

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID GARVEY, M.D., an
individual.

Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA ex rel. THE COUNTY OF
ELKO, AND THE HONORABLE
KRISTIN N. HILL,

Respondent,

and

DIANE SCHWARTZ, individually and
as Special Administrator of the Estate
of DOUGLAS R. SCHWARTZ,
deceased,

Real Party In Interest.

Supreme Court No. Electronically Filed
Sep 23 2021 09:20 a.m.
District Court No. : Elizabeth A. Brown
Clerk of Supreme Court

**APPENDIX OF EXHIBITS TO PETITION FOR
WRIT OF MANDAMUS – VOLUME 11 OF 13**

[VOLUME 1 (PAGES 1-54)]; [VOLUME 2 (PAGES 55-101)]; [VOLUME 3 (PAGES 102-143)];
[VOLUME 4 (PAGES 144-174)]; [VOLUME 5 (PAGES 175-412)]; [VOLUME 6 (PAGES 413-508)]; [VOLUME 7
(PAGES 509-568)]; [VOLUME 8 (PAGES 569-717)]; [VOLUME 9 (PAGES 718-798)]; [VOLUME 10 (PAGES 799-
866)]; [VOLUME 11 (PAGES 867-959)]; [VOLUME 12 (PAGES 960-1093)]; [VOLUME 13 (PAGES 1094-1246)]

LEWIS BRISBOIS BISGAARD & SMITH LLP

KEITH A. WEAVER

Nevada Bar No. 10271

ALISSA N. BESTICK

Nevada Bar No. 14979C

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Tel. 702.893.3383

Fax 702.893.3789

Attorneys for Petitioner

CHRONOLOGICAL INDEX

Number	Document	Filing Date	Volume	Page
1	Summons	06/22/2017	1	8
2	Plaintiff's Complaint	06/22/2017	1	10
3	Acceptance of Summons and Complaint	07/13/2017	1	32
4	Plaintiff's Amended Complaint	10/20/2017	1	33
5	Plaintiff's Second Amended Complaint (Medical Malpractice and Wrongful Death)	02/12/2018	2	62
6	Errata to Plaintiffs Complaint Amended Complaint and Second Amended Complaint	09/10/2018	2	84
7	Notice of Entry of Order Denying Plaintiff's Motion for Leave to Amend Complaint (erroneously titled order denying plaintiff's motion to dismiss)	10/28/2019	2	91
8	Defendant David Garvey, M.D.'s Motion for Partial Summary Judgment to Statutorily Limit Damages	07/27/2020	3 4 5	109 151 182
9	Defendant David Garvey MD;s Errata to Motion for Partial Summary Judgment	08/06/2020	6	420
10	Plaintiffs' Opposition to Defendant David Garvey M.D.'s Motion for Partial Summary Judgment to Statutorily Limit Damages, and All Joinders Thereto	08/18/2020	6 7 8	430 516 679
11	Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Shirley Blazich, Esq.	09/08/2020	9	725

Number	Document	Filing Date	Volume	Page
12	Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Seth Womack, M.D.	09/08/2020	9	757
13	Defendant David Garvey, M.D.'s Reply in Support of Motion For Partial Summary Judgment to Statutorily Limit Damages	09/08/2020	9	765
14	Plaintiffs' Opposition to: (1) Defendant David Garvey M.D.'s Motion To Strike The Declaration Of Shirley Blazich, Esq., And (2) Defendant David Garvey M.D.'s; (2) Motion To Strike The Declaration Of Seth Womack, M.D., and Any Joinders Thereto And Plaintiff's Countermotion (3) For Leave to Amend the Complaint	09/11/2020	10 11 12	806 874 1055
15	Defendant David Garvey, M.D.'s Response to Plaintiff's Improper Surreply To Partial Summary Judgment Motion and Request that the Court Disregard Plaintiff's Mislabeled and Untimely Motion For Reconsideration of this Court's October 16, 2019 Order Denying Leave to Amend With Prejudice	09/21/2020	13	1101
16	Defendant David Garvey, M.D.'s Errata to Motion for Partial Summary Judgment	04/19/2021	13	1117
17	Defendant David Garvey, M.D.'s Answer to Plaintiff's Second Amended Complaint	04/23/2021	13	1121
18	Order Granting Plaintiff's Motion for Leave to Amend Complaint	05/06/2021	13	1131

Number	Document	Filing Date	Volume	Page
19	<p>Order Denying:</p> <p>1. Defendant Phc-Elko, Inc. dba Northeastern Nevada Regional Hospital's Motion that All of Plaintiff's Claims Against Northeastern Nevada Regional Hospital Are Subject to the Requirements And Limitations of NRS 41.503 (The "Trauma" Statute) (Filed July 6,2020);</p> <p>2. Defendant David Garvey, M.D.'s Motion for Partial Summary Judgment to Statutorily Limit Damages (Filed July 27,2021);</p> <p>3. Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Seth Womack, M.D.; and</p> <p>4. Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Shirley Blazich,Esq.</p>	06/03/2021	13	1135
20	Order Denying Plaintiff's Countermotion for Leave to Amend Complaint	06/03/2021	13	1141
21	Third Amended Complaint (Medical Malpractice and Wrongful Death)	06/28/2021	13	1147
22	Defendant David Garvey, M.D.'s Answer To Third Amended Complaint	07/16/2021	13	1231

ALPHABETICAL INDEX

Number	Document	Filing Date	Volume	Page
3	Acceptance of Summons and Complaint	07/13/2017	1	32
9	Defendant David Garvey MD;s Errata to Motion for Partial Summary Judgment	08/06/2020	6	420
22	Defendant David Garvey, M.D.'s Answer To Third Amended Complaint	07/16/2021	13	1231
16	Defendant David Garvey, M.D.'s Errata to Motion for Partial Summary Judgment	04/19/2021	13	1117
8	Defendant David Garvey, M.D.'s Motion for Partial Summary Judgment to Statutorily Limit Damages	07/27/2020	3 4 5	109 151 182
11	Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Shirley Blazich, Esq.	09/08/2020	9	725
12	Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Seth Womack, M.D.	09/08/2020	9	757
13	Defendant David Garvey, M.D.'s Reply in Support of Motion For Partial Summary Judgment to Statutorily Limit Damages	09/08/2020	9	765
15	Defendant David Garvey, M.D.'s Response to Plaintiff's Improper Surreply To Partial Summary Judgment Motion and Request that the Court Disregard Plaintiff's Mislabeled and Untimely Motion For Reconsideration of this Court's October 16, 2019 Order Denying Leave to Amend With Prejudice	09/21/2020	13	1101

Number	Document	Filing Date	Volume	Page
17	Defendant David Garvey, M.D.'s Answer to Plaintiff's Second Amended Complaint	04/23/2021	13	1121
6	Errata to Plaintiffs Complaint Amended Complaint and Second Amended Complaint	09/10/2018	2	84
7	Notice of Entry of Order Denying Plaintiff's Motion for Leave to Amend Complaint (erroneously titled order denying plaintiff's motion to dismiss)	10/28/2019	2	91
20	Order Denying Plaintiff's Countermotion for Leave to Amend Complaint	06/03/2021	13	1141
19	<p>Order Denying:</p> <p>1. Defendant Phc-Elko, Inc. dba Northeastern Nevada Regional Hospital's Motion that All of Plaintiff's Claims Against Northeastern Nevada Regional Hospital Are Subject to the Requirements And Limitations of NRS 41.503 (The "Trauma" Statute) (Filed July 6,2020);</p> <p>2. Defendant David Garvey, M.D.'s Motion for Partial Summary Judgment to Statutorily Limit Damages (Filed July 27,2021);</p> <p>3. Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Seth Womack, M.D.; and</p> <p>4. Defendant David Garvey, M.D.'s Motion to Strike the Declaration of Shirley Blazich,Esq.</p>	06/03/2021	13	1135
18	Order Granting Plaintiff's Motion for Leave to Amend Complaint	05/06/2021	13	1131

