify that?

20 MR. FERRAINOLO: Object to form.

21 THE WITNESS: I have no idea.

22 BY MR. HYMAN:

23 Q. Do you know what, like, bed request  
24 number 7 means?

25 MR. FERRAINOLO: Object to the form.

1 THE WITNESS: No.

2 BY MR. HYMAN:

3 Q. I mean, you're not aware of the beds  
4 being numbered or something?

5 MR. FERRAINOLO: Object to the form.

6 THE WITNESS: No. The only thing I know  
7 is the rooms are numbered.

8 BY MR. HYMAN:

9 Q. Okay.

10 A. There's one bed in each room so --

11 Q. I'm assuming they don't stick seven beds  
12 in a room; right?

13 A. God, no.

14 Q. 'Cause the next one is 8 so --

15 A. Not yet.

16 Q. The last box over says reason for delay,  
17 and we've got the Midas touch stamp. Do you know  
18 what that means?

19 MR. FERRAINOLO: Object to the form.

20 THE WITNESS: I have no idea.

21 BY MR. HYMAN:

22 Q. It's probably not a muffler; right?

23 A. Probably not.

24 Q. But you don't see any notation of some  
25 reason for there being a delay.

1 A. No.

2 Q. I mean, nothing is written there?

3 Nothing written there other than Midas?

4 A. No, huh-uh.

5 Q. And then just a couple other things.

6 It's noted diagnosis, seizure, headaches; right?

7 A. Yes.

8 Q. All the way over at the left, it  
9 shows -- it says time late, something, ED bed or  
10 something, 2036. That would be -- was that  
11 8:00 P.M. or 8:30 P.M. or something?

12 A. Yes.

13 Q. On May 15, 2008?

14 A. Yes.

15 Q. So that seems to be indicating when she  
16 was actually taken to the ER.

17 A. Yes.

18 Q. Let's try to finish this puzzle we've  
19 got here.

20 Now I'm going to show you a report which  
21 I pulled out of the medical records we got in this  
22 case, and it's CAG 109 through 115. And it says  
23 Centennial Hills Medical Center visit record.

24 A. Uh-huh.

25 Q. Is that something you're familiar with?



1 A. Yes.

2 Q. What is this document?

3 A. This is the admissions assessment. We  
4 go through several different areas that we have to  
5 talk to the patient and get information from him or  
6 her, plus, like, the vital signs when they're  
7 admitted and different things that they tell us so  
8 we know how to care for them. You know, if  
9 they're -- if they're a diabetic, if they have, you  
10 know, a family history of -- all that type of stuff.

11 Q. And can you tell, either from this  
12 document or your own knowledge, were you somehow  
13 assigned to this patient? Were you, like, the  
14 registered nurse assigned to Roxanne Cagnina?

15 A. Yes, I was.

16 Q. And is it more that you were assigned to  
17 the patient or the room, or how does that work?

18 A. You get -- when you come in to start the  
19 shift, you get X number of patients, maybe five,  
20 maybe six, and then say there's four of you and  
21 three of you have six. Well, then -- and one of you  
22 has five. Well, the one who has five is going to  
23 get the next person that comes up.

24 Q. And does it matter at all what their  
25 condition is? I mean, let's say if she was in here

1 for something else, would a different RN get her, or  
2 does it matter?

3 A. No.

4 Q. And then can you tell from this document  
5 timing-wise what's the earliest time notation in  
6 here that shows, you know, you -- you saw Roxanne  
7 Cagnina?

8 MR. FERRAINOLO: Object to the form.

9 THE WITNESS: There's no time here when  
10 I saw her. This is when I did the -- the form.  
11 That's when I did this on the computer.

12 BY MR. HYMAN:

13 Q. So other than these two forms that we've  
14 just been spending some time talking about, I mean,  
15 is there a document that would give us a time of  
16 when exactly she was taken up to the seventh floor?

17 MR. FERRAINOLO: Object to form.

18 THE WITNESS: Not to my knowledge.

19 BY MR. HYMAN:

20 Q. Is there some sort of, I guess, policy  
21 in place to where, when someone is transporting a  
22 patient from the ER to the seventh floor, the first  
23 thing they do is go check in somewhere?

24 A. Not to my knowledge.

25 Q. So basically, assuming Steven Farmer was

1 the transporter here, he could go up to the seventh  
2 floor and just wheel her right into the room?

3 A. Yes.

4 Q. Okay.

5 A. But he would have to take her medical  
6 records to the nurses desk, which, if the unit  
7 clerk -- you know, put down the time.

8 Q. So you're saying the records that he  
9 would have brought up from the ER?

10 A. Yes.

11 Q. Okay. And I mean, is there ever a  
12 situation -- let's just play this out -- that  
13 Mr. Farmer, say, comes up to the seventh floor,  
14 wheels her into the room for a period of time, never  
15 checks in with anybody, and just leaves?

16 MR. FERRAINOLO: Object to the form.

17 THE WITNESS: No.

18 BY MR. HYMAN:

19 Q. And how do we know that that didn't  
20 happen?

21 MR. FERRAINOLO: Object to the form.

22 THE WITNESS: Because we have paperwork.

23 BY MR. HYMAN:

24 Q. Which paperwork are you talking about?

25 A. The -- all the ER information.

1 Q. Okay. If I showed you the medical  
2 records, would you think you'd find something in  
3 there that would show the first time somebody on the  
4 seventh floor was actually attending to Roxanne  
5 Cagnina?

6 MR. FERRAINOLO: Object to the form.

7 THE WITNESS: I have no idea.

8 BY MR. HYMAN:

9 Q. I mean, I guess, what would be the first  
10 thing that would happen? Would a nurse like  
11 yourself do her charts or do vitals or something on  
12 her?

13 A. You -- when your patient comes to the  
14 floor, usually the first -- if you don't see them  
15 come off the elevator, the first thing would be when  
16 the transporter brings all of their paperwork up and  
17 sets it on the desk. Then you would go back to the  
18 room, and you would talk to the patient.

19 The CNA would come in and do the vital  
20 signs. We'd make sure that they were -- if they  
21 were not NPO that they had, you know, fluids and  
22 that. Then you'd go back, and you'd look at the  
23 orders that were sent from the ER, what -- how you  
24 were supposed to handle the patient's care. Then  
25 you would take your computer, and you would go back

1 to the room, and you would do this admissions.

2 Q. Okay. And so when this fax -- let's  
3 just assume that it was sent up to the seventh  
4 floor -- comes into the seventh floor, who typically  
5 sees this?

6 MR. FERRAINOLO: Object to form.

7 THE WITNESS: The unit clerk.

8 BY MR. HYMAN:

9 Q. Is that just -- what does that person  
10 do? They're just assigned to do paperwork or  
11 something?

12 A. Yes.

13 Q. And then, I mean, is the purpose of this  
14 to, I mean, put the seventh floor on notice that  
15 someone is coming?

16 A. No. They know somebody is coming. It's  
17 to give you -- it's -- instead of giving an oral  
18 report like one nurse gives to another when a shift  
19 is changing, this is what the nurse from -- the  
20 nurse or the charge nurse from down in the ER sends  
21 up to you, because the nurses don't come with the  
22 patient.

23 Q. Do you know if there would be any sort  
24 of confirmation on the seventh floor that this fax,  
25 you know, was received, like a confirmation sheet or

1 something?

2 A. I have no idea.

3 Q. And I guess what I'm just trying to  
4 figure out is say Mr. Farmer is bringing the patient  
5 up and does not immediately check in with the nurses  
6 station. The first time anybody such as an RN is  
7 going to know that the patient is there is when  
8 Mr. Farmer brings the paperwork to them?

9 A. Yes.

10 Q. Okay.

11 A. Or if you see them get off the elevator.

12 Q. And then let's just assume a lengthy  
13 period of time went by and Mr. Farmer never brought  
14 the paperwork. Sooner or later, somebody is going  
15 to have to say where's the patient; right?

16 A. Yes.

17 Q. I mean, is there --

18 A. They would probably call down to ER and  
19 ask, I thought you were sending X patient up here.  
20 Did something happen or has something gone wrong?

21 Sometimes they find out that the patient's condition  
22 is worse and then send them over to, like, ICU or --

23 Q. Do you have any estimate of what that  
24 length of period of time is? Is it a half an hour?  
25 An hour?

1 MR. FERRAINOLO: Object to the form.

2 THE WITNESS: There's no time. It  
3 just -- it just depends on how things are happening.  
4 If the ER is busy, it could take longer. It's  
5 not --

6 BY MR. HYMAN:

7 Q. Okay. So if this form was sent up at  
8 2:45, and let's say Mr. Farmer didn't bring the  
9 paperwork over to the -- you know, the nurses  
10 station until an hour or longer later, you don't  
11 think that would have been enough time for somebody  
12 on the seventh floor to have called down to the ER?

13 MR. FERRAINOLO: Object to the form.

14 THE WITNESS: I have no idea at all.  
15 It's all in the hands of the charge nurse.

16 BY MR. HYMAN:

17 Q. And do you know who the charge nurse was  
18 when this -- when you were receiving this patient?

19 A. You know, I don't offhand.

20 Q. Would that be indicated, do you think,  
21 in the records here somewhere?

22 A. I don't know because there's no reason  
23 for us to put who the charge nurse is on the  
24 admissions or anything.

25 Q. And just, I mean, offhand from memory,

1 can you think of possible people that could have  
2 been the charge nurse?

3 MR. FERRAINOLO: I'll object to the  
4 form.

5 THE WITNESS: No, I really can't. They  
6 changed quite a bit.

7 BY MR. HYMAN:

8 Q. While I'm on the subject, these are some  
9 progress notes, and it's dated June 16, '08, and  
10 this is already at 9:15 in the morning. Do you know  
11 if that would have been somebody that came in after  
12 you?

13 A. No, not as a nurse. Everything we did  
14 was on computer. I wouldn't write this stuff out.

15 Q. I mean, based on the date and when this  
16 was filled out, do you have any idea why this was  
17 prepared?

18 A. This is progress note -- this would be  
19 the doctor or somebody. It's not a nurse. It's not  
20 nurses, 'cause everything we do was charting on  
21 the --

22 Q. And those initials, do those mean  
23 anything to you?

24 A. No. Maybe the CNA. I don't -- no, the  
25 CNA is on the computer too. Unless that was a --



1 the only other people who use those kind of things  
2 are the agency nurses.

3 Q. What do you mean by -- oh, the -- what  
4 do you mean by agency nurse?

5 A. If you don't have a large enough staff  
6 of nurses, they call an agency and get some in.  
7 They were not trained to use our computers. They  
8 were not given the passwords to the computers and  
9 that, so they were given this type of sheet to fill  
10 out for their charting rather than computerized.

11 Q. Okay. So under admission assessment,  
12 it's got your name, Christine Murray; right?

13 A. Yes.

14 Q. And then it has a title here called  
15 charted activities.

16 A. Yes.

17 Q. And then we've got, like, three  
18 different -- well, same dates but three different  
19 times.

20 A. Uh-huh.

21 Q. Then it says status unfinished. Explain  
22 to me what are the dates or times supposed to  
23 represent?

24 MR. FERRAINOLO: Object to the form.

25 THE WITNESS: The only -- I'm not sure

1 what this means here, scheduled, unless that's when  
2 they put in the -- the computer, the system, that  
3 this was when they had called about where they were  
4 going to send the patient.

5 BY MR. HYMAN:

6 Q. And that time is what?

7 A. 2:42.

8 Q. Okay. And then what's the next one  
9 over?

10 A. This one is when I started my assessment  
11 at 4:50, and this is when I -- I assume I finished  
12 it and, therefore, all this information would be  
13 effective, I assume, because we were never told  
14 about these. We -- I've never seen this before.

15 Q. Okay. So, I mean, is the information  
16 that you gathered somehow taken by somebody else and  
17 inputted into this report?

18 A. No.

19 Q. So how does --

20 A. You take the computer into the patient's  
21 room and ask them the questions as the computer  
22 brings them up.

23 Q. And would that also be how these times  
24 got inputted?

25 A. Well, they automatically -- when you put

1 the computer on and you go to this screen, they  
2 automatically have a time on them and you -- you  
3 don't change that.

4 Q. Okay. So if we take this middle time,  
5 the 4:50 --

6 A. Yes.

7 Q. What I'm trying to get at is is that a  
8 way we can say when you were attending to Plaintiff  
9 Cagnina?

10 A. No. This can say when I started her  
11 assessment.

12 Q. Okay.

13 A. That doesn't mean that's the time she  
14 arrived at the floor.

15 Q. Okay. What would you personally have  
16 done before beginning the assessment with her?

17 A. Well, we got her into bed. We made sure  
18 her IV was okay, hung any IV fluids. She had to  
19 have her vital signs taken. You have to do a  
20 physical assessment to make sure that there are no  
21 wounds, no breakdown, anything like that.

22 Then you have to go and check the orders  
23 to make sure that there's something -- is there  
24 something that has to be done immediately for that  
25 patient per the doctor's orders.

1           Then when you're done with all that,  
2   then you go take your computer in, and you talk to  
3   the patient. And you bring up this screen, this  
4   admission screen, and you start asking her  
5   questions.

6           Q.       Okay. If we look -- see in the middle  
7   of this first page here, it says arrival data, and  
8   it says patient arrived onto unit 5-16-2008 at  
9   4:45 A.M. Is that -- what does that mean, patient  
10  arrived onto unit?

11          A.       That means when she came up.

12          Q.       So at 4:45 A.M. is what this is saying.

13          A.       Uh-huh.

14          Q.       Yes?

15          A.       Yes.

16          Q.       And so you don't have any reason to  
17  disagree with that?

18          A.       4:45 -- that --

19          Q.       Let me just clarify something.

20          A.       I'm trying -- I'm trying to think.

21          Q.       You said when the patient came --

22               MR. FERRAINOLO: Hold on, hold on. I  
23  think she's still answering.

24               THE WITNESS: That could have been a  
25  discrepancy on my part, 4:45. It could have been a

1 little earlier, because I had to check the orders  
2 and everything. I really -- that could have been  
3 just an estimate.

4 When you see somebody come up and you're  
5 walking them back to the thing and you -- you know,  
6 your times get a little -- you're not on the dot.  
7 The only thing I would say is on the dot would be  
8 here, because this is done by computer. This is  
9 probably my generalized time.

10 BY MR. HYMAN:

11 Q. I mean, can you give me an estimate of  
12 how long it would take you, once you make initial  
13 contact with the patient, to do everything you just  
14 stated, do the -- you know, the vitals and all that?

15 A. The vitals -- okay. The CNA does the  
16 vitals. When we came in, we walked her from the  
17 bathroom, 'cause Mr. Farmer had her in there. And  
18 he left 'cause he had to get back down to the ER.  
19 We walked her back. We got her settled.

20 They had the -- she already had the  
21 machine in there, so she took the vitals. I talked  
22 to her for a few minutes. She was complaining of a  
23 headache. I went back to check her orders, see if  
24 she could have anything, and probably maybe  
25 20 minutes tops.

1 Q. Do you recall Mr. Farmer saying anything  
2 significant to you?

3 A. When we saw him in the bathroom with  
4 her?

5 Q. Really at any point. I mean, do you see  
6 him numerous times during this?

7 A. I saw him twice.

8 Q. So I mean, did he say anything to you  
9 about his transporting of her, her condition or  
10 anything?

11 A. He came over -- I was in another  
12 patient's room. He stopped at the door and said I  
13 brought your patient up. She's in 25.

14 I said, okay. Then I went to get  
15 something for this patient.

16 Then I went back around this way, and I  
17 saw the gurney was still there, which I was kind of  
18 surprised, about because our transporters usually --  
19 you know, they know that they need to get back down  
20 as fast as possible. So I stepped inside with the  
21 CNA, and we saw him helping her in the bathroom. He  
22 said she had to go really bad. I helped her go --  
23 helped her take her to the bathroom.

24 We said, okay. Well, you can go ahead  
25 and go.

1                   He said great, took his thing and went.  
2           That was it.

3           Q.           And have you, prior to this incident --  
4           or this time with Roxanne Cagnina, ever seen  
5           Mr. Farmer before?

6           A.           Yes.

7           Q.           How many times?

8           A.           I don't know. He worked several times.  
9           He worked quite a bit there.

10          Q.           Like, tell me about the times you saw  
11          him. I mean, what was the circumstance? What was  
12          he doing?

13          A.           Just bringing people up to the floors,  
14          dropping them off. He was a sitter one time for  
15          about a half hour, which meant -- or one on one,  
16          they call it, where you sat in there while the  
17          patient was in bed because the patient had problems.  
18          I saw him off and on. I certainly didn't count how  
19          many times.

20          Q.           And you can't think of anything that he  
21          might have said that you thought was strange for  
22          some reason?

23          A.           No. I thought it was very nice that he  
24          came around and told me that he dropped her off,  
25          because a lot of the transporters just put the

1 patient in there, drop off the paperwork, and  
2 they're gone.

3 Q. At this point when you were dealing with  
4 Mr. Farmer, did you know anything about his  
5 background or where he came from?

6 A. No.

7 Q. Did you know if he was an actual  
8 employee of the hospital or an outsourced employee?

9 A. I didn't know.

10 Q. Is it safe to say that when people are  
11 working at Centennial Hills Hospital, I mean, just  
12 by looking at them, you can't tell if they're an  
13 actual hospital employee or an outsourced employee?

14 MR. FERRAINOLO: Object to form.

15 THE WITNESS: No. I don't -- it  
16 depends. Some of them have badges. Everybody has a  
17 badge. So if it's a hospital badge, then they work  
18 for the hospital. And if it's an agency badge, then  
19 they work for an agency but --

20 BY MR. HYMAN:

21 Q. So they actually wear an agency badge?

22 A. Uh-huh.

23 Q. So say if there was an outsourced agency  
24 American Nursing Services, they would wear that  
25 badge?



1 A. Yes.

2 MR. FERRAINOLO: Object to the form.

3 BY MR. HYMAN:

4 Q. And do you know if he was wearing that  
5 kind of badge?

6 A. I have no idea 'cause I didn't even know  
7 his name.

8 Q. But take yourself back to when this was  
9 going down. You didn't know -- in your mind, you  
10 weren't saying, like, oh, he's an outsourced  
11 employee or he's this hospital's employee? I mean,  
12 you never really thought about that?

13 A. No, 'cause we -- when this hospital  
14 opened, we had a lot of outsourced employees.

15 Q. But I mean, it's just as plausible as  
16 not that he could have been working as an employee  
17 for Centennial Hills Hospital, according to you.

18 A. Oh, yeah.

19 Q. I mean, right?

20 A. Yeah.

21 Q. Okay. There was nothing that you  
22 thought of that said that he's not a Centennial  
23 Hills Hospital employee?

24 A. No, huh-uh.

25 Q. And you'd seen him before, so it seemed

1 like he had been there for a while?

2 A. Yes.

3 Q. Are you aware of any policies of the  
4 hospital that were in effect during this time  
5 period, May 2008, such as a written policy on how to  
6 handle this -- this sort of transport from the ER to  
7 admissions, something in writing?

8 A. No. Most of our policies are in a  
9 policy and procedures handbook, but they're not  
10 something you, you know, memorize or anything. If  
11 you need to go look at them, you go and look at  
12 them.

13 Q. And do you recall this -- I guess, even  
14 if it wasn't written, but the standard protocol for  
15 transporting a patient from the ER to the seventh  
16 floor, was it anything different than how you've  
17 just explained this probably went down?

18 MR. FERRAINOLO: Object to form.

19 THE WITNESS: Not to my knowledge.

20 BY MR. HYMAN:

21 Q. So in other words, I mean, you're not  
22 aware of a policy where you go from the ER, the  
23 transporter goes and directly checks in with  
24 somebody at the nurses station versus just going on  
25 their own to the hospital room?

1 MR. FERRAINOLO: Same objection.

2 THE WITNESS: Yeah. Not to my  
3 knowledge.

4 BY MR. HYMAN:

5 Q. Okay. And if at some point there was an  
6 actual written policy, you're not aware of one  
7 existing, are you?

8 A. No, I'm not.

9 Q. And you don't know what would have  
10 prompted that if there is one?

11 A. No.

12 Q. And are you aware of any sort of  
13 policies the hospital has on, you know, looking out  
14 for potential assaults or sexual assaults, whether  
15 it be committed by an employee or somebody else?

16 A. I'm not aware of any.

17 Q. Would you feel that that's, I mean, I  
18 guess, part of your job, to be, like, looking around  
19 to make sure that even -- if it is another employee,  
20 that they're not doing anything improper to the  
21 patient?

22 MR. FERRAINOLO: Object to the form.

23 THE WITNESS: I'm sure if you saw  
24 something improper, you would tell somebody  
25 immediately, yes, 'cause the care of the patients is

1 first.

2 BY MR. HYMAN:

3 Q. Based on -- and I'm not talking about  
4 what went on in the ER but exclusively related to  
5 the seventh floor, we know Mr. Farmer transported  
6 Mr. Cagnina up to the seventh floor.

7 A. Yes.

8 Q. Would there be anything in the medical  
9 records or something in writing indicating that  
10 Mr. Farmer did do this, he did transport her, he did  
11 take her into the room, you know, anything in  
12 writing showing that he did those services?

13 A. Not to my knowledge. The only --  
14 unless, you know, it showed that he was brought in  
15 to work in the ER as a transporter that night. That  
16 would be the only thing I would know. It's not  
17 something we put in their admissions.

18 Q. So there's nothing that, say, in your  
19 records on the seventh floor or her charts or  
20 whatever ends up being her file to indicate at this  
21 time, Mr. Farmer transported this patient up here?

22 A. Not to my knowledge, no.

23 Q. Okay. So after you performed your  
24 services that are indicated in this visit record --  
25 you know, last entry shows 5:18 in the morning --

1     yeah, 5:18 in the morning. Did you leave shift  
2     while she was still in her room, or did you stay on  
3     shift through her entire stay at the hospital?

4           A.       No. I -- I left at 7:30 in the morning.  
5     When I came back the next day at 7:00 in the  
6     evening, she wasn't in the room. I asked, you know,  
7     what had happened to her, had she gone home?

8           They said no, that she had -- there had  
9     been an accusation of sexual harassment and she had  
10    been put on another floor under another name to  
11    protect her.

12          Q.       Okay. And then, I mean, is this the end  
13    of the story, or did you -- I mean, there was  
14    obviously a police investigation.

15          A.       Yes.

16          Q.       Were you interviewed by the police?

17          A.       Yes. I was interviewed by a detective  
18    twice.

19          Q.       Did you personally fill out a statement?  
20    Like, did you do your own written statement --

21          A.       No.

22          Q.       -- or did they just ask you questions?

23          A.       They just asked me questions.

24          Q.       And did you say anything different  
25    really than what you've just talked about here?

1 A. No.

2 Q. And then once you were -- like, learned  
3 of this, did anything -- like, did you start  
4 rehashing everything that went through and, I mean,  
5 did anything click, like, oh, yeah, I did see this  
6 happen or this seems suspicious or --

7 A. No.

8 Q. Do you know what happened to Mr. Farmer  
9 after you -- the last time you saw him on the  
10 seventh floor? Do you know if he went back to the  
11 ER or --

12 A. I don't know for certain. I assume he  
13 went back. He took the gurney. I assume that  
14 because he was on the shift and that's where he was,  
15 but I can't say that that's exactly -- that that's  
16 what he did, you know, with any certainty.

17 Q. And you weren't at the hospital when any  
18 of the sexual assault stuff was first reported?

19 A. No, I was not.

20 Q. And do you know just either by talking  
21 to people, I mean, who -- who the players were that  
22 first responded to that? I mean, I think there was  
23 an initial nurse's assistant or something that made  
24 contact with Roxanne when she reported it.

25 A. I guess that was the -- the day shift

1 CNA when they went in to take -- 'cause they would  
2 come in earlier than the nurses, and they -- she  
3 went in and took vitals. They took vitals, you  
4 know, for the day shift, and I'm assuming that's who  
5 it was. I can't say for certain but --

6 Q. Okay. But you don't know a name of  
7 somebody?

8 A. No, huh-uh.

9 Q. Do you recall if Mrs. Cagnina had any of  
10 her personal possessions with her when you first saw  
11 her on the seventh floor, like purse or clothing or  
12 something?

13 A. I don't remember, to tell you the truth.  
14 The CNA would go through the bags that were sent  
15 up -- the hospital bags, you know, that were sent  
16 up, and they would fill out a sheet, and that should  
17 be in her records of whatever she brought up with  
18 letter.

19 Q. Okay. And when you first encountered  
20 her, she was in a hospital gown?

21 A. Yes.

22 Q. Do you know if she had any undergarments  
23 on?

24 A. You know, I can't remember, to tell you  
25 the truth. I'm inclined to say she did, but I can't

1 be absolutely certain.

2 Q. Would that be more a common practice of  
3 the ER, to let someone keep their undergarments on?

4 A. Usually, yes.

5 Q. And are you aware of any other  
6 information that after Mr. Farmer left initially,  
7 you know, you said he took the gurney and presumably  
8 went back to the ER -- aware of him coming back up  
9 to the seventh floor for any reason?

10 A. No, I did not see him anymore.

11 Q. And you haven't made any contact with  
12 Mr. Farmer, I mean, since this whole deal?

13 A. No.

14 MR. HYMAN: I think that's all I have.  
15 Thanks.

16 THE REPORTER: Did you want to order a  
17 transcript?

18 MR. FERRAINOLO: Yes, E-Tran.

19 (The proceedings were adjourned  
20 at 2:02 P.M.)

21 \* \* \* \* \*

22

23

24

25



CERTIFICATE OF DEPONENT

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\* \* \* \* \*

I, Christine Murray, deponent herein, do hereby certify and declare under the penalty of perjury that the within and foregoing transcription, including my corrections reflected above, is a true and correct transcription of my testimony contained therein; that I have read, corrected, and hereby affix my signature to said deposition.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2010,  
at \_\_\_\_\_.  
(City/State)

\_\_\_\_\_  
Christine Murray, Deponent

## 1 CERTIFICATE OF REPORTER

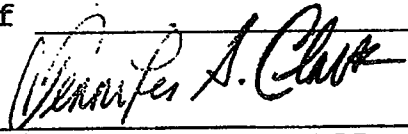
2 STATE OF NEVADA )  
SS:  
3 COUNTY OF CLARK )

4 I, Jennifer A. Caton, a Certified Court  
5 Reporter licensed by the State of Nevada, do hereby  
6 certify: That I reported the deposition of  
7 Christine Murray, commencing on January 27, 2010.

8 That prior to being deposed, the witness was  
9 duly sworn by me to testify to the truth. That I  
10 thereafter transcribed my said stenographic notes  
11 into written form, and that the typewritten  
12 transcript is a complete, true, and accurate  
13 transcription of my said stenographic notes. That  
14 review of the transcript was requested.

15 I further certify that I am not a relative,  
16 employee, or independent contractor of counsel or of  
17 any of the parties involved in the proceeding, nor a  
18 person financially interested in the proceeding, nor  
19 do I have any other relationship that may reasonably  
20 cause my impartiality to be questioned.

21 IN WITNESS WHEREOF, I have set my hand in my  
22 office in the County of Clark, State of Nevada, this  
23 \_\_\_\_ day of \_\_\_\_\_, 2010.

24   
25 Jennifer A. Caton, RDR, CRR, CCR 422

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TAB 58

DISTRICT COURT  
CLARK COUNTY, NEVADA

ROXANNE CAGNINA, an individual, )

Plaintiff, )

vs. )

Case No.

A570756

CENTENNIAL HILLS HOSPITAL MEDICAL )

CENTER AUXILIARY, a Nevada )

corporation; VALLEY HEALTH SYSTEM )

LLC, Limited Liability Company; )

VALLEY HOSPITAL MEDICAL CENTER, )

INC., a Nevada corporation; )

UNIVERSAL HEALTH SERVICES )

FOUNDATION, a Pennsylvania )

corporation; AMERICAN NURSING )

SERVICES, INC., a Louisiana )

corporation; STEVEN DALE FARMER, )

an individual; DOES INDIVIDUALS )

1 through 10 and ROE BUSINESS OR )

GOVERNMENTAL ENTITIES 1 through )

10, inclusive, )

Defendants. )

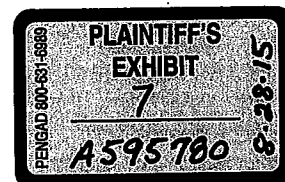
DEPOSITION OF AMY BOCHENEK

Taken on March 10, 2010

At 9:02 A.M.

1640 West Alta Drive, Suite 4

Las Vegas, Nevada



LST 119007

Reported by: Jennifer A. Caton, RDR, CRR, CCR #422



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Page 4

## 1 APPEARANCES:

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12 Center:

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1 LAS VEGAS, NEVADA; MARCH 10, 2010

2 9:02 A.M.

3 -o-o-

4 AMY BOCHENEK,

5 having been called as a witness and having been  
6 first duly sworn, was examined and testified as  
7 follows:8 (Prior to the commencement of  
9 the deposition, all counsel  
10 present agreed to waive  
11 statements by the court  
12 reporter pursuant to  
13 Rule 30(b)(4) of the NRC.P.)

## 14 EXAMINATION

15 BY MR. HYMAN:

16 Q. Good morning.

17 A. Good morning.

18 Q. My name is Neal Hyman. I'm here on  
19 behalf of the plaintiff in this civil action  
20 entitled Cagnina versus Valley Health System, et al.21 Would you please state your full name  
22 and spell your last name for the record.

23 A. Yes. Amy Bochenek, B-O-C-H-E-N-E-K.

Page 3

Page 5

## 1 INDEX

2 Witness

Page

3 AMY BOCHENEK

4 Examination by Mr. Hyman

4

## 5 INFORMATION REQUESTED

6 Page Line

7 43 19

8 45 1

## 9 EXHIBITS

10 Number Page Description

11 (None)

1 Q. And what is your current employment?

2 A. Centennial Hills Hospital.

3 Q. And do you know the business address?

4 A. 6900 North Durango Drive, 89149.

5 Q. Have you had your deposition taken  
6 before?

7 A. Yes.

8 Q. Approximately how many times?

9 A. Once.

10 Q. Do you recall how long ago that was?

11 A. It was in the last year.

12 Q. Do you recall the circumstances, like  
13 what type of case it was?14 A. It was a prior health care facility case  
15 similar to this, PMK situation.16 Q. Did it involve a case where someone was  
17 suing the hospital for negligence?18 A. It involved -- it never went to -- it  
19 was dropped, but it was a deposition that was  
20 preparing for a potential case, a suit against a  
21 hospital.22 Q. I guess I'm just trying to figure out if  
23 any of the facts in that case were remotely similar  
24 to this case.

25 A. Completely different. No, completely

different.

Q. What I'll do is I'm just going to go over some admonitions just to be cautious, make sure you know the deposition process.

As you can see, we're sitting here in a conference room. You've been placed under oath, and you'll be testifying here today as if you were in a court of law.

Do you understand that?

A. Yes, I do.

Q. And I'll just get this one out real quick. It's important not to talk over each other, so please let me finish what I'm saying before you start to talk, because otherwise, the court reporter can't get it all down. Okay?

A. Yes.

Q. And then audible responses are appreciated such as yes or no or elaborate on an answer. Okay?

A. Yes.

Q. Can you think of any reason why you wouldn't be able to testify here today? Lack of sleep? Under the influence of something?

A. No.

Q. Other than just not wanting to.

Q. Subject number 4 is the head slash charge nurse of the emergency room when plaintiff was admitted to the emergency room. Do you have some knowledge on that subject?

A. Yes.

Q. Subject 6 -- we talked about this briefly off the record. It was one of those subjects we didn't really know who was going to speak to. It's inpatient head slash charge nurse on inpatient unit when plaintiff was admitted to the hospital room on the seventh floor.

Off the record, we were clarifying that you would not have been the actual head charge nurse on the seventh floor, but regarding policies and practices of a head charge nurse on the seventh floor when this happened, you have knowledge on that?

A. Yes.

Q. And then subject 8 is policies, practices, and procedures related to transporting patients from the emergency room to a hospital room. You have some knowledge on that?

A. Yes.

Q. So we're just going to limit my questioning to those subjects, and so it's my

A. Only Starbucks.

Q. You understand that you were placed under oath and would face the penalty of perjury for not telling the truth?

A. Yes.

Q. Upon completion of the deposition, you'll be provided with a booklet which is essentially the transcript. You may not, if you waive that right, but if you have the opportunity to review it, you can make changes. I would just caution you if it's any sort of substantive change such as, you know, a date or a fact that's important to this case, I can bring that up later at trial, that you changed your testimony.