Number	Document	Filing Date	Volume	Page
4	Plaintiff's Amended Complaint	10/20/2017	1	33
2	Plaintiff's Complaint	06/22/2017	1	10
5	Plaintiff's Second Amended Complaint (Medical Malpractice and Wrongful Death)	02/12/2018	2	62
14	Plaintiffs' Opposition to: (4) Defendant David Garvey M.D.'s Motion To Strike The Declaration Of Shirley Blazich, Esq., And (2) Defendant David Garvey M.D.'s; (5) Motion To Strike The Declaration Of Seth Womack, M.D., and Any Joinders Thereto And Plaintiff's Countermotion (6) For Leave to Amend the Complaint	09/11/2020	10 11 12	806 874 1055
10	Plaintiffs' Opposition to Defendant David Garvey M.D.'s Motion for Partial Summary Judgment to Statutorily Limit Damages, and All Joinders Thereto	08/18/2020	6 7 8	430 516 679
1	Summons	06/22/2017	1	8
21	Third Amended Complaint (Medical Malpractice and Wrongful Death)	06/28/2021	13	1147

EXHIBIT 3

<p>1 MS. HUETH: Chelsea Hueth on behalf of Ruby Crest.</p> <p>2 MS. BESTICK: Alissa Bestick on behalf of</p> <p>3 Dr. Garvey.</p> <p>4 THE VIDEOGRAPHER: And on the phone, please.</p> <p>5 MS. MORALES: Jennifer Morales on behalf of Diane</p> <p>6 Schwartz and the estate.</p> <p>7 MS. RIES-BUNTAIN: Jennifer Ries-Buntain on</p> <p>8 behalf of Northeast Regional Nevada Hospital.</p> <p>9 THE VIDEOGRAPHER: Is that all?</p> <p>10 MR. BURTON: That's it.</p> <p>11 THE VIDEOGRAPHER: Okay. Thank you. We are</p> <p>12 located at LedgeStone Hotel in Elko, Nevada. My name is</p> <p>13 Bill Stephens, certified legal videographer, representing</p> <p>14 Bill Stephens Productions, Incorporated, at 10580 North</p> <p>15 McCarran Boulevard, Number 115, Suite 319, Reno, Nevada,</p> <p>16 89503.</p> <p>17 I am not related to the parties involved and have</p> <p>18 no -- no interest in the financial outcome of this</p> <p>19 deposition.</p> <p>20 The court reporter is Lisa Manley.</p> <p>21 Lisa, would you please swear in the deponent.</p> <p>22 (witness sworn)</p> <p>23 THE VIDEOGRAPHER: Please proceed.</p> <p>24 /</p> <p>25 /</p> <p>5</p>	<p>1 Q. And how many times in total have you had your</p> <p>2 deposition taken?</p> <p>3 A. Just once.</p> <p>4 Q. Because it's been awhile I just want to repeat</p> <p>5 some or set out some ground rules so that you know what to</p> <p>6 expect today.</p> <p>7 The first is, the court reporter is</p> <p>8 transcribing what you and I say. I tend to be a fast</p> <p>9 talker and I think you might also talk quickly.</p> <p>10 To make it easy for her, if you could speak</p> <p>11 slowly, and also if we could make an effort not to speak</p> <p>12 over one another so that it makes her job a lot easier.</p> <p>13 The second issue is you have been placed under</p> <p>14 oath just as if we were in trial in front of a judge, and</p> <p>15 you have the obligation to tell the truth with the penalty</p> <p>16 of perjury being applicable.</p> <p>17 Do you understand?</p> <p>18 A. Um-hmm.</p> <p>19 Q. Is that a yes?</p> <p>20 A. Yes.</p> <p>21 Q. The third thing I was going to say is, is it's</p> <p>22 normal in our conversation to give "um-hms" and "uh-uhs."</p> <p>23 They are very hard to transcribe. So if you could say yes</p> <p>24 and no, give audible answers, it will make for a cleaner</p> <p>25 record.</p> <p>7</p>
<p>1 DR. JOHN PATRICK PATTON</p> <p>2 called as a witness in said case, having been first</p> <p>3 duly sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. BURTON:</p> <p>6 Q. Good morning, Mr. Patton. We met before we</p> <p>7 started. Could you please state your full name for the</p> <p>8 record?</p> <p>9 A. John Patrick Patton.</p> <p>10 Q. And could you spell your last name?</p> <p>11 A. P-a-t-t-o-n.</p> <p>12 Q. What is your home address?</p> <p>13 A. 718 Bluegrass Drive, Spring Creek, Nevada.</p> <p>14 Q. Does it have a zip code?</p> <p>15 A. 8980 -- 89815.</p> <p>16 Q. Do you have an office address as well?</p> <p>17 A. 1775 Browning Way, Suite 101, Elko, Nevada</p> <p>18 89801.</p> <p>19 Q. Have you ever had your deposition taken</p> <p>20 before?</p> <p>21 A. For this case?</p> <p>22 Q. No, just ever.</p> <p>23 A. Yes.</p> <p>24 Q. How recently?</p> <p>25 A. Probably 15 years.</p> <p>6</p>	<p>1 If at any time you don't understand a</p> <p>2 question, please let me know. If you answer a question I</p> <p>3 will assume that you understood it.</p> <p>4 Do you understand?</p> <p>5 A. Yes.</p> <p>6 Q. There may be a time when you need to take a</p> <p>7 break. As long as there is not a question pending, I'm</p> <p>8 happy to accommodate a break.</p> <p>9 There also may be a time when various</p> <p>10 attorneys make an objection.</p> <p>11 You are not represented by an attorney today,</p> <p>12 correct?</p> <p>13 A. No.</p> <p>14 Q. And so the objections will be simply for the</p> <p>15 record, then I will instruct you to answer after the</p> <p>16 objections are made. If that comes up, you will see how</p> <p>17 that works.</p> <p>18 A. All right.</p> <p>19 Q. Are you under the influence of any medication,</p> <p>20 drugs, alcohol, anything else that would inhibit your</p> <p>21 ability to testify truthfully?</p> <p>22 A. No.</p> <p>23 Q. I want to do -- get a little background. Can</p> <p>24 you tell me briefly -- I know that you are a doctor. Could</p> <p>25 you give us your education background?</p> <p>8</p>

1 A. Yeah. I'm a podiatrist. I do -- I'm a foot
2 and ankle specialist. I did my undergraduate studies at
3 Brigham Young University in Provo. Went to the
4 Pennsylvania College of Podiatric Medicine in Philadelphia
5 for four years. Did a three-year surgical residency at the
6 Veteran's Hospital and the University of Utah in Salt Lake
7 City.