Do you understand that?

A. Yes.

Q. So you've been -- or we noticed the deposition here today, and you've been designated under various categories as a person most knowledgeable, which is kind of a term of art in legal cases. It doesn't necessarily mean you're the person with the most knowledge, but Valley Health Systems has designated you on three categories, and I just want to go over those.

A. Uh-huh.

understanding you're not identified as a percipient witness.

I don't know, Dave, do you know if she is or --

MR. FERRAINOLO: She is not.

BY MR. HYMAN:

Q. So anyway, I would reserve my right to depose you on percipient witness issues if that were the case.

MR. FERRAINOLO: I want to back up real quick. I think the morning afterwards, the only involvement she would have had would have been reporting the incident to the nursing agency, and I think she reported the incident to the state.

BY MR. HYMAN:

Q. So we can talk to you briefly about that.

It's customary in a deposition to kind of go over some background questions, so we'll try to start there.

Did you attend high school?

A. Yes.

Q. Where?

A. Marina High School, Huntington Beach, California.



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1 Q. Do you recall the year you graduated?  
 2 A. '90.  
 3 Q. Are you from California? Were you born  
 4 there?  
 5 A. No.  
 6 Q. Where were you originally born?  
 7 A. Saratoga Springs, New York.  
 8 Q. And obviously I don't want to get into  
 9 your whole childhood but --  
 10 A. We will be here till lunch.  
 11 Q. Right. But you moved to California,  
 12 attended high school, and completed high school in  
 13 California?  
 14 A. Yes.  
 15 Q. Is it fair to say you didn't have any  
 16 kind of work history in New York?  
 17 A. Correct.  
 18 Q. Then when you graduated high school, did  
 19 you go to any higher education?  
 20 A. I went to nursing school in California.  
 21 Q. Do you recall the year?  
 22 A. I attended from '93 to '95, I believe,  
 23 first in community college and then continued  
 24 through a program that actually was out of New York  
 25 until '99 to extend my degree.

Page 12

1 A. Correct.  
 2 Q. And then subsequently, you obtained some  
 3 other licenses?  
 4 A. Correct, a registered nursing license.  
 5 Q. When did you get that?  
 6 A. I believe '99.  
 7 Q. Was that also in California?  
 8 A. I was licensed in California. My degree  
 9 was through Excelsior College in Albany, New York,  
 10 but I was licensed in California, both LVN and RN  
 11 licenses.  
 12 Q. And then tell me a little bit about the  
 13 community college you attended.  
 14 A. As far as --  
 15 Q. Well, that was separate from the nursing  
 16 school?  
 17 A. Correct. No. Mount Jacinto College was  
 18 the nursing program, the LVN program.  
 19 Q. So it's one and the same?  
 20 A. Correct.  
 21 Q. Did you obtain any degrees other than a  
 22 nursing degree?  
 23 A. No.  
 24 Q. Did you ever work either as a nurse or  
 25 in the health care industry in California?

Page 11

1 Q. So let's take this apart here.  
 2 So you first attended nursing school?  
 3 A. Yes.  
 4 Q. And what was the name?  
 5 A. Mount Jacinto College -- it's  
 6 J-A-C-I-N-T-O -- in San Jacinto, California.  
 7 Q. And were there a series of classes that  
 8 you had to take to complete that?  
 9 A. Yes.  
 10 Q. Can you tell me about how long that  
 11 took.  
 12 A. It was a two-year program, associate  
 13 degree program.  
 14 Q. So you went straight through and got  
 15 your degree?  
 16 A. Yes.  
 17 Q. At that point, did you obtain any  
 18 nursing license?  
 19 A. Yes.  
 20 Q. Do you recall when you obtained that?  
 21 A. Would have been in 1995. I believe May  
 22 or June. I'm not exactly sure of the month. My  
 23 initial license was as an LVN, licensed vocational  
 24 nurse.  
 25 Q. So that was your first license?

Page 13

1 A. Yes.  
 2 Q. Where?  
 3 A. Hemet Valley Medical Center. I actually  
 4 worked for Valley Health System. It was not this  
 5 Valley Health System. It's a different -- same name  
 6 but it was a group of three hospitals, Hemet Valley  
 7 Medical Center, Moreno Valley Medical Center, and  
 8 Menifee Valley Medical Center, M-E-N-I-F-E-E.  
 9 And I worked in two out of the three, at  
 10 Menifee Valley and Hemet Valley. I worked -- when I  
 11 was in nursing school, I started working as an  
 12 assistant there in 1994, and then when I graduated  
 13 from nursing school, I moved to a nursing role and  
 14 worked there until the end of '99.  
 15 Q. Just start -- tell me your first, I  
 16 guess, role as -- was your first assignment as a  
 17 registered nurse?  
 18 A. At that hospital, I worked as a CNA  
 19 initially when I was still in nursing school.  
 20 Q. And are you aware of, like, what were  
 21 the, I guess, job descriptions of a CNA when you  
 22 were doing it?  
 23 A. I couldn't tell you what the description  
 24 said now. I could tell you what my work role was.  
 25 Q. What did it include?

(Pages 14 to 17)

Page 14

1 A. Assisting patients, vital signs, taking  
2 them to the restroom, bringing them water, blankets,  
3 basically activities of daily living, transports,  
4 ambulating, repositioning patients, bathing.  
5 Q. Were you assigned to an emergency room  
6 at that point?  
7 A. I started in a medical unit, med-surg  
8 unit.  
9 Q. Did you ever progress to ER?  
10 A. As a nurse, I did.  
11 Q. Were you aware of any requirements for a  
12 CNA to be able to work in an emergency room?  
13 A. It varies from department to department.  
14 Some emergency departments use a technician role and  
15 some use a CNA role and some use both. But usually  
16 the basic requirement is a CPR card and then  
17 on-the-job training.  
18 Q. So you weren't aware of any sort of,  
19 like, one-year requirement for acute hospital --  
20 A. No. That would vary depending on the  
21 facility.  
22 Q. And then did your nursing school qualify  
23 you to be a CNA automatically?  
24 A. I think after the second semester, we  
25 could take the test, so it was part of our -- part

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1 of our training. I believe it was after two  
2 semesters, you could sit for the state CNA board,  
3 and that's what I did. I didn't attend a separate  
4 CNA class. It was part of our curriculum.  
5 Q. And then at some point, you served as a  
6 registered nurse in California?  
7 A. Correct, at the same facility when --  
8 when I completed my RN degree, I just moved from an  
9 LVN position into an RN position in the emergency  
10 department. So I worked under both titles in the  
11 same department, first one, then the other.  
12 Q. So you were working as a registered  
13 nurse in the emergency room.  
14 A. Correct, by the time I left, yes.  
15 Q. And at some point, did you go from  
16 California to Nevada?  
17 A. I went from California to Montana,  
18 Helena.  
19 Q. Do you recall the year?  
20 A. That was in January of 2000, right at  
21 the beginning of the year.  
22 Q. What prompted that move?  
23 A. Relocated. Both my husband and I had  
24 job offers there.  
25 Q. Was your husband at all in health care?

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1 A. No.  
2 Q. And what sort of work did you do in  
3 Montana?  
4 A. The same type of work. I was recruited  
5 there to work as a critical care float nurse. I  
6 worked between the ED, the emergency room, and the  
7 critical care unit at a hospital. And I only did  
8 that for a short time and was promoted into  
9 management.  
10 Q. Do you recall the name of the hospital?  
11 A. St. Peter's Hospital in Helena, Montana.  
12 Q. And then what did your promoted position  
13 involve?  
14 A. Initially I was director of patient care  
15 services where I had responsibility for the house  
16 supervisors and the float pool staff, and then I  
17 moved into a director of surgical pediatrics and  
18 oncology, three different inpatient units, and  
19 maintained patient care services as well.  
20 Q. So did your job ever involve supervising  
21 emergency room employees?  
22 A. Not at that time, no.  
23 Q. At either the hospitals in California or  
24 in Montana, did you ever come into association with  
25 what's referred to as agency type employees, not

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1 direct-hire employees?  
2 A. In Montana, no. In California, it was  
3 rare. In Montana, we on occasion would have a --  
4 well, a traveler, which is similar to an agency  
5 staff, but it's not day -- it's a long-term contract  
6 type position.  
7 Q. And so when was it that you moved away  
8 from Montana?  
9 A. In 2004.  
10 Q. And where did you go?  
11 A. To Rockford, Illinois.  
12 Q. And what was the reason?  
13 A. I was recruited there for a different  
14 management position.  
15 Q. Different hospital?  
16 A. Yes. It was Rockford Memorial Hospital.  
17 Q. And what was your job duty?  
18 A. Initially I was hired to manage  
19 pediatrics and the pediatric intensive care unit,  
20 and I only did that for a few months. I was  
21 promoted to senior manager of children's services  
22 and then senior manager of emergency and nursing  
23 services.  
24 Q. So there you had the opportunity to  
25 oversee and observe emergency room employees?

Page 18

1 A. Correct.  
 2 Q. And when did you move away from that  
 3 state?  
 4 A. In September 2007 when I moved here.  
 5 Q. So September 2007, you moved to Nevada?  
 6 A. Yes.  
 7 Q. And what prompted that move?  
 8 A. My father became ill.  
 9 Q. Your husband moved with you?  
 10 A. Yes.  
 11 Q. At some point, did you obtain any work  
 12 in Nevada?  
 13 A. I was hired to work for Centennial Hills  
 14 before I moved.  
 15 Q. And tell me about that. How did you  
 16 find Centennial Hills?  
 17 A. I basically looked for management  
 18 positions, and I applied for two different positions  
 19 here in town, both emergency services based. I was  
 20 offered both, and I chose Centennial Hills. It was,  
 21 you know, a hospital that wasn't open yet, something  
 22 I hadn't done.  
 23 Q. And did you know anything about, you  
 24 know, the owner or manager of Centennial Hills  
 25 Hospital, what the company was?

Page 19

1 A. No.  
 2 Q. The name Valley Health System, LLC, were  
 3 you ever aware of that?  
 4 A. I was aware of Valley Health System, but  
 5 it was a different Valley Health System, so no.  
 6 Q. So at some point after you started  
 7 working for Centennial Hills Hospital, did you  
 8 understand it was part of a Valley Health System?  
 9 A. When I was hired, I understood that, and  
 10 when I was going through the interview process, I  
 11 understood that.  
 12 Q. Do you recall when Centennial Hills  
 13 Hospital actually opened to the public?  
 14 A. January of 2008.  
 15 Q. So for a period of, what, three, four  
 16 months, you were working at the hospital before it  
 17 was opened?  
 18 A. We were in temporary offices for, I  
 19 guess, four or five months prior. We opened at the  
 20 end of January. So we worked out of temporary  
 21 offices developing policies, hiring staff until we  
 22 could occupy the building.  
 23 Q. Were you involved in hiring any staff?  
 24 A. I hired all the staff for the emergency  
 25 department.

Page 20

1 Q. And that would be related to direct  
 2 hires?  
 3 A. Correct.  
 4 Q. At this point, did you have any  
 5 interaction with, say, agency employees or any --  
 6 A. No.  
 7 Q. You didn't have any role in making  
 8 decisions on that?  
 9 A. We didn't hire any agency staff before  
 10 we opened. The need for agency staff came after  
 11 opening and finding that our volumes exceeded what  
 12 was predicted and what we had staffed for. We  
 13 needed to use short-term help so we could open more  
 14 positions and bring more full-time nurses in to  
 15 cover the need.  
 16 Q. We've had a PMK in this case, person  
 17 most knowledgeable, on human resources who talked  
 18 about sort of what Centennial Hills Hospital looked  
 19 for in its employees when it was hiring and that.  
 20 You've just testified that you had some involvement  
 21 in hiring people for the ER.  
 22 A. Yes.  
 23 Q. Can you tell me to some degree how are  
 24 you familiar with those policies, practices, and  
 25 procedures? Like, what do you look for?

Page 21

1 A. Personally or -- our culture as an  
 2 organization was to find what we call right fit  
 3 applicants, so customer service, experience, if they  
 4 had the whole picture, but customer service skills,  
 5 flexibility, adaptability, the ability to work in a  
 6 new building where we didn't quite know, you know,  
 7 exactly what we would receive as far as customer  
 8 base.  
 9 Q. Were you actually involved in, say, if  
 10 there was an applicant, going over their  
 11 application?  
 12 A. HR would -- human resources would  
 13 initially screen the applications and then send them  
 14 to me.  
 15 Q. Would that include an agency hire?  
 16 A. No. Agency staff do not apply through  
 17 the traditional methods. They don't submit  
 18 applications. It's a different process.  
 19 Q. Are you familiar with a company called  
 20 American Nursing Services?  
 21 A. I know the name.  
 22 Q. Prior to working at Centennial Hills  
 23 Hospital, did you ever hear of them?  
 24 A. No.  
 25 Q. Sometime while you were working at

1 Centennial Hills Hospital, did you learn of them?  
 2 A. Yes. In addition to the emergency  
 3 department, I had responsibility for the nursing  
 4 office which oversaw the placement of agency staff.  
 5 Q. So you have the understanding that  
 6 American Nursing Services was one company that  
 7 Centennial Hills Hospital used to get agency  
 8 employees?  
 9 A. Correct, through our Broadlane contract.  
 10 Q. And what do you know about this  
 11 Broadlane contract?  
 12 A. I know that VHS works with Broadlane  
 13 that coordinates a group of agency companies that  
 14 provide temporary staff.  
 15 Q. Are you aware of any other agency  
 16 companies other than American Nursing Services that  
 17 Centennial Hills Hospital used?  
 18 A. There are multiple. I couldn't really  
 19 tell you the names.  
 20 Q. In your eyes, is there a distinction  
 21 between an agency employee versus a direct hire? In  
 22 other words, are they treated differently at the  
 23 hospital?  
 24 MR. FERRAINOLO: Object to form.  
 25 THE WITNESS: I'm not sure what you're

1 policies and procedures.  
 2 A. Correct.  
 3 Q. And you would expect that if there was a  
 4 company like American Nursing Services and they were  
 5 doing a background screening search on a potential  
 6 agency employee, they should meet the same standards  
 7 as the hospital?  
 8 MR. FERRAINOLO: Object to the form. I  
 9 think you're outside the scope of her designation.  
 10 I'll let you answer that if you know  
 11 what ANS does.  
 12 THE WITNESS: I know that we require  
 13 background checks on all of our employees. I can't  
 14 speak to how that company performs theirs. I just  
 15 know that that's part of our process.  
 16 BY MR. HYMAN:  
 17 Q. And you know, you personally wouldn't  
 18 have been involved in, say, like, calling references  
 19 or doing those things.  
 20 A. Outside of our employees, no. And even  
 21 on our employees, I wouldn't do that. That's a  
 22 human resources function.  
 23 Q. Now, getting more into the facts of this  
 24 specific case, are you familiar with a former agency  
 25 employee named Steven Farmer?

1 asking.  
 2 BY MR. HYMAN:  
 3 Q. I guess I'm just saying in your eyes, is  
 4 there a distinction between an agency employee and a  
 5 direct hire as the way they're treated by either  
 6 yourself or other staff at the hospital?  
 7 MR. FERRAINOLO: Object to form.  
 8 THE WITNESS: Do you want me to answer?  
 9 MR. FERRAINOLO: You can. If you can.  
 10 THE WITNESS: Well, I think they're  
 11 treated the same. If you're asking how their  
 12 coworkers treat them or how a manager would treat  
 13 them, they're treated as a nurse or a CNA, whatever  
 14 their role is. They have the same expectations for  
 15 performance, and they're held to the same standards.  
 16 BY MR. HYMAN:  
 17 Q. Okay. I'm not trying to get into what  
 18 people actually do, but I'm saying an agency  
 19 employee should be treated just like any other  
 20 employee.  
 21 A. Correct.  
 22 Q. And should be held to the same  
 23 qualifications and standards?  
 24 A. Correct.  
 25 Q. And should have to abide by the same

1 A. Yes.  
 2 Q. Prior to this lawsuit, I mean, were you  
 3 aware of him as an agency employee?  
 4 A. Yes.  
 5 Q. Tell me about when was your first  
 6 encounter with him.  
 7 A. I couldn't give you a date. I could  
 8 just tell you that I met him on several occasions  
 9 while he was working in the facility, most often at  
 10 shift change, because he typically worked night  
 11 shift.  
 12 Q. And what was his shift? Where did he  
 13 work?  
 14 A. Where -- time or location?  
 15 Q. Let's start with the basics. What was  
 16 his, I guess, job title?  
 17 A. CNA.  
 18 Q. And as far as you know, that was always  
 19 his job title?  
 20 A. Correct.  
 21 Q. Were you involved personally to any  
 22 degree in reviewing his file before he was hired?  
 23 A. No.  
 24 Q. Would you have ever had the opportunity  
 25 to see his file?

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1 A. I could have if I had a reason to ask  
2 for it, but in this case, I did not.

3 Q. And for someone like Mr. Farmer who was  
4 a CNA, would he be -- strike that.

5 For someone like Mr. Farmer who was a  
6 CNA and who was also an agency employee, would he  
7 have a set position in the hospital somewhere where  
8 he was going to always work?

9 A. No.

10 Q. So he would just sort of float around  
11 where the need was?

12 A. We would secure agency staff on a  
13 shift-by-shift or need-by-need basis. So they are  
14 not employed by our facility, and they are not  
15 arranged in advance.

16 We would assess our needs for the  
17 upcoming shift, and if our needs exceeded the number  
18 of nurses or CNAs that we had as our own employees,  
19 then we would call the agencies to see what staff  
20 were available. So it was not an in-advance -- it's  
21 not an in-advance process for any agency staff that  
22 work on a daily basis.

23 Q. Would it literally be a situation where  
24 every day he showed up, he could be somewhere else?

25 A. We would arrange where he was going

1 THE WITNESS: A CNA can work in multiple  
2 departments. They perform the same tasks. It's  
3 different than a nurse.

4 A nurse that cares for patients, we may  
5 ask of certain skill sets, and a nurse may be able  
6 to work in one area but not another.

7 But assisting patients to the restroom,  
8 transporting patients, getting patients water, those  
9 tasks are the same regardless of what unit they are  
10 placed in.

11 BY MR. HYMAN:

12 Q. So you're not aware of any policy or  
13 recommendation that a CNA that's going to work in  
14 the emergency room should have at least a year of  
15 experience doing that?

16 A. No.

17 Q. Do you recall when Mr. Farmer would have  
18 started working at the hospital? Like month or  
19 year?

20 A. I think February.

21 Q. Of 2008?

22 A. Correct. Couldn't tell you exactly  
23 when.

24 Q. And was it a situation, up till this  
25 incident that occurred, which is around -- it's

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1 ahead of time, so we would call the agency and say  
2 we need two CNAs for med-surg and one for the  
3 emergency room department, and they would provide us  
4 with staff that had already submitted, you know,  
5 complete files to us and met the requirements, and  
6 then we would place them.

7 We would say CNA A can go to med-surg.  
8 CNA B would go to the emergency department. So it  
9 would change based on the need. So he could work in  
10 different locations, yes.

11 Q. So it would be fair to say that at least  
12 prior to Mr. Farmer coming on for a shift, if you  
13 needed a CNA in the emergency room, the agency would  
14 know that and they would provide you with a CNA that  
15 could work in the emergency room?

16 MR. FERRAINOLO: Object to the form.

17 THE WITNESS: I'm not sure what you're  
18 asking.

19 BY MR. HYMAN:

20 Q. I guess what I'm trying to say is if a  
21 CNA, to work in the emergency room, has to have  
22 certain knowledge, would the agency know that in  
23 advance to get you the right CNA to work in the  
24 emergency room?

25 MR. FERRAINOLO: Object to form.

1 May 15, 2008 -- was he pretty much working there  
2 daily?

3 A. I couldn't answer that question.

4 Q. If the time sheet records from American  
5 Nursing Services indicated that he was basically  
6 working there daily with the exception of a few  
7 days, would you dispute that?

8 MR. FERRAINOLO: I would object to form.

9 THE WITNESS: I just can't answer  
10 because I don't know how many shifts he worked. I  
11 can tell you that he worked during that time at our  
12 facility, but I don't know how many shifts.

13 BY MR. HYMAN:

14 Q. So you don't know if he worked at other  
15 facilities.

16 A. Correct. His agency would know that.

17 Q. And that leads me to my next question.  
18 Are you aware of there being any sort of log or  
19 records at the hospital that would show that  
20 Mr. Farmer was working there on any given day?

21 A. We maintain records because we pay for  
22 agency staff because they're not on our payroll. So  
23 we track where we place staff, and we also then  
24 submit that to accounting so that they can pay the  
25 agencies for the staff that they've submitted to us.

1 Q. Is there any sort of log that, say,  
2 Mr. Farmer, when he shows up, would have to sign in  
3 or something?  
4 A. No, not that I'm aware of.  
5 Q. So how does it actually get recorded in  
6 the hospital's records? Who does that?  
7 MR. FERRAINOLO: Object to form.  
8 THE WITNESS: A staffing coordinator  
9 maintains those records.  
10 BY MR. HYMAN:  
11 Q. And how would they know that Mr. Farmer  
12 was there on a certain day?  
13 MR. FERRAINOLO: Object to form.  
14 THE WITNESS: Our process is to obtain  
15 agency staff and then decide where we're placing  
16 them at the start of the shift. We have house  
17 supervisors that are in-house 24 hours a day that  
18 oversee how we place patients or how we place nurses  
19 and patients. Sometimes that may change if the  
20 needs on one unit decrease and the needs on another  
21 unit increase.  
22 If we discharge multiple patients off  
23 one area and have admissions in another, they may  
24 move staff, but they track that information for the  
25 staffing coordinator so that we can pay

1 appropriately out of the right cost centers.  
2 BY MR. HYMAN:  
3 Q. Do you know where those type of records  
4 would be located?  
5 A. I know that we maintain a spreadsheet in  
6 the staffing office, and I know that accounting  
7 keeps records of their own. I can't speak to where  
8 or what type.  
9 Q. And based on the fact that this occurred  
10 in May 2008, which was a little over a year and a  
11 half ago, would those records still exist?  
12 A. I believe so.  
13 Q. I'll just submit to you that we've been  
14 trying to get those records in this case and they  
15 haven't been produced, so if there's any way you can  
16 assist Mr. Ferrainolo in obtaining those, would you  
17 do so?  
18 A. I will try.  
19 Q. I believe there's a court order  
20 requiring it so --  
21 So when you were, I guess, having  
22 dealings or encountering Mr. Farmer, did you know  
23 anything about his background?  
24 A. No.  
25 Q. I mean, you didn't even know, like, you

1 know, if he had been a CNA in California?  
2 A. No.  
3 Q. Do you recall any specific conversations  
4 with him, him saying anything specific to you about  
5 anything?  
6 A. Most of our conversations were just  
7 basic greetings in passing, hi, how was your night?  
8 We didn't really have any personal conversations.  
9 Q. Before May of 2008, were you ever able  
10 to observe him working?  
11 A. Not directly, no.  
12 Q. In May of 2008, were you assigned to any  
13 degree to the emergency room?  
14 A. I was director of emergency services at  
15 that time.  
16 Q. So when Plaintiff Cagnina was brought to  
17 the ER in an ambulance, I believe it was on May 15,  
18 2008, were you working?  
19 A. It would depend what time she came in.  
20 I worked day shifts then.  
21 Q. And this is from my memory, but my  
22 understanding is she came in in the later evening,  
23 maybe around 8:00 P.M.  
24 A. So I would not be in the building at  
25 that time.

1 Q. I'm not going to ask you about what an  
2 attorney has talked to you about or shown you, but  
3 have you reviewed any documents such as medical  
4 records or something related to this case?  
5 A. Not anything recently. I think I've  
6 seen some parts of the medical record after the  
7 incident but not anything recently.  
8 Q. So sitting here just out of personal  
9 knowledge, do you know which nurses were on shift in  
10 the ER when Plaintiff Cagnina was admitted?  
11 A. I know it involved -- with this case, I  
12 recall that Karen Goodhart was there, Ray Sumara,  
13 and I believe Darby Curlee was our charge.  
14 Q. What was that name again for the charge  
15 nurse?  
16 A. Darby. His real name is Carlton Curlee,  
17 C-U-R-L-E-E. He goes by Darby.  
18 Q. Is that person still working at the  
19 hospital?  
20 A. Yes. There would be more nurses on.  
21 Those are just the names that I know.  
22 Q. In an emergency setting, assuming  
23 Mr. Farmer was assigned to the emergency room, who  
24 would supervise Mr. Farmer on any given day?  
25 A. The charge nurse.

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1 Q. So that would be -- is it Mr. Kirby?  
 2 A. Yes.  
 3 Q. What about just the RNs that are  
 4 working? Do they have some supervisory role?  
 5 A. RNs delegate to the assistive staff in  
 6 the department, so in that -- in that  
 7 responsibility, yes, but the charge nurse is  
 8 responsible for the operations of the department.  
 9 Q. So if Ms. Goodhart -- you know, she's  
 10 been deposed. She testified in deposition that she  
 11 was pretty much assigned to Plaintiff Cagnina. If  
 12 Mr. Farmer was doing anything to attend to  
 13 Mrs. Cagnina, would Mrs. Goodhart have been  
 14 supervising Mr. Farmer?  
 15 A. Supervising in what sense?  
 16 Q. Overseeing whatever he was doing with  
 17 the patient.  
 18 A. The charge nurse supervises the  
 19 department, so the primary nurse doesn't have a  
 20 leadership position, but they delegate to the  
 21 assistive personnel. So she may have asked a CNA to  
 22 perform tasks for her, and in that sense, you know,  
 23 she would be overseeing the work. But CNAs also  
 24 perform tasks within their scope independently.  
 25 Q. And at some point, I believe a doctor

1 transported by basic level staff. So in the  
 2 emergency department, that would be a CNA or an  
 3 ED tech, and house-wise, it could be a transporter.  
 4 During the daytime hours, we have transporters, but  
 5 at night, we do not.  
 6 Q. Are you aware of any sort of hospital  
 7 policy that would take into consideration that  
 8 Plaintiff Cagnina was female and was medicated and  
 9 was suffering from seizures and that perhaps a  
 10 female transporter should be used?  
 11 A. No.  
 12 MR. FERRAINOLO: Object to form.  
 13 BY MR. HYMAN:  
 14 Q. So there's actually no policy on that.  
 15 A. No.  
 16 Q. Is there any sort of policy, say, if  
 17 somebody is suffering from seizures and they're  
 18 going to be admitted, that, like, an RN accompany  
 19 the patient?  
 20 A. Policies aren't based on their  
 21 diagnosis. It's based on their acuity. And the  
 22 fact that the physician admitted this patient to a  
 23 medical floor, that would mean that she was a stable  
 24 patient. If she needed a higher level of care, the  
 25 physician would have admitted her to our

Page 35

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1 made the decision that Plaintiff Cagnina was going  
 2 to be admitted to the hospital. You know, it was in  
 3 the early hours of the morning, so at least probably  
 4 for a day.  
 5 Do you know who was involved in making  
 6 the decision of having Mr. Farmer transport her?  
 7 A. Making the decision to transport to the  
 8 floor?  
 9 Q. Right. Like, actually using Mr. Farmer  
 10 to take Plaintiff Cagnina to the seventh floor.  
 11 A. Well, that is the role of the support  
 12 staff in the emergency department.  
 13 Q. And by support staff, that could include  
 14 various types of workers?  
 15 A. Emergency department technicians or  
 16 CNAs. Those are the two support staff roles that we  
 17 have.  
 18 Q. Not nurses?  
 19 A. Nurses may transport at times as well.  
 20 If another person is not available or there's a  
 21 critical need, if the patient is on -- you know, if  
 22 the patient is an ICU patient, then a nurse would  
 23 accompany the patient.  
 24 But for medical patients, which this  
 25 patient was, it was standard for the patient to be

1 intermediate care or the intensive care unit, and  
 2 then that would require a nurse's presence.  
 3 Q. Are you familiar with the way the  
 4 different floors are set up at this hospital?  
 5 A. Yes.  
 6 Q. So the seventh floor, what type of  
 7 patients go there?  
 8 A. Medical patients.  
 9 Q. And what about the sixth floor?  
 10 A. Medical patients.  
 11 Q. So someone like Plaintiff Cagnina being  
 12 admitted for seizures or observation from the  
 13 emergency room could just as equally go to the  
 14 seventh floor as the sixth floor?  
 15 A. Correct.  
 16 Q. Any other floors?  
 17 A. Right. Now we have an eighth floor that  
 18 we've opened since, but at the time, we only had the  
 19 sixth and the seventh floors opened. And on  
 20 occasion, if those floors are full, we may place  
 21 those patients into an overflow status on the fifth  
 22 floor, not because they require critical care but  
 23 because that happens to be where an open bed is.  
 24 Q. And were you involved to any degree in  
 25 the decision of, you know, which room she was going

1 (Pages 38 to 41)

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1 to be sent to?  
 2 A. No.  
 3 Q. Have you had the opportunity to  
 4 review -- there's a couple documents that most of  
 5 the witnesses in this case have been shown, but  
 6 there's an emergency department fax report, and then  
 7 there's an ED admit log.  
 8 A. Uh-huh.  
 9 Q. Have you seen either one of these for  
 10 this case?  
 11 A. I believe I have.  
 12 Q. Recently?  
 13 A. Not recently.  
 14 Q. I'm going to show you the first one,  
 15 which is CAG -- I'll omit the zeros -- 57. So it's  
 16 emergency department fax report. Just take a second  
 17 to look at that.  
 18 You've seen this type of document  
 19 before?  
 20 A. Correct.  
 21 Q. Have you seen this specific document  
 22 before?  
 23 A. I believe I have after the case.  
 24 Q. So after the report of sexual assault.  
 25 A. Correct.

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1 yet clean or that a patient was projected to move  
 2 out of a room and did not. Sometimes the nurses --  
 3 the charge nurse on the floor will decide to place  
 4 patients in certain locations. For example, an  
 5 elderly patient at risk for falls, they may want to  
 6 put closer to the nurses station and move younger  
 7 patients into different rooms. So there's a lot of  
 8 reasons that they would change rooms.  
 9 Q. So if we look at the ED admit log, which  
 10 is ED transport log -- I'll omit the zeros -- 1,  
 11 disregard the prior two boxes which are different  
 12 patients, but if we look at the top box, there's a  
 13 series of little boxes here. You can see those  
 14 apparently four on top, four on the bottom?  
 15 A. Yes.  
 16 Q. So it looks like we have a disposition  
 17 time of 2:30 A.M. on -- that would be May 16, 2008?  
 18 A. Yes. This is the working log for the  
 19 unit coordinator, which is our secretary in the  
 20 department. And what this does is it helps them  
 21 track the process of admission. So the disposition  
 22 time is the time the physician wrote the order for  
 23 admission.  
 24 Q. And then you can see where it says  
 25 inpatient bed number 717.

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1 Q. You can see at the top here, there  
 2 apparently are two room numbers. One looks like it  
 3 was 717, and then there's 725.  
 4 A. I see that.  
 5 Q. If I submit to you she was ultimately  
 6 transferred to 725, can you think of any reason why  
 7 717 would be on there?  
 8 A. That would tell me that at some point,  
 9 the room may have changed or the nurse wrote down  
 10 the wrong number. The admit log is where they write  
 11 down the initial room so --  
 12 Q. I mean, is that something that commonly  
 13 happens?  
 14 A. It can.  
 15 MR. FERRAINOLO: Object to form.  
 16 THE WITNESS: It looks like the room  
 17 changed, from what I see there.  
 18 BY MR. HYMAN:  
 19 Q. I'm going to show you that one in a  
 20 second, but I'm just trying to get at the reason.  
 21 You can't tell me why that room changed?  
 22 A. It can be a lot of different things. I  
 23 can give you examples, but I couldn't tell you what  
 24 happened on this night.  
 25 The examples may be that one room is not

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1 A. I can.  
 2 Q. So that at least evidently was the  
 3 initial bed -- or room she was going to go to?  
 4 A. Right.  
 5 Q. And then there's a box there that says  
 6 time super called back, 2:30 A.M.  
 7 A. That would be the house supervisor.  
 8 That just means they called the house supervisor to  
 9 let them know. Those three times are the same. So  
 10 they called the house supervisor to let them know  
 11 that they had an admission, and they got a hold of  
 12 the house supervisor at that time.  
 13 Sometimes you'll see a different time in  
 14 those boxes because they'll call and leave a  
 15 voicemail if the house supervisor is on another  
 16 line, and then the house supervisor will call back,  
 17 and they'll note different times in those boxes.  
 18 Q. So who -- is it someone in the ER that  
 19 would call the house supervisor?  
 20 A. The unit coordinator, the secretary.  
 21 Q. And in this case, do you know who that  
 22 would have been?  
 23 A. I do not.  
 24 Q. But would that person have been provided  
 25 with some information from the staff at the ER?