8 I practiced here in Elko for 24 -- in August
9 it'll be 24 years.

10 Q. Does your practice have a clinical and a
11 surgical component today?

12 A. Yes.

13 Q. Any other education or training?

14 A. I have continuing education that I do on a
15 yearly basis. Require 50 hours of continuing education
16 every two years for my state board and national board
17 certifications and requirements.

18 Q. And are you a board certified?

19 A. I am, with the American Board of Podiatric
20 Surgery. I'm a fellow of the American College of Podiatric
21 Surgeons.

22 Q. Thank you. We're here today in the matter
23 of -- in a case that was filed by Diane Schwartz.

24 Are you familiar with her?

25 A. Yes.

9

1 Q. How do you know her?

2 A. I know her as a friend.

3 Q. How long has Mrs. Schwartz been your friend?

4 A. This happened three years ago. Probably for
5 around three years previous to this.

6 Q. And what -- how did you become friends with
7 Mrs. Schwartz?

8 A. We attend church together. Doug was an avid
9 sports enthusiast. My son is -- my children are -- were --
10 at the time that Doug was here, my son was a varsity
11 athlete in our local high school. He came and enjoyed
12 games with us, basketball games.

13 We had a common interest of BYU football. We
14 had many common interests in church. And that friendship,
15 you know, evolved around neighbors, church, sports,
16 community events, service projects, things of that nature.

17 Q. Were you in the same ward?

18 A. Yes.

19 Q. In the ward capacity, did you and Mr. Schwartz
20 serve together?

21 A. No.

22 Q. Did you and Mr. Schwartz socialize together,
23 go out to dinner, things of that nature?

24 A. Yes.

25 Q. I want to focus -- I'm going to try to be

10

1 quick here. I want to get right to the point and try to be
2 efficient with your time.

3 You are aware there was an accident in June of
4 2016?

5 A. Yes.

6 Q. Were you with Mr. Schwartz when that accident
7 occurred?

8 A. No.

9 Q. How did you become aware that there had been
10 an accident?

11 A. We had a phone call from his wife, Diane. And
12 that was maybe 20 minutes to an hour after the injury.

13 That was when he was in the -- when he was in the E.R.

14 And she called in the capacity to ask me --
15 Doug had asked her to call me to come and give him a
16 blessing.

17 Q. And did you go to the hospital to give him a
18 blessing?

19 A. I did.

20 Q. Did you -- did somebody go with you to assist
21 in the blessing?

22 A. Yes.

23 Q. Who was that?

24 A. His name is Perry Wilson.

25 (court reporter interjects)

11

1 Q. Is Perry Wilson a member of your ward?

2 A. Yes.

3 Q. Did he travel with you to the hospital?

4 A. He traveled with me to the hospital and
5 brought Doug's truck home from the hospital.

6 Q. So Ms. Schwartz -- Mrs. Schwartz called you on
7 the phone. What did she say to you?

8 A. That Doug had been in an accident and he was
9 in the emergency room and that he had asked her to call me
10 to give him a blessing.

11 Q. And were you at your home?

12 A. Yes.

13 Q. In Spring Creek?

14 A. Yes.

15 Q. How long is the drive from Spring Creek to the
16 hospital?

17 A. About 23 minutes.

18 Q. When you arrived at the hospital, what
19 happened then?

20 A. Now, please understand, this is three years
21 ago, okay, minus about three weeks. But I called Perry
22 Wilson, asked him to go with me, to accompany me, and he
23 rode in with me.

24 When we got to the hospital -- just a little
25 drink here -- when we got to the hospital, we were able to

12

1 go in. We met Diane. We were able to go into the
 2 emergency room room where he was.
 3 And he was just on his way -- just near on his
 4 way to go down to the CT scanner. And he was -- you know,
 5 we talked with him, I visited with him. There were nurses
 6 in and out of the room.
 7 He was -- he was in a position where we -- we
 8 talked and conversed. It was only a few minutes, I think,
 9 that we were there, maybe five or ten minutes, and then he
 10 was taken down for CT scan.
 11 So he was down at the CT scan where Diane went
 12 with him. Perry Wilson and I were there that -- we gave
 13 him a blessing. It was right in the -- in the CT room.
 14 And he was -- so we visited with him in the
 15 E.R. suite, visited with him and went with him to the CT
 16 scan. Then he -- you know, the CT scan doesn't take a long
 17 time.
 18 He was back in his room. Then we visited
 19 again back in his room. Perry Wilson at that point was --
 20 had -- Diane had asked if he could go and get Doug's truck
 21 from the location of where the accident occurred, and then
 22 Perry went on home.
 23 And because Doug was doing -- was stable and
 24 was doing fine, and so we talked a little bit about, you
 25 know, what did she think was -- is he going to get

13

1 transferred, is he going to stay.
 2 And I said -- of course, you know, I'm --
 3 that's not my specialty, it's not my thing generally.
 4 So we went back in the -- the process was that
 5 the air ambulance crew was being -- had been called and at
 6 this point were there and were making preparations to
 7 transport him to Salt Lake.
 8 And so just before -- I don't know how much
 9 time transpired here, but maybe -- maybe 45 minutes or so
 10 from the CT scanner to the time that we left him. Then
 11 that was -- that was the last time that we had seen him.
 12 Our conversation with Doug was -- was an
 13 interesting situation in that he was in a lot of pain. He
 14 had been hurt and he was -- he was in a lot of pain.
 15 But he had a -- he was just a fun guy, just a
 16 fun personality. People loved him and we loved him. He
 17 was a fun guy.
 18 So he was always -- you know, the first thing
 19 he asked about was, it just so happened to be that very
 20 day -- that very day we had taken our son, whom he had come
 21 to watch basketballs games with and things, we had taken
 22 him to the MTC to -- for -- he was going to serve an LDS
 23 mission in France.
 24 So we had been to Salt Lake -- or been to
 25 Provo that day and got back. And so his first questions

14

1 were, "How'd Logan do?" That's my son. "How" -- "How did
 2 Logan do?" How was -- "How did it go at the MTC?"
 3 And so he was, you know, talking, making some
 4 -- you know, just joking about his French he don't know yet
 5 and things of that nature.
 6 And so he -- he -- you know, we asked him
 7 about how you feeling, how you doing, you know, how you
 8 doing here.
 9 And naturally he was -- he was in some
 10 discomfort and -- and -- but he was speaking, talking,
 11 joking, laughing. It was uncomfortable for him to laugh.
 12 And then that's how -- that's how we left.
 13 And so we were -- we were each invited to leave. And we at
 14 that point went out into the waiting room into the E.R.
 15 **Q. Why were you invited to leave, if you know?**
 16 A. I don't.
 17 **Q. Let me follow up on a couple things that you**
 18 **said. Do you have surgical privileges at the hospital?**
 19 A. Yes.
 20 **Q. And how often do you perform surgery -- and**
 21 **when we say the hospital, what's the -- for the record,**
 22 **what's the name of the hospital?**
 23 A. Northeast Nevada Regional Hospital.
 24 **Q. How often do you perform surgeries at the**
 25 **hospital?**