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1 A. The process is the physician writes an  
2 order to admit. The order goes into our rack for  
3 the unit coordinator to process. They would then  
4 look at the chart see an admission order to a  
5 certain level of care, which in this case is a  
6 med-surg -- that's what the MS stands for -- 23-hour  
7 observation, meaning an observation stay, not an  
8 inpatient stay.

9 They would call the house supervisor and  
10 let the house supervisor know this information, that  
11 they have a patient this age, this sex, this  
12 diagnosis, being admitted to this physician and that  
13 status, med-surg observation. And the house  
14 supervisor would take that information, and then  
15 they would contact the charge nurse on the inpatient  
16 units wherever beds were available and find a place  
17 for that patient.

18 Q. So in this case on this day, do you know  
19 who the house super was?

20 A. I do not. It doesn't denote that on  
21 this form.

22 Q. Would there be any record that would  
23 show that?

24 A. We could look at our staffing records to  
25 find out who was on.

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1 A. I don't know if she would contact just  
2 that floor. She would look at where her beds were  
3 available in house, and then she would have options.  
4 So if we had beds on both six and seven, she may  
5 call both. If we only had beds on the seventh floor  
6 or if that seemed to be the most appropriate place  
7 to admit, she may just call that charge nurse.

8 But she calls wherever the beds are  
9 available and then negotiates the room placement  
10 based on the age of the patient, you know, what  
11 rooms are available, the activity of that unit.

12 Q. Do you know who the charge nurse would  
13 have been on the seventh floor that would have been  
14 able to provide this room number?

15 A. Not by name, no.

16 Q. Is there some record that would show who  
17 that was?

18 A. Our staffing records would show that as  
19 well.

20 Q. I'm going to do the same thing, leave a  
21 blank in the deposition transcript. Can you easily  
22 find that person's name --

23 A. Yes.

24 Q. -- and then insert it?

25 A. Yes.

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1 Q. I'm just going to leave a blank in your  
2 deposition transcript. Would you be able to easily  
3 locate that person's name?

4 A. Yes.

5 MR. FERRAINOLO: Hold on.

6 It's Lori Wescott. We've already  
7 deposed her.

8 THE WITNESS: This is the night shift  
9 house supervisor. I don't know who it was.

10 MR. HYMAN: You could find out, though?

11 MR. FERRAINOLO: Yeah, we can check, but  
12 I was under the assumption it was Lori Wescott.

13 THE WITNESS: Lori came in at 7:00 A.M.

14 BY MR. HYMAN:

15 Q. I'll just leave a blank in your  
16 transcript. When you get it, if you could insert  
17 the name, I'd appreciate it. Okay?

18 A. Yes.

19 INFORMATION TO BE SUPPLIED: \_\_\_\_\_

22 BY MR. HYMAN:

23 Q. And then so you said that the house  
24 super would contact the charge nurse on the seventh  
25 floor?

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1 INFORMATION TO BE SUPPLIED: \_\_\_\_\_

4 BY MR. HYMAN:

5 Q. Then there's a box that says time room  
6 was assigned, at 2:35 A.M.

7 A. Uh-huh.

8 Q. Is that correct?

9 A. Yes.

10 Q. So at least as of 2:35 A.M. on May 16,  
11 2008, Plaintiff Cagnina was assigned Room 717?

12 A. That's what that looks like.

13 Q. Then there's a box that says time to  
14 floor, 3:51 A.M.

15 A. Uh-huh, yes.

16 Q. Do you see that?

17 A. Yes.

18 Q. Who provides the information so that  
19 that can be inserted?

20 MR. FERRAINOLO: Object to form.

21 THE WITNESS: There can be a lot of  
22 different ways that that happens. Sometimes the  
23 nurse may say I'm getting, you know, Mrs. Smith in  
24 bed 8 ready to go upstairs and the unit coordinator  
25 will note that time so they know that that process

3 (Pages 46 to 49)

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1 is complete. Sometimes they may not say anything  
2 until they're rolling down the hall with the  
3 patient.

4 But just because this isn't an official,  
5 you know, part of the record -- it's just a working  
6 log for the unit coordinator to know what they have  
7 open and what they have closed. So you would have  
8 to talk to the people that night to find out what  
9 that meant.

10 BY MR. HYMAN:

11 Q. There's a box here that says copy  
12 initials AD. Do you know what that means?

13 A. Every admission, we make a copy of the  
14 face sheet -- not the face sheet, the admitting  
15 order, and that gets sent to admitting so they can  
16 enter the status in the computer system. It's part  
17 of processing the admission.

18 Q. And then you might be the first witness  
19 that knows this. Do you know why there's a seven  
20 under bed request?

21 A. I have no idea.

22 Q. Nobody knows.

23 A. Nobody knows. I really don't.

24 Q. Then there's a box here that says reason  
25 for delay, and there's just a stamp that says Midas.

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1 A. Right. They're obviously not using that  
2 for that purpose.

3 Q. Okay.

4 A. Unfortunately at that time, we had -- we  
5 had delays quite often, so there would have been  
6 something in every box.

7 Q. Now, back to the emergency department  
8 fax report we were talking about, CAG 57, would you  
9 agree at the top where it says date, time, it says  
10 May 16, 2008, and the time 2:45 A.M.?

11 A. Yes.

12 Q. Do you know what's the significance of  
13 this 2:45 A.M.? Why is that time there?

14 A. The nurses fill this out when they know  
15 a patient is being admitted. This is what gets  
16 faxed to the floor so that the receiving nurse has  
17 the baseline information on the patient. So that  
18 tells me that this nurse started filling out report  
19 at that time, and that would make sense because  
20 that's when they knew the patient was being  
21 admitted.

22 Q. And so is there anything from this  
23 document that you can tell that this -- it was  
24 actually faxed to the seventh floor?

25 A. Not on there, no.

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1 A. Right. They're using that. They're not  
2 using that to note delays. Midas is our ED log, and  
3 that's part of the process of closing out our ED  
4 log.

5 So the secretary, who it looks like is  
6 Eva Degre, has stamped that they've completed the  
7 Midas, so they've completed that paperwork. It's a  
8 computer process, but it's, like, their closure of  
9 that chart --

10 Q. Okay.

11 A. -- in the computer.

12 Q. Okay. Now, you just said Eva --

13 A. That's what those initials look like to  
14 me, Eva Degre, the secretary.

15 Q. So she's the secretary that would have  
16 been inputting this information?

17 A. Correct.

18 Q. Do you know if she still works at the  
19 hospital?

20 A. Yes.

21 Q. How do you spell her last name?

22 A. D-E-G-R-E.

23 Q. And it's fair to say that there's  
24 nothing indicated in this box showing that there was  
25 a reason for delay?

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1 Q. Would there, on the receiving end, say  
2 on the seventh floor -- I'm just trying to  
3 understand how the faxes operate -- some sort of  
4 confirmation sheet?

5 A. The process is that we fax the report  
6 sheet and then we call the floor and ask if they've  
7 received it before the patient is sent.

8 Q. So that would be the policy?

9 A. We don't have a written policy, but  
10 that's our process.

11 Q. Can you think of any reason why that  
12 wouldn't have occurred in this case?

13 A. I cannot.

14 Q. Do you know who would have made that  
15 phone call?

16 A. It's typically the nurse that faxes it.  
17 In this case, I would -- you'd have to ask. I would  
18 think either Karen or Ray.

19 Q. And then when it's received, assuming it  
20 was received on the seventh floor, based on your  
21 testimony, you're saying someone from the ER calls  
22 to confirm that they got it?

23 A. To make sure they've received it.

24 Q. And is it ever the reverse, where the  
25 seventh floor calls the ER?

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1 A. No, no. We always call them.

2 Q. So assuming that this was faxed at  
3 2:45 A.M. or thereabouts, can you think of any  
4 reason why the seventh floor wouldn't be aware that  
5 Plaintiff Cagnina was coming up around 2:45 A.M.?

6 A. Well, the 2:45 to me would not mean it  
7 was faxed then. That would tell me that's when the  
8 nurses started filling out that sheet. I don't  
9 think you can connect one with the other.

10 Q. It would be fair to say, though, that  
11 this sheet would have to be faxed before the patient  
12 was transported.

13 A. Correct. It would be sent prior.

14 Q. Is there any time frame? I mean, do  
15 they need to give the seventh floor enough time to  
16 get the room ready?

17 A. We don't fax and send the patient until  
18 the room is ready, so that's where the delay often  
19 occurs. We may be assigned a room number, but the  
20 room is not clean or the nurse isn't ready for the  
21 patient. So the patient is in holding status until  
22 we know we can bring them back.

23 That may be the house supervisor calling  
24 down to the emergency room department saying, you  
25 know, this patient is going to go to Room 717 but

1 documented entry.

2 Q. And then you see this box down here  
3 where there's an asterisk, and it says seizure  
4 precautions?

5 A. Yes.

6 Q. And then I and O.

7 A. Yes.

8 Q. What does that mean?

9 A. That's letting the receiving nurse know  
10 that this patient should be on seizure precautions  
11 and to observe for seizures and be aware of  
12 potential for injury if they should have a seizure,  
13 and I and O is to monitor intake and output so that  
14 on the floor, they would need to track the amount of  
15 fluid they're taking in and how much they're putting  
16 out.

17 Q. So would these instructions cause the  
18 seventh floor to do anything differently to get a  
19 room ready for this patient?

20 A. They should prepare seizure pads.

21 Q. So then just back to the sequencing of  
22 this fax sheet, I understand that you said that it  
23 would be faxed. Somebody from the ER would call the  
24 seventh floor to confirm that they got it.

25 A. Correct.

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1 I'll let you know when they can go. Something  
2 obviously happened because we have this patient  
3 going to a different room. So between the time the  
4 room was initially assigned and the time the patient  
5 went up, it tells me that something happened that  
6 required a room change.

7 So it's not until they know that the  
8 room is ready and the nurse is ready that they fax  
9 that report and call and make sure the nurse has  
10 received it, and then they take the patient, because  
11 this piece of paper would have to include anything  
12 up to the point of transfer. That's why you  
13 wouldn't want to fax it before the patient actually  
14 is ready to go.

15 Q. And if the last notations in any sort of  
16 medical records in the ER show that Plaintiff  
17 Cagnina was being attended to sometime around  
18 3:25 A.M., are you saying that this fax sheet could  
19 have gone all the way up until that last time she  
20 was being --

21 A. Well, it could have gone after. I mean,  
22 the last note in the record would be the last  
23 pertinent piece of information worth documenting,  
24 but that doesn't mean that the patient rolled up at  
25 3:26. It just means that that was the last

1 Q. Would there be any written record of  
2 that either in a log or a fax confirmation sheet?

3 A. Not all the time. It would depend on  
4 the nurse. The nurse may write in their note that  
5 they've called, but it's our standard process, so I  
6 think few nurses would document that interaction.  
7 If they call and the receiving unit says they  
8 haven't received the fax, then they re fax it.  
9 That's why we have that verification before the  
10 patient goes.

11 Q. Then are you aware of any policies,  
12 practices, or procedures of the hospital concerning  
13 the transport process? Say someone like Mr. Farmer  
14 is going to transport Plaintiff Cagnina up to the  
15 seventh floor. I mean, what's the process for that?

16 A. At the time of this incident, the  
17 process would have been for -- from the emergency  
18 room to the floor? Is that what you're asking?

19 Q. Right. What would he need to do?

20 A. He would be asked by someone to  
21 transport a patient to a certain room, so usually  
22 that's a primary nurse that would say my patient in  
23 Room 10, Mrs. Smith, is ready to go. She's going to  
24 615. Either can you prepare her to go, which may  
25 mean get all her belongings together and on the bed,

15 (Pages 54 to 57)

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1 you know, make sure that her things go with her, her  
2 water pitcher, the chart, or sometimes the nurse may  
3 have done that for the tech that's transporting and  
4 have it all ready and just ask them to transport, so  
5 it depends on what needs to be done.

6 And then that person would go to the  
7 bedside and finish up anything that needed to be  
8 finished up, make sure they had copies of the record  
9 that goes with the patient, make sure they have  
10 patient's belongings that came in with the patient,  
11 check the room for anything that's missed, tell the  
12 patient what's going on, transport the patient to  
13 the floor. And once they get up to the floor, then  
14 they would settle the patient in the room, make sure  
15 the necessary equipment was in the room, let the  
16 nurse know they were there, and attend to any needs  
17 that they might -- the patient might have.

18 So standard process is to orient the  
19 patient to the room, meaning here's your call light,  
20 this is how you operate it. This is how your  
21 television works. This is where your, you know,  
22 telephone is and the things that a patient needs to  
23 know about their new setting. Seeing if they need  
24 to use the restroom, seeing if they're in any pain,  
25 do they have a pillow on the bed, are they warm

1 elevators.

2 BY MR. HYMAN:

3 Q. Are the elevators open to the public?

4 A. There are public elevators on the front  
5 of the building, so they're accessible because  
6 they're all in the hospital, but they're intended  
7 for staff use.

8 Q. So, I mean, can you say with confidence  
9 that you know which bank of elevators would have  
10 been used by Mr. Farmer?

11 A. Yes.

12 Q. And those are only for employees?

13 A. They're intended to be employee  
14 elevators. They're not as pretty, and they're in  
15 the back of the hospital, but they're accessible to  
16 everybody. They're not, you know, badge accessed or  
17 anything like that. But they're the elevators that  
18 you pass, and the only elevators that take you  
19 directly from the emergency department to the tower.

20 Q. And you may not know this, but you don't  
21 happen to know if there's any security cameras  
22 around those elevators?

23 A. I don't know that answer.

24 Q. So then assuming he takes one of those  
25 elevators that you just described up to the seventh

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1 enough, and taking care of any of those needs and  
2 identifying any needs for equipment that you might  
3 have to have.

4 Typically, the transporter will clear  
5 the gurney. They bring the patients up on an ER  
6 gurney that has linens and things on it. They'll  
7 get that linen to a linen hamper so they only bring  
8 down the empty gurney and report off anything that's  
9 changed, if patient needs medication or if anything  
10 has happened en route, and then return to the unit.

11 Q. So in this instance where Mr. Farmer  
12 takes Plaintiff Cagnina up to the seventh floor, he  
13 would need to use elevators?

14 A. Correct.

15 Q. And you're familiar with the way those  
16 are set up?

17 A. Correct.

18 Q. And so even though there's more than one  
19 elevator, we're talking about a single bank of  
20 elevators he could have used?

21 MR. FERRAINOLO: Object to form.

22 THE WITNESS: There are two sets of  
23 elevators, but the elevators between the emergency  
24 department and the floor, it's one group of three  
25 elevators that are staff elevators or employee

1 floor, are you familiar with the way the seventh  
2 floor is laid out?

3 A. Yes.

4 Q. Would Mr. Farmer have to go past any  
5 sort of nursing station?

6 A. The elevators drop you off in the middle  
7 of the unit. It's a long unit. The elevators come  
8 up centrally. I can't think of exactly where 725 is  
9 to see if he would have to walk directly past one of  
10 the stations or not.

11 Q. Okay.

12 A. But it would drop him off in the middle  
13 of the unit.

14 Q. So when this incident occurred, when  
15 Mr. Farmer comes up through the elevator, was there  
16 any sort of policy or practice that he should go  
17 check in immediately with the nurse?

18 A. There was not.

19 Q. Do you know why that is?

20 A. I do not.

21 Q. Would that ever be the situation, where  
22 a transporter would go and check in with the nurse  
23 before going to the room?

24 MR. FERRAINOLO: Object to form.

25 THE WITNESS: There could probably be a

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1 hundred different situations. The patient may need  
2 something immediately, or it might be more  
3 appropriate to just settle the patient first and  
4 notify the nurse that the patient is there.

5 BY MR. HYMAN:

6 Q. So you're not aware of any, I guess,  
7 concern of the hospital that the nurse station or  
8 charge nurse on the seventh floor be immediately  
9 notified when that patient is brought up there?

10 MR. FERRAINOLO: Object to form.

11 THE WITNESS: I know that our process is  
12 to notify when we arrive to the floor and to get  
13 assistance to help transport patients when needed,  
14 but there isn't -- there wasn't a policy at that  
15 time that defined that. It was just the practice.

16 BY MR. HYMAN:

17 Q. So there is at least the possibility  
18 that a transporter could go up to the seventh floor,  
19 bypass the nurses station, go to a room with the  
20 patient, and stay in there for a lengthy period of  
21 time before anybody knows?

22 MR. FERRAINOLO: Object to form.

23 THE WITNESS: They would usually tell  
24 somebody when they arrive, and the floor would know  
25 that they were on their way up because they would

1 THE WITNESS: Not necessarily. We've  
2 had other concerns about wanting to make sure that  
3 at least two people were in the room to have a  
4 handoff at the bedside, so it was to improve our  
5 handoff practice.

6 BY MR. HYMAN:

7 Q. Not entirely related to trying to avoid  
8 potential abductions?

9 A. No.

10 MR. FERRAINOLO: Same objection.

11 THE WITNESS: No.

12 BY MR. HYMAN:

13 Q. So it had purposes other than, say,  
14 security?

15 MR. FERRAINOLO: Same objection.

16 THE WITNESS: Yeah. There is a best  
17 practice move to do something called an SBAR  
18 handoff. That's like a person-to-person handoff, so  
19 that anything that's changed in patient condition is  
20 passed on. So we've implemented bedside rounds at  
21 shift change and, you know, done a person-to-person  
22 handoff, so it's been part of that process.

23 BY MR. HYMAN:

24 Q. I'm going to show you -- this is from  
25 the medical records of Plaintiff Cagnina. At the

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1 have called to make sure that the fax came in and  
2 told them they were transporting the patient. So  
3 the ideal situation is that people are expecting  
4 that patient.

5 BY MR. HYMAN:

6 Q. And so you're not aware of, when this  
7 incident occurred, there being any sort of, like,  
8 sign-in log in place where the transporter would  
9 come and, like, sign that he went up there?

10 A. No.

11 Q. Are you aware of there being some sort  
12 of policy like that now?

13 MR. FERRAINOLO: Object to form.  
14 Subsequent remedial measure.

15 Go ahead.

16 THE WITNESS: Yes, there is.

17 BY MR. HYMAN:

18 Q. And do you know why there is that policy  
19 now?

20 MR. FERRAINOLO: Same objections.

21 THE WITNESS: We just thought it would  
22 be good practice to have that documentation.

23 BY MR. HYMAN:

24 Q. Was it related to this case?

25 MR. FERRAINOLO: Same objection.

1 top, it says Centennial Hills Medical Center visit  
2 record. It's CAG 109 through 115. Have you seen  
3 that before?

4 A. I believe I have.

5 Q. Recently?

6 A. Not recently.

7 Q. So at the top here, you can see where it  
8 says admission assessment, and then it says  
9 Christine Murray.

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes, I see that.

13 Q. Do you know who Christine Murray is?

14 A. Not personally, no.

15 Q. Based on this, does it indicate to you  
16 that she would have been the RN assigned to  
17 Plaintiff Cagnina?

18 MR. FERRAINOLO: Object to the form.

19 THE WITNESS: It would tell me she's the  
20 RN that did the admission assessment, that  
21 documented the admission assessment.

22 BY MR. HYMAN:

23 Q. And at the top here under charted  
24 activities, there's a couple entries, and under a  
25 column that says scheduled, it says May 16, 2008 at

1 2:42 A.M. Do you know what that means?

2 A. I don't know where that pulls from, but  
3 I would think that once they roll that patient into  
4 an inpatient status, it would trigger in the system.

5 Q. So the 2:42 A.M. -- I mean, going back  
6 to the ER fax sheet that said 2:45 A.M., would you  
7 correlate these two times together?

8 MR. FERRAINOLO: Object to form.

9 THE WITNESS: I would not. I would  
10 correlate it more with the admission process -- the  
11 computer admission process, that that patient has  
12 been entered as an inpatient in the system.

13 BY MR. HYMAN:

14 Q. So at least based on this, as of  
15 2:42 A.M., hospital records were showing Plaintiff  
16 Cagnina was admitted and was going to a hospital  
17 room?

18 A. Was in an inpatient status. They may  
19 not have identified the room at that time, but that  
20 would mean that they were showing in the system as  
21 an inpatient status, and inpatients require an  
22 admission to be completed within 24 hours. So it  
23 would, you know, trigger a prompt.

24 Q. And then the next column says performed,  
25 and it has May 16, 2008 at 4:50 A.M.

1 Q. Who would have provided the information  
2 here for the arrival data?

3 A. You would have to ask her.

4 Q. You don't know?

5 A. I don't know where she would get that.  
6 I mean, she entered that number, so I don't know why  
7 she would put that number.

8 Q. My question is, would Christine Murray  
9 have entered this information?

10 A. Correct. She documented this, yes.  
11 It's a manual entry.

12 Q. So is it something where she's entering  
13 it into a computer?

14 A. Yes.

15 Q. So once she enters it, boom, it's in the  
16 system?

17 A. Yes.

18 Q. And then it generates this report?

19 A. Correct. This is a printed part of the  
20 computer documentation, what you're seeing.

21 Q. Backtracking just a second, when we took  
22 the deposition or when I took the deposition of  
23 Nurse Goodhart -- I can't think of her first name.

24 A. Karen.

25 Q. Karen Goodhart. I was asking her the

1 A. Uh-huh.

2 Q. Do you know what that means?

3 A. That would tell me that's when she  
4 started her documentation, and this would tell me  
5 that's when she completed her documentation. So she  
6 was performing the computer entry between these two  
7 times.

8 Q. And do you know when Christine Murray or  
9 Nurse Murray would have been first handling  
10 Plaintiff Cagnina?

11 A. I wouldn't -- I wouldn't know that.  
12 This just tells when she documented her admission  
13 assessment.

14 Q. If you look kind of midway down this  
15 first page, CAG 109, there's arrival data, and it  
16 says patient arrived onto unit 5-16-2008 at  
17 4:45 A.M.

18 A. I see that.

19 Q. Would you have any reason to disagree  
20 with that?

21 A. Well, I think you'd have to talk to  
22 Christine, but it would be hard for me to understand  
23 that that happened in five minutes, that she was  
24 already performing an admission assessment in five  
25 minutes' time.

1 question about who made the decision to have  
2 Mr. Farmer transport Plaintiff Cagnina to the  
3 seventh floor, and she testified that originally she  
4 was going to do it and had started to do that and  
5 was told not to by somebody, and she didn't know who  
6 that was, but she said it could have been another  
7 nurse or a supervisor. Do you know who that would  
8 have been?

9 A. I do not.

10 Q. Do you know why somebody would have told  
11 her not to transport?

12 A. That wasn't our normal process, for  
13 nurses to transport medical patients. I know that  
14 Karen had transferred to our facility from a sister  
15 facility where they had had some cutbacks and had  
16 eliminated support staff in their emergency  
17 department. So I know she was used to having that  
18 help.

19 Q. But as you testified earlier, I mean,  
20 there's nothing wrong with an RN transporting  
21 someone.

22 A. No. It's just not the way that we do  
23 it, because it allows the nurses to care for the  
24 more critically ill patients in the emergency  
25 department. If a nurse transports a medical patient

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1 to the floor, then for that length of time, which  
2 could be, you know, 10 minutes, 30 minutes, however  
3 long, then they're away from the rest of their  
4 patients.

5 Q. Do you have any personal knowledge as to  
6 how busy the ER was on this night that Plaintiff  
7 Cagnina arrived?

8 A. Personally, no.

9 Q. Or do you have any personal knowledge of  
10 how busy the seventh floor was?

11 A. Personally, no. I can tell you that the  
12 fact that we were holding patients that night would  
13 lead me to believe it was busy throughout.

14 Q. Okay. But you don't know that?

15 A. Holding patients meaning not able to  
16 move them immediately. I don't know it personally  
17 because I wasn't there.

18 Q. How do you know that she wasn't able to  
19 be moved immediately?

20 A. Because of the delays in time that we  
21 encountered. You know, we had patients that  
22 night -- I remember that morning coming in, and  
23 there were still patients holding in the emergency  
24 department that had not been placed.

25 Q. Back to the ER with someone like

1 the patient keep her undergarments on?

2 A. It would depend on why they presented.  
3 Anytime that we think we'll be doing a chest x-ray,  
4 then you have to remove bras because the metal hooks  
5 or any kind of metal in the bra will interfere with  
6 the x-ray. So it is pretty uncommon in the  
7 emergency -- or common in the emergency department,  
8 if a patient is a workup, meaning that they're going  
9 to be admitted or need system testing, then they  
10 would allow their underwear to stay on and have a  
11 gown and no bra.

12 Q. And would it be permitted to let the  
13 patient keep, like, say, personal belongings, like a  
14 cell phone, purse?

15 A. Yes, for routine patients. If they're a  
16 psychiatric patient, then we remove those items for  
17 safety.

18 Q. Do you know if there would have been any  
19 policy or practice to -- say before Plaintiff  
20 Cagnina was getting ready to be transported up to  
21 the seventh floor, would there have been, like, a  
22 last set of vital signs taken?

23 A. There would have been a last set of  
24 vital signs at some point. It doesn't have to be  
25 immediate. It's depending on the acuity of the

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1 Plaintiff Cagnina, I mean, presumably when she's  
2 first taken in, is one of the first orders of  
3 business to take her vital signs?

4 A. Taken into the emergency department or  
5 taken into the inpatient unit?

6 Q. No, the emergency room.

7 A. Correct, that would be part of her  
8 triage.

9 Q. Okay. So, I mean, shortly after she's  
10 brought in by the EMTs, some nurse or doctor is  
11 going to take her vitals?

12 A. Or a tech or CNA. That's within all  
13 their scopes.

14 Q. Are you aware of whether Mr. Farmer  
15 would have served any role like that with Plaintiff  
16 Cagnina?

17 A. He could have. I couldn't answer that.

18 Q. Do you know who would have been  
19 responsible for, I guess, taking Plaintiff Cagnina's  
20 clothing and putting her into a robe?

21 A. Again, it could be either a tech or a  
22 CNA or a nurse. That's within all of their scope.

23 Q. So it could have been Mr. Farmer?

24 A. Correct.

25 Q. Do you know if there's any policy to let

1 patient. A medical patient -- their routine for  
2 vital signs is once a shift in the emergency room.  
3 We do them more often just because that's what we  
4 do.

5 Q. I guess another way of asking it is, I  
6 mean, would that be done just almost immediately  
7 before she's transported?

8 A. Not necessarily. It would depend on the  
9 acuity. If it was a critical care patient, then  
10 yes. A medical patient, because on the floor, they  
11 only get vital signs once every 12 hours. Then once  
12 they get admitted to that status, they may take one  
13 set of vitals, and that will be it for several hours  
14 because they're now on the every-12-hours pattern.

15 Q. And then say when she's taken to the  
16 seventh floor, let's say her first encounter with  
17 the nurse, is that one of the first things that's  
18 done is vital signs?

19 A. It would depend on the nurse's practice.  
20 When they do the admission assessment, they may do  
21 their assessment. The vital signs are done every  
22 12 hours there. I believe it's 7:00 and 7:00 or  
23 8:00 and 8:00, around that time. So if it was close  
24 to this point, they may do their admission  
25 assessment and have the vitals pick up with the next

19 (Pages 70 to 73)

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1 set, or they may take them themselves.  
 2 Q. If Mr. Farmer performed vitals either in  
 3 the ER or on the seventh floor, would that make it  
 4 into a medical record?  
 5 A. They should be documented if vital signs  
 6 are taken.  
 7 Q. And would it indicate that he took them?  
 8 A. If he documented them, yes.  
 9 Q. So if I submit to you that Mr. Farmer's  
 10 name shows up nowhere on any medical record, would  
 11 that indicate to you he did not take vitals.  
 12 A. It would indicate that he didn't  
 13 document his vital signs.  
 14 Q. So you're saying he could have taken  
 15 vital signs and not documented it.  
 16 A. Correct.  
 17 Q. But that would be against policy or  
 18 practice?  
 19 A. It wouldn't be good practice. The other  
 20 thing that could happen is a tech could perform  
 21 vital signs and the nurse could document them. They  
 22 should be documented.  
 23 Q. Based on your understanding of what was  
 24 going on in the ER with this patient and  
 25 Mr. Farmer's role, would you expect his name to show

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1 So they may have support staff hook  
 2 somebody up on the vital signs machine and hit the  
 3 button to start it, but the nurse is documenting  
 4 their assessment, and they're writing down the vital  
 5 signs, and they're writing down things as they go  
 6 because they have the chart.  
 7 Q. So if Mr. Farmer in the ER was adjusting  
 8 Plaintiff Cagnina's blanket and doing things of that  
 9 nature, would that make it into a medical record?  
 10 A. Not necessarily, because every action  
 11 with a patient isn't documented. It's the pertinent  
 12 ones, so changes in status, medications, procedures.  
 13 But bringing somebody a blanket, those are things  
 14 that we do. They're nice things to do, but you  
 15 don't write every interaction down.  
 16 Q. So sitting here today, knowing what you  
 17 know based on the facts in this case, would you  
 18 testify here today that the seventh floor should  
 19 have been waiting for and expecting Plaintiff  
 20 Cagnina from the ER?  
 21 A. I can't say that. I don't know what was  
 22 going on on that floor, if they were with other  
 23 patients or if other patients had more urgent needs.  
 24 Q. But at least based on what we talked  
 25 about with the fax confirmation sheet and the ER's

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1 up somewhere in the medical records?  
 2 MR. FERRAINOLO: Object to form.  
 3 THE WITNESS: It would depend on what he  
 4 did and what was documented.  
 5 BY MR. HYMAN:  
 6 Q. But at least some other witnesses  
 7 testified that the only way something makes it into  
 8 a medical record is if the person doing something  
 9 writes something in?  
 10 A. If they document it themselves, yes. Or  
 11 a nurse may document posterior splint applied by  
 12 Bobby Brown, ED tech. So nurses may document that a  
 13 support staff performs a task as well, with their  
 14 name appearing in the medical record, or the support  
 15 staff can document it themselves.  
 16 Q. So let's just subtract vital signs from  
 17 this question. Is there something else that a CNA  
 18 like Mr. Farmer would be doing in the ER that would  
 19 make it into a medical record?  
 20 A. Anything they do, they could enter into  
 21 the medical record. It would depend on their  
 22 practice. If they perform a 12-lead EKG, they could  
 23 go and document that they performed a 12-lead EKG.  
 24 More often, the nurse will document that because  
 25 they're charting everything.

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1 confirmation call to the seventh floor, assuming all  
 2 that happened, the seventh floor should be aware  
 3 that Plaintiff Cagnina is coming up there?  
 4 A. They should have been aware the patient  
 5 is coming up there, yes.  
 6 Q. Following that through, is there ever a  
 7 situation where, say, a period of time goes by,  
 8 seventh floor is, like, we know this patient is  
 9 coming up and we don't know where she is and do they  
 10 do something? Do they call down to the ER?  
 11 A. Then they would call to find out.  
 12 MR. FERRAINOLO: Object to form.  
 13 BY MR. HYMAN:  
 14 Q. Do you know, is there a set period of  
 15 time that they -- when you would do that?  
 16 A. It usually doesn't go that way. The ER  
 17 is usually pretty quick to get patients moved to  
 18 beds when they have beds, because they always have a  
 19 demand to put new patients into beds. So it's not  
 20 often that that happens.  
 21 Q. So can you say if say an hour goes by,  
 22 should the seventh floor call down to the ER?  
 23 MR. FERRAINOLO: Object to form.  
 24 THE WITNESS: I can't say how they would  
 25 react. I could say I would call.



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1 BY MR. HYMAN:

2 Q. It seems to me that the hospital would  
3 be concerned that if there's a patient that's  
4 supposed to be coming up there and she's not, did  
5 something either happen to that patient or is she  
6 not coming up there?

7 MR. FERRAINOLO: Object to form.

8 THE WITNESS: They wouldn't expect the  
9 patient until that last moment where, you know, just  
10 knowing that you're going to get a patient but the  
11 room is not clean or the nurse isn't ready yet, they  
12 wouldn't be expecting a patient until the faxed  
13 report came and the nurse says we're bringing the  
14 patient up.

15 BY MR. HYMAN:

16 Q. But at least based on this emergency fax  
17 sheet which gave the seventh floor instructions to  
18 get the room ready for a seizure patient --

19 A. Correct.

20 Q. -- this room should have been set up and  
21 ready for a seizure patient before Plaintiff Cagnina  
22 was brought up?

23 A. You would assume that.

24 Q. Okay. So now we're getting toward the  
25 actual report of this -- you know, the alleged

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1 And so I performed those things. I  
2 called the nursing agency that employed him, and I  
3 let them know that there had been allegations of an  
4 assault and that we needed to make them aware and  
5 have him labeled as someone that would not return to  
6 any of our facilities. They seemed very surprised,  
7 you know, by this, and I ended that call.

8 And then I also notified the state board  
9 of nursing. They asked me for some information on  
10 this person because they weren't our employee, you  
11 know, where did they work and what was the  
12 specifics, and I supplied them with that so that  
13 they could complete -- because the CNAs are licensed  
14 by the state board in this state -- so that they  
15 could start their investigation as well.

16 Q. So you said that you notified -- or you  
17 were covering for -- was it the chief nurse?

18 A. Yes.

19 Q. Who was that?

20 A. Carol Butler.

21 Q. And then do you recall who you spoke  
22 with at the agency?

23 A. The supervisor. I don't know the name.

24 Q. Obviously you went through some -- I  
25 mean, did you go through his records to find out who

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1 sexual assault. So off the record, I think  
2 Mr. Ferrainolo said that you might be a percipient  
3 witness related to what happened after the incident  
4 was reported.

5 A. There were some things that I had  
6 responsibility for because our chief nurse was not  
7 in the building that day.

8 Q. So what's your recollection of -- I  
9 mean, what was your first information that there was  
10 a report of a sexual assault?

11 A. I received a phone call from the  
12 staffing office, and they told me that police were  
13 in the building investigating alleged assault claims  
14 by a patient. And I reported down to the staffing  
15 office, and they did tell me that the complaints  
16 were regarding Steve Farmer and that there was  
17 already -- people had already been notified. There  
18 was an investigation going on. Risk had been  
19 notified. The right people were involved.

20 I went to administration to try to find  
21 out what I needed to do because I was covering for  
22 the chief nurse, and I placed a call to her. And  
23 she called me back, and we discussed the need to  
24 notify the nurse agency that employed Mr. Farmer and  
25 then to notify the state board of nursing.

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1 the agency was?

2 A. We know -- we track who works for who,  
3 so the staffing office told me his agency is  
4 American Nursing or whatever the agency company was  
5 and they gave me the number to call, and I called  
6 and asked for the supervisor on duty.

7 Q. Okay. And I mean, I previously asked  
8 you if you knew anything about Mr. Farmer's  
9 background. That would include you didn't know that  
10 he had a prior incident through ANS in another  
11 hospital where alleged patient abuse occurred?

12 A. I did not. I don't believe that was  
13 disclosed to us.

14 Q. Or that he was actually marked as do not  
15 return at a facility he worked at just prior to  
16 Centennial Hills Hospital?

17 MR. FERRAINOLO: Object to form.

18 THE WITNESS: Right. I do not.

19 BY MR. HYMAN:

20 Q. Is that something you would have wanted  
21 to know?

22 A. Absolutely.

23 Q. You initially said that you were  
24 involved in hiring emergency room staff. I mean, is  
25 that sort -- something you'd be concerned about?

21 (Pages 78 to 81)

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1 A. Absolutely.  
 2 Q. I mean, to the level of saying that you  
 3 wouldn't want him working there?  
 4 MR. FERRAINOLO: Object to form.  
 5 THE WITNESS: Well, we require  
 6 background checks and performance evaluations and  
 7 complete files from the agencies before we utilize  
 8 any of their staff, so we would have been provided  
 9 with inaccurate records if that -- if what you're  
 10 saying is true, because we had all that information.  
 11 BY MR. HYMAN:  
 12 Q. And I mean, would it be fair to say that  
 13 you'd expect an agency like American Nursing  
 14 Services to provide you with that type of  
 15 information?  
 16 A. That's our requirement. Before staff  
 17 work in the building, we have to have a complete  
 18 file before they can work. That would include  
 19 copies of their license, and then we additionally  
 20 verify the license through the state board  
 21 ourselves. It would include copies of any required  
 22 certifications for nurses. It would include  
 23 completion of a background check by the agency,  
 24 their employment information, including, you know,  
 25 whatever training they had done, and then we do our

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1 own shift evaluations when they come into the  
 2 building.  
 3 Q. And I think you stated earlier, I mean,  
 4 at least somebody at Centennial Hills Hospital would  
 5 review his employee file?  
 6 A. That's part of the process for bringing  
 7 an agency in, so the staffing office collects all  
 8 that information. Once that is complete, meaning we  
 9 have all those required pieces of information, then  
 10 they can come in and work at our facility, and then  
 11 we do what we call performance evaluations for  
 12 agency staff. So they would be scheduled for a  
 13 shift. The supervisor on shift completes that  
 14 evaluation, sends it to the nursing staff -- the  
 15 staffing office.  
 16 Q. Would anybody at Centennial Hills  
 17 Hospital, say, take its own action to check out on  
 18 Mr. Farmer, like, say, contact references?  
 19 MR. FERRAINOLO: Object to form. We're  
 20 outside the scope. She's not the human resources  
 21 person.  
 22 BY MR. HYMAN:  
 23 Q. So when you were first made aware of  
 24 this complaint for sexual assault, do you recall who  
 25 it was that notified you?

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1 A. I believe it was the staffing  
 2 coordinator on -- I can't remember who was on duty,  
 3 but it was the staffing coordinator that day that  
 4 called me.  
 5 Q. It wouldn't have been Lorraine Wescott?  
 6 A. No, it wasn't Lori.  
 7 Q. But if presumably Lorraine Wescott was  
 8 the first supervisor-type employee to speak with  
 9 Plaintiff Cagnina, she would have then reported it  
 10 higher up the chain?  
 11 A. By the time I was notified, Lori had  
 12 already reported it. I believe that it had been  
 13 reported before I arrived at the building that  
 14 morning. So by the time it was reported to me, they  
 15 already were investigating the incident, and police  
 16 were already on-site.  
 17 Q. Do you have any personal knowledge that  
 18 Mr. Farmer was gone a long period of time when he  
 19 was in the ER and transporting the patient to  
 20 seventh floor?  
 21 MR. FERRAINOLO: Object to form.  
 22 THE WITNESS: I do not.  
 23 BY MR. HYMAN:  
 24 Q. If Nurse Goodhart told the police that  
 25 she thought he was gone a long time, do you know

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1 anything about that?  
 2 A. I do not. I know that part of what I  
 3 was told was that he was looking for an IV pole,  
 4 which is not uncommon.  
 5 Q. Who told you that?  
 6 A. I believe it was Karen.  
 7 Q. And do you know why he would have been  
 8 looking for an IV pole?  
 9 A. If patients go up with IV fluids, the ER  
 10 gurneys have poles attached to the beds, and then  
 11 when we move the patient to an inpatient bed, they  
 12 don't have that pole anymore because it's physically  
 13 attached to the emergency department bed. So they  
 14 need a place to hang the fluids. If there's not an  
 15 IV pole in the room, they would have to locate one.  
 16 Q. But you don't know if that's really the  
 17 reason Mr. Farmer was gone a long time?  
 18 A. I can't speak to that. I can't even  
 19 speak that he was gone a long time.  
 20 Q. When this incident occurred, are you  
 21 aware of any written policy that existed regarding  
 22 people that report sexual assault, I mean, what the  
 23 hospital needs to do?  
 24 A. Not to my knowledge.  
 25 Q. Were you ever interviewed by the police?

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1 A. I received a call from a female  
2 detective later the afternoon the day that the  
3 concerns came forward, and it was -- it ended up  
4 directed to me. I'm not sure who she called  
5 initially. And she was asking if we knew --

6 MR. FERRAINOLO: Hold on, hold on.

7 BY MR. HYMAN:

8 Q. Don't tell us what she said.

9 A. Sorry.

10 MR. FERRAINOLO: There's a court order  
11 in place that says we can't get into any of that.

12 THE WITNESS: Okay.

13 BY MR. HYMAN:

14 Q. I was going to ask you, did the police  
15 contact you, and if so, did you actually fill out,  
16 like, a written statement?

17 A. No.

18 Q. Do you know if the hospital has any  
19 policy of, when somebody reports a sexual assault,  
20 to contact the police?

21 A. I don't know -- I'm not familiar with  
22 that policy to speak to it.

23 Q. And did you have any involvement in  
24 trying to locate Mr. Farmer, see if he was still in  
25 the hospital premises when this occurred?

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1 police were already in or out or on scene.

2 Q. Okay. And do you have any personal  
3 knowledge of who contacted the police?

4 A. What I was told is that when Lori  
5 Wescott met with the patient and was told the  
6 concerns of the patient, that the patient said they  
7 were already en route, because she had called her  
8 husband, who was an officer.

9 Q. But this is just what somebody told you?

10 A. That's what -- yes, that's what I heard.

11 That's my knowledge.

12 Q. Okay.

13 A. By the time I arrived, like I said, they  
14 were already on scene.

15 Q. You would be, I mean, against, let's  
16 say, a hospital employee discouraging a patient from  
17 reporting sexual assault?

18 MR. FERRAINOLO: Object to form.

19 THE WITNESS: Absolutely. We're  
20 required to report. We're mandated reporters under  
21 our licenses. We're mandated reporters of any type  
22 of abuse.

23 BY MR. HYMAN:

24 Q. So making a statement to the effect of  
25 you can report this if you want a couple weeks from

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1 MR. FERRAINOLO: What was the question?

2 MR. HYMAN: If she had any involvement  
3 in trying to locate Mr. Farmer or see if he was on  
4 the premises when this occurred.

5 THE WITNESS: Because that's the other  
6 question.

7 MR. FERRAINOLO: You can answer that.

8 BY MR. HYMAN:

9 Q. This is just your personal involvement.

10 A. The call that I received from the  
11 detective -- I mean, can I answer that?

12 Q. Without saying anything that he said to  
13 you, I mean, did you personally look for him?

14 MR. FERRAINOLO: I think to answer that,  
15 she has to tell you about her conversation with the  
16 detective is what she's saying.

17 BY MR. HYMAN:

18 Q. Okay. Let me ask this a different way.

19 It sounds to me like your knowledge of  
20 this occurred well after Miss Wescott became aware  
21 of it, right?

22 A. I believe it was within the hour. I  
23 don't know. I wouldn't say well after. I  
24 understand it was, you know, 7:30-ish, and I think I  
25 came on scene at about 8:00, and at that time,

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1 now would be inappropriate?

2 A. It would be --

3 MR. FERRAINOLO: Object to form.

4 THE WITNESS: Yes, it would be against  
5 our license. A nurse is obligated to report it  
6 themselves, regardless of whether a patient wants to  
7 report it or not.

8 MR. HYMAN: That's all I have. Thanks.

9 THE REPORTER: Did you want to order a  
10 transcript?

11 MR. FERRAINOLO: I'll take an E-Tran,  
12 please.

13 (The proceedings were adjourned  
14 at 10:19 A.M.)

15 \* \* \* \* \*

3 (Pages 86 to 87)

Page 86

1 CERTIFICATE OF DEPONENT  
2 PAGE LINE CHANGE REASON  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

\* \* \* \* \*

14 I, Amy Bochenek, deponent herein, do hereby  
15 certify and declare under the penalty of perjury  
16 that the within and foregoing transcription,  
17 including my corrections reflected above, is a true  
18 and correct transcription of my testimony contained  
19 therein; that I have read, corrected, and hereby  
20 affix my signature to said deposition.  
21 Executed this \_\_\_\_ day of \_\_\_\_, 2010,  
22 at \_\_\_\_.  
(City/State)

25 Amy Bochenek, Deponent

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1 CERTIFICATE OF REPORTER  
2 STATE OF NEVADA )  
SS:  
3 COUNTY OF CLARK )

4 I, Jennifer A. Caton, a Certified Court  
5 Reporter licensed by the State of Nevada, do hereby  
6 certify: That I reported the deposition of Amy  
7 Bochenek, commencing on March 10, 2010.

8 That prior to being deposed, the witness was  
9 duly sworn by me to testify to the truth. That I  
10 thereafter transcribed my said stenographic notes  
11 into written form, and that the typewritten  
12 transcript is a complete, true, and accurate  
13 transcription of my said stenographic notes. That  
14 review of the transcript was requested.

15 I further certify that I am not a relative,  
16 employee, or independent contractor of counsel or of  
17 any of the parties involved in the proceeding, nor a  
18 person financially interested in the proceeding, nor  
19 do I have any other relationship that may reasonably  
20 cause my impartiality to be questioned.

21 IN WITNESS WHEREOF, I have set my hand in my  
22 office in the County of Clark, State of Nevada, this  
23 \_\_\_\_ day of \_\_\_\_, 2010.

25 Jennifer A. Caton, RDR, CRR, CCR 422

TAB 59

Page 1

1 DISTRICT COURT  
2 CLARK COUNTY, NEVADA  
3  
4 CASE NO. 09-A-595780-C  
5 DEPT. NO. II  
6  
7 ESTATE OF JANE DOE, by and through its  
8 Special Administrator, Misty Petersen,  
9  
10 Plaintiff,  
11  
12 vs. )  
13  
14 VALLEY HEALTH SYSTEM LLC, a Nevada  
15 limited liability company, d/b/a CENTENNIAL  
16 HILLS HOSPITAL MEDICAL CENTER;  
17 UNIVERSAL HEALTH SERVICES, INC., a  
18 Delaware corporation; AMERICAN NURSING  
19 SERVICES, INC., a Louisiana corporation;  
20 STEVEN DALE FARMER, an individual; DOES I  
21 through X, inclusive; and ROE CORPORATIONS  
22 I through X, inclusive,  
23  
24 Defendants.  
25  
26  
27 DEPOSITION OF AMY BLASING, MSN, RN  
28  
29 1:00 p.m.  
30 July 28, 2015  
31 Williams & Associates  
32 1608 Fifth Street, NW  
33 Albuquerque, New Mexico  
34  
35 PURSUANT TO THE RULES OF CIVIL PROCEDURE, this  
36 deposition was:  
37  
38 TAKEN BY: MR. ROBERT E. MURDOCK  
39 Attorney for the Plaintiffs  
40  
41 REPORTED BY: Dawn Redwine, RPR, CRI, NM CCR #165  
42 WILLIAMS & ASSOCIATES, LLC  
43 1608 Fifth Street, NW  
44 Albuquerque, NM 87102  
45 (505) 843-7789  
46 www.WilliamsNM.com

Page 2

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1 AMY BLASING, MSN, RN,  
2 (being duly sworn, testified as follows):  
3 EXAMINATION  
4 BY MR. MURDOCK:  
5 Q. Would you please state your name for the record.  
6 A. Amy Suzanne Blasing.  
7 Q. Ms. Blasing, have you ever been known by any other  
8 names?  
9 A. Yes. Amy --  
10 Q. What other names?  
11 A. -- Suzanne Bochenek, B-o-c-h-e-n-e-k.  
12 Q. Okay.  
13 A. And Amy Suzanne Sano, S-a-n-o.  
14 Q. Okay. And have you ever had your deposition taken  
15 before?  
16 A. I have.  
17 Q. On how many occasions?  
18 A. I think this is my fourth.  
19 Q. When was your immediate prior deposition?  
20 A. It was a deposition for Centennial Hills Hospital  
21 related to the Cagnina case.  
22 Q. Okay. What was the deposition prior to that?  
23 A. I believe it was also Centennial Hills Hospital, an  
24 EEOC, employee case.  
25 Q. Is that the one you were sued in?

WILLIAMS & ASSOCIATES -- COURT REPORTING SERVICES



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Page 5</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. The hospital and myself.</p> <p>4 Q. Right. And --</p> <p>5 A. I think the last name was --</p> <p>6 Q. Go ahead.</p> <p>7 A. -- Rodriguez.</p> <p>8 Q. Yeah, it was.</p> <p>9 And Ms. Rodriguez sued you --again, you said it</p> <p>10 was an EEOC deal. It was out of the hiring, actually like a</p> <p>11 Family Medical Leave Act case.</p> <p>12 A. Correct. She had exhausted her Family Medical</p> <p>13 Leave Act, and her employment was ended.</p> <p>14 Q. Allegedly.</p> <p>15 A. Correct.</p> <p>16 Q. That case is settled, is my understanding.</p> <p>17 A. Yes, that is correct.</p> <p>18 Q. Okay. You actually gave a deposition in that case?</p> <p>19 A. I did.</p> <p>20 Q. Do you remember who you were represented by?</p> <p>21 A. I don't. Hospital attorney. If you said it, I</p> <p>22 would say, "That's it."</p> <p>23 Q. I know. But it's the hospital labor attorney.</p> <p>24 It's different than these guys. It's...</p> <p>25 Okay. When was the depo prior to that?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p>Page 7</p> <p>1 MR. PRANGLE: You're starting to cut off his</p> <p>2 questions.</p> <p>3 THE WITNESS: I'm sorry.</p> <p>4 MR. PRANGLE: Just wait till he finishes before you</p> <p>5 start.</p> <p>6 Q. Okay. So you were deposed as a PMK regarding</p> <p>7 EMTALA. And then prior to that, when were you deposed?</p> <p>8 A. I believe that that is all of them.</p> <p>9 Q. Okay. So three.</p> <p>10 A. To my knowledge.</p> <p>11 Q. Okay. So this is your fourth.</p> <p>12 A. Correct.</p> <p>13 Q. Okay. I understand that.</p> <p>14 Well, you are a nurse. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you were licensed in the state of Nevada at one</p> <p>17 point in time. Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Are you still licensed there?</p> <p>20 A. I don't believe so.</p> <p>21 Q. You gave up your license?</p> <p>22 A. I am licensed in New Mexico now.</p> <p>23 Q. Did you give up your license in Nevada?</p> <p>24 A. I did not renew my license.</p> <p>25 Q. And as a -- because you didn't renew your license,</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                     |
| <p>Page 6</p> <p>1 A. Prior to that was for Rockford Health System.</p> <p>2 Q. Okay. Is that --</p> <p>3 A. In Illinois.</p> <p>4 Q. In Illinois?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that a yes?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And why were you deposed in that?</p> <p>9 A. I was a person of most knowledge related to EMTALA</p> <p>10 procedures.</p> <p>11 Q. Okay.</p> <p>12 A. Prior, I was the director of Emergency Services</p> <p>13 there.</p> <p>14 Q. That's not that Valley Health System?</p> <p>15 A. No. Valley Health System --</p> <p>16 Q. That's a different --</p> <p>17 A. -- is a local version of UHS.</p> <p>18 Q. No, no. I know. But you worked for -- My</p> <p>19 understanding is you worked for another place called Valley</p> <p>20 Health --</p> <p>21 A. Yes.</p> <p>22 Q. -- that is completely different than this Valley</p> <p>23 Health.</p> <p>24 A. Yes, in California.</p> <p>25 Q. Right. Okay. That was in California. I forgot.</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                  | <p>Page 8</p> <p>1 you are no longer licensed in Nevada. Is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Where do you work here in New Mexico?</p> <p>4 A. I work for Presbyterian Healthcare Services.</p> <p>5 Q. Prior to starting the deposition -- Well, strike</p> <p>6 that.</p> <p>7 When did you move to New Mexico?</p> <p>8 A. In February of 2012.</p> <p>9 Q. Now, are you a -- at Presbyterian, are you like the</p> <p>10 director of Emergency Services or anything there?</p> <p>11 A. I'm an administrator for them.</p> <p>12 Q. What do you do?</p> <p>13 A. I have responsibility for their emergency</p> <p>14 departments, urgent cares, and a separate corporation that we</p> <p>15 own called Albuquerque Ambulance Services.</p> <p>16 Q. So my understanding is that Presbyterian Healthcare</p> <p>17 Services here in New Mexico is fairly -- it's basically a</p> <p>18 fairly big conglomerate --</p> <p>19 A. Yes.</p> <p>20 Q. -- of various hospitals, care units. Is that true?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, I know you were deposed in the Cagnina</p> <p>23 matter, and Mr. Ferrainolo represented you in that case. Do</p> <p>24 you remember Mr. Ferrainolo?</p> <p>25 A. Yes.</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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1 Q. A tall, kind of ugly guy.  
2 A. I don't know that I could tell you what he looks  
3 like.  
4 Q. Okay.  
5 A. But I remember him.  
6 Q. Okay. And that was in -- that was in 2010. Do you  
7 remember that?  
8 A. Yes.  
9 Q. Okay. I've gone through here, and I'm going to try  
10 my best not to just, you know, go over and over and over  
11 everything. There's no point to that. But I do have some  
12 questions.  
13 When was the -- After you were deposed by Mr. Neal  
14 Hyman in the Cagnina matter, when was the time after that that  
15 you spoke with counsel in this case? In other words, did you  
16 have a meeting after the deposition?  
17 A. Not that I recall.  
18 Q. Okay. Did you have any contact with the law  
19 firm -- Well, strike that.  
20 When did you next have contact with the law firm?  
21 A. I don't know if I had contact with that lawyer  
22 specifically. I --  
23 Q. Not with the lawyer. With the law firm.  
24 A. I was contacted by a law firm representing  
25 Centennial. I don't know if it was the same attorney. I had  
WILLIAMS & ASSOCIATES -- COURT REPORTING SERVICES

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1 already moved here. They were asking about bringing me out for  
2 a trial, and I was notified that that wasn't necessary or there  
3 was some kind of resolution, so I -- I didn't have any direct  
4 conversations --  
5 Q. Okay.  
6 A. -- after that.  
7 Q. But at that point in time, you advised them that  
8 you were living in New Mexico. Is that correct?  
9 A. Correct. They called my cell phone.  
10 Q. So it would've been after 2012. Correct?  
11 A. Correct.  
12 Q. Well, after February of 2012.  
13 A. Yes.  
14 Q. Okay.  
15 A. I don't know exactly when.  
16 Q. But you don't know exactly when.  
17 A. Correct.  
18 Q. Okay. And when was the next time you spoke with  
19 this law firm?  
20 A. I don't know that I've had any other conversations  
21 after that until I was contacted by this office for this  
22 deposition.  
23 Q. Okay. And when was that?  
24 A. I believe we started communicating in June, early  
25 June, maybe. I could -- I have e-mails but...  
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1 Q. Okay. Well, I -- in fact, I found you on Twitter.  
2 Correct?  
3 A. Yes.  
4 Q. And right after that, you blocked me.  
5 A. Yes.  
6 Q. Okay. And do you -- I don't exactly recall when  
7 that was.  
8 A. I don't, either.  
9 Q. But, nevertheless, would you agree with me right  
10 after that is probably when you had the next contact with this  
11 law firm?  
12 A. It was prior to that, in the --  
13 Q. Prior to that. Okay.  
14 A. A few weeks prior to that.  
15 Q. Okay.  
16 A. We were discussing dates of availability.  
17 Q. Okay. Outside of speaking with counsel, in the  
18 last year have you spoken to anybody about this case?  
19 A. No.  
20 Q. When I say "this case," I mean the Farmer incident  
21 as a whole.  
22 A. My husband, after being contacted for the  
23 deposition.  
24 Q. Okay. And what's your husband name?  
25 A. Matt Blasing.  
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1 Q. And what does Matt do?  
2 A. He's a photographer.  
3 Q. And outside of speaking with your husband, did you  
4 speak with anybody else?  
5 A. I let my boss know that I would be deposed today  
6 and would be missing work.  
7 Q. Okay. Anybody else?  
8 A. Not that I recall.  
9 Q. Okay. In other words, did you make any phone --  
10 what I'm really interested in is, did you make any phone calls  
11 to anybody from Centennial Hills or any people you used to work  
12 with, things like that?  
13 A. I don't really talk to anyone from Centennial  
14 Hills, so no.  
15 Q. Okay.  
16 A. My only conversation about this deposition has been  
17 with family, work, and with the attorney.  
18 Q. Is there anybody you do maintain friendships with  
19 from Centennial Hills, from those days?  
20 A. Social media --  
21 Q. Yeah, yeah.  
22 A. -- relations, but not anyone that I've spoken to.  
23 Q. Who would that be?  
24 A. Well, there's probably dozens of people on social  
25 media that I'm still connected with in that -- in that manner.  
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1 Q. When you say "social media," do you mean Facebook?  
2 A. Correct.  
3 Q. Anything else?  
4 A. Instagram.  
5 Q. Okay. Were any of those people administrators?  
6 A. No.  
7 Q. Okay.  
8 A. Let me correct. My -- I have a medical director  
9 that is still connected to me through social media.  
10 Q. Who is that?  
11 A. Marc Jeser. We haven't had a personal conversation  
12 since I moved, that I recall.  
13 Q. Okay. Are you connected with Janet Callahan?  
14 A. No.  
15 Q. Are you connected with Carol Butler?  
16 A. No.  
17 Q. Are you connected with Lori Wescott?  
18 A. No.  
19 Q. Are you connected with Lisa Doty?  
20 A. No.  
21 Q. Are you connected with Margaret Wolfe?  
22 A. No.  
23 Q. Are you connected with Ray Sumera?  
24 A. No.  
25 Q. Are you connected with Christine Murray?  
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1 A. No.  
2 Q. Are you connected with Carla --  
3 MR. PRANGLE: Perez.  
4 Q. -- Carla Perez?  
5 A. No.  
6 Q. Okay. Are you connected with any friends from your  
7 time at Centennial Hospital?  
8 A. I have an employee that I worked with named  
9 Michelle Norvell, that attended my wedding last year.  
10 Q. Was she an administrator?  
11 A. No.  
12 Q. From your time at Summerlin Hospital, are you still  
13 in contact with administrators --  
14 A. No.  
15 Q. -- from Summerlin Hospital?  
16 A. Only LinkedIn-type connections, but not any that  
17 I've had personal conversations with, that I can recall.  
18 Q. Okay. And my understanding is that after working  
19 at Centennial -- Let me kind of -- just kind of breeze through  
20 this a little bit here. My understanding is you worked --  
21 you've worked as a nurse or as an administrator in various  
22 locales. Right?  
23 A. Yes.  
24 Q. You worked in Illinois, California, Nevada, and now  
25 New Mexico. Is that correct?  
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1 A. As an administrator, not in California. I was a  
2 staff nurse there. But, yes, that's correct.  
3 Q. Okay. And I think the order, I got that right,  
4 too. Illinois, California, Nevada, New Mexico?  
5 A. In order of sequence?  
6 Q. Yeah. Did I get that wrong?  
7 A. California --  
8 Q. Damn.  
9 A. -- Montana --  
10 Q. Oh, that's right.  
11 A. -- Illinois --  
12 Q. Okay.  
13 A. -- Nevada, New Mexico.  
14 Q. Okay. And my understanding is, in terms of UHS  
15 hospitals, you worked at Centennial Hills, then Summerlin.  
16 A. That is correct.  
17 Q. And that's it?  
18 A. Yes.  
19 Q. And my understanding is that you worked -- you  
20 started working at Centennial before it even opened. Right?  
21 A. That is correct.  
22 Q. In fact, you started working there, I think,  
23 sometime in like October or November.  
24 A. I believe it was September of 2007.  
25 Q. September, okay. And I assume -- Well, strike  
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1 that.  
2 At that point in time, you were hired by whom?  
3 A. I believe I was hired by Carol Butler.  
4 Q. And Carol hired you to be what?  
5 A. Director of Emergency Services.  
6 Q. And as director of Emergency Services, I assume you  
7 created the various policies, procedures, instructions, things  
8 like that.  
9 A. Initially, most of my work was focused on hiring --  
10 Q. Okay.  
11 A. -- and preparing the hospital to open.  
12 Q. So you did most of the hiring -- Actually, my  
13 understanding is you did all of the hiring for the Emergency  
14 Department. Is that correct?  
15 A. That is correct.  
16 Q. Now, that does not include agency nurses. Correct?  
17 A. That is correct.  
18 Q. And so you would've been the one to have hired Ray  
19 Sumera?  
20 A. Yes.  
21 Q. You would've been the one to have hired his wife?  
22 A. Yes.  
23 Q. You would've been the one to have hired Margaret  
24 Wolfe?  
25 A. Yes.  
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1 Q. Did you fire anybody while you were there?  
2 A. Yes.  
3 Q. Who did you fire?  
4 A. I couldn't give you a list.  
5 Q. Did you fire Ray Sumera?  
6 A. I don't recall that, no.  
7 Q. Did you fire his wife?  
8 A. Not that I recall.  
9 Q. Did you fire Margaret Wolfe?  
10 A. I believe I did.  
11 Q. Okay. And let's talk about Margaret Wolfe for a  
12 second. Oh, did you fire Ms. Rodriguez?  
13 A. I believe that I did.  
14 Q. And you terminated Ms. Wolfe for a matter involving  
15 her daughter and I.V.s and what not. Correct?  
16 A. Correct.  
17 Q. Outside of that, not -- and I'm not belittling that  
18 issue -- but outside of that issue, my understanding is there  
19 were no issues with Margaret Wolfe at all. Correct?  
20 A. Not that I recall.  
21 Q. Okay. My understanding is that outside of the  
22 incident involving her daughter and the I.V.s, she got glowing  
23 reviews.  
24 A. I -- I couldn't affirm or deny that. When Margaret  
25 Wolfe was terminated, I was in a different position.

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1 Q. Oh, you were CNO at the time.  
2 A. That's correct.  
3 Q. Right. Okay.  
4 A. So I'm not directly aware of all of her performance  
5 issues except the one that terminated her employment.  
6 Q. Okay. And that one was in 2009. Do you remember  
7 that?  
8 A. I don't -- couldn't confirm the date, no.  
9 Q. Okay. Let's do it this way. In terms of the  
10 Steven Farmer incident, you know, the Steven Farmer incident,  
11 are you aware, occurred sometime in -- in around May of 2008?  
12 Is that right?  
13 A. That is correct.  
14 Q. In terms of that, using that as a -- kind of a  
15 measuring stick, would you agree with me that the Margaret  
16 Wolfe matter occurred about a year afterwards, or so?  
17 A. I -- I couldn't tell you the exact date.  
18 Q. Okay.  
19 A. Only that it was after.  
20 Q. Okay. She was only terminated because of that I.V.  
21 incident. Is that correct? With her daughter.  
22 A. There were many -- Do you want me to get into  
23 details of why she was terminated? It was more than an I.V.  
24 incident.  
25 Q. Well, okay. Did it all -- Did everything revolve

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1 around that I.V. incident with her daughter?  
2 A. Yes.  
3 Q. Okay. That's what I'm saying. I don't want to get  
4 into the nitty-gritty --  
5 A. Sure.  
6 Q. -- details of that. I don't want to have a case  
7 within a case within a case within a case. But the fact of the  
8 matter is, what I'm getting at is, her termination only had to  
9 deal with that one issue.  
10 A. That incident, yes.  
11 Q. That incident, right.  
12 A. Yes, because there are things that are grounds for  
13 immediate termination, and that was one.  
14 Q. Absolutely. And in terms of her -- She wasn't  
15 being fired because she was a lousy nurse?  
16 A. No.  
17 Q. Was she being fired because she lied?  
18 A. In part.  
19 Q. Okay. Tell me about that.  
20 A. I don't know that I could discuss all -- exact  
21 details from memory. I can tell you what I remember.  
22 Q. Tell me what you remember.  
23 A. I believe she didn't inform correctly that she had  
24 her daughter in a room, and violated policy by administering  
25 medications and fluids without a physician's order --

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1 Q. Okay.  
2 A. -- and used supplies that was considered theft by  
3 the hospital --  
4 Q. Okay.  
5 A. -- because her daughter was not checked in or a  
6 patient.  
7 Q. Okay.  
8 A. And there were also safety concerns, because she  
9 was on shift and working and caring for other patients and left  
10 a young child in an unoccupied area --  
11 Q. Okay.  
12 A. -- which could've posed a safety risk to her  
13 daughter.  
14 Q. Okay. All I had asked you about was did she lie.  
15 Did -- Did anything -- Did her termin-- --  
16 A. She did not report what was going on with her  
17 daughter to her supervisor --  
18 Q. Okay.  
19 A. -- and inform people.  
20 Q. Yeah. Okay.  
21 A. That's all I remember about the case.  
22 Q. Did she affirmatively say -- Did she tell you, "No,  
23 this did not happen," when it actually did?  
24 A. I don't recall.  
25 Q. That's a lie.