15

1 A. It varies. I have block time the first and
 2 third Tuesdays of each month. I take cases out of the E.R.
 3 that -- fractures, diabetic wounds, ulcers, and things like
 4 that that -- that are taken when they come.
 5 **Q. Are there any other facilities where you**
 6 **perform surgery besides the hospital?**
 7 A. Not currently. We used to have another
 8 outpatient surgical center that has been closed for about
 9 four years.
 10 **Q. You mentioned that -- I'm going to bounce**
 11 **around a little bit because I took some notes while you**
 12 **were -- while you were testifying.**
 13 When you went into the emergency room for the
 14 first time, into the room where Doug was -- Mr. Schwartz
 15 was actually being treated, who all was in the room, if you
 16 recall?
 17 Let me -- before you answer, let me say, we
 18 all recognize this was three years ago.
 19 A. Um-hmm.
 20 **Q. And so we're looking for your best**
 21 **recollection. We don't want you to guess, but just your**
 22 **best recollection.**
 23 A. Then I don't know.
 24 **Q. Okay. When -- when Doug -- after the**
 25 **blessing, after the CT scan, and Doug was back, was he in**

16

1 an individual room within the emergency department?
2 A. The suite that he was in has a -- it's a
3 double room with a curtain in the middle of it, which he
4 was the only one in that suite.
5 Q. Meaning there was nobody else on the other
6 side of the curtain?
7 A. I don't know.
8 Q. Is there a door that closes off the room from
9 the rest of the emergency department?
10 A. Yes.
11 Q. Do you recall at any time that you were in the
12 emergency room with him, with Mr. Schwartz, seeing anybody
13 that you recognized, aside from Mr. Schwartz and Mrs.
14 Schwartz?
15 A. Yes.
16 Q. And who was that?
17 A. Nursing staff of whom I was -- who would have
18 probably known or recognized, but don't believe I could
19 give you a name.
20 Q. Anybody else?
21 A. And Dr. Garvey.
22 Q. And for the record, do you know what Dr.
23 Garvey's first name is?
24 A. I don't.
25 Q. How do you know Dr. Garvey?

17

1 A. I know him simply professionally.
2 Q. In his role as a physician and your role as a
3 podiatrist?
4 A. (Nods head)
5 Q. You said you knew that the flight crew was
6 there, the Reach flight crew. Correct?
7 A. Well, I didn't know they were Reach flight
8 crew, but the flight crew was there.
9 Q. Fair enough. How did you identify them as
10 flight crew?
11 A. Well, they have -- they have special clothing
12 that they wear, like little blue jump suits. They come in
13 and -- with -- with a special gurney that transports from
14 the normal hospital gurney into the -- into the transport.
15 Q. Did you speak with the flight crew?
16 A. I don't remember.
17 Q. Do you recall how many there were?
18 A. More than two.
19 Q. Do you -- do you recall what they were doing
20 when you observed them in Mr. Schwartz's suite?
21 A. In general, getting -- communicating with
22 the -- with the staff, getting history, information,
23 medical questions.
24 Q. Did you observe them treating Mr. Schwartz --
25 A. No.

18

1 Q. -- at all? In the time that you were in the
2 suite with Mr. Schwartz, did you observe anybody
3 treating -- providing medical treatment to Mr. Schwartz?
4 A. He had -- I think there was a respiratory
5 therapist there, Dr. Garvey, nursing. I didn't see any of
6 the Reach -- or the -- yeah, I didn't see any of the Reach
7 people provide any care.
8 Q. Did you see other medical providers providing
9 care to Dr. -- to Mr. Schwartz?
10 A. Nurses. The -- at one point he -- he needed
11 to use the restroom. I am the one that helped put the
12 urinal, helped him place that. No one else helped him do
13 that.
14 Just general -- he had IV lines in. I don't
15 remember any other specific care.
16 Q. Prior to you being asked to leave, did you
17 observe any medical care that was provided to Mr. Schwartz
18 that gave you concern?
19 A. No.
20 Q. You mentioned that you didn't speak with the
21 Reach crew before you were asked to leave -- or the flight
22 crew, I'll call them the flight crew, because I know you
23 didn't know that it was Reach.
24 Did you ever speak with them at any point
25 during your time at the hospital with the Schwartz family?

19

1 A. I don't remember that unless it was a simple
2 social pleasantry.
3 Q. "How are you" or "hi"?
4 A. Correct.
5 Q. But nothing substantive about the care, the
6 outcome, or anything of that nature?
7 A. No.
8 Q. And at this point Mr. Wilson had already gone
9 home?
10 A. Yes.
11 Q. So did Mr. Wilson accompany you back to the
12 emergency department suite after the CT scan and blessing,
13 or did he leave straight for the -- to get the car?
14 A. I believe he left. But after -- I believe he
15 left between the time he came from the CT scanner back to
16 his E.R. suite. He wasn't -- he wasn't there very long.
17 Q. One of the issues -- and I realize some of
18 these questions are sensitive. I mean, the whole situation
19 is sensitive. I want you to know that we -- that we
20 understand that.
21 Did you ever observe Mr. Schwartz consuming
22 alcohol?
23 A. No.
24 Q. Did you ever have any reason to believe that
25 he ever consumed alcohol?

20

1 A. No.
2 Q. On the day that he was in the hospital, could
3 you smell alcohol or were there any indications that
4 alcohol had been consumed?
5 A. I couldn't smell any and there were no
6 indications of that.
7 Q. So you were ultimately invited to leave the
8 room. Who invited you to leave the room?
9 A. You know, I don't remember.
10 Q. One of the staff?
11 A. Um-hmm.
12 Q. Is that a yes?
13 A. Yes.
14 Q. Sorry. That's the obnoxious follow up. Then
15 what did you do?
16 A. We left.
17 Q. Where did you go?
18 A. To the waiting room in the -- in the E.R.
19 Q. How far is the waiting room from the suite
20 where Mr. Schwartz was being treated?
21 A. Probably a hundred feet.
22 Q. Is there a line of sight from the waiting
23 room --
24 A. No.
25 Q. -- to the room? And I assume there were doors

21

1 being asked to leave the emergency department?
2 A. I don't remember that.
3 Q. So the three of you were waiting in the
4 waiting room. What happened next?
5 A. Well, she had -- Doug wanted to have a -- Doug
6 wanted to have a kiss from Diane before she left.
7 And -- and then we were in the waiting room
8 for a long time. I -- I don't know how long that was. It
9 might have been -- I don't even remember what time it was
10 when we were invited to leave the E.R. suite. But it
11 seems -- it seemed like a couple of hours we were in the
12 waiting room. It was a long -- it was a long time.
13 So we -- you know, we just talked and visited,
14 trying to, you know, just, you know, help keep Diane
15 comforted and calmed and just commenting on, you know, this
16 is -- this is taking awhile.
17 I remember at -- at one point I had gone to
18 the E.R. reception window and asked, can I -- you know, I
19 would like to -- what my intention was, I just wanted to go
20 in and see, kind of get an update on what was going on, why
21 it was so long and why -- you know, just what -- what was
22 going on.
23 And -- and she told me because I am -- and I
24 wasn't trying to play that card, but I just felt like, you
25 know, I am on staff here and I go into that place, it's not