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| <p style="text-align: right;">Page 21</p> <p>1 A. I don't recall that.<br/>2 Q. Okay. She just didn't tell you.<br/>3 A. I --<br/>4 Q. She just didn't report it.<br/>5 A. I --<br/>6 Q. Is that what you're saying?<br/>7 A. She didn't report it to the people on shift. It<br/>8 wasn't involving me at the time.<br/>9 Q. Did she lie about it to the people on shift? Do<br/>10 you know the difference?<br/>11 A. I don't recall the details. I do know the<br/>12 difference. I don't recall the details of that incident.<br/>13 Q. Okay.<br/>14 A. I was pulled in after the fact as -- as part of the<br/>15 investigation of the chief nurse.<br/>16 Q. Okay. What I want to know is, are you going to<br/>17 testify at trial that Margaret Wolfe is a liar and she<br/>18 shouldn't be believed?<br/>19 A. She was not honest in that situation.<br/>20 Q. Why wasn't she honest? Because she didn't report<br/>21 it?<br/>22 A. Because we have policies about checking in<br/>23 patients, following orders, administering care, and --<br/>24 Q. Right.<br/>25 A. -- she bypassed all of those policies.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                     | <p style="text-align: right;">Page 23</p> <p>1 Q. Okay. Are you going to testify that Ray Sumera has<br/>2 a memory problem?<br/>3 A. I'm not aware of that, either.<br/>4 Q. Are you going to testify that Carol Butler is a<br/>5 liar?<br/>6 A. I'm not aware of that, either.<br/>7 Q. Are you aware of any time that Carol Butler has<br/>8 lied?<br/>9 A. Not personally, no.<br/>10 Q. Carol Butler was your boss. Correct?<br/>11 A. Yes.<br/>12 Q. She was the CNO.<br/>13 A. Yes.<br/>14 Q. Okay. As CNO, she would know things about<br/>15 administrative policies, procedures that you may not know.<br/>16 Correct?<br/>17 MR. PRANGLE: Objection. Calls for speculation.<br/>18 Q. Because she's your boss.<br/>19 A. I may know some that she may not know, as well.<br/>20 Q. True.<br/>21 A. It would depend on the situation.<br/>22 Q. Okay. Let's talk about the Broadlane contract.<br/>23 A. Okay.<br/>24 Q. Do you know what the Broadlane contract is?<br/>25 A. I do.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                            |
| <p style="text-align: right;">Page 22</p> <p>1 Q. Okay. And that's what I'm getting at.<br/>2 A. Correct.<br/>3 Q. In other words, assuming she bypassed everything,<br/>4 okay, whatever policies, procedures, things like that. What<br/>5 I'm getting at is, I want to know if you're going to testify<br/>6 that she is a liar. In other words, she told you, for<br/>7 example -- this is a real example -- she told you that the<br/>8 light was red, when it was really green. That's a lie. Okay?<br/>9 So what I'm trying to find out is, are you going to testify at<br/>10 trial that Margaret Wolfe is a liar?<br/>11 A. It would depend on the question. I don't -- I<br/>12 don't understand what you're asking.<br/>13 Q. Okay. At any time that you confronted Margaret<br/>14 Wolfe with violating policies, with violating procedures, with<br/>15 any of the facts -- f-a-c-t-s -- did she ever lie to you about<br/>16 that?<br/>17 A. Not that I recall.<br/>18 Q. Okay.<br/>19 A. I -- I don't recall the details enough to --<br/>20 Q. In fact --<br/>21 A. -- really answer --<br/>22 Q. -- she reported it to the Nursing Board herself.<br/>23 A. That is correct.<br/>24 Q. Are you going to testify that Ray Sumera is a liar?<br/>25 A. I'm not aware of times that he's lied.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 24</p> <p>1 Q. What is it?<br/>2 A. It was a contract that HR maintained about<br/>3 different agencies that we worked with to supply temporary<br/>4 labor.<br/>5 Q. Okay. And did you ever read it?<br/>6 A. No.<br/>7 Q. Just so I'm clear, so you can't testify as to what<br/>8 your duties were -- Strike. Let me restate the question.<br/>9 So it's safe to say that you cannot testify as to<br/>10 exactly what your duties were under the contract. Is that<br/>11 correct? Since you haven't read it.<br/>12 A. The contract didn't apply to my duties.<br/>13 Q. Okay.<br/>14 A. To my knowledge.<br/>15 Q. Okay.<br/>16 A. The contract was an arrangement between Human<br/>17 Resources and outside vendors.<br/>18 Q. Okay. Carol Butler also knows about the contract.<br/>19 You're aware of that, aren't you?<br/>20 MR. PRANGLE: Objection.<br/>21 Q. Would you assume that?<br/>22 A. I would assume that she would.<br/>23 Q. Now, back when you started at the -- at Centennial<br/>24 Hills before it even opened, you were in some temporary<br/>25 offices. Is that correct?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 Q. And those temporary offices were someplace on --</p> <p>3 like Village Center or Town Center? Something like that?</p> <p>4 A. I believe it was off of Sahara.</p> <p>5 Q. Off of Sahara? Oh, okay. I know where you're</p> <p>6 talking about.</p> <p>7 And you had a pro forma?</p> <p>8 A. I did? No.</p> <p>9 Q. Well, how -- did you know how many people you were</p> <p>10 going to hire?</p> <p>11 A. The budget was built before I was employed.</p> <p>12 Q. Okay. And when you opened the hospital, you just</p> <p>13 got -- you had more people coming in than what you planned on.</p> <p>14 A. Correct.</p> <p>15 Q. And you opened it in -- I believe sometime in</p> <p>16 January of 2008. Is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And you moved your offices over there, I assume.</p> <p>19 A. Yes. We moved prior to opening.</p> <p>20 Q. Okay. And my understanding is that you primarily</p> <p>21 worked the day shift.</p> <p>22 A. Primarily.</p> <p>23 Q. You're a salaried employee, though. Right?</p> <p>24 A. Yes.</p> <p>25 Q. Did you have an actual shift that you were working?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                     | <p style="text-align: right;">Page 27</p> <p>1 Commission comes into hospitals on a regular basis.</p> <p>2 Q. Okay. What about the State?</p> <p>3 A. Same. Regular and unannounced.</p> <p>4 Q. Did you notify the State of Nevada about the Steven</p> <p>5 Farmer incident?</p> <p>6 A. Not that I recall.</p> <p>7 Q. So you were the director of the Emergency</p> <p>8 Department. Right?</p> <p>9 A. Yes.</p> <p>10 Q. Then you were moved up to chief of -- well, chief</p> <p>11 nursing officer. Right?</p> <p>12 A. Yes, interim.</p> <p>13 Q. What do you mean, "interim"?</p> <p>14 A. I was assigned as interim when Carol Butler left</p> <p>15 the organization.</p> <p>16 Q. Okay.</p> <p>17 A. It was temporary.</p> <p>18 Q. And how long was that?</p> <p>19 A. I don't know the exact dates. Maybe a year and a</p> <p>20 half, if I had to guess on the timing, before I moved to</p> <p>21 Summerlin.</p> <p>22 Q. Do you remember what year you moved to Summerlin?</p> <p>23 A. I went to Summerlin in September of 2010.</p> <p>24 Q. Outside of being deposed in the Cagnina matter,</p> <p>25 have you ever given a statement to anybody about what occurred?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 26</p> <p>1 A. I worked whenever needed in those days.</p> <p>2 Q. Right. It wasn't like you just worked the day</p> <p>3 shift. You could have worked any night shift you wanted.</p> <p>4 A. If needed.</p> <p>5 Q. Right. Because if you were needed to be there, you</p> <p>6 were needed to be there. Right?</p> <p>7 A. Correct.</p> <p>8 Q. While you were at Centennial Hills Hospital, did</p> <p>9 the State ever come in and find that the hospital was deficient</p> <p>10 in any way?</p> <p>11 A. I don't -- I don't know that I would have that</p> <p>12 knowledge, to specifics.</p> <p>13 Q. Well, do you remember that?</p> <p>14 A. State? I remember several State visits and Joint</p> <p>15 Commission visits, but the details of the findings, I couldn't</p> <p>16 tell you.</p> <p>17 Q. Okay. Did the Joint Commission ever come in --</p> <p>18 A. Yes.</p> <p>19 Q. -- and find that you were deficient in certain</p> <p>20 areas?</p> <p>21 A. The Joint Commission came in. The specifics of the</p> <p>22 results, I couldn't tell you.</p> <p>23 Q. Did the Joint Commission come in after the Steven</p> <p>24 Farmer incident?</p> <p>25 A. I don't recall the timing of the dates. Joint</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 28</p> <p>1 A. Not that I recall.</p> <p>2 Q. Okay. In other words, did you give a recorded</p> <p>3 statement to anybody?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Did you ever give a written statement?</p> <p>6 A. Not -- As part of an investigation, I'm not sure if</p> <p>7 -- I don't know that I ever wrote anything down.</p> <p>8 Q. Okay.</p> <p>9 A. I know that we had discussions, internal</p> <p>10 discussions about the incident, following.</p> <p>11 Q. Okay. And who did you have internal discussions</p> <p>12 with?</p> <p>13 A. Carol Butler, Quality and Risk.</p> <p>14 Q. Who was at Quality and Risk?</p> <p>15 A. I believe that was Janet Callahan and Yvette Wilson</p> <p>16 at the time.</p> <p>17 Q. Okay. Any other people that you had discussions</p> <p>18 with?</p> <p>19 A. Carol and I had discussions with employees after</p> <p>20 the incident.</p> <p>21 Q. Where did those discussions take place?</p> <p>22 A. In the hospital.</p> <p>23 Q. I understand that. Where?</p> <p>24 A. But I couldn't tell you specifically.</p> <p>25 Q. Was it in a conference room?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                |

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1 A. I'd be guessing if I answered. It could've been an  
2 office or a conference room.  
3 Q. Was it on the floor?  
4 A. I don't recall.  
5 Q. Okay. Do you believe -- Is it more likely than not  
6 that it occurred in an office or a conference room type of  
7 setting?  
8 A. That would be more likely.  
9 Q. Okay. And it was you and Carol. Is that correct?  
10 A. To my knowledge, yes.  
11 Q. Was there anybody else there?  
12 A. Not that I recall.  
13 Q. Was there a lawyer there?  
14 A. Not that I recall.  
15 Q. Okay. Who did you speak with?  
16 A. I remember speaking with Ray Sumera, Karen  
17 Goodhart, Darby Curlee.  
18 Q. Anybody else?  
19 A. Margaret Wolfe later. There may have been more  
20 people, but those are the names I recall.  
21 Q. When you say "later," how much later?  
22 A. I don't know the timing, but the conversation with  
23 Margaret was more specific to additional concerns that she  
24 shared, so I know it was later for that reason.  
25 Q. Would you agree with me that it would've been  
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1 within two months of the initial conference you had with  
2 Sumera, Goodhart, and Curlee?  
3 A. That sounds right.  
4 Q. Okay. So if the initial conference occurred  
5 in late May, could we put an outside date on it of about  
6 August 1st? Would you agree with that?  
7 A. That sounds fair. I don't recall the exact date.  
8 Q. Okay. And were there notes taken at that meeting?  
9 A. Not that I recall.  
10 Q. Did you take any notes?  
11 A. Not that I recall.  
12 Q. Did Carol take any notes?  
13 A. Not that I recall.  
14 Q. Were the meetings tape-recorded?  
15 A. No.  
16 Q. Were they video-taped?  
17 A. No.  
18 Q. I'm sorry?  
19 A. No.  
20 Q. I'm curious. Why didn't you take any notes?  
21 A. I just don't remember taking notes. It doesn't  
22 mean that I didn't.  
23 Q. Oh, okay. So it's possible you took notes?  
24 A. It was several years ago, so...  
25 Q. I understand. So it's possible you took notes?  
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1 A. It's possible, but I don't recall taking them.  
2 Q. Okay. When you're in a meeting-type setting like  
3 that, would you agree with me it's more likely than not that  
4 you actually took notes?  
5 A. Depends on the situation. If I'm having a  
6 conversation with someone, I don't always write anything down.  
7 Q. Okay. This was more -- more than a conversation,  
8 though. You were actually investigating what occurred. Right?  
9 A. Investigations were more Risk and Quality.  
10 Q. Okay. So why were you talking to these people?  
11 A. Our conversations, Carol and I, were more about did  
12 we miss anything, did the staff know that they could come  
13 forward if they felt uncomfortable about anything. Just more  
14 kind of follow-up to the concerns that we had become aware of,  
15 and making sure that we weren't missing any opportunities.  
16 Q. Okay. So you don't know if you took notes or not.  
17 A. Correct.  
18 Q. If you took notes -- let's assume, just for the  
19 sake of argument, you did -- where would those notes be today?  
20 A. I don't have any way of knowing that.  
21 Q. Okay. What would you have done with them after the  
22 meeting? In other words, did you have a secretary who you  
23 would say, you know, "Type these up" --  
24 A. No.  
25 Q. -- or did you have a file, things like that?  
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1 A. I did not.  
2 Q. Okay. Did you have anything at all where you would  
3 have put notes?  
4 A. Not formally, no.  
5 Q. What about informally?  
6 A. If I were to take notes on a notepad, it might be  
7 something that I used, like, to work with that day.  
8 Q. Okay.  
9 A. But if it wasn't part of any formal investigation  
10 or anything that I was typing up, I don't know where it would  
11 end up. I honestly don't recall taking any notes specific to  
12 this case.  
13 Q. Okay. So, in other words, it's possible you did.  
14 You're just not sure. Is that right?  
15 A. I don't remember taking any.  
16 Q. Okay. So it's more likely than not that you didn't  
17 take any.  
18 A. That's correct.  
19 Q. Okay. Do you recall Carol Butler taking any notes  
20 at these meetings?  
21 A. I don't.  
22 Q. After the meetings, did you have discussions with  
23 Carol about your -- about your meetings with these nurses?  
24 A. It's fair to say that that would have happened, but  
25 I couldn't tell you specifics.

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| <p style="text-align: right;">Page 33</p> <p>1 Q. How long afterwards would you have had that<br/>2 meeting?<br/>3 A. Most likely, immediately.<br/>4 Q. Okay. Now, the Margaret Wolfe meeting took place a<br/>5 couple of months later. Right?<br/>6 A. I don't know the exact date. I just --<br/>7 Q. No.<br/>8 A. -- know it was after.<br/>9 Q. I know.<br/>10 A. But within a couple of months is fair.<br/>11 Q. Within a couple of months.<br/>12 A. Uh-huh.<br/>13 Q. When did -- Did you have a discussion with Carol<br/>14 Butler about the Margaret Wolfe meeting?<br/>15 A. I'm sure that we did. I can't tell you specifics.<br/>16 Q. Why did you meet with Carol -- with Margaret Wolfe?<br/>17 A. What I remember is that we were made aware that<br/>18 Margaret had expressed concerns, and we were following up to<br/>19 find -- it was new information to us, so we were both following<br/>20 up to get more information and making sure that people knew<br/>21 what the proper channel would be if they had concerns in the<br/>22 future.<br/>23 Q. In fact, my understanding is that you became aware<br/>24 that a -- that Margaret had spoken with the police about the<br/>25 situation. Is that right?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                        | <p style="text-align: right;">Page 35</p> <p>1 name of Christine Murray?<br/>2 A. I don't.<br/>3 Q. Okay.<br/>4 A. I don't remember who that is.<br/>5 Q. Margaret Wolfe told the police on May 30th, 2008,<br/>6 that -- about conversations she had with Mr. Ray Sumera. Do<br/>7 you remember that?<br/>8 A. I remember that, yes.<br/>9 Q. Okay. Did you ever confirm that with Mr. Sumera?<br/>10 A. Carol and I, I believe, spoke to Ray.<br/>11 Q. And Ray confirmed it, I assume.<br/>12 A. Ray remembered having a conversation with Margaret,<br/>13 but the content was different.<br/>14 Q. Okay. Did you ever speak to Margaret about that?<br/>15 In other words, did you confront her with that and say, "Well,<br/>16 wait a minute. Ray says you had a different conversation"?<br/>17 A. I believe that we did, but I don't know the<br/>18 specifics.<br/>19 Q. Okay. And, of course, did you make a report of it?<br/>20 A. Report?<br/>21 Q. Well, she lied to you.<br/>22 A. I think we --<br/>23 MR. PRANGLE: Well, that's argumentative.<br/>24 Q. I don't know. If she lied to you or -- I mean, she<br/>25 told you something that Ray didn't remember.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                            |
| <p style="text-align: right;">Page 34</p> <p>1 A. That sounds familiar, but I couldn't tell you<br/>2 specifics.<br/>3 Q. Right. And as a -- as a matter of fact, you became<br/>4 aware, and this was back in -- In between May of 2008 and<br/>5 August of 2008, you became aware that there actually was a<br/>6 police report, where Margaret spoke to the police. Right?<br/>7 A. I don't remember the specifics.<br/>8 Q. Well --<br/>9 A. I became aware that she had shared information. I<br/>10 don't know that I had knowledge of the police report or not.<br/>11 Q. Okay. Did you ever ask for a police report?<br/>12 A. No.<br/>13 Q. Have you ever read a police report?<br/>14 A. Not that I recall.<br/>15 Q. It's possible you did? You just don't know?<br/>16 A. I don't recall ever seeing a police report related<br/>17 to this case.<br/>18 Q. Okay. Well, that's funny, because I understand<br/>19 that you had a meeting with several of the nurses where you<br/>20 actually went over some of the police reports. Do you remember<br/>21 that?<br/>22 A. I remember meeting with the nurses about how to<br/>23 escalate concerns, but I don't remember ever having copies of<br/>24 police reports or sharing them.<br/>25 Q. Okay. Do you remember meeting with a nurse by the<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 36</p> <p>1 A. I didn't say she said something that Ray didn't<br/>2 remember. I said that the content was different in each of<br/>3 their stories.<br/>4 Q. Okay. So which one was telling the truth?<br/>5 A. I wouldn't know --<br/>6 Q. Did you ever determine that?<br/>7 A. -- that. I wasn't there. I wouldn't know that. I<br/>8 wasn't there.<br/>9 Q. Did you ever investigate it?<br/>10 A. We talked to them both, yes.<br/>11 Q. And tell me about who you talked to and how you<br/>12 talked to them. Tell me about that.<br/>13 A. What I remember is that we talked to Ray, and Ray<br/>14 remembered having a conversation with Margaret, but it was more<br/>15 about her not being happy that Steven Farmer was doing tasks<br/>16 without being directed to do so, and she wanted to know when<br/>17 someone was doing something for any patient that was in her<br/>18 care, and that she was also concerned about making sure that<br/>19 doors or curtains -- I'm not sure which -- were closed for<br/>20 privacy. And I believe that Ray had a conversation with Steve<br/>21 about the privacy piece. Margaret's version was different than<br/>22 that.<br/>23 Q. What was Margaret's version?<br/>24 A. Margaret said that she expressed concerns that<br/>25 Steven Farmer seemed to seek out duties with females and was<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 overeager and that she felt uncomfortable. I'm using my own<br/>2 words, but that's paraphrasing.<br/>3 Q. No, I understand.<br/>4 Margaret also told you that Ray Sumera had come to<br/>5 her with concerns?<br/>6 A. I don't know if she told us that or that was the<br/>7 report, I can't remember which, but that was a difference in<br/>8 their stories, as well.<br/>9 Q. Well, what do you mean, "that was the report"?<br/>10 What report?<br/>11 A. I don't know if that was what she told law<br/>12 enforcement or if that was what she told Carol. We got the<br/>13 story kind of secondhand.<br/>14 Q. Well, how do you know she told law enforcement if<br/>15 you never saw the report?<br/>16 A. It got back to --<br/>17 Q. How did it get --<br/>18 A. -- us somehow and --<br/>19 Q. -- back to you?<br/>20 MR. PRANGLE: Hold on. Hold on.<br/>21 A. I can't remember the specifics.<br/>22 MR. PRANGLE: Hold on. Let her --<br/>23 Q. How did you find out before the report?<br/>24 MR. PRANGLE: -- finish the answer. When that's<br/>25 done --<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                                       | <p style="text-align: right;">Page 39</p> <p>1 that Margaret was saying that Ray came to her.<br/>2 A. When she told the story of how she expressed the<br/>3 concerns, yes.<br/>4 Q. When did she tell you that?<br/>5 A. When we met with her and talked to her.<br/>6 Q. Okay. So let's put it this way. As of August of<br/>7 2008, you, as the Department of Emergency -- as the head of<br/>8 Department of Emergency Services at Centennial Hills Hospital,<br/>9 you were aware that Margaret Wolfe was alleging that Ray Sumera<br/>10 had come to her and expressed concerns about Ray Sumera. Is<br/>11 that correct?<br/>12 A. She didn't express concerns about Ray Sumera.<br/>13 Q. I'm sorry. I'm sorry. Let me restate the<br/>14 question. That was my bad.<br/>15 In between May and August 1 of 2008, you, as the<br/>16 department -- as the head of the Department of Emergency<br/>17 Services at Centennial Hills, became aware that -- through<br/>18 Margaret Wolfe that Ray Sumera had come to Margaret Wolfe with<br/>19 concerns about Steven Farmer. Is that correct?<br/>20 A. I don't remember the details enough to say if I<br/>21 heard that directly from her or from someone else. What I<br/>22 remember is that Margaret had expressed concerns to Ray. Who<br/>23 initiated the conversation, I don't know what I was told<br/>24 initially.<br/>25 Q. Well, you already -- you just testified somehow you<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 38</p> <p>1 A. I don't remember.<br/>2 Q. Okay. So, in other words, you testified earlier<br/>3 today you've never seen a report, but now you know about the<br/>4 report.<br/>5 A. I still haven't seen it.<br/>6 Q. So tell me when the first time you found out about<br/>7 the report.<br/>8 A. I couldn't tell you the details. I don't know if<br/>9 Margaret came and told us or if someone else did, but somehow<br/>10 it got back to us that Margaret had shared concerns with law<br/>11 enforcement. I don't -- I don't know that details were shared<br/>12 initially. And then we started talking about it with the team.<br/>13 Q. Was that before you met with her in between May and<br/>14 August?<br/>15 A. We became aware of it and then met with her, yes.<br/>16 Q. Okay. But you -- as you sit here today, you have<br/>17 no idea how you became aware of it?<br/>18 A. I can't remember. I don't want to guess.<br/>19 Q. I don't want you to guess. Okay. So you have no<br/>20 idea how you became aware of it, but you actually became aware<br/>21 of the contents of it, as well. Right?<br/>22 A. I became aware that she shared information.<br/>23 Contents of the police report, those are two different things<br/>24 to me.<br/>25 Q. Well, you were aware, as you just told me before,<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 40</p> <p>1 were aware that Margaret stated that Ray told her about<br/>2 concerns. Right? About Farmer.<br/>3 A. I remember there being several different versions<br/>4 of the story. One was that --<br/>5 Q. Okay.<br/>6 A. -- Ray went to Margaret and initiated a<br/>7 conversation. The other was that Margaret went to Ray and<br/>8 initiated the conversation.<br/>9 Q. Let's just keep those two for right now. Whatever<br/>10 it is, okay, those two versions, at least.<br/>11 A. Yes.<br/>12 Q. You knew those two versions as of August 1, 2008.<br/>13 Would you agree with that?<br/>14 A. At some point within a few --<br/>15 Q. Is that fair?<br/>16 A. -- months if we say August. I -- I can't validate<br/>17 the date, but that sounds fair, yes.<br/>18 Q. Okay. When was the first time you spoke with<br/>19 counsel about this matter?<br/>20 A. Cagnina case?<br/>21 Q. Any. I don't care.<br/>22 A. I don't -- I don't know that I could tell you.<br/>23 Q. Okay. Did you ever investigate -- You said you<br/>24 had two different versions here. Did you have each of them,<br/>25 Mr. Sumera and Ms. Wolfe, write down their respective versions?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                           |

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1 A. We did not have them write them down, to my  
2 recollection. We spoke to them each.  
3 Q. Did you take notes from that?  
4 A. Not that I recall.  
5 Q. Okay. Did you ever have them both in a room  
6 together --  
7 A. Not that I recall.  
8 Q. -- where they could say, "Well, wait a minute.  
9 Margaret, I didn't say that" or "Wait a minute, Ray. I didn't  
10 say that"? Did you ever do that?  
11 A. Not that I recall.  
12 Q. Did you ever get to the bottom of the truth?  
13 A. The stories were different.  
14 Q. I know.  
15 A. And they stuck to their stories.  
16 Q. Did you ever get to the bottom of it, though?  
17 A. There wasn't a way to really prove or disprove.  
18 They both had different versions --  
19 Q. Okay.  
20 A. -- of what they remembered.  
21 Q. Okay.  
22 A. So we addressed it by making sure that people knew  
23 how to escalate and when to come forward with concerns in the  
24 future.  
25 Q. Did you ever put a note into her employee file  
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1 about this incident?  
2 A. Not that I recall.  
3 Q. So you didn't know what happened, you didn't know  
4 what version was the correct version, Ray's version or  
5 Margaret's version; but, nevertheless, is it safe to say that  
6 you believed it was more like the game of telephone, as opposed  
7 to someone was lying?  
8 A. I don't --  
9 Q. Or the other way around. Maybe you thought someone  
10 was lying.  
11 A. I personally at the time -- I think that it's easy,  
12 when you hear something surprising and horrible, to start  
13 looking back and seeing things.  
14 Q. Okay. That doesn't answer my question.  
15 A. I -- I don't know that I would classify it the way  
16 that you just said it, no.  
17 Q. So you wouldn't classify it as a lie?  
18 A. I don't know. I can't call something a lie without  
19 seeing the truth myself.  
20 Q. Okay. Wouldn't it have been -- Wouldn't it --  
21 Strike that.  
22 Wouldn't it have been important to come to a  
23 conclusion?  
24 A. If we had proof, that would be easy.  
25 Q. Well, but if Margaret is making up stories, that's  
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1 a terminable offense.  
2 A. I couldn't prove that either of them was telling  
3 the truth or not telling the truth.  
4 Q. Right. And I was just going to say, and if Ray  
5 is telling stories that aren't true, that's a terminal --  
6 turna- -- turnable -- termable -- terminable --  
7 MR. PRANGLE: He can be fired for that.  
8 MR. MURDOCK: Thank you.  
9 MR. PRANGLE: Sure.  
10 MR. MURDOCK: Thanks.  
11 Q. -- offense. Is that correct?  
12 A. It could be, yes.  
13 Q. Okay. But a decision was made just to kind of let  
14 it be and decide, you know what, we're not going to get to the  
15 bottom of it. What we're going to do is we're going to say,  
16 "Look, if you see concerns, report it." And you gave them, you  
17 gave all your staff, ways to make sure -- policies and  
18 procedures to make sure they knew what to do in certain  
19 situations. Is that right? Is that fair?  
20 A. That's fair.  
21 Q. Okay. Now, do you know Crystal Johnson?  
22 A. Yes.  
23 Q. Were you involved at all with bringing on agency  
24 staff?  
25 A. Not directly, no.  
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1 Q. In fact, my understanding is that at least as of  
2 2010 -- Well, strike that.  
3 My understanding is that before Mr. Farmer was  
4 arrested -- I believe it was May 16, 2008 -- you had never  
5 personally reviewed his file. Is that correct?  
6 A. I don't remember reviewing his file, no.  
7 Q. Well, okay. I know you just added that, that  
8 "I don't remember," but didn't you testify back in March of  
9 2010, and the question was: Were you involved personally to  
10 any degree in reviewing his file before he was hired -- talking  
11 about Farmer -- and your answer was no? Do you remember that?  
12 A. I don't remember.  
13 MR. PRANGLE: Wait a minute. And your --  
14 Q. Do you want to say it?  
15 A. No. I said I don't remember.  
16 MR. PRANGLE: Your question was different.  
17 Q. Maybe it was. And maybe it was. I'm not trying  
18 to --  
19 A. That's okay.  
20 Q. -- be cute.  
21 A. That's okay.  
22 Q. I mean, if it was different, it was different.  
23 A. I didn't review agency files upon hire at all.  
24 MR. PRANGLE: You said before May in your question.  
25 That was before he was hired.  
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| <p style="text-align: right;">Page 45</p> <p>1 MR. MURDOCK: Oh, okay. Okay. You're right.<br/>2 You're right about that.<br/>3 Q. Did you ever review his file?<br/>4 A. Not that I recall.<br/>5 Q. Okay. Before he was hired, did you review his<br/>6 file?<br/>7 A. No.<br/>8 Q. Okay. Thank you.<br/>9 Now, my understanding is that there were -- for<br/>10 agency staff, there were two evaluations. There's the one<br/>11 evaluation, which is a Centennial Hills internal evaluation,<br/>12 and then there's evaluations that are to be given to the agency<br/>13 on a per-shift basis. Is that correct?<br/>14 A. That is not.<br/>15 Q. Okay. Carol Butler testified that after each<br/>16 shift, agency staff is supposed to be evaluated. In other<br/>17 words, there's a form that's filled out. Are you aware of<br/>18 that?<br/>19 A. There -- At some point, there was a form that was<br/>20 created. Initially there was not a form. There was a verbal<br/>21 discussion. And it wasn't every shift. It was typically one<br/>22 shift, their initial shifts, as part of onboarding. But for<br/>23 RNs, it would sometimes be their first three shifts.<br/>24 Q. So Carol Butler is wrong?<br/>25 A. She was mistaken, I'm guessing.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 47</p> <p>1 MR. PRANGLE: Objection. Argumentative.<br/>2 Q. Right? Why are you so sure that she's mistaken and<br/>3 you're right?<br/>4 A. That has never been the process, every shift.<br/>5 Q. Why would Carol Butler say that, then?<br/>6 MR. PRANGLE: Objection. Calls for speculation.<br/>7 A. I can't say.<br/>8 Q. So you've got another area where you've got two<br/>9 Centennial Hills people with two differing stories.<br/>10 A. She could've misunderstood your question.<br/>11 MR. PRANGLE: It calls for speculation.<br/>12 Q. Maybe she answered it truthfully, too. Do you<br/>13 think so?<br/>14 A. I don't know.<br/>15 Q. Well, isn't it true that as director of Nursing<br/>16 Services, it would've been your duty to ensure that these shift<br/>17 reviews were done?<br/>18 MR. PRANGLE: Objection. Calls for facts not in<br/>19 evidence.<br/>20 Q. Right?<br/>21 A. That wasn't our process.<br/>22 Q. I know it wasn't your -- It wasn't your process?<br/>23 A. It wasn't a process or a policy to do an evaluation<br/>24 every shift on anyone in the hospital.<br/>25 Q. Okay. So Carol Butler, in her testimony, is wrong.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                              |
| <p style="text-align: right;">Page 46</p> <p>1 Q. Well, I know you want to say that she's mistaken,<br/>2 but she was pretty clear about it in her testimony.<br/>3 Carol Butler -- The question to Carol Butler was:<br/>4 Did you understand that the contract that you had with<br/>5 Broadlane and with American Nursing Services required<br/>6 Centennial Hills Hospital to do reviews each shift? Do you<br/>7 understand that?<br/>8 Her answer was yes.<br/>9 So, I mean, do you know more about the Broadlane<br/>10 contract than Carol Butler?<br/>11 A. I've never seen the contract.<br/>12 Q. Do you know more about the duties that you had<br/>13 with -- regarding agency personnel than Carol Butler?<br/>14 A. I know what the process was for onboarding agency<br/>15 personnel.<br/>16 Q. Well, Carol Butler says they had to do reviews each<br/>17 shift.<br/>18 A. No.<br/>19 Q. Do you disagree with Carol Butler?<br/>20 A. That's incorrect.<br/>21 Q. She's incorrect or you're incorrect?<br/>22 A. That statement is not correct. She might have been<br/>23 mistaken.<br/>24 Q. Or you're mistaken. One of the two of you is<br/>25 mistaken.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                    | <p style="text-align: right;">Page 48</p> <p>1 A. I can't --<br/>2 Q. Despite that she was chief nursing officer and you<br/>3 weren't. Right?<br/>4 A. I can't speak to what Carol answered. I can only<br/>5 tell you what our practice was at the time.<br/>6 Q. Okay. Well, does your practice correlate with the<br/>7 contract?<br/>8 A. I haven't seen the contract.<br/>9 Q. Okay. So did your practice -- Do you know if your<br/>10 practice actually violated the contract?<br/>11 A. I haven't seen the contract.<br/>12 Q. Do you know if you were doing it according to what<br/>13 Carol Butler told you to do?<br/>14 A. I was never asked to complete evaluations every<br/>15 shift.<br/>16 Q. In fact, the one evaluation we have here -- My<br/>17 understanding is you did evaluations on agency personnel. I<br/>18 understand you did it for -- Let's see. You did -- You did a<br/>19 performance evaluation after the first couple shifts. Right?<br/>20 A. Initially, we did a verbal feedback from charge<br/>21 nurse to house supervisor at the end of the shift. At some<br/>22 point, we developed a paper form that was filled out --<br/>23 Q. Okay.<br/>24 A. -- for the first one to three shifts, depending on<br/>25 the employee. Not necessarily a performance evaluation. It<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 wasn't very detailed.</p> <p>2 Q. Okay.</p> <p>3 A. Performance evaluations were annual.</p> <p>4 Q. Boy, I -- I don't understand. Maybe I'm just</p> <p>5 reading this wrong. Your deposition, back in March of 2010,</p> <p>6 talks about employees, agency employees, who were then</p> <p>7 scheduled for a shift and then the supervisor on shift</p> <p>8 completes the evaluation and sends it to the nursing staff, the</p> <p>9 staffing office.</p> <p>10 A. That is the paper form that we developed.</p> <p>11 Q. Okay.</p> <p>12 A. Maybe within the first month or two. I don't know</p> <p>13 the exact date.</p> <p>14 Q. So, in other words, you'd only evaluate the nursing</p> <p>15 staff -- the agency staff once?</p> <p>16 A. Once, sometimes more than once, depending on how</p> <p>17 they performed.</p> <p>18 Q. Okay. How did Steven Farmer get hired?</p> <p>19 A. He wasn't hired. He was an agency employee.</p> <p>20 Q. Okay.</p> <p>21 A. He was hired by his agency.</p> <p>22 Q. The agency required that he show up at work at</p> <p>23 Centennial Hills. Right? That was his job?</p> <p>24 A. That is not correct.</p> <p>25 Q. What was the agency's -- What was his job at the</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 51</p> <p>1 A. It could be canceling people if we did not need</p> <p>2 them, or it could be calling in additional staff.</p> <p>3 Q. Okay.</p> <p>4 A. We would attempt to call in our own and get people</p> <p>5 to pick up extra shifts. If they were not able to and we still</p> <p>6 had a need, they would reach out to the agencies that we</p> <p>7 contracted with and let them know what type of staff we needed.</p> <p>8 Q. Right.</p> <p>9 A. And then they would supply names of people that we</p> <p>10 had files created on already.</p> <p>11 Q. Okay. So, in other words, Mr. Farmer would have a</p> <p>12 file over at Centennial Hills. Right?</p> <p>13 A. Yes.</p> <p>14 Q. And that file would include various documents.</p> <p>15 Right?</p> <p>16 A. Yes.</p> <p>17 Q. Until that file was complete, though, he was not</p> <p>18 allowed to work at that hospital. Right?</p> <p>19 A. There were some things that we required before they</p> <p>20 worked, and that was what made them eligible to be placed.</p> <p>21 Things like a background check.</p> <p>22 Q. Well, actually, it was the entire file. You had</p> <p>23 all these things that were listed, that were required.</p> <p>24 A. Yes.</p> <p>25 Q. And each one of them was required before he was</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 50</p> <p>1 agency?</p> <p>2 A. His job was to work for the agency and be placed at</p> <p>3 various facilities as needed, not necessarily to work at</p> <p>4 Centennial Hills.</p> <p>5 Q. Oh, no, of course. Of course not. Maybe I</p> <p>6 misunder- -- When you say -- Let me go back. Of course.</p> <p>7 Mr. Farmer's job was to be a CNA at wherever he was</p> <p>8 placed.</p> <p>9 A. Correct.</p> <p>10 Q. Okay. When Centennial Hills called the agency,</p> <p>11 American Nursing Services, he was to come to Centennial Hills</p> <p>12 and do whatever Centennial Hills told him to do there. Right?</p> <p>13 A. For a shift?</p> <p>14 Q. For a shift.</p> <p>15 A. Yes.</p> <p>16 Q. Now, my understanding is that agency staff -- Well,</p> <p>17 strike that.</p> <p>18 How did you know who was working for you at a</p> <p>19 particular time?</p> <p>20 A. The process for -- specific to agency or in total?</p> <p>21 Q. Yeah, agency.</p> <p>22 A. We had a staffing coordinator that would look at</p> <p>23 needs for the upcoming shift, along with the house supervisor,</p> <p>24 and discuss any overages or underages.</p> <p>25 Q. Right.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                        | <p style="text-align: right;">Page 52</p> <p>1 allowed to work at the hospital. Right?</p> <p>2 A. That is not correct.</p> <p>3 Q. Okay. What wasn't required?</p> <p>4 A. Some of the items that are on our file checklist</p> <p>5 are internal documents that they complete after they start</p> <p>6 working.</p> <p>7 Q. Okay.</p> <p>8 A. And some are dependent on the agency providing them</p> <p>9 to us prior. I believe the ones listed in the top section are</p> <p>10 the ones the agency provides to us, and the ones below that are</p> <p>11 things they complete after employment, like an orientation to</p> <p>12 the hospital, which they could not complete prior.</p> <p>13 MR. MURDOCK: Let's mark this.</p> <p>14 (Exhibit 1 marked for identification.)</p> <p>15 Q. I'm showing you what's marked as Exhibit 1.</p> <p>16 MR. SILVESTRI: Does it have an identification?</p> <p>17 MR. MURDOCK: I'm sorry. Yeah, it does. It's</p> <p>18 CHH00326.</p> <p>19 MR. SILVESTRI: Thank you.</p> <p>20 MR. MURDOCK: Yeah. No problem.</p> <p>21 Q. This is Steven Farmer's -- the checklist regarding</p> <p>22 Steven Farmer. Have you seen that before?</p> <p>23 A. Yes.</p> <p>24 Q. When did you last see that document?</p> <p>25 A. I looked at this today.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                |