23

1 as well?
2 A. Yes.
3 Q. In the time that you were in the waiting room,
4 can you -- or from the waiting room, can you hear what is
5 happening in Mr. Schwartz's suite?
6 A. No.
7 Q. So you waited in the waiting room. Who was in
8 the waiting room with you?
9 A. Diane, myself. There was a gentleman that
10 works with him. I think his name is Dan. I had never met
11 him before. And I think that's all I can remember.
12 Q. Mrs. Schwartz has testified that his name is
13 Dan Benson.
14 A. Yeah.
15 Q. So I'll help you and call him Mr. Benson.
16 Mr. Benson, did he arrive at the hospital when
17 you were in the waiting room after being asked to leave the
18 emergency department?
19 A. I don't remember -- I don't remember that. I
20 think -- I think he was there when I got there.
21 Q. Was he there when you gave Mr. Schwartz a
22 blessing?
23 A. I don't remember that.
24 Q. Do you recall if Mr. Benson was in the
25 emergency suite with you after the blessing but before

22

1 odd for me to go into the E.R.
2 And I had requested, hey, can I come back and
3 just -- just kind of see what's going on. And she said,
4 "no, they will let you know when" -- "when they have
5 something to tell you."
6 And so -- so -- I don't know, maybe it's
7 around -- I don't know, maybe it's around midnight,
8 somewhere around this time. So it seems like a long time
9 has passed.
10 So there is just a little bit, you know, more
11 tension growing out in the waiting room.
12 And then Diane had to use the restroom. And
13 so she had gone into the restroom. And while she was in the
14 restroom, as I recall, the nurse -- one of the nurses had
15 popped out of the door into the waiting room and asked me
16 to come in.
17 And so I did. And -- well, I will let you ask
18 the next question.
19 Q. All right. Let me cover some of what you --
20 what you covered.
21 The time that you were waiting in the
22 emergency department after being asked to leave but before
23 Mrs. Schwartz went to the restroom, what was her state of
24 mind that you observed?
25 A. Well, she was nervous, but she was -- Diane is

24

1 pretty calm. She -- she is a wonderful, wonderful lady.
2 Great. You know, wonderful person. Calm -- or concerned.
3 Concerned, nervous, but pleasant.

4 **Q. Did you have a badge or some type of access**
5 **card for the hospital?**

6 A. I have a badge. Wasn't wearing a badge. I
7 don't need -- I don't -- I don't -- I have a badge. It's
8 not an access card, it's just a badge.

9 **Q. Did you have it with you at the time?**

10 A. I did not.

11 **Q. The receptionist that you talked to -- I want**
12 **to make sure the record's clear. The person that you asked**
13 **if you could go back, was it the receptionist?**

14 A. Yes.

15 **Q. Do you recall the name of the --**

16 A. No.

17 **Q. -- receptionist?**

18 A. No.

19 **Q. Do you recall if it was a man or a woman?**

20 A. It was a female.

21 **Q. Do you recall if she was older or younger?**

22 A. Younger.

23 **Q. If you saw her or a picture of her, would you**
24 **recognize her?**

25 A. No.

25

1 quiet and everybody was watching me.

2 And so I got to Dr. Garvey and he said, "we
3 lost him." And I -- in my mind, because of the state that
4 he was in when we left him, that was the farthest thing
5 from my mind. Because he was -- he was communicative, he
6 was laughing, he was joking.

7 Even in all the pain and suffering that he had,
8 that's the -- that's the position he was in. They were
9 know, making arrangements and -- for him -- for him to go.

10 And so my heart just dropped. And -- and I
11 told -- I told him, I said, "well, you know, we got to go
12 out" -- "we got to go out and tell Diane."

13 **Q. Let me stop you there. Did you ask Dr. Garvey**
14 **what happened when he told you that we -- that he'd lost**
15 **him?**

16 A. Hm-mm. No.

17 **Q. Is that a no?**

18 A. No.

19 **Q. Sorry. When you walked back to the suite,**
20 **where is the -- the place where you talked with Dr. Garvey**
21 **in relation to the room where Mr. Schwartz had been**
22 **treated?**

23 A. If the location where I spoke to him was where
24 you are sitting, his suite would have been in that far
25 corner.

27

1 **Q. Anything else that you and she discussed other**
2 **than you asking to go back?**

3 A. No.

4 **Q. Do you recall specifically what she told you?**

5 A. No, I don't.

6 **Q. Just, in essence, "no, we'll let you know?"**

7 A. Yes.

8 **Q. Do you recall anything else that she said?**

9 A. No.

10 **Q. So the nurse came out to get you and asked you**
11 **to come back. Tell me what happened next?**

12 A. So -- so first of all, in my -- my first
13 thought was, okay, so, why are you asking me to come back,
14 not Diane.

15 But -- so I went back and the nurse guided me
16 over to where Dr. Garvey was, just outside of -- behind the
17 counters and just outside of where their -- their offices
18 are.

19 And I don't remember exactly what he said, but
20 it was something in general like this. As I -- as I walked
21 over there, I realized that -- and I remember this -- it
22 was one of the things I really remember of this night
23 really well. As I walked in and over to him, usually the
24 ER is just (makes descriptive noise) there's stuff, there's
25 stuff going on. And across the entire suite it was dead

26

1 **Q. Close -- I mean, you can see the suite from**
2 **where you were standing?**

3 A. I could see the suite but couldn't see inside
4 of it.

5 **Q. Were the curtains drawn?**

6 A. I don't remember.

7 **Q. Did you see -- you couldn't see anything going**
8 **on, if anything was going on, in that room --**

9 A. No.

10 **Q. -- at that time?**

11 A. There's a door outside of the room he was in
12 that you open and close. Inside the room there is a
13 curtain that goes down the middle.

14 **Q. Do you recall if the door was shut?**

15 A. I don't remember.

16 **Q. When you walked back to see Dr. Garvey, did**
17 **you see the Reach flight crew anywhere?**

18 A. I don't remember.

19 **Q. Did you see any of the other people that you**
20 **had remembered seeing in the room earlier, the providers?**

21 A. I don't remember specifically any of that.

22 **Q. The nurse that came back to get you, do you**
23 **recall who that was?**

24 A. I don't.

25 **Q. Did Dr. Garvey -- other than saying that "we**

28

1 lost him," do you recall Dr. Garvey saying anything else to
2 you as you were standing in the -- in the
3 emergency department back there?

4 A. In general. I don't -- well, I can tell
5 you -- if the -- I can tell you straight up, I don't
6 remember specifics. Only a generality.

7 Q. Okay. Whatever you remember generally would
8 be helpful.

9 A. So --

10 Q. And I want to focus -- I realize that later on
11 we are going to talk about the discussion between Dr.
12 Garvey and Mrs. Schwartz that you may have observed. But I
13 am asking specifically at this point about the discussion
14 just between the two of you.

15 A. Um-hmm. And this is a part that I am just
16 telling you that I can't remember. Because I had a
17 conversation with Dr. Garvey later, just before I left,
18 around six in the morning.

19 And so I can't remember whether this was part
20 of the conversation now, around midnightesque, and -- or
21 whether it was when I visited with him for a few minutes
22 before I left to take her home about six in the morning.

23 And that was that -- it was just regarding the
24 situation of why -- why did he need to be intubated. He
25 had aspirated when he intubated and he had tried to -- you

29

1 know, they tried over and over and over to clean out, he
2 was just plugged.

3 They tried to -- to do other interventions.
4 Nothing that they could do could -- because he had
5 aspirated so bad. And my question is -- and my question
6 was, why did you have to intubate him? He was doing great
7 while we were here. I mean, he was doing great.