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| <p style="text-align: right;">Page 53</p> <p>1 Q. Shocking. When did you see that before today?</p> <p>2 A. The last time I was deposed.</p> <p>3 Q. Okay. Now, did you ever read Crystal Johnson's</p> <p>4 deposition?</p> <p>5 A. No, I have not.</p> <p>6 Q. Have you ever seen Crystal Johnson's deposition?</p> <p>7 A. I've never seen anyone else's depositions.</p> <p>8 Q. Has anybody ever told you about Crystal Johnson and</p> <p>9 what she testified to?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Okay. Well, Crystal Johnson testified that there's</p> <p>12 something on here called "References." Do you see that? It's</p> <p>13 highlighted at the top.</p> <p>14 MR. PRANGLE: That's that --</p> <p>15 A. "Application"?</p> <p>16 Q. Yeah. Do you see it, "References"?</p> <p>17 A. "Application" --</p> <p>18 Q. Slash "References."</p> <p>19 A. -- slash -- Yeah. I can't see what's under that</p> <p>20 line, but yes.</p> <p>21 Q. And next to it, Crystal Johnson said her writing</p> <p>22 says "need" --</p> <p>23 A. Right.</p> <p>24 Q. -- next to "References." Do you see that?</p> <p>25 A. I do.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                           | <p style="text-align: right;">Page 55</p> <p>1 A. -- were done internal.</p> <p>2 Q. Okay. But everything, let's say, in Section 1,</p> <p>3 okay, that was required --</p> <p>4 A. Yes.</p> <p>5 Q. -- along -- Let me finish my question. That was</p> <p>6 required before he was allowed to work at the hospital. Is</p> <p>7 that correct?</p> <p>8 A. That we should've had that, yes.</p> <p>9 Q. Let me restate my question. Everything in</p> <p>10 Section 1 was required to be at the hospital before he was</p> <p>11 allowed to work at the hospital. Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Thank you.</p> <p>14 Did you ever allow someone to work at the hospital</p> <p>15 who didn't have Section 1 complete?</p> <p>16 A. Not knowingly.</p> <p>17 Q. Did you ever tell Crystal Johnson that, regardless</p> <p>18 of these -- of them not having the references, that Farmer</p> <p>19 could work at the hospital?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. What do you mean, not to your knowledge? I don't</p> <p>22 understand that.</p> <p>23 A. I don't remember ever having the conversation with</p> <p>24 her about Farmer's file or anyone's file.</p> <p>25 Q. Okay. And certainly you wouldn't have done that.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                          |
| <p style="text-align: right;">Page 54</p> <p>1 Q. Okay. She testified that references were required</p> <p>2 before he was allowed to start work at Centennial Hills</p> <p>3 Hospital. Were you aware of that?</p> <p>4 A. That would be part of what the agency sends us. If</p> <p>5 they've been placed in a previous facility, they should send us</p> <p>6 references from --</p> <p>7 Q. I understand.</p> <p>8 A. -- the previous employers, yes.</p> <p>9 Q. No, absolutely.</p> <p>10 A. If they're a new agency, they may not have them.</p> <p>11 Q. I understand. But if he had references and they</p> <p>12 were never sent to you, he should not have been working at that</p> <p>13 hospital, should he?</p> <p>14 MR. PRANGLE: Objection to foundation and form.</p> <p>15 A. If they had references, they should've provided --</p> <p>16 Q. I understand that.</p> <p>17 A. -- provided them to us, yes.</p> <p>18 Q. But if they never provided them -- In other words,</p> <p>19 basically, this checklist has to be complete.</p> <p>20 A. Portions of it, yes.</p> <p>21 Q. Okay. Well, what didn't need to be complete before</p> <p>22 he was allowed to work at the hospital?</p> <p>23 A. The Department Orientation, Orientation.</p> <p>24 Everything below -- The Sections 5 and 6 --</p> <p>25 Q. Okay.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 56</p> <p>1 A. The process was for the staffing coordinators to</p> <p>2 complete the file and then schedule people once the files were</p> <p>3 complete.</p> <p>4 Q. Right. What I'm getting at is it would not have</p> <p>5 been your habit or routine to call up Crystal or any one of the</p> <p>6 staffing coordinators and say, "Look, I don't care about these</p> <p>7 references. I want this CNA or this nurse" --</p> <p>8 A. No.</p> <p>9 Q. -- "there now."</p> <p>10 A. No.</p> <p>11 Q. You wouldn't do that?</p> <p>12 A. No.</p> <p>13 Q. Okay. Now, the references that are talked about</p> <p>14 here in Section 1, Crystal Johnson testified that the</p> <p>15 references that that's talking about are from the last two</p> <p>16 employers where the agency staff worked, not personal</p> <p>17 references. Right?</p> <p>18 A. It is from previous employers.</p> <p>19 Q. Right.</p> <p>20 A. I don't know that it's always the last two. They</p> <p>21 submit -- The agency submits us copies from prior employers.</p> <p>22 Q. Well, Crystal Johnson testified: Quick question.</p> <p>23 And those work-related references, would you have expected that</p> <p>24 at least one of those would come from his last position while</p> <p>25 at American Nursing?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 57</p> <p>1 Answer: We would expect that, yes.</p> <p>2 Is that true?</p> <p>3 A. It sounds like that's what she would expect. In my</p> <p>4 experience, they don't always have dates of employment on them.</p> <p>5 They send you one to three previous employers, and it's an</p> <p>6 example of how people have rated them.</p> <p>7 Q. Okay.</p> <p>8 A. Their last employer may not have completed an</p> <p>9 evaluation and turned it back in, so sometimes the agency</p> <p>10 doesn't have one from each employer, so I don't know that it's</p> <p>11 always exactly that, but -- but they should send in references</p> <p>12 from prior employers.</p> <p>13 Q. Okay. So, in other words, when Crystal Johnson,</p> <p>14 the staffing coord- -- By the way, you were not a staffing</p> <p>15 coordinator. Right?</p> <p>16 A. That is correct.</p> <p>17 Q. Were you in charge of the staffing coordinators?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So when Crystal Johnson testified to this,</p> <p>20 is she wrong?</p> <p>21 A. I think she's saying that's what she would expect.</p> <p>22 I don't know that that means that that would always happen.</p> <p>23 Q. Well, would you expect that, too?</p> <p>24 A. In my experience, it hasn't always been that way,</p> <p>25 so I would expect references, but I wouldn't necessarily expect</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 59</p> <p>1 A. -- for the agency to provide.</p> <p>2 Q. I understand. I'm talking about for the hospital.</p> <p>3 A. Yes.</p> <p>4 Q. Okay? Just the hospital. Without having those</p> <p>5 references, he should not have been working at the hospital.</p> <p>6 A. It would be an incomplete file.</p> <p>7 Q. And he should not have been working at the</p> <p>8 hospital. Right?</p> <p>9 A. It -- That -- I would -- I would be reaching out to</p> <p>10 the agency and asking for the references, yes.</p> <p>11 Q. I know. And if they never gave you the references,</p> <p>12 he should not have been working at the hospital. Correct?</p> <p>13 A. I would agree with that, yes.</p> <p>14 Q. Thank you.</p> <p>15 Now we get to the good part.</p> <p>16 A. Oh, good.</p> <p>17 Q. Crystal Johnson testified she never got the</p> <p>18 references. Okay?</p> <p>19 A. Okay.</p> <p>20 Q. So the question is, why was he working at the</p> <p>21 hospital?</p> <p>22 A. I can't answer that.</p> <p>23 Q. Okay. Did it just fall through the cracks?</p> <p>24 A. It looks like she initialed the line, which is how</p> <p>25 we would verify that that line was complete. So I think that</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 58</p> <p>1 the last two. They may not have even received a last employer</p> <p>2 reference if they just worked there a shift prior or a week</p> <p>3 prior.</p> <p>4 Q. Oh. So -- So, in other words, it's up to the</p> <p>5 agency.</p> <p>6 A. It's up to the agency, yes, to collect --</p> <p>7 Q. Okay. But nevertheless --</p> <p>8 A. -- the information and send it in.</p> <p>9 Q. Okay. Nevertheless, let's put it this way. Let me</p> <p>10 try and work it a different way.</p> <p>11 A. Sure.</p> <p>12 Q. In terms of references, that, in -- in Plaintiff's</p> <p>13 Exhibit 1, the references that are there, that's not talking</p> <p>14 about personal references. That's talking about job-related</p> <p>15 references.</p> <p>16 A. That's correct.</p> <p>17 Q. Right?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. And you agree with Ms. Johnson, that without</p> <p>20 those references being provided, he should not have been</p> <p>21 working at Centennial Hills Hospital. Is that correct?</p> <p>22 A. If they had the references, they should have</p> <p>23 provided them. If it was a new employee, they may not have any</p> <p>24 prior references --</p> <p>25 Q. I understand.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                     | <p style="text-align: right;">Page 60</p> <p>1 that's misleading.</p> <p>2 Q. Well, you're going to have to blame Crystal</p> <p>3 Johnson --</p> <p>4 A. Well --</p> <p>5 Q. -- because Crystal Johnson says she didn't receive</p> <p>6 them. And, in fact, she says that you made the decision to</p> <p>7 bring Mr. Farmer on without those references.</p> <p>8 A. I don't recall that.</p> <p>9 Q. The hospital, back in February of 2008, was packed,</p> <p>10 wasn't it?</p> <p>11 A. Yes.</p> <p>12 Q. You needed staff.</p> <p>13 A. Correct.</p> <p>14 Q. Okay. You didn't need staff yesterday. You needed</p> <p>15 it today. Right?</p> <p>16 A. Yes.</p> <p>17 Q. My understanding is that when Mr. Farmer started</p> <p>18 working at Centennial Hills Hospital, you were unaware that he</p> <p>19 was on "do not return" status from Rawson-Neal?</p> <p>20 A. That is correct.</p> <p>21 Q. My understanding is that you were unaware that he</p> <p>22 had been -- he was alleged to have committed alleged violations</p> <p>23 in the Nursing Practices Act as well as abuse of client and/or</p> <p>24 patient.</p> <p>25 A. I was unaware, yes.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                         |

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| <p style="text-align: right;">Page 61</p> <p>1 Q. You were unaware of that?</p> <p>2 A. Yes.</p> <p>3 Q. Had Centennial Hills been made aware of that, you</p> <p>4 would not have let him work at that hospital, would you?</p> <p>5 A. That is correct.</p> <p>6 Q. Did American Nursing Services have a duty to tell</p> <p>7 you that?</p> <p>8 A. I believe they did.</p> <p>9 MR. MURDOCK: Let's take a break for a few minutes.</p> <p>10 (A recess was taken from 2:08 p.m. to 2:17 p.m.)</p> <p>11 MR. MURDOCK: We're back on.</p> <p>12 Q. (By Mr. Murdock) My understanding is that you met</p> <p>13 Steven Farmer a couple times, walked by him a couple times in</p> <p>14 the hall, "Hi. How are you?" that kind of stuff.</p> <p>15 A. Yes.</p> <p>16 Q. Nothing in depth. Right?</p> <p>17 MR. PRANGLE: Nothing what?</p> <p>18 MR. MURDOCK: Nothing in depth.</p> <p>19 A. I didn't know him outside of work, but I saw him</p> <p>20 quite frequently at work.</p> <p>21 Q. But it was always, "Hi," "Hello." It wasn't</p> <p>22 anything in depth. Correct?</p> <p>23 A. Not personal stuff, no.</p> <p>24 Q. Okay. Was it professional stuff?</p> <p>25 A. Conversation about the shift, how -- how his day</p> <p style="text-align: right;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 63</p> <p>1 Q. What about indirectly? Did you ever observe him</p> <p>2 indirectly?</p> <p>3 A. I saw him more at the beginning or end of shifts,</p> <p>4 that I recall.</p> <p>5 Q. Did you ever observe him working?</p> <p>6 A. Not that I recall, directly.</p> <p>7 Q. Did you ever observe him working?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Well, I don't understand the difference between</p> <p>10 "directly" and "indirectly." What does that mean?</p> <p>11 A. Because I see someone when they start or end their</p> <p>12 shift. They're still at the hospital, in the workplace. But I</p> <p>13 don't ever remember seeing him perform his duties.</p> <p>14 Q. Well, look --</p> <p>15 A. I'm trying to be honest.</p> <p>16 Q. I appreciate that. I think you're actually trying</p> <p>17 to parse things, but that's okay, because we can -- we can do</p> <p>18 that.</p> <p>19 Okay. You're the director of Emergency Services of</p> <p>20 the hospital. Right?</p> <p>21 A. Yes.</p> <p>22 Q. I know one of your jobs is to make sure that the</p> <p>23 staff that you have working there is good. Right?</p> <p>24 A. Correct.</p> <p>25 Q. And they're doing their jobs.</p> <p style="text-align: right;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>        |
| <p style="text-align: right;">Page 62</p> <p>1 was.</p> <p>2 Q. Okay. I just want to make sure we're talking about</p> <p>3 the same Mr. Farmer, because in your deposition in March of</p> <p>4 2010 you seemed to kind of say you met him, "Hi," "Hello."</p> <p>5 That was about it. But now you're telling me you actually</p> <p>6 talked about shifts?</p> <p>7 A. I said how his shift was or how his day was.</p> <p>8 Q. Okay.</p> <p>9 A. If you read me what I deposed, I could clarify.</p> <p>10 Q. When was the last time you read this deposition?</p> <p>11 A. I've looked at it since, in the last couple of</p> <p>12 months.</p> <p>13 Q. When?</p> <p>14 A. But I don't remember the detail.</p> <p>15 Q. How many times?</p> <p>16 A. Maybe twice.</p> <p>17 Q. Okay. Why?</p> <p>18 A. To refresh my mind about what I deposed -- was</p> <p>19 deposed on before.</p> <p>20 Q. Okay. Now, let's be clear about a couple things.</p> <p>21 Let me just go through here. So if you want to change</p> <p>22 anything, you can.</p> <p>23 Before May of 2008, were you ever able to observe</p> <p>24 Mr. Farmer working?</p> <p>25 A. Directly, no.</p> <p style="text-align: right;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                          | <p style="text-align: right;">Page 64</p> <p>1 A. Correct.</p> <p>2 Q. Not doing anything out of the ordinary.</p> <p>3 A. Correct.</p> <p>4 Q. And one of the ways you would do that is by</p> <p>5 observing what's going on. Right?</p> <p>6 A. That's one of the ways.</p> <p>7 Q. Okay. In other words, you'd walk around the</p> <p>8 Emergency Department and look at CNA X just to see what -- how</p> <p>9 CNA X was doing. Right?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. That's what I'm talking about, observing.</p> <p>12 So let me ask the question again. Before May of 2008, were you</p> <p>13 ever able to observe Mr. Farmer working?</p> <p>14 A. I don't recall ever seeing him directly perform</p> <p>15 work, no.</p> <p>16 Q. Do you ever recall indirectly him performing work?</p> <p>17 A. I remember seeing him in the workplace.</p> <p>18 Q. Okay. What do you remember seeing him doing in the</p> <p>19 workplace?</p> <p>20 A. Typically, I would see him at the start or end of</p> <p>21 shifts. He worked night shifts often.</p> <p>22 Q. Right. What did -- Well, he never worked day</p> <p>23 shifts.</p> <p>24 A. And I was primarily days.</p> <p>25 Q. Right. Okay. What was he doing when you observed</p> <p style="text-align: right;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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1 him?  
2 A. Usually coming on shift or leaving in the morning.  
3 Q. What was he doing?  
4 A. Saying hello, talking about how his shift was,  
5 saying good-bye.  
6 Q. What did he ever say about the shifts?  
7 A. He was always happy.  
8 Q. Okay.  
9 A. Always had a good shift.  
10 Q. Okay. I'm sure he was.  
11 Did he -- Did he ever say anything bad?  
12 A. Not that I recall.  
13 Q. Did he ever tell you how much he loved working  
14 there?  
15 A. Yes.  
16 Q. Did he -- Tell me some other things that he said.  
17 Anything at all.  
18 A. Most of my memory about Steven Farmer is  
19 interactions in shift passing because of the shift he worked  
20 and indirect information through my charge nurses that  
21 supervised him at night.  
22 Q. Okay. Did you meet with your charge nurses?  
23 A. Yes.  
24 Q. Okay. And did any of your charge nurses ever say  
25 anything about Mr. Farmer?

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1 A. Often.  
2 Q. Okay. Did they ever say anything bad about  
3 Mr. Farmer?  
4 A. Never.  
5 Q. Did they ever say anything good about Mr. Farmer?  
6 A. Yes.  
7 Q. Did you write it down?  
8 A. No.  
9 Q. Of course not.  
10 Did you ever take notes from those conversations?  
11 A. No.  
12 Q. So as we sit here today, is there any -- are there  
13 any documents that you can tell me to go look at to see, hey,  
14 this was a great employee, and I noted that for the file?  
15 Anything?  
16 A. Not from me. I believe there's an orientation  
17 document that documented his initial performance.  
18 Q. Yeah, there's one.  
19 A. Yes.  
20 Q. Right. But outside of that, there's no shift  
21 reviews.  
22 A. That was not a process for any employee.  
23 Q. I know. I know. You said that. Carol Butler said  
24 something else. But that aside, there are no shift reviews.  
25 Whether it's required or not, there are none. Right?

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1 A. There is one that I've seen.  
2 Q. Okay. This?  
3 A. Correct.  
4 Q. This is the orientation review --  
5 A. Correct.  
6 Q. -- that you're now calling a shift review.  
7 A. That's the only document that I recall having for  
8 any agency employee after employment.  
9 Q. Okay. And this -- it's CHH00365 -- this document  
10 actually goes to the department at the hospital. Right?  
11 A. It's supposed to go to his file.  
12 Q. Right. This doesn't go back to the agency.  
13 A. No.  
14 Q. Right. What I'm talking about is actual agency  
15 files, agency reviews.  
16 A. Agency reviews, they would give to us periodically  
17 to complete and return.  
18 Q. Well, actually, they were in the staffing office.  
19 A. They may have been.  
20 Q. Okay. And -- But there's none -- nobody ever did  
21 one on Mr. Farmer. Why is that?  
22 A. That was not part of our process at the time.  
23 Q. When did it become part of your process?  
24 A. I don't know that it ever has been.  
25 Q. Okay.

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1 A. I typically, in 20 years of my experience, am  
2 requested to do agency reviews periodically or at the  
3 completion of an assignment.  
4 Q. You know what's funny about that? Because the  
5 people at Rawson-Neal did them after every shift. I'm trying  
6 to figure out why Centennial Hills is so special.  
7 MR. PRANGLE: Objection to form. Argumentative.  
8 A. I've worked for hospitals all across the country.  
9 I've never done one at the end of every shift.  
10 Q. Okay.  
11 A. To this date.  
12 Q. Okay. And, of course, besides CHH00365, you can't  
13 point to any one document at all telling me whether he was a  
14 good employee or a bad employee. Right?  
15 A. I cannot.  
16 Q. How long did you meet with Mr. Prangle?  
17 A. An hour, maybe.  
18 Q. How long have you met with any other attorneys in  
19 this matter?  
20 A. That's it.  
21 Q. Ever? In Cagnina?  
22 A. During the deposition.  
23 Q. Okay.  
24 A. I don't remember prior. There might have been like  
25 an earlier meeting, prior to the deposition, but I couldn't

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| <p style="text-align: right;">Page 69</p> <p>1 tell you how much time.</p> <p>2 Q. How many times -- How much time have you spoken</p> <p>3 with any lawyers or staff from law firms?</p> <p>4 A. Related to this case?</p> <p>5 Q. Related to this case or Cagnina.</p> <p>6 A. E-mails to set up the date today.</p> <p>7 Q. Uh-huh.</p> <p>8 A. One phone prep. And we met a little earlier today,</p> <p>9 prior to coming here. Altogether, an hour and 40 minutes, I</p> <p>10 would guess. I can't remember from the 2010 -- I can't</p> <p>11 remember from 2010 what happened prior to the deposition at</p> <p>12 all.</p> <p>13 Q. Do you know who Marsha Petersen is?</p> <p>14 A. I don't remember that name, no.</p> <p>15 Q. Do you know who Jane Doe is?</p> <p>16 A. No.</p> <p>17 Q. Do you know who the plaintiff is in this case?</p> <p>18 A. Oh, is that Petersen? I'm sorry. All the</p> <p>19 documents that I saw said "Doe."</p> <p>20 Q. Yeah, "Jane Doe."</p> <p>21 A. Yes. I'm sorry. I thought you were asking about</p> <p>22 an employee name again.</p> <p>23 Q. Do you know who she is?</p> <p>24 A. I don't know her personally, no.</p> <p>25 Q. Did you ever attempt to find out who she is?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                       | <p style="text-align: right;">Page 71</p> <p>1 Q. Do you know that Mr. Farmer was convicted?</p> <p>2 A. Yes.</p> <p>3 Q. Did you know he was convicted, by the way, before I</p> <p>4 told you that?</p> <p>5 A. Yes.</p> <p>6 Q. When did you find that out?</p> <p>7 A. I believe I saw in the media.</p> <p>8 Q. After you saw in the media, did you call anybody?</p> <p>9 A. No.</p> <p>10 Q. Did you talk to anybody?</p> <p>11 A. Not that I recall. I was already here.</p> <p>12 Q. My understanding is that -- Let me restate that.</p> <p>13 Did you ever do any work on the floors, outside of</p> <p>14 the Emergency Department, at Centennial Hills?</p> <p>15 A. Outside of the Emergency Department?</p> <p>16 Q. Yeah.</p> <p>17 A. Not that I recall. In the Emergency Department,</p> <p>18 yes.</p> <p>19 Q. Okay. CNAs worked in the Emergency Department.</p> <p>20 Right?</p> <p>21 A. Yes.</p> <p>22 Q. CNAs will also work on the floors.</p> <p>23 A. Yes.</p> <p>24 Q. Do you have any reason to believe that the scope of</p> <p>25 their jobs were different on the floors versus in the ER?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                            |
| <p style="text-align: right;">Page 70</p> <p>1 A. I have not.</p> <p>2 Q. What is she claiming? Do you know?</p> <p>3 A. I get a little confused because there's been</p> <p>4 several people coming forward, so I don't know the details of</p> <p>5 this case exactly.</p> <p>6 Q. Well, what -- tell me what all these people,</p> <p>7 without their names if you don't know their names, tell me what</p> <p>8 they've all alleged.</p> <p>9 A. I remember someone making a claim about lead</p> <p>10 placement and touching in the Emergency Department.</p> <p>11 Q. Okay.</p> <p>12 A. I don't -- I couldn't tell you what name was</p> <p>13 associated with that.</p> <p>14 Q. If I told you the name Denise Hanna, would that</p> <p>15 refresh your recollection?</p> <p>16 A. I believe that's correct.</p> <p>17 Q. Did you ever substantiate that claim?</p> <p>18 A. No.</p> <p>19 Q. Did you ever try and substantiate that claim?</p> <p>20 A. I believe that that is the same patient that</p> <p>21 Margaret Wolfe said she expressed concerns about. So what we</p> <p>22 talked about earlier was the follow-up to that. It came to us</p> <p>23 after the fact.</p> <p>24 Q. Okay. And what others?</p> <p>25 A. That's all I remember. And Cagnina, obviously.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 72</p> <p>1 A. No.</p> <p>2 Q. My understanding is that CNAs in the state of</p> <p>3 Nevada, which would include Centennial Hills, are involved in</p> <p>4 bed making. Right?</p> <p>5 A. Yes.</p> <p>6 Q. Skin care?</p> <p>7 A. Yes.</p> <p>8 Q. In fact, they can apply non-medicated</p> <p>9 over-the-counter ointments, such as Vaseline, A&amp;D, Bag Balm,</p> <p>10 Desitin, Ben Gay, Mineral Ice, Zinc Oxide or like products.</p> <p>11 A. Correct.</p> <p>12 Q. They can care for, apply and remove established</p> <p>13 prosthetic devices, immobilizers and braces.</p> <p>14 A. Yes.</p> <p>15 Q. They can give back rubs, do perineal care, and</p> <p>16 incontinent care.</p> <p>17 A. Yes.</p> <p>18 Q. Is that a yes?</p> <p>19 A. Yes. I'm sorry. You're not asking questions.</p> <p>20 You're just looking at me.</p> <p>21 MR. PRANGLE: You're making statements.</p> <p>22 Q. No, no. I'm -- It's one statement.</p> <p>23 MR. PRANGLE: If you want to show it to her and see</p> <p>24 if she agrees with all of them, that be would be fine, too.</p> <p>25 Q. What is perineal care?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 73</p> <p>1 A. That is personal hygiene.</p> <p>2 Q. Could you explain it in detail for us.</p> <p>3 A. Either bathing or cleaning someone after they've</p> <p>4 been incontinent.</p> <p>5 Q. Okay. Is there a difference between perineal care</p> <p>6 and incontinent care?</p> <p>7 A. Yes, because you can also perform perineal care if</p> <p>8 someone isn't incontinent, just as part of their daily hygiene.</p> <p>9 Q. Okay. For instance, if someone has a bowel</p> <p>10 movement in a bedpan --</p> <p>11 A. Yes.</p> <p>12 Q. -- you would have to wipe the person.</p> <p>13 A. If they require assistance, yes.</p> <p>14 Q. Right. Right. Absolutely. Okay. And a CNA,</p> <p>15 that's part of their course and scope to do that. Right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And a CNA, part of their course and scope is</p> <p>18 to bathe a patient. Correct?</p> <p>19 A. Yes.</p> <p>20 Q. That includes partial or complete bed baths.</p> <p>21 Correct?</p> <p>22 A. Correct.</p> <p>23 Q. About includes tub baths. Correct?</p> <p>24 A. Correct.</p> <p>25 Q. That includes showers. Correct?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 75</p> <p>1 scope, they can shave somebody with a razor. Right?</p> <p>2 A. Yes.</p> <p>3 Q. They can do -- CNAs can do mouth care. Correct?</p> <p>4 A. Yes.</p> <p>5 Q. On unconscious and conscious residents. Right?</p> <p>6 A. Yes.</p> <p>7 Q. And that would include brushing, flossing, and</p> <p>8 denture care. Right?</p> <p>9 A. Yes.</p> <p>10 Q. And CNAs could do hair care. Right?</p> <p>11 A. Yes.</p> <p>12 Q. They could shampoo, brush and comb. Right?</p> <p>13 A. Yes.</p> <p>14 Q. And they could do dressing and undressing of the</p> <p>15 patients. Correct?</p> <p>16 A. Correct.</p> <p>17 Q. And that's all part of their course and scope.</p> <p>18 Right?</p> <p>19 A. Yes.</p> <p>20 Q. Same thing with nail care. They can do that, too.</p> <p>21 Right?</p> <p>22 A. Yes.</p> <p>23 Q. Of course, this all, for the most part, takes place</p> <p>24 in the patient's room. Correct?</p> <p>25 A. You're reading the scope --</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                                                                                                                                                                           |
| <p style="text-align: right;">Page 74</p> <p>1 A. Correct.</p> <p>2 Q. That also includes, as we talked about before,</p> <p>3 perineal care. Correct?</p> <p>4 A. Correct.</p> <p>5 Q. For example, if you give a bath, then you've got to</p> <p>6 dry certain areas. Right?</p> <p>7 A. Yes.</p> <p>8 Q. Private areas?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. That would include the anus. Correct?</p> <p>11 A. Yes.</p> <p>12 Q. On a woman, that would include the labia or vagina.</p> <p>13 Correct?</p> <p>14 A. Yes.</p> <p>15 Q. It may also include the breasts. Correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And CNAs are allowed to do that. That's</p> <p>18 part of their course and scope. Correct?</p> <p>19 A. Correct.</p> <p>20 Q. That's part of the tasks they would generally be</p> <p>21 assigned. Right?</p> <p>22 MR. PRANGLE: Objection to the form.</p> <p>23 A. Yes.</p> <p>24 Q. Thank you.</p> <p>25 For men, CNAs are -- part of their course and</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                  | <p style="text-align: right;">Page 76</p> <p>1 Q. Right.</p> <p>2 A. -- of a certified nursing assistant.</p> <p>3 Q. Yes, I am.</p> <p>4 A. So it depends on the setting in which they work.</p> <p>5 Q. Okay. If a CNA is in -- is in a hospital setting,</p> <p>6 okay, in order to do these, they'd generally be in the</p> <p>7 patient's room. Right? To do these.</p> <p>8 A. Generally, yes.</p> <p>9 Q. Yeah. I mean, that's -- that's -- Look, I</p> <p>10 understand a bath may be outside, in a different area, but if</p> <p>11 there's a bathroom in the patient's room, okay, and you have to</p> <p>12 clean the perineal area of a patient, that's in the patient's</p> <p>13 room. Right?</p> <p>14 A. I'm not sure what you're asking.</p> <p>15 Q. Okay. Let me be kind of specific. It's expected</p> <p>16 that CNAs would enter patients' rooms as part of doing their</p> <p>17 tasks, all these tasks that I just talked about. Right?</p> <p>18 MR. PRANGLE: Objection to form.</p> <p>19 MR. SILVESTRI: This kind of -- Let me just insert</p> <p>20 an objection, and I'll just be continuing on this on the</p> <p>21 questions. It's an incomplete hypothetical, lacks foundation.</p> <p>22 MR. PRANGLE: Join.</p> <p>23 Q. Go ahead. You can answer the question.</p> <p>24 A. Yes.</p> <p>25 Q. As you said before, CNAs, part of their course and</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |



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| <p style="text-align: right;">Page 77</p> <p>1 scope is to give bed baths, clean up stool, clean up urine,<br/>2 also to check monitor leads. Right?<br/>3 A. I don't know if that's listed in their State scope,<br/>4 but --<br/>5 Q. Well, let's -- Here, I'll actually -- Let's go to<br/>6 the State scope again. I'm sorry. I got away from that.<br/>7 CNAs, as part of their course and scope, according<br/>8 to the State Bar -- State of Nevada, which is where Centennial<br/>9 is, they also do vital signs. Correct?<br/>10 A. Yes.<br/>11 Q. It's part of their course and scope. Right?<br/>12 A. Yes.<br/>13 Q. That includes temperature. Correct?<br/>14 A. Yes.<br/>15 Q. That includes blood pressure. Correct?<br/>16 A. Yes.<br/>17 Q. That includes apical, a-p-i-c-a-l?<br/>18 A. I could look at it and then do --<br/>19 Q. I know you could.<br/>20 A. -- the whole thing at once.<br/>21 Q. I know you could, but let's play my game. Okay?<br/>22 A. Apical, yes. That's a cardiac pulse.<br/>23 Q. Okay. The heart?<br/>24 A. Yes, with a stethoscope.<br/>25 Q. Okay. I'm just -- just asking.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 79</p> <p>1 scope is to take a rectal temperature. They're allowed to do<br/>2 that. Right?<br/>3 A. Yes.<br/>4 Q. That would involve the insertion of a thermometer<br/>5 into the anus. Is that correct?<br/>6 A. Correct.<br/>7 Q. Okay. Part of their course and scope is to do<br/>8 automatic vital sign devices and use those. Correct?<br/>9 A. Correct.<br/>10 Q. Count respirations. Correct?<br/>11 A. Yes.<br/>12 Q. And also tympanic temperatures. Correct?<br/>13 A. Yes.<br/>14 Q. And that's that little thing you put in the ear.<br/>15 Right?<br/>16 A. Yes.<br/>17 Q. Okay. They can also perform EKGs.<br/>18 A. Yes.<br/>19 Q. They can also apply monitor leads.<br/>20 A. Yes.<br/>21 Q. So let's get back. Do you agree with me that CNAs,<br/>22 part of their course and scope, they're expected to give bed<br/>23 baths, clean up stool, clean up urine, and check monitor leads?<br/>24 Right?<br/>25 A. Yes.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                            |
| <p style="text-align: right;">Page 78</p> <p>1 A. Uh-huh.<br/>2 MR. PRANGLE: Learn something?<br/>3 MR. MURDOCK: You're a wise guy.<br/>4 MR. PRANGLE: You're doing a fantastic job,<br/>5 although you're getting a little theatrical.<br/>6 THE WITNESS: A little?<br/>7 MR. MURDOCK: Theatrical.<br/>8 MR. PRANGLE: Save it for the jury.<br/>9 MR. MURDOCK: Theatrical.<br/>10 Q. They can do brachial pulses. Right?<br/>11 A. Yes.<br/>12 Q. They can do radial pulses.<br/>13 A. Yes.<br/>14 Q. They can do oral temperatures. Right?<br/>15 A. Yes.<br/>16 Q. They can take axillary --<br/>17 MR. PRANGLE: Axillary.<br/>18 A. Axillary.<br/>19 Q. -- axillary temperatures. Right?<br/>20 A. Yes.<br/>21 Q. That's under the arm. Right?<br/>22 A. They can take all temperatures and all pulses.<br/>23 Q. Okay. That includes rectal temperatures. Correct?<br/>24 A. Correct.<br/>25 Q. So a CNA, part of their -- the CNA's course and<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                           | <p style="text-align: right;">Page 80</p> <p>1 Q. But, of course, you'd agree with me that in order<br/>2 to do all these tasks, whatever task it is, all these tasks we<br/>3 just went over, that a CNA -- that having contact with a<br/>4 patient in the patient's room is part of the course and scope<br/>5 of that CNA's employment.<br/>6 MR. PRANGLE: Objection to form.<br/>7 Q. In other words, you've got to -- you've got to have<br/>8 patient contact to do most of these things. Right?<br/>9 MR. PRANGLE: Objection to form. Incomplete<br/>10 hypothetical.<br/>11 A. Yes.<br/>12 Q. Okay. Oh, CNAs, sometimes they're told what to do.<br/>13 In other words, nurses instruct them what to do. Right?<br/>14 A. Yes.<br/>15 Q. But other times, they also can perform tasks within<br/>16 their scope, the scope we just talked about, independently.<br/>17 Right?<br/>18 A. Yes.<br/>19 Q. In terms of -- Well, strike that.<br/>20 Okay. How did you find out about the Cagnina<br/>21 issue?<br/>22 A. I believe I got a phone call that morning.<br/>23 Q. The chief nurse -- nursing officer was not in the<br/>24 building that day. Correct?<br/>25 A. Correct.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

| Page 81                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 83                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>1 Q. Okay.</p> <p>2 A. Not -- At least not in the morning, that I recall.</p> <p>3 Q. That was Carol Butler?</p> <p>4 A. Yes.</p> <p>5 Q. So Carol wasn't in the building that day, so you</p> <p>6 got the phone call.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And who did you get the phone call from?</p> <p>9 A. It might have been Lori Wescott.</p> <p>10 Q. Okay. And whoever it was told you the police were</p> <p>11 in the building, investigating a sexual assault claim by a</p> <p>12 patient. Is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And you then called the staffing office?</p> <p>15 A. Either they had called me with that information --</p> <p>16 Someone called. I think it might've been the staffing officer,</p> <p>17 Lori, that called. The house supervisors worked out of the</p> <p>18 staffing office.</p> <p>19 Q. Okay. You testified back in 2010 that: And I</p> <p>20 reported down to the staffing office, and they did tell me that</p> <p>21 the complaints -- I guess what the complaints were regarding</p> <p>22 Steven Farmer.</p> <p>23 A. So that means I physically went to the staffing</p> <p>24 office. When I say "I reported to," I went there.</p> <p>25 Q. Okay. What is the staffing office?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p>1 A. Correct.</p> <p>2 Q. And that's when you placed the call to her. Right?</p> <p>3 A. At around that time. I don't know which I did</p> <p>4 first. But, yes.</p> <p>5 Q. She called you right back. Right?</p> <p>6 A. And we discussed the next steps.</p> <p>7 Q. Right. And one of the next steps was to notify the</p> <p>8 nursing agency.</p> <p>9 A. Yes.</p> <p>10 Q. And also to notify the State Board of Nursing.</p> <p>11 Correct?</p> <p>12 A. Yes.</p> <p>13 Q. And you did that?</p> <p>14 A. Yes.</p> <p>15 Q. Now, after you spoke with Carol Butler and after</p> <p>16 you notified the State Board of Nursing, then what did you do?</p> <p>17 A. I think I notified the agency first and then the</p> <p>18 State Board. I'm sure I discussed with Risk and Quality,</p> <p>19 unless they were already aware, but I don't remember my exact</p> <p>20 next actions that day.</p> <p>21 Q. Did you pull up the procedure for what to do</p> <p>22 with -- regarding patient-staff abuse or assaults or anything</p> <p>23 like that?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Did you know that there was one?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                       |
| Page 82                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 84                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>1 A. It was a small space, with a couple of computers,</p> <p>2 where the staffing coordinators were based and where with the</p> <p>3 house supervisors worked out of.</p> <p>4 Q. Okay. The staffing coordinator, that's Crystal?</p> <p>5 A. Correct, she was one of them.</p> <p>6 Q. She was one of them.</p> <p>7 A. Yes.</p> <p>8 Q. So you went down to there, and either Lori -- Lori</p> <p>9 was house supervisor?</p> <p>10 A. I believe so.</p> <p>11 Q. Okay. And -- And it was confirmed what the</p> <p>12 allegations were. Right?</p> <p>13 A. I believe by the time that I got there, police were</p> <p>14 already on scene.</p> <p>15 Q. Okay.</p> <p>16 A. And I called Carol.</p> <p>17 Q. Okay. And tell me about the conversation you had</p> <p>18 with Carol.</p> <p>19 A. I don't remember the specifics. I just know that I</p> <p>20 notified her of what was going on.</p> <p>21 Q. Then you went to Administration.</p> <p>22 A. The staffing office is connected to Administration</p> <p>23 there, yes.</p> <p>24 Q. Okay. To try to find out what you needed to do,</p> <p>25 because you were covering for Carol Butler. Right?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                               | <p>1 A. I couldn't tell you if there was at the time or</p> <p>2 not.</p> <p>3 Q. Then what did you do?</p> <p>4 A. I don't remember.</p> <p>5 Q. What's the next thing you remember doing in this</p> <p>6 case? Anything at all.</p> <p>7 A. I know at some point in the day -- I know that</p> <p>8 people were still looking for -- for Steven Farmer, and I know</p> <p>9 at some point in the day I received a call from law</p> <p>10 enforcement, and it got directed to me.</p> <p>11 Q. Okay. Tell me about that call.</p> <p>12 A. I don't know if they had found him yet or not, but</p> <p>13 I think I just let them know that I had notified the agency and</p> <p>14 notified the State Board of Nursing.</p> <p>15 Q. Well, what did they want?</p> <p>16 A. I don't remember at this point.</p> <p>17 Q. So then what did you do, if anything?</p> <p>18 A. I couldn't tell you. There were multiple people at</p> <p>19 this point involved, Risk and Quality and media, so it wasn't</p> <p>20 just a -- just me doing the work.</p> <p>21 Q. Did anybody ever go around to the other patients in</p> <p>22 the hospital and ask them if there had been any issues at all</p> <p>23 or anything like that?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 85</p> <p>1 A. At the time, we were dealing with one allegation,<br/>2 with one patient, and we were investigating that path.<br/>3 Q. Right. I understand that. But why didn't you go<br/>4 around to the other patients in the hospital just to make sure<br/>5 that, you know, there were no other issues?<br/>6 A. It's not something that we thought of at the time.<br/>7 We usually go down a path of investigation first, before we<br/>8 spread out and do something like that.<br/>9 Q. Well, that might've been part of your<br/>10 investigation, to find out if anybody else was, you know, hurt<br/>11 or --<br/>12 A. It wasn't something we thought of at the time.<br/>13 Q. Yeah, I understand that. Everything was kind of<br/>14 fluid. Right?<br/>15 A. Yes.<br/>16 Q. Moving very quickly?<br/>17 A. Yes.<br/>18 Q. You just did what you thought you should do.<br/>19 Right?<br/>20 A. Yes.<br/>21 Q. Right or wrong, you just made judgment calls.<br/>22 Right?<br/>23 A. Sure.<br/>24 Q. Did you ever speak to Ms. Cagnina?<br/>25 A. Not that I recall. I believe Lori did.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                | <p style="text-align: right;">Page 87</p> <p>1 little background on that.<br/>2 A. I think that depending on who you ask and what<br/>3 point in time, you'll get a different answer. But at that<br/>4 time, we were still on paper documentation in the Emergency<br/>5 Department, so it was common to chart -- everyone could chart<br/>6 there. But on the inpatient units, they had an electronic<br/>7 system, and the agency staff may or may not, depending on if it<br/>8 was their first day and if they had been trained how. So<br/>9 that's why you might get variations.<br/>10 Q. Okay. Okay. Oh, that makes sense.<br/>11 A. They're sitting --<br/>12 Q. That makes sense.<br/>13 A. They're now all on an electronic system. But at<br/>14 the time, we were different in the ED than in the inpatient<br/>15 units.<br/>16 Q. So it's not just -- So actually both could be<br/>17 correct --<br/>18 A. Correct.<br/>19 Q. -- in that situation.<br/>20 A. Correct.<br/>21 Q. When did you have this meeting with Mr. Sumera,<br/>22 Ms. Goodhart, and Ms. -- one of the other nurses?<br/>23 A. Darby Curlee.<br/>24 Q. Darby Curlee.<br/>25 A. In the days following. It would've depended when<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                             |
| <p style="text-align: right;">Page 86</p> <p>1 Q. Did you ever speak to Ms. Cagnina?<br/>2 A. Not that I recall.<br/>3 Q. Why not?<br/>4 A. Because Lori had already spoken with her, as the<br/>5 house supervisor on duty. And then the police were involved,<br/>6 and we were letting them handle the investigation.<br/>7 Q. Okay. Mr. Farmer, on the night of the -- I think<br/>8 it's the 14th/15th -- the day/night thing kind of gets a little<br/>9 confusing here -- but he was moved to the sixth floor from the<br/>10 emergency room. Are you aware of that?<br/>11 A. No.<br/>12 Q. Okay. What is that called when someone moves?<br/>13 A. Like floating?<br/>14 Q. Floating.<br/>15 A. Could be.<br/>16 Q. Okay. When does floating happen?<br/>17 A. If the needs change. If we have an increase in<br/>18 patients in one area or if something changes and there's more<br/>19 of a need in that area, then we would send someone. I don't<br/>20 know the details of him being moved that night.<br/>21 Q. Okay. Some nurses have testified -- Well, some<br/>22 nurses and some administrators have testified that agency CNAs<br/>23 could not write in the chart, could not use your charting<br/>24 system at that point in time. And some of them said they<br/>25 actually could. I'm wondering if you could kind of give us a<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 88</p> <p>1 they were on shift.<br/>2 Q. Is there a reason that these individuals weren't<br/>3 spoken to immediately?<br/>4 A. I don't -- I couldn't tell you the timing. I don't<br/>5 know how immediate it was.<br/>6 Q. When did you become aware as to the exact of the<br/>7 allegation -- Excuse me. When did you become aware of the<br/>8 exact allegations of Ms. Cagnina?<br/>9 A. The allegations that morning were related to<br/>10 something that took place in the inpatient room, and the<br/>11 discussions with the ED staff following were more about were<br/>12 there opportunities leading up to the -- As the investigation<br/>13 progressed, there became more questions about how long did it<br/>14 take for him to get upstairs and the timeline, so that caused<br/>15 the need to have further questions.<br/>16 Q. Right. So was it more of a -- you know, over<br/>17 several days?<br/>18 A. I'm guessing, to be honest. It could've been<br/>19 24 hours. It could've been three days.<br/>20 Q. Could you give me your best estimate?<br/>21 A. I would say within the first couple days would be<br/>22 reasonable.<br/>23 Q. Okay. Were you part of any peer-review process at<br/>24 Centennial?<br/>25 A. Like the formal peer-review committees, no.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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1 Q. Did you ever testify at a peer review?  
2 A. Not that I recall.  
3 Q. Did you ever speak at a peer review?  
4 A. When I was a CNO, I had different involvement than  
5 at this point in time. But as a director, I don't recall.  
6 Q. Okay. Let me be specific. Did you ever testify at  
7 any peer-review committee regarding this matter?  
8 A. Not that I can remember.  
9 Q. Were you ever invited to?  
10 A. Not that I can remember. It was so long ago.  
11 Q. Did any peer-review committee ever ask you why  
12 Mr. Farmer was working at the hospital in the first place?  
13 A. Not that I remember.  
14 Q. Were you part of the sentinel event report?  
15 A. Sentinel event report?  
16 Q. Yes.  
17 A. Meaning notifying the State?  
18 Q. Yeah.  
19 A. I don't believe that I had a role in that. I think  
20 that was done by Quality and Risk.  
21 Q. And what about the --  
22 MR. PRANGLE: Patient safety?  
23 MR. MURDOCK: No. The report. The report.  
24 MR. PRANGLE: Sentinel event?  
25 MR. MURDOCK: Not the sentinel. The other thing  
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1 that goes along with the sentinel event, that I'm not allowed  
2 to get.  
3 MR. PRANGLE: The MIDAS?  
4 MS. HALL: The incident report?  
5 MR. MURDOCK: No. Forget it. You guys aren't  
6 helpful.  
7 MR. PRANGLE: I'm not trying to be helpful.  
8 A. I only remember being involved in the State Board  
9 notification and the agency notification, myself.  
10 Q. Okay. And that is it. Right?  
11 A. That's all I remember.  
12 Q. And aside from the meeting with Carol Butler and --  
13 A. The discussions we had with staff.  
14 Q. -- the discussions you had with staff, that was it?  
15 That was all that was --  
16 A. That's -- That's what I remember. It doesn't mean  
17 that more didn't happen. It just was a long time ago, so I'm  
18 doing my best.  
19 Q. Well, I understand that, but here's the thing.  
20 Today is my opportunity to find out what you know.  
21 A. Right.  
22 Q. So I don't want to be surprised in November when  
23 you come testify and you say to me, "Well, oh, no. Now I  
24 remember."  
25 A. I don't think my memory will improve between now  
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1 and then, but I'm doing my best.  
2 Q. I'm not so sure about that.  
3 Do you know who Lisa Doty is?  
4 A. Yes.  
5 Q. Who is Lisa Doty?  
6 A. When I worked at Centennial, she was the Human  
7 Resources administrator.  
8 Q. Okay.  
9 A. I don't know if she's still there.  
10 Q. Do you recall your meeting with Karen Goodhart?  
11 A. I know we had a conversation with Karen Goodhart.  
12 Q. Okay. Was Karen his -- Was Karen Ms. Cagnina's  
13 nurse?  
14 A. I believe that she was, in the Emergency  
15 Department.  
16 Q. How long -- How long has it been since you were an  
17 actual day-to-day nurse, doing nursing duties, as opposed to --  
18 A. 15 --  
19 Q. -- as opposed to administrative duties?  
20 A. 15 years, in terms of full time. Like, I still am  
21 able to work as a nurse, and I do when needed, but --  
22 Q. Sure.  
23 A. -- I've been on the administrative side for  
24 15 years.  
25 Q. Okay. How long did you work as a nurse before you  
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1 moved to the dark side of administration?  
2 A. Administration. Six years.  
3 Q. That was a joke.  
4 So you had six years of actual nursing?  
5 A. Correct, of sole nursing, yes.  
6 Q. Sole, right.  
7 A. Uh-huh.  
8 Q. And then the rest is administration.  
9 A. I started as a house supervisor, so that was a  
10 blended role, where I was still doing both for the first few  
11 years.  
12 Q. Are you a trained sexual assault nurse?  
13 A. I am not.  
14 Q. Have you ever treated victims of sexual assault?  
15 A. I have.  
16 Q. How many?  
17 A. Couldn't tell you.  
18 Q. Okay. Do you have training in the psychology of  
19 sexual assault victims?  
20 A. I did when I was boarded. I sat for the Certified  
21 Emergency Nurse Exam, and that was part of the curriculum.  
22 Q. Was it just -- And that would include the  
23 psychology of --  
24 A. From the emergency nurse standpoint, how to manage  
25 those patients, yes.  
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| <p style="text-align: right;">Page 93</p> <p>1 Q. Tell me about those patients in general.</p> <p>2 A. In what way?</p> <p>3 Q. Well, sexual assault victims. What are they like?</p> <p>4 If you can generalize. I mean, I realize they're all a little</p> <p>5 bit different. I get that.</p> <p>6 A. Sure.</p> <p>7 Q. But if you could generalize, tell me about that.</p> <p>8 MS. HALL: Objection. Lacks foundation.</p> <p>9 MS. BROOKHYSER: Join that.</p> <p>10 MR. PRANGLE: And vague.</p> <p>11 But if you understand it...</p> <p>12 A. I guess in a general sense specific to emergency</p> <p>13 nursing, it's more about having compassion, understanding where</p> <p>14 they're coming from, providing the right resources. In a</p> <p>15 general sense.</p> <p>16 Q. The sexual assault victims that you've encountered</p> <p>17 as a nurse, how many do you think that's been?</p> <p>18 A. I'd be guessing if I put a number --</p> <p>19 Q. Can you give me an estimate? I mean, one to ten?</p> <p>20 What are we talking about here?</p> <p>21 A. I would probably have to say 20 to 50.</p> <p>22 Q. Wow.</p> <p>23 A. Maybe.</p> <p>24 Q. Okay. And could you generalize in terms of their</p> <p>25 state of mind when you saw them?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 95</p> <p>1 that we're taught in school is to not label, so you have to</p> <p>2 never assume.</p> <p>3 Q. How do you care for these patients psychologically?</p> <p>4 A. Specifically, what are you asking?</p> <p>5 Q. The patient comes in, sexual assault, claim of</p> <p>6 sexual assault. Tell me what you do.</p> <p>7 A. If there are SANE nurse resources, that would be</p> <p>8 your -- your next step. And in some --</p> <p>9 Q. The Sexual Assault Nurse Examiner?</p> <p>10 A. Right. And in some areas, those patients are</p> <p>11 transported to a different facility.</p> <p>12 Q. Right. I'm talking you, Amy Blasing. You're the</p> <p>13 nurse. You're the nurse on duty in the ER. A sexual assault</p> <p>14 victim comes in. What do you do?</p> <p>15 A. I would care for them like I do any other patient.</p> <p>16 Q. How? Explain that.</p> <p>17 A. By assessing and identifying what's going on with</p> <p>18 them and --</p> <p>19 Q. How do you assess them?</p> <p>20 A. -- providing the resources.</p> <p>21 Q. How do you assess them?</p> <p>22 A. Asking questions, performing a physical evaluation.</p> <p>23 Q. No, no, no, no. Tell me. Tell me specifically. I</p> <p>24 want to know exactly what you would do.</p> <p>25 A. Give me a specific patient. I mean, it's...</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 94</p> <p>1 MS. BROOKHYSER: Form. Foundation.</p> <p>2 A. It depends.</p> <p>3 MS. HALL: Join. Incomplete hypothetical.</p> <p>4 Q. Okay. Explain that.</p> <p>5 A. Everybody's different.</p> <p>6 Q. Of course. But if I were to ask you, "Nurse --</p> <p>7 Nurse Amy, tell me what a sexual assault victim is like when</p> <p>8 they come into the ER."</p> <p>9 A. I don't know that I could answer that question.</p> <p>10 Q. Are they weeping?</p> <p>11 MR. SILVESTRI: I'm just going to --</p> <p>12 A. Depends on the patient.</p> <p>13 MR. SILVESTRI: I'm just going to object.</p> <p>14 That's not the only cause they would be --</p> <p>15 Q. I'm sorry?</p> <p>16 A. It depends on the patient.</p> <p>17 Q. What have you seen? Tell me what you've seen.</p> <p>18 A. Everyone's different.</p> <p>19 Q. Okay. I know that. And everybody deals with</p> <p>20 things differently, and I get that. But I'm sure you could</p> <p>21 generalize a little bit. If you can't, you can't, I guess.</p> <p>22 MS. BROOKHYSER: Same objections. Form.</p> <p>23 Foundation.</p> <p>24 MS. HALL: Foundation. Incomplete hypothetical.</p> <p>25 A. I don't know that I can. I mean, one of the things</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>            | <p style="text-align: right;">Page 96</p> <p>1 Q. Patient X. Patient X comes in.</p> <p>2 A. There are a million different ways that that path</p> <p>3 could fork --</p> <p>4 Q. Okay. Patient X comes in.</p> <p>5 A. -- because I can't --</p> <p>6 Q. I want to know how you assess the patient. What do</p> <p>7 you do?</p> <p>8 A. I would talk to them, have a conversation.</p> <p>9 MR. SILVESTRI: Just a second. Objection. It's</p> <p>10 overly broad.</p> <p>11 MR. PRANGLE: If you understand it, answer it. If</p> <p>12 you don't understand it, tell him you don't understand it.</p> <p>13 A. I don't think I can answer without a specific,</p> <p>14 because the answer would vary depending on the patient. Every</p> <p>15 patient is different.</p> <p>16 Q. Who assessed Ms. Cagnina?</p> <p>17 A. I don't have that information.</p> <p>18 Q. Do you know if she was assessed properly?</p> <p>19 MR. PRANGLE: Bob, I'd just object to the</p> <p>20 relevance, and we're starting to get into some HIPAA issues</p> <p>21 here, as well. This case is not about Cagnina.</p> <p>22 MS. HALL: Join as to relevance.</p> <p>23 MR. PRANGLE: And then foundation, since this</p> <p>24 witness never had any involvement with Cagnina.</p> <p>25 MS. HALL: Join.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                       |

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| <p style="text-align: right;">Page 97</p> <p>1 Q. What is the MIDAS system?</p> <p>2 A. It's an incident-reporting system.</p> <p>3 Q. And if a nurse or staff witnesses an incident, I</p> <p>4 guess of any kind, they use the MIDAS system. Right?</p> <p>5 A. That's what it's for, yes.</p> <p>6 Q. Okay. So what kind of incidents go into the MIDAS</p> <p>7 system?</p> <p>8 A. In a general sense, any incident that could pose</p> <p>9 risk or has an unanticipated outcome.</p> <p>10 Q. And at orientation before the hospital opened, I</p> <p>11 assume you instructed staff about the MIDAS system.</p> <p>12 A. All of our staff went through a system orientation.</p> <p>13 I did not conduct that myself.</p> <p>14 Q. Oh, okay. So as you sit here today, you can't tell</p> <p>15 me whether or not staff was aware of the MIDAS system and what</p> <p>16 needed to be put in there or not. Is that right?</p> <p>17 A. That should have been part of their orientation,</p> <p>18 but I'm not the best person to speak to that, because that was</p> <p>19 not my area. We had a Clinical Education Department that did</p> <p>20 onboarding for all employees.</p> <p>21 Q. Sure. Okay. Why weren't statements taken, actual</p> <p>22 written statements taken, of Ray Sumera, Karen Goodhart, and</p> <p>23 Margaret Wolfe?</p> <p>24 A. I don't know. I don't know if statements were</p> <p>25 taken. I just know that I don't have any.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 99</p> <p>1 Karen Goodhart. Darby Curlee. Darby Curlee was, I believe,</p> <p>2 the charge nurse. So we knew who was working.</p> <p>3 With the second incident, when we became aware of</p> <p>4 the other concerns that Margaret expressed, Ray was named in</p> <p>5 that information, so we talked to the two of them.</p> <p>6 Q. You said Ray was named in that information.</p> <p>7 A. That Margaret had shared with him.</p> <p>8 Q. Okay.</p> <p>9 A. That was the story that we became aware of.</p> <p>10 Q. Well, were there any documents, though, that had</p> <p>11 that?</p> <p>12 A. Not that I know of.</p> <p>13 Q. I'm trying to figure out how you became aware of</p> <p>14 the whole Ray Sumera and Margaret Wolfe drama.</p> <p>15 A. And I can't recall. It was so long ago, I don't</p> <p>16 know if it was a phone call or an in-person. I have no idea</p> <p>17 how that came back to us. It could have been Margaret herself.</p> <p>18 I don't know.</p> <p>19 Q. And just so I'm clear, after the whole situation,</p> <p>20 after your discussions with Mr. Sumera and Ms. Wolfe, neither</p> <p>21 of them was written up. Correct?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. You didn't write them up?</p> <p>24 A. Not that -- No, not that I know of.</p> <p>25 Q. You're the director of the Emergency Services.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 98</p> <p>1 Q. Well, you didn't take any.</p> <p>2 A. Correct.</p> <p>3 Q. You and Carol Butler didn't take any, as far as you</p> <p>4 know.</p> <p>5 A. Not that I know of, no. I can't speak for Carol.</p> <p>6 Q. But you can speak for yourself.</p> <p>7 A. Correct.</p> <p>8 Q. And you didn't take any.</p> <p>9 A. Correct.</p> <p>10 Q. Did Ray Sumera -- With Cagnina, did Ray Sumera put</p> <p>11 that incident in the MIDAS system?</p> <p>12 MR. PRANGLE: I want to just object to foundation</p> <p>13 as to whether Sumera witnessed anything with Cagnina that would</p> <p>14 prompt such a report. He was not on the floor.</p> <p>15 MR. MURDOCK: I understand.</p> <p>16 A. I can't answer that question. I don't know.</p> <p>17 Q. Did Margaret Wolfe put anything into the MIDAS</p> <p>18 system?</p> <p>19 A. I don't -- I don't know.</p> <p>20 Q. Did Karen Goodhart?</p> <p>21 A. I don't know if anyone did. I don't have that</p> <p>22 knowledge.</p> <p>23 Q. How did you know who to meet with?</p> <p>24 A. There were two different topics. The first</p> <p>25 incident with Cagnina, we knew who the nurse was, which was</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                                                                  | <p style="text-align: right;">Page 100</p> <p>1 A. Right.</p> <p>2 Q. So you would've been the one to write them up.</p> <p>3 A. Uh-huh.</p> <p>4 Q. Right?</p> <p>5 A. I could have been. Not --</p> <p>6 Q. Okay. But you didn't.</p> <p>7 A. -- the only one. Not that I know of, no.</p> <p>8 Q. Okay. But you didn't specifically. Right?</p> <p>9 A. No.</p> <p>10 Q. You didn't specifically write up Ms. Wolfe.</p> <p>11 A. Right.</p> <p>12 Q. Outside of you and Ms. Butler, are you aware of</p> <p>13 anybody else knowing about the Ray Sumera and Margaret Wolfe</p> <p>14 discussions?</p> <p>15 A. I would think Risk and Quality did, but --</p> <p>16 MR. PRANGLE: Don't guess.</p> <p>17 A. -- but I'm guessing, so never mind. No --</p> <p>18 Q. How would you guess that?</p> <p>19 A. -- I'm not, because typically that's something that</p> <p>20 they would be aware of.</p> <p>21 Q. How would they be aware of it?</p> <p>22 A. Somebody would notify them.</p> <p>23 Q. Who?</p> <p>24 A. It could be many people.</p> <p>25 Q. Did you?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                                                                                                                           |