8 And his point was that -- again, I can't
9 remember if -- I -- I just don't remember if this
10 conversation was now or later in the morning.

11 But the -- but his point was that the transfer
12 team in Utah felt he would be more stable if he was
13 intubated. And there was some apparent conflicting opinion
14 regarding that, which is not my opinion, whether, you know,
15 if he is stable and he's doing well, why would he have to
16 be intubated.

17 But from my memorance of him was the ultimate
18 reason why he was intubated was -- was they felt he would
19 be more stable in air traffic.

20 So that was my conversation with him, is why --
21 why in the world did we need to do that. Why did he need
22 to be intubated. And so that was -- that was just the
23 point. That was the triggering issue.

24 Q. Now, I realize that -- that -- well, let me
25 ask you this, is intubation something you typically do --

30

1 A. Never.

2 Q. -- in your practice? Have you ever intubated
3 anybody?

4 A. Yes.

5 Q. In what context?

6 A. As a resident.

7 Q. Approximately how many times have you
8 intubated?

9 A. Okay. So that was 24, 25, 26 and 27 years
10 ago. I am not an intubation person, I haven't done one
11 since. I did it in my residency training under the
12 direction of an anesthetist on my training in my rotations.
13 I probably did 20.

14 Q. Are you familiar with the phrase "rapid
15 sequence induction" in the context of intubation?

16 A. Um-hmm.

17 Q. Is that a yes?

18 A. Yes.

19 Q. Have you ever done a rapid sequence induction?

20 A. Not that I remember.

21 Q. Even in -- and including in your training?

22 A. I don't remember that.

23 Q. And you don't -- and I know you're here as a
24 fact witness, but you're -- you're not -- you don't hold
25 yourself out as an expert --

31

1 A. Not at all.

2 Q. -- in intubation?

3 A. Not at all. I -- and I have no -- and
4 I don't -- and I don't have an opinion on what happened
5 there.

6 Q. And is it fair to say that if you don't have
7 an opinion on what happened there, are you -- do you have
8 an -- are you critical of the decision to intubate?

9 A. I am critical of that decision, yes.

10 Q. On what grounds?

11 A. Because he was stable, laughing, communicative
12 when we left him.

13 Q. Were you aware what Mr. Schwartz's particular
14 injuries were?

15 A. In general.

16 Q. What do you understand them to have been?

17 A. Broken ribs, contusions. Of that nature.

18 Q. Do you know -- are you familiar with the term,
19 "pneumothorax"?

20 A. Yes.

21 Q. What generally do you understand that to be?

22 A. Yeah, it's a collapsed lung.

23 Q. Do you have -- do you know if Mr. Schwartz had
24 a pneumothorax?

25 A. I think he did.

32

1 Q. Do you have an opinion as to whether or not
2 intubation is appropriate if there's a pneumothorax
3 present?

4 A. Yeah. Well, sure I do. Just in general.
5 Please understand, I am -- although I'm a doctor, I am not
6 here describing my opinion on medical concepts in this
7 situation.

8 My wife has a pneumothorax. She has had --
9 she had a stillborn, right after that, had a pneumothorax.
10 We have dealt with that many, many times. She has never
11 been -- she's never been intubated.

12 Q. Were you -- did you observe -- let me back up.
13 Prior to you being asked to leave the E.R. with Mrs.
14 Schwartz, you came back from radiology -- or not radiology,
15 the CT scan, whoever did that. You visited in the room.
16 At some point you were asked to leave. Correct?

17 A. Yes.

18 Q. In the time that you were in the room post-CT
19 scan, prior to being asked to leave, did anybody explain
20 what was going to happen to -- to Mr. Schwartz to Mrs.
21 Schwartz?

22 A. I don't remember any conversation about an
23 intubation while we were in the room with them.

24 The plan we left with was he was going to be
25 transported over to Utah.

33

1 I -- I don't remember a conversation about,
2 "okay, you are going to leave so we can intubate him." I
3 don't remember that.

4 Q. Do you recall any discussion about a chest
5 tube?

6 A. The discussion with Dr. Garvey was that they
7 had tried to place a tube or do a tracheotomy type
8 procedure to gain air access for him.

9 Q. Let me be more specific on my questions.
10 Prior to being asked to -- to leave the room, do you recall
11 anybody on the staff, Dr. Garvey, any of the providers,
12 discussing a chest tube with Mrs. Schwartz?

13 A. No.

14 Q. Do you recall seeing any -- have you ever seen
15 a chest tube installed?

16 A. Yeah, my wife had one.

17 Q. I assumed you had, I just have to lay the
18 foundation.

19 Do you recall seeing any instruments or trays
20 for a chest tube?

21 A. There was none of that that was -- had
22 happened or -- I don't remember any of that, no.

23 Q. Did you observe or hear Mrs. Schwartz or Mr.
24 Schwartz say, "no, I don't want to be intubated" before you
25 left the room?

34

1 A. No.

2 Q. All right. So you and Dr. Garvey have this
3 discussion. You indicate to him, we need to tell Mrs.
4 Schwartz. Tell me what happened then?

5 A. Yeah. So this -- this is -- this is --
6 this -- this is a terrible part. It just -- it was
7 terrible.

8 So we come back out into the room and --
9 and -- and Dr. Garvey just blankly, just straight up tells
10 Diane, he -- "We lost him."

11 And she -- she just -- just completely lost
12 her ability to control herself. I grabbed her. She went
13 to the floor, screaming, screaming. There is -- certainly
14 throughout this entire hospital, everyone had to have heard
15 her. Just -- just relentless screaming. And so that went
16 on for maybe up to a minute or two.

17 Ultimately, they got a wheelchair able to get
18 her up to be able to transport her. Took her back into an
19 E.R. suite. A different one that -- on the complete
20 opposite end of where Doug had been.

21 And just trying to get her to calm down. That
22 took forever. A lot of time went by right her just trying
23 to get her -- she was just sobbing, just -- and I -- I --
24 you can only imagine. You know, you just -- you walk away
25 from your husband and he is doing great. And all of a

35

1 sudden now you walk out and he is gone.

2 And that wasn't something that she had -- none
3 of us had seen that coming. And so that was just an
4 extreme -- just an extreme -- that was just right out of
5 the blue.

6 And so that's how that went.

7 Q. Do you recall what, if anything else, Dr.
8 Garvey said to Mrs. Schwartz other than "We lost him"?

9 A. I don't.

10 Q. Did he give any explanation to her as to what
11 occurred?

12 A. He did not.

13 Q. In the time that you were in the hospital with
14 Mrs. Schwartz, did Dr. Garvey speak with her after telling
15 her that her husband had died, that you observed?

16 A. I was with her most of the time the rest of --
17 well, I was with her most of the time all of that night.

18 We were in the E.R. suite together. We were
19 in the CT suite together. We were back in the E.R.
20 together. We were out in the waiting room together. And
21 now we're back in her E.R. room together.

22 I don't remember him ever telling her anything
23 about what happened.

24 Q. Did you observe any time after Mrs. Schwartz
25 was informed that her husband had passed away that the

36

1 flight crew spoke with her?

2 A. I don't remember that either.

3 Q. Did you -- did you observe --

4 A. I don't think that happened. But I -- but I
5 don't remember that.

6 Q. So Mrs. Schwartz goes back to a separate room.
7 You went with her?

8 A. (Nods head)

9 Q. Is that correct?

10 A. Yes.

11 Q. What happened next?

12 A. So they had given her some medication just to
13 try to relax her a little bit.

14 And at this point now she is where she can get
15 a little bit of just her shaking and her -- just pull
16 herself under control. She tried to -- to get a cell phone
17 out to be able to pull numbers off it. So I am using her
18 cell phone to begin calling children, some very, very
19 close -- or some brother -- family members, brother,
20 sisters, children.

21 And so one by one, now in the middle of the
22 night, I am calling each one of these people. It's -- it's
23 somewhere around -- it's after midnight. So every single
24 call that I make I am pulling someone out of bed
25 unconscious and share with them that their father or family

37

1 remember anyone talking to us about that. I don't remember
2 anyone talking to us about that until my parting
3 conversation with Dr. Garvey just before we left.

4 Q. Well, let's talk a little bit about that.
5 When you asked Dr. Garvey why was he intubated, what was
6 Dr. Garvey's response?

7 A. Well, the same situation I mentioned earlier,
8 was that the comfort level of the transferring -- or the
9 receiving doctor at the facility, in Dr. Garvey's opinion,
10 or in -- what Dr. Garvey had mentioned was that they had --
11 they had wanted him to be intubated just for stability for
12 his flight.

13 Q. Did Dr. Garvey give you any specifics as to
14 what specifically occurred when Mr. Schwartz was intubated?

15 A. That he had aspirated.

16 Q. Any other specifics?

17 A. He had aspirated and that he had -- you know,
18 he was just plugged tight, and through their various
19 interventions were unable to get any airway access for him.

20 Q. Did he give any specifics as to who tried
21 what, what specific procedures or -- or methods were
22 attempted?

23 A. No.

24 Q. Aside from the -- you -- I think you phrased
25 it as a parting conversation as you were getting ready to

39

1 member, whenever I was speaking to -- I called several.

2 Each time, you know, they went into a similar
3 flurry that Diane had just gone through. And each time
4 that we called somebody, they got her -- you know, just --
5 just put another log on the fire to flame her back up.

6 And that went on for -- I don't remember how
7 many calls, but it was -- it was several -- several phone
8 calls that we made during the night for people to get in
9 their car and drive up and to come up and to be here and to
10 accommodate her.

11 And that -- during that time I think Dr.
12 Garvey was with us in and out. A little bit. Not much.
13 But mostly just there was one or two nurses that were with
14 us all that time.

15 Q. During the time that these phone calls were
16 occurring and Mrs. Schwartz was in a separate room, did
17 anybody come in --

18 A. And I was with -- we were together then.

19 Q. I mean separate from the room that her husband
20 had been treated in --

21 A. Oh, yeah.

22 Q. -- and you two were together. Did anybody, any
23 medical provider come in and explain to you or Mrs.
24 Schwartz what had occurred with doc -- with Mr. Schwartz?

25 A. I'm going to say no. I don't -- I don't

38

1 Leave. Have you ever discussed Mr. Schwartz with Dr.
2 Garvey since leaving the hospital that morning with Mrs.
3 Schwartz?

4 A. I don't remember that.

5 Q. Have you ever discussed the care that Mr.
6 Schwartz received on the night when he was in the emergency
7 room with any of the medical providers that were there
8 other than on the night that it occurred?

9 A. Just one.

10 Q. Who was that?

11 A. It was a nurse that was there that evening.

12 Q. What was her name?

13 A. Her name is -- I can't tell you what her name
14 is right now.

15 Q. Because you don't remember it?

16 A. Correct.

17 Q. If you -- as we are talking about it, if you
18 remember, if you'd let me know, that would be great.

19 What was the context in which you discussed
20 this with -- with this nurse?

21 A. This -- this nurse is a -- was a patient of
22 mine. She had -- I had seen her previous to this and then
23 obviously after. And so I treated her for -- I had known
24 her as -- in a professional relationship.

25 And I don't even remember how long it was

40

1 after this event that I had seen her in my office as a
2 patient. But I had -- I had a conversation with her.
3 **Q. What was the -- and I obviously don't want to**
4 **get into any of the care you provided to her. I'm not**
5 **interested in that. But I am interested in what she said**
6 **to you about the care provided to Mr. Schwartz?**

7 A. It's hard for me to remember that.

8 **Q. Do you recall generally what she said?**

9 A. Generally, yes.

10 **Q. What did she say generally?**

11 A. Generally it was just a very unfortunate
12 situation.

13 **Q. Was she critical of the care that was**
14 **provided?**

15 A. I don't remember her being critical of that.

16 **Q. Was she directly involved with the care?**

17 A. I don't know what capacity she was involved in
18 the care, but she was in the room.

19 **Q. Anything else you -- you can recall about that**
20 **discussion with her?**

21 A. Her -- her feeling was that they had worked
22 tirelessly to -- after -- after the circumstance of the
23 aspiration they had worked tirelessly to -- to try to
24 revive him.

25 **Q. Anything else that you can recall that she**

41

1 **said?**

2 A. No.

3 **Q. All right. So let's go back. You made phone**
4 **calls to various children, close friends, family members.**
5 **What happened next?**

6 A. So I'm not sure what the time frame is. We
7 were in that room together for, seems like, a few hours.
8 So it has to be somewhere in the zone of three, four,
9 somewhere late into the -- into the night or early in the
10 morning.

11 And she wanted to see Doug. The whole time
12 she wanted to see Doug. From the minute he told her, he
13 wanted to see Doug -- she wanted to see Doug. And they just
14 wouldn't let her see him at that time.

15 So at a later point she just continued to --
16 to request, I want to see, I want to see Doug, I want to
17 see Doug, I want to see him.

18 And so ultimately it's now somewhere around
19 late into the night, maybe around four o'clock in the
20 morning, and -- as a generality. I don't remember what
21 time it was, but late.

22 And so ultimately we were -- we were taken
23 over to the room where Doug was. This is going to be a new
24 room now. It's not the room he started in. It's not the
25 CT room. It's not the room that she and I were in making

42

1 the phone calls. This is a different room that they put
2 him -- they placed him into. It's a private room with a
3 door. There is just one person in this room.

4 So -- so we were -- we were let in to -- to
5 see him.

6 **Q. And what -- what happened next? Actually,**
7 **before you answer that, let me ask you this, was Mrs.**
8 **Schwartz given any explanation as to why she wasn't allowed**
9 **earlier to see her husband?**

10 A. No, we were -- no.

11 **Q. Okay. So then what happened next?**

12 A. So then we come into the room and he is, you
13 know, under a -- under a -- under a drape, under a sheet,
14 similar to what we have on this table, exposing -- I mean
15 covering all of him right up to his neck.

16 And then -- oh, my gosh -- then we just go
17 through the same thing that happened when we were out in
18 the E.R. waiting room when she was just notified of this
19 situation.

20 Just a huge breakdown. I -- that just -- you
21 know, I just tried to hold her and comfort her. She
22 just -- you know, she just hugged her husband, just wept
23 over him for -- for a long, long, long, long, long time.

24 And it was -- oh, my gosh, those are -- those
25 are difficult circumstances to be in. Seeing him, one,

43

1 seeing her with him, it's -- that is a -- that is a tough
2 thing to see.