| Page 101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 103                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>1 A. I don't remember.</p> <p>2 Q. Did Carol?</p> <p>3 A. I couldn't answer that.</p> <p>4 Q. Did you do a MIDAS report?</p> <p>5 A. I don't recall.</p> <p>6 Q. Should you have done a MIDAS report?</p> <p>7 A. Somebody should have --</p> <p>8 Q. Did you?</p> <p>9 A. -- if they thought there was risk.</p> <p>10 The Margaret-and-Ray incident was tough because it</p> <p>11 really boiled down to different perceptions of a conversation.</p> <p>12 Q. Okay. But, nevertheless, it affected patient care.</p> <p>13 Right?</p> <p>14 A. Not that we identified, no. It was, I have a bad</p> <p>15 feeling about someone, versus, that's not what she communicated</p> <p>16 to me. But there was no action that was identified from that</p> <p>17 incident. To my -- To my memory, that was what the</p> <p>18 conversations were about. There was no allegation of any</p> <p>19 wrongdoing. It was, I have a bad feeling. He's putting leads</p> <p>20 on my patients, which was part of the job. And Ray having a</p> <p>21 totally different understanding of that exchange.</p> <p>22 Q. Actually, let me do this. I'm trying to pull this</p> <p>23 up. I'm going to have you read the Margaret Wolfe statement.</p> <p>24 It's PDDISC0162. It's where it starts. Why don't you just</p> <p>25 take a breeze through that. Take some time. It's 15 pages. I</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p>1 before?</p> <p>2 A. Today is the first time that I've read it, to my</p> <p>3 knowledge.</p> <p>4 Q. I understand that. Have you ever been shown --</p> <p>5 A. Not that I remember.</p> <p>6 Q. -- this document before?</p> <p>7 A. Not that I remember before now.</p> <p>8 Q. Has anybody discussed this document with you?</p> <p>9 A. I knew of its existence.</p> <p>10 Q. And you knew of its existence prior to -- and I</p> <p>11 think we agreed on this before -- August 1, 2008. Is that</p> <p>12 correct?</p> <p>13 A. I knew in that first few months after that Margaret</p> <p>14 had expressed concerns with the Police Department, yes.</p> <p>15 Q. Okay. And you knew of the existence of the</p> <p>16 voluntary statements. Correct?</p> <p>17 A. I think that's fair.</p> <p>18 Q. Okay. During that same time frame? Is that</p> <p>19 correct? Is that fair?</p> <p>20 A. Sure.</p> <p>21 Q. Okay. Now, the statement goes a little bit further</p> <p>22 than what you just said before. Do you agree with that?</p> <p>23 MR. PRANGLE: Objection to the form. Vague.</p> <p>24 A. What I was telling you before was what I remember</p> <p>25 from the conversations with Margaret and Ray, yes.</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                         |
| Page 102                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 104                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 want you to read through there. Okay? Do you know how to work</p> <p>2 that?</p> <p>3 A. Maybe.</p> <p>4 MR. SILVESTRI: Is this the police statement?</p> <p>5 MR. MURDOCK: Yes.</p> <p>6 MS. BROOKHYSER: Can we take a break while she's</p> <p>7 doing that?</p> <p>8 MR. MURDOCK: Of course. Of course. Take a break.</p> <p>9 (A recess was taken from 3:10 p.m. to 3:14 p.m.)</p> <p>10 MR. MURDOCK: Okay. We can go back on the record.</p> <p>11 Q. (By Mr. Murdock) You've read -- You've now read</p> <p>12 the Las Vegas Police Department statement of Margaret Wolfe.</p> <p>13 Is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is that the first time you've ever read it?</p> <p>16 A. I don't remember reading it before.</p> <p>17 Q. That's not what I asked you.</p> <p>18 A. I -- I --</p> <p>19 Q. Is that the first time you've ever read it?</p> <p>20 A. To the best of my knowledge, yes.</p> <p>21 Q. Okay. Is it possible you read it before?</p> <p>22 A. Anything's possible.</p> <p>23 Q. Well, no, it's not.</p> <p>24 A. Yes, it is possible.</p> <p>25 Q. Okay. Have you ever been shown this document</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                                                                                                                      | <p>1 Q. Right. Does this refresh your recollection a</p> <p>2 little bit about what Margaret was saying?</p> <p>3 A. It's more detailed than I remember Margaret sharing</p> <p>4 with us.</p> <p>5 Q. Okay. But does it refresh your recollection as to</p> <p>6 exactly what Margaret said?</p> <p>7 A. Not exactly. What I remember is having a funny</p> <p>8 feeling about him and being concerned that he was adjusting</p> <p>9 leads. This statement has much more detail than that.</p> <p>10 Q. Okay. Adjusting leads for medical reasons, or what</p> <p>11 are we talking about here?</p> <p>12 A. Electrodes. Cardiac electrodes for heart</p> <p>13 monitoring.</p> <p>14 Q. Yeah, I know that. I know that. But -- But when</p> <p>15 Margaret was talking to you or when you were talking to</p> <p>16 Margaret, did you get the feeling that she was talking about</p> <p>17 medical issues or -- you know, in other words, the patient</p> <p>18 didn't need the leads?</p> <p>19 A. I got the impression that she had a bad feeling</p> <p>20 about him, and because of that, she felt uncomfortable with him</p> <p>21 adjusting leads on female patients.</p> <p>22 Q. Okay. Based on what you just read, which was that</p> <p>23 was her statement back on May 30th, 2008, do you know of any</p> <p>24 reason she would have told you less than what's in her</p> <p>25 statement?</p> <p>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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| <p style="text-align: right;">Page 105</p> <p>1 MR. PRANGLE: Objection. Calls for speculation.<br/>2 A. I can't speak for her.<br/>3 Q. Well, do you know of any reason?<br/>4 A. Not that I can think of.<br/>5 Q. Okay. And just so I'm clear, absolutely none of<br/>6 your discussions with Margaret Wolfe or Ray Sumera regarding<br/>7 this matter, regarding Mr. Farmer, were written down by you.<br/>8 Is that correct?<br/>9 A. Not that I remember.<br/>10 Q. No.<br/>11 A. I'm doing my best. It was eight years ago, seven<br/>12 years ago. So not -- not that I recall. I don't remember<br/>13 taking notes.<br/>14 Q. Is it your habit to have taken notes --<br/>15 A. It's not.<br/>16 Q. -- during these kind of conversations?<br/>17 A. It's not.<br/>18 Q. Can you point to any document that you think I<br/>19 might have a shot about finding something written about these<br/>20 statements?<br/>21 A. Not from me. If there were any documents from Risk<br/>22 or Quality, that's where I would look.<br/>23 Q. If you had -- If you had found out -- If -- Well,<br/>24 strike that.<br/>25 MR. MURDOCK: I don't have any further questions at<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 107</p> <p>1 A. I have learned about it after the fact, and my<br/>2 understanding is that a "do not return" --<br/>3 Q. Hold on a second.<br/>4 A. Yes?<br/>5 Q. You learned about it. Who did you learn it from?<br/>6 MR. PRANGLE: And he's not entitled to know<br/>7 anything that I told you.<br/>8 A. I don't know if --<br/>9 MR. PRANGLE: So aside from anything --<br/>10 A. So yes, then.<br/>11 Q. Did you review any documents?<br/>12 A. No.<br/>13 Q. So in preparation for today's deposition, let me<br/>14 just be more specific. Did you review any documents regarding<br/>15 the "do not return" status --<br/>16 A. No.<br/>17 Q. -- whether it be a letter, a report, anything like<br/>18 that?<br/>19 A. Not at all.<br/>20 Q. Okay. So fair to say, then, that anything you've<br/>21 learned about Mr. Farmer's "do not return" status was -- if you<br/>22 learned anything, that was through counsel?<br/>23 A. Yes.<br/>24 MR. SILVESTRI: And are you instructing her not to<br/>25 answer?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                         |
| <p style="text-align: right;">Page 106</p> <p>1 this time.<br/>2 EXAMINATION<br/>3 BY MR. SILVESTRI:<br/>4 Q. Ms. Blasing, my name is Jim Silvestri. I represent<br/>5 American Nursing Services. I just have a couple follow-up<br/>6 questions.<br/>7 Do you plan to be in Las Vegas for the trial of<br/>8 this matter in November of this year?<br/>9 A. If needed.<br/>10 Q. Have you been asked?<br/>11 A. No.<br/>12 Q. Have you been issued a --<br/>13 A. Not formally.<br/>14 Q. Have you been issued a subpoena?<br/>15 A. No.<br/>16 Q. Will you show up without a subpoena?<br/>17 MR. PRANGLE: If I ask you to come, will you come?<br/>18 THE WITNESS: Yes.<br/>19 Q. Okay. But right now you have no plans?<br/>20 A. No.<br/>21 Q. Specific plans.<br/>22 A. Just knowing the dates in advance would be helpful.<br/>23 Q. You were asked about a "do not return" status<br/>24 issued to Mr. Farmer from a facility called Rawson-Neal. Do<br/>25 you know anything about the status of that "do not return"?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                               | <p style="text-align: right;">Page 108</p> <p>1 MR. PRANGLE: As to --<br/>2 MR. SILVESTRI: I just want to be clear. I<br/>3 apologize because I spoke over you.<br/>4 MR. PRANGLE: Sure. If your question is will I say<br/>5 anything that she and I spoke to, then yes, I would instruct<br/>6 her not to answer.<br/>7 MR. SILVESTRI: Thank you.<br/>8 Q. Are CNAs -- When you worked at Centennial Hills<br/>9 Hospital, CNAs, whether they were hired by the hospital -- I<br/>10 take it you had some CNAs that were hired by the hospital, were<br/>11 hospital employees.<br/>12 A. Yes.<br/>13 Q. Okay. And some that were agency CNAs.<br/>14 A. Yes.<br/>15 Q. Were they treated differently?<br/>16 A. In what way?<br/>17 Q. As to, for example, tasks that they could perform?<br/>18 A. No.<br/>19 Q. Is it fair to say that a CNA would generally,<br/>20 though, be given an assignment by somebody at the hospital<br/>21 before they performed tasks?<br/>22 A. Not necessarily.<br/>23 Q. Okay. What kinds of tasks would they be assigned<br/>24 to do versus what kind of tasks could a CNA just go into a room<br/>25 and do?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |



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| <p style="text-align: right;">Page 109</p> <p>1 A. Assigned would be an in-the-moment need. If there<br/>2 were a new order for something like ambulating a patient that<br/>3 the CNA was not aware of, a nurse may say, "There's a new order<br/>4 to walk this patient. Can you do that?"<br/>5 Q. Okay.<br/>6 A. Routine, not needing direction, would be the role<br/>7 that they play. Rounding on patients, answering call lights,<br/>8 daily baths.<br/>9 Q. Well, for example, Mr. Murdock asked you, he went<br/>10 through a litany --<br/>11 A. Yes.<br/>12 Q. -- of tasks that a CNA, by law, is allowed to<br/>13 perform. One of them, for example, was applying<br/>14 over-the-counter, for lack of a better term, medications, but<br/>15 like ointments.<br/>16 A. Yes.<br/>17 Q. Could a CNA just decide to go and apply ointments<br/>18 to a patient?<br/>19 A. If they were doing daily care, yes, and the patient<br/>20 was in need.<br/>21 Q. So they could just go get them cortisone,<br/>22 hydrocortisone cream?<br/>23 A. Not -- They couldn't give medicated ointments<br/>24 without an order. That wasn't our practice in the hospital.<br/>25 But they could give -- If a patient had a rash, they could<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 111</p> <p>1 Mr. Farmer know that?<br/>2 A. Because they have general information about what<br/>3 the patients are there for.<br/>4 Q. So if he can make a diagnosis and decide what<br/>5 treatment to render?<br/>6 A. Not correct.<br/>7 Q. Not correct. So there would be things, such as a<br/>8 back rub, which you had testified earlier, that a CNA could do<br/>9 without instruction or assignment, that, in fact, he can't do.<br/>10 A. Not necessarily. What that means is you have to<br/>11 apply common sense. So if a patient has a wound, you wouldn't<br/>12 rub it.<br/>13 Q. Right. Right. So -- And you expect a CNA to know<br/>14 that.<br/>15 A. To apply common sense, yes.<br/>16 Q. Okay. And you trust them, in fact, with your<br/>17 patients to apply that common sense.<br/>18 A. The -- The training that you're talking about,<br/>19 application of a back rub, is part of their license. They are<br/>20 trained to do that.<br/>21 Q. I realize that. My question is completely<br/>22 different. And, frankly, throughout this entire deposition,<br/>23 you're pretty savvy, and you're parsing a lot of questions.<br/>24 What I want to know is if you had a patient that<br/>25 had a back rub where -- I mean had a back problem where a back<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |
| <p style="text-align: right;">Page 110</p> <p>1 give, like, diaper-ointments-type for skin, or they could apply<br/>2 lotions.<br/>3 Q. Okay. Could they, without any order or assignment,<br/>4 go and just give a massage to a patient?<br/>5 A. They could.<br/>6 Q. What if a patient massage wasn't warranted and<br/>7 might actually hurt the patient?<br/>8 A. Then they --<br/>9 Q. Could they go in and do that?<br/>10 A. If a patient refuses anything, they should notify a<br/>11 nurse.<br/>12 Q. Well, if the patient is not able to refuse. I want<br/>13 to know. Let's assume you've got somebody who's got a bad back<br/>14 or a bad neck, and the CNA just goes in and says, "I'm going to<br/>15 give you a back rub."<br/>16 A. They usually would ask first. It would be part of<br/>17 their daily bath and --<br/>18 Q. Okay. Well, that's what I want to find out. I<br/>19 want to know. The CNA -- take Steven Farmer, for example --<br/>20 decided he was going to go in and just give a back rub to a<br/>21 patient.<br/>22 A. Yes.<br/>23 Q. Even if that patient was injured in the back?<br/>24 A. Then that would be contraindicated.<br/>25 Q. Well, that's what I wanted to know. How would<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>          | <p style="text-align: right;">Page 112</p> <p>1 rub was contraindicated --<br/>2 A. Then as a nurse, I would communicate with my CNA --<br/>3 Q. I didn't ask that. Let me finish my question.<br/>4 MR. PRANGLE: Let him finish the question.<br/>5 Q. Can the CNA just go in and give that patient a back<br/>6 rub?<br/>7 MS. HALL: Object to form. Foundation.<br/>8 A. It is within their scope to give a back rub.<br/>9 Q. That's not what I asked you. Answer --<br/>10 MR. SILVESTRI: Would you read the question back.<br/>11 (The last question was read aloud by the<br/>12 court reporter.)<br/>13 A. I would answer yes.<br/>14 Q. That's not my question, either. The court reporter<br/>15 didn't go back far enough. We'll just rephrase it.<br/>16 If a patient is in such a condition where a back<br/>17 rub is contraindicated -- for example, they have a back injury<br/>18 -- can the CNA just decide to go in and say, "Well, let me rub<br/>19 your back for you"?<br/>20 A. They should not.<br/>21 Q. I didn't ask "should." I said "can" they.<br/>22 MR. PRANGLE: Objection.<br/>23 MS. HALL: Object to form.<br/>24 A. They can do anything, but I'm saying they should<br/>25 not.<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                            |

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| <p style="text-align: right;">Page 113</p> <p>1 Q. Be a violation?</p> <p>2 A. It wouldn't be a violation. It wouldn't be the</p> <p>3 right thing to do. That's not written. It's not part of their</p> <p>4 policies or training. It's, I mean --</p> <p>5 Q. So -- But that CNA is left with that discretion, to</p> <p>6 make up their -- his or her own mind whether to do that at</p> <p>7 Centennial Hills Hospital. Is that correct?</p> <p>8 MR. MURDOCK: Objection. Form. Foundation.</p> <p>9 MS. HALL: Join.</p> <p>10 A. They have other options.</p> <p>11 Q. That's not my question, either. My question was,</p> <p>12 it's left up to that CNA's discretion at Centennial Hills</p> <p>13 Hospital back in 2008. Right?</p> <p>14 MR. PRANGLE: Objection to form.</p> <p>15 A. I'm not exactly sure what you're asking.</p> <p>16 Q. Well, look, we've talked a lot about it. It sounds</p> <p>17 to me like CNAs could run rampant through Centennial Hills</p> <p>18 Hospital -- and I'm certain that's not the case -- and do</p> <p>19 whatever they want to a patient as long as it's on that litany</p> <p>20 that Mr. Murdock read to you earlier, without conferring with a</p> <p>21 nurse or a doctor. Is that a fair statement?</p> <p>22 A. That's a standard CNA scope in any hospital, not</p> <p>23 just Centennial Hills.</p> <p>24 Q. I asked about Centennial Hills in 2008.</p> <p>25 A. The things that are part of their daily job duties,</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> | <p style="text-align: right;">Page 115</p> <p>1 A. They would not.</p> <p>2 Q. Even though that might include a back rub?</p> <p>3 A. Not as a physical therapy order. That would not be</p> <p>4 within their scope.</p> <p>5 Q. Okay. So other than physical therapy, though, a</p> <p>6 CNA can decide, within his or her discretion at Centennial</p> <p>7 Hills Hospital in 2008, to give a back rub?</p> <p>8 A. That's part of their routine training.</p> <p>9 Q. That's within their discretion?</p> <p>10 A. It's part of how you learn --</p> <p>11 Q. Is it within their discretion?</p> <p>12 A. Sure.</p> <p>13 Q. Okay. Was it within a CNA's discretion to adjust</p> <p>14 in any way electrical leads?</p> <p>15 A. Yes.</p> <p>16 Q. Was it within a CNA's discretion to adjust</p> <p>17 catheters?</p> <p>18 A. Adjust in what way?</p> <p>19 Q. Touch the catheter and adjust it. I don't know.</p> <p>20 A. They would carry catheters when they're ambulating</p> <p>21 a patient. They would take it off the bed and reposition, yes.</p> <p>22 They would not place a catheter, insert or remove.</p> <p>23 Q. Okay. What if a catheter came loose? Would they</p> <p>24 reinsert it?</p> <p>25 A. They would not.</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                          |
| <p style="text-align: right;">Page 114</p> <p>1 that they do not require an order or direction for, yes, they</p> <p>2 are able to do those things.</p> <p>3 Q. Okay. So my example was, if you had a patient that</p> <p>4 had a back injury, a CNA, on that list, is authorized to give a</p> <p>5 back rub.</p> <p>6 A. I don't think that's a fair statement.</p> <p>7 Q. You don't think that's a fair statement?</p> <p>8 A. It's within their scope. It's something they're</p> <p>9 trained to do. I would expect that they would ask the nurse</p> <p>10 for direction.</p> <p>11 Q. Who would be checking on whether they asked the</p> <p>12 nurse for direction if they weren't assigned that specific</p> <p>13 task?</p> <p>14 A. I'm not sure what the question is now.</p> <p>15 Q. I want to know if they weren't assigned it but it's</p> <p>16 in their litany of lists of things they can do, who would know?</p> <p>17 A. You don't assign back rubs, ever. This example,</p> <p>18 I'm struggling with, because that's not a task that is ordered,</p> <p>19 ever.</p> <p>20 Q. Any type of body massage is not ordered?</p> <p>21 A. Correct.</p> <p>22 Q. Is never ordered?</p> <p>23 A. Unless it's physical therapy, that's correct.</p> <p>24 Q. Okay. Would a CNA be authorized to give physical</p> <p>25 therapy?</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p>                                                                                                                                  | <p style="text-align: right;">Page 116</p> <p>1 Q. So they don't have discretion to do that.</p> <p>2 A. That's correct.</p> <p>3 Q. That would need an assignment?</p> <p>4 A. That's not within their scope.</p> <p>5 Q. That would need an assignment?</p> <p>6 A. They would not perform it. They can't do --</p> <p>7 Q. They couldn't perform it at all?</p> <p>8 A. It's not within their scope.</p> <p>9 Q. Okay. There has been testimony that if a patient</p> <p>10 required cleaning and changing of bedding material due to a</p> <p>11 patient having a bowel movement, that this would -- there has</p> <p>12 been testimony that this would be a two-person job. Is that</p> <p>13 your recollection of what procedures were at Centennial Hills</p> <p>14 Hospital in 2008?</p> <p>15 MR. MURDOCK: Objection. Lacks foundation.</p> <p>16 Go ahead.</p> <p>17 A. It would depend on the situation and the patient.</p> <p>18 Q. What would depend?</p> <p>19 A. If a patient is able to reposition themselves and</p> <p>20 turn side to side, that could be a one-person job.</p> <p>21 Q. Okay.</p> <p>22 A. If the person is postsurgical, having pain, very</p> <p>23 large or immobile, that could be a two-plus-person job.</p> <p>24 Q. What if a patient is immobile, cannot reposition</p> <p>25 himself at all? Would that be a one-person or a two-person</p> <p style="text-align: center;">WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</p> |

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1 job?  
2 A. If they're completely immobile, that would be a  
3 two-person-plus. If they're immobile but can hold themselves  
4 on their sides by holding the side rails, that would be a  
5 one-person job.  
6 Q. I think you were asked this question, but I just  
7 want to make sure. Were you ever -- Did you ever work any of  
8 the floors above the emergency room department at Centennial  
9 Hills Hospital?  
10 A. Not caring for patients, that I remember.  
11 Q. Excuse me.  
12 MR. SILVESTRI: I have nothing further. Thank you.  
13 MS. HALL: No questions.  
14 MR. MURDOCK: Yeah, I kind of do.  
15 EXAMINATION  
16 BY MR. MURDOCK:  
17 Q. You agree with me that in order to apply skin  
18 lotion or Desitin or anything like that, you've got to have  
19 patient contact. Right?  
20 A. Correct.  
21 Q. So if the CNA determines that they're going to  
22 apply Ben Gay or Zinc Oxide or any of these things that we  
23 talked about, that CNA would have to have patient contact.  
24 Right?  
25 A. Correct.  
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1 A. Correct.  
2 Q. Okay. Now, sometimes a nurse will tape that  
3 catheter to a leg. Correct?  
4 A. Sometimes.  
5 Q. Right. And just for comfort purposes more than  
6 anything else. Right?  
7 A. Correct.  
8 Q. Having no experience in this --  
9 (Discussion off the record.)  
10 Q. (By Mr. Murdock) Do women have the same type of  
11 thing, where sometimes the catheter is taped to the leg? Is  
12 that something that happens, just in general?  
13 A. Usually where you see that in either sex is if they  
14 have a leg bag, meaning they're walking and their catheter is  
15 not attached to the external big bag, but they have a small bag  
16 that's attached to their leg.  
17 Q. Okay. What about if they're in bed? You know,  
18 sometimes I know nurses tape the catheter to the leg just for  
19 comfort purposes --  
20 A. You could do that for either.  
21 Q. -- so that it doesn't move.  
22 A. Yes.  
23 Q. And that's for either sex. Right?  
24 A. Yes.  
25 Q. Okay. If the tape comes off, there's no issue with  
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1 Q. And if the patient is lying in the room and the CNA  
2 is placing the Desitin or ointment on the patient, the CNA  
3 would be required to be in the room with the patient. Right?  
4 It's kind of a stupid question.  
5 A. I know. They would be in the --  
6 Q. But do you see where I'm going?  
7 A. If they're applying something in the room, yes,  
8 they're in the room.  
9 Q. Thank you.  
10 A. Is that what you're asking?  
11 Q. That's exactly what I'm asking.  
12 A. Okay.  
13 Q. Okay. In other words, he would have to stand  
14 outside the door and reach in.  
15 A. Right.  
16 Q. Right?  
17 A. That would be difficult.  
18 Q. Right, it would be. Okay.  
19 Now, let me ask this other question. I'm going to  
20 get made fun of, but I'm going to ask it anyway. Okay. Here's  
21 the deal. On men who have a catheter, the catheter enters the  
22 penis. Correct?  
23 A. Yes, the urethra.  
24 Q. The urethra. CNAs are not allowed to put in that  
25 catheter. Right?  
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1 the CNA taping that catheter down. Right?  
2 A. That's correct.  
3 MR. PRANGLE: And just for clarification, when you  
4 say "the tape" in your question, that's the tape that's on the  
5 leg.  
6 MR. MURDOCK: Yeah, absolutely. Absolutely.  
7 A. That's correct.  
8 Q. Okay. You talked a few minutes ago with Jim about  
9 the discretion that a CNA has. Right?  
10 A. Yes.  
11 Q. And all the things we talked about before, the  
12 State Board of Nursing CNA guidelines as to what a CNA is  
13 allowed, the course and scope of a CNA in these guidelines,  
14 that was also true at Centennial Hills back in 2008. Right?  
15 A. Yes.  
16 Q. Okay. And so the CNA had the discretion to perform  
17 any of these skills -- the massage, the applying of lotion, the  
18 perineal care, the incontinent care, everything -- according to  
19 the CNA's own discretion. Correct? In accordance with good  
20 medical practice.  
21 A. That's their scope. The --  
22 Q. Right. Right. That's all I'm saying.  
23 A. The only difference is the scope does vary. The  
24 setting in the ED is different on the inpatient side, so some  
25 things don't apply --  
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1 Q. Of course.  
2 A. -- but they still could do it if it did apply, yes.  
3 Q. Right. And when -- Right. So, in other words,  
4 they can do it. They may not necessarily do it.  
5 A. Correct.  
6 Q. It's the difference between "can" and "may."  
7 A. Correct.  
8 MR. MURDOCK: Okay. I have nothing further at this  
9 time.  
10 MR. SILVESTRI: I don't have anything further.  
11 EXAMINATION  
12 BY MR. PRANGLE:  
13 Q. Just a couple, at the risk of beating a dead horse  
14 about the scope of practice of a CNA and as it relates to  
15 Mrs. Petersen and Mr. Farmer. Do you even know what day  
16 Mr. Farmer assaulted Mrs. Petersen?  
17 A. I do not.  
18 Q. Do you know what assignment Mr. Farmer had on the  
19 day that he assaulted Mrs. Petersen?  
20 A. I do not.  
21 Q. So do you have any idea whatsoever as to what  
22 tasks were assigned to Mr. Farmer on the day that he assaulted  
23 Mrs. Petersen?  
24 A. I do not.  
25 Q. So we would -- to answer those questions, we would  
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1 have to talk to somebody other than you. True?  
2 A. That'd be good.  
3 Q. Okay. In terms of the direction that a CNA has,  
4 does a CNA have the discretion, consistent with the scope of  
5 practice, to sexually assault a patient?  
6 A. They do not.  
7 Q. Does a CNA have the discretion to stick their thumb  
8 in the anus of a patient?  
9 A. They do not.  
10 Q. Does a CNA have the discretion to stick their  
11 fingers in the vagina of a patient?  
12 A. They do not.  
13 Q. Does a CNA have the discretion to tweak the nipples  
14 of a patient?  
15 A. They do not.  
16 MR. PRANGLE: That's all I have.  
17 EXAMINATION  
18 BY MR. MURDOCK:  
19 Q. How would I know what specific tasks were assigned  
20 to Mr. Farmer?  
21 A. On any given shift?  
22 Q. On any -- On any given shift, how would I know  
23 that?  
24 MR. SILVESTRI: In what department?  
25 MR. MURDOCK: Sixth floor, Emergency Department,  
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1 whatever.  
2 MR. SILVESTRI: All right.  
3 Q. How would I know?  
4 A. I can't speak to the inpatient side quite as much  
5 as the Emergency Department, but their orientation, that  
6 document that you saw, that goes over what their role is,  
7 and --  
8 Q. No, no, no, no, no, no.  
9 A. -- that's how they're introduced.  
10 Q. No, no, no. No. I'm talking about the specific  
11 tasks assigned. What were they -- What was the very task  
12 assigned on May 14th, for example? How would I find out what  
13 tasks -- what was the very task assigned on May 14th?  
14 A. It's not as specific as a task-by-task level. It  
15 would be what department they were in and what the role of a  
16 tech or a CNA was in that department.  
17 So in the Emergency Department, for an example, if  
18 they were assigned to -- and it breaks down even more to the  
19 area of the department they're in. If they're assigned to work  
20 with a nurse in triage, their tasks are different than if  
21 they're assigned to float through the Emergency Department  
22 where the patient rooms are.  
23 Q. Okay. And just so I'm clear, you didn't work the  
24 sixth floor.  
25 A. Correct.  
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1 Q. So you wouldn't know what specific tasks or what  
2 very tasks Mr. Farmer was assigned on any nights he was up on  
3 the sixth floor. Is that correct?  
4 A. I would not.  
5 MR. MURDOCK: Okay. That's it. I don't have  
6 anything.  
7 MR. PRANGLE: We will reserve. We're done.  
8 (The deposition was concluded at 3:41 p.m.)  
9 \* \* \* \* \*  
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ESTATE OF JANE DOE vs. VALLEY HEALTH, et al.  
09-A-595780-C

Amy Blasing, MSN, RN  
July 28, 2015

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1 Estate of Jane Doe vs. Valley Health System, et al.  
Case No. 09-A-595780-C, Dept. No. II

2

3 DEPONENT SIGNATURE AND CORRECTION PAGE

4 If there are any typographical errors to your  
deposition, indicate them below.

5 PAGE LINE CORRECTION

6

7

8

9

10

11 Any other changes to your deposition are to be  
listed below with a statement as to the reason for the change.

12 PAGE LINE CORRECTION REASON FOR CHANGE

13

14

15

16

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18

19

20

21 I, AMY BLASING, MSN, RN, do hereby certify that I  
have read the foregoing pages of my testimony as transcribed  
22 and that the same is a true and correct transcript of the  
testimony given by me in this deposition, except for the  
23 changes made.

24

25 DATE SIGNED AMY BLASING, MSN, RN  
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1 taking of the deposition.

2 I FURTHER CERTIFY that examination of this  
3 transcript and signature of the witness was requested by the  
4 witness and/or all parties present. On \_\_\_\_\_, a  
5 letter was mailed or delivered to the witness or his/her  
6 attorney regarding obtaining signature of the witness; and  
7 corrections, if any, will be appended to the original  
8 transcript, and copies sent to place in each copy of the  
9 deposition.

10 I FURTHER CERTIFY that the recoverable cost of the  
11 original and one copy of the deposition, including exhibits, to  
12 MR. ROBERT E. MURDOCK is \$

13 I FURTHER CERTIFY that I did administer the oath to  
14 the witness herein prior to the taking of this deposition; that  
15 I did thereafter report in stenographic shorthand the questions  
16 and answers set forth herein, and the foregoing is a true and  
17 correct transcript of the proceeding had upon the taking of  
18 this deposition to the best of my ability.

19 I FURTHER CERTIFY that I am neither employed by nor  
20 related to nor contracted with (unless excepted by the rules)  
21 any of the parties or attorneys in this case, and that I have  
22 no interest whatsoever in the final disposition of this case in  
23 any court.

24 

25 Dawn Redwine, RPR, CCR, CRI  
NM Certified Court Reporter #165  
License Expires: 12/31/15  
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1 DISTRICT COURT  
CLARK COUNTY, NEVADA

2

3 CASE NO. 09-A-595780-C  
DEPT. NO. II

4

5 ESTATE OF JANE DOE, by and through its )  
Special Administrator, Misty Petersen, )  
6 )  
Plaintiff, )  
7 )  
vs. )  
8 )  
VALLEY HEALTH SYSTEM LLC, a Nevada )  
9 limited liability company, d/b/a CENTENNIAL )  
HILLS HOSPITAL MEDICAL CENTER; )  
10 UNIVERSAL HEALTH SERVICES, INC., a )  
Delaware corporation; AMERICAN NURSING )  
11 SERVICES, INC., a Louisiana corporation; )  
STEVEN DALE FARMER, an individual; DOES I )  
12 through X, inclusive; and ROE CORPORATIONS )  
I through X, inclusive, )  
13 )  
Defendants. )

14

15 REPORTER'S CERTIFICATE

16 I, DAWN REDWINE, RPR, CRI, NM CCR #165, DO HEREBY  
17 CERTIFY that on July 28, 2015, the deposition of AMY BLASING,  
18 MSN, RN, was taken before me at the request of, and the sealed  
19 original thereof was retained by attorney for plaintiffs:

20 Mr. Robert E. Murdock  
KEACH MURDOCK  
521 South Third Street  
Las Vegas, NV 89101

21

22 I FURTHER CERTIFY that copies of this Certificate  
23 have been mailed or delivered to all counsel, and parties to  
24 the proceedings not represented by counsel, appearing at the  
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AA2621

**TAB 60**

**RULE 16.1. MANDATORY PRETRIAL DISCOVERY REQUIREMENTS**

**(a) Required Disclosures.**

**(1) Initial Disclosures.** Except in proceedings exempted or to the extent otherwise stipulated or directed by order, a party must, without awaiting a discovery request, provide to other parties:

(A) The name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including for impeachment or rebuttal, identifying the subjects of the information;

(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and which are discoverable under Rule 26(b);

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary matter, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment and any disclaimer or limitation of coverage or reservation of rights under any such insurance agreement.

These disclosures must be made at or within 14 days after the Rule 16.1(b) conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in the circumstances of the action and states the objection in the Rule 16.1(c) case conference report. In ruling on the objection, the court must determine what disclosures—if any—are to be made, and set the time for disclosure. Any party first served or otherwise joined after the Rule 16.1(b) conference must make these disclosures within 30 days after being served or joined unless a different time is set by stipulation or court order. A party must make its initial disclosures based on the information then reasonably available to it and is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

PLTF'S PROPOSED

EXHIBIT # 9

Case #  
A595780