3 And so that went on for quite awhile. And
4 ultimately, we had a nurse -- and I don't remember who it
5 was -- it was a nurse that was in with us. And she was in
6 with us for, I don't know, maybe the first 15 or 20, 30
7 minutes.

8 And then once she was able to kind of collect
9 herself and just bring her sobbing and crying -- well, her
10 crying never really stopped. But just -- just
11 uncontrollable emotional response, when she got that under
12 a little bit of control, then -- then she left.

13 So she just had some time -- I asked her if
14 she wanted me to leave, because that's a, you know, a
15 personal time right there. And I remember she said, "no,
16 just stay."

17 And so I just tried to kind of just stay off
18 to the side, just caress her, just help her. And -- and
19 then she just talked to him for maybe an hour. Maybe an
20 hour.

21 And then -- and then one of the super
22 frustrating things that happened was the coroner wanted to
23 come in, and he just wanted her to wrap thing up and get
24 her out. And -- and she wasn't ready to be done. She --
25 she just wasn't ready to be done.

44

1 So it was just, have to understand, look, we
2 just need some more time here. So he left and then he came
3 back and then he left and then he came back. And
4 ultimately now it's somewhere in the area of about six-ish
5 in the morning, and the coroner finally over -- just wore
6 her down and -- and then kind of -- kind of booted us out
7 there.

8 And that's the point where -- where, I think,
9 from the very beginning, whether I had this conversation
10 earlier on or whether I had it at the parting. If I had
11 conversation at parting it would have been now with Dr.
12 Garvey.

13 Q. And as you -- as you've been talking, have you
14 -- can you think of anything else that you and Dr. Garvey
15 may have discussed in this conversation that you haven't
16 already testified about?

17 A. Generally, no.

18 Q. At this time in the emergency department, was
19 the flight crew still there that you recall?

20 A. I don't recall.

21 Q. Anything else that you recall about the time
22 in the emergency department from start to finish that you
23 haven't already testified about?

24 A. No.

25 Q. So I assume at this point you drove Mrs.

45

1 Schwartz home?

2 A. Yes. So her car was -- you know, she had
3 originally parked her car in the emergency parking lot. I
4 went around and got that and brought it up right to this --
5 you know, the underhang where the ambulance comes in, and
6 got her in. And it's about a 25-minute drive home.

7 And she had called my wife earlier and
8 asked -- because she had her grandchildren, her -- her --
9 one of her children was on a vacation and they were taking
10 care of the grandkids, and so she had -- I had communicated
11 with my wife throughout the evening. She is asking, you
12 know, what -- "do you have any updates?" I said, "We're
13 just waiting, we're just waiting." And then, you know,
14 finally when we heard about the death. So I updated her.

15 But Diane had asked her early on in the
16 evening if she would just go over and be with her kids. So
17 when we got the house, my wife was there, kids were
18 sleeping -- my wife would have better information about
19 this later today.

20 And it was just a difficult situation trying
21 to get her situated and, you know, just try to -- she was
22 just -- she was just out of gas. She is -- just no sleep,
23 just emotionally drained and exhausted and -- and so I
24 stayed with -- I stayed with them for, I don't know,
25 maybe -- I don't know, 15 minutes or to a half an hour.

46

1 And then my wife stayed with them -- stayed
2 with her until her children from southern Nevada came up.
3 And so they got there. You know, my wife came home
4 sometime later in the morning, ten or eleven, when her
5 family began to arrive.

6 And so that's how the trip home went.

7 Q. I just only have a few more questions. At
8 this time, were you in leadership in your ward at the time?

9 A. No.

10 Q. Regarding today's deposition, have you
11 discussed today's deposition, the fact that you were being
12 deposed, with anybody?

13 A. Yes.

14 Q. Who have you discussed it with?

15 A. My attorney.

16 Q. I won't ask what you and he talked about.
17 Anybody else?

18 A. I had general conversations. You know, I have
19 talked to my children. My kids are all adults. Beyond
20 that, I would say no.

21 Q. Have you discussed today's deposition with
22 Mrs. Schwartz?

23 A. I haven't spoken to her for -- for -- I can't
24 even tell you when I spoke to her last. It's been within
25 the year.

47

1 Q. But after receiving this subpoena, you didn't
2 call her up and --

3 A. No.

4 Q. -- and let her know?

5 A. No. She had let us know that probably we
6 would be called. That was sometime ago and -- and -- but I
7 haven't had any communication with her.

8 Q. Have you ever -- sorry. I didn't mean to -- I
9 didn't mean to interrupt you.

10 Have you ever reviewed the medical records in
11 this case?

12 A. No.

13 Q. Have you ever discussed the fact that a
14 lawsuit was filed or was going to be filed with Mrs.
15 Schwartz?

16 A. A conversation early on was -- you know, she
17 just -- I don't really remember if that's the conversation.

18 Q. Did you have any role in encouraging Mrs.
19 Schwartz to file a lawsuit?

20 A. One hundred percent no.

21 Q. With respect to the Reach crew -- you know I
22 represent Reach -- is it accurate to say that your
23 testimony is, other than pleasantries, you had no
24 discussions with the Reach crew?

25 A. Correct.

48

1 Q. And is it also accurate to say that you didn't
2 observe the Reach crew providing any care to Mr. Schwartz?
3 A. Correct.
4 Q. And is it accurate to say that as of today you
5 are not even sure if they provided care or not to Mr.
6 Schwartz? The Reach crew specifically?
7 A. In -- boy, this -- this is -- this is a poor
8 statement or a question, but it just is what it is.
9 I don't remember when or how I knew that the
10 Reach crew had done the intubation or attempted intubation.
11 Whether I got that from Dr. Garvey or whether that was just
12 talked about in the hospital, I don't remember, but.
13 Q. Do you recall any other specifics about what
14 you know that -- or what you were informed that the Reach
15 crew had done?
16 A. Simply that they had been the one to intubate
17 him.
18 MR. BURTON: All right. I don't -- I appreciate
19 your testimony today. Other attorneys may have questions
20 and I may ask some clean-up questions at the end. But if I
21 don't, thank you very much, Dr. Patton.
22 MS. HUETH: I don't have any questions at this
23 time.
24 MS. BESTICK: I just have a couple of quick
25 questions.

49

1 THE VIDEOGRAPHER: Could we have you on
2 microphone, please.
3 EXAMINATION
4 BY MS. BESTICK:
5 Q. Hi. My name is Alissa. I represent Dr. Garvey
6 as I stated earlier.
7 (court reporter interjects)
8 Q. As you know, I represent Dr. Garvey in this
9 matter, as I stated earlier.
10 I just have a couple of quick follow-up
11 questions.
12 when you first arrived to the hospital, that
13 is Northeast Nevada Regional Hospital, did you observe that
14 Mr. Schwartz was on oxygen at any point?
15 A. I don't remember.
16 Q. You have stated a couple of times throughout
17 your testimony that Mr. Schwartz was doing great and was
18 stable when you last saw him.
19 Could you explain a little more what you base
20 your contention that he was stable at the time that you
21 saw him.
22 A. Stable in the -- stable in the fact that --
23 just simply stable in the fact that he was aware of person,
24 place, time. He was conversational. He was -- had
25 jocularity. He was pleasant.

50

1 It didn't undermine the discomfort and pain
2 that he was in. I am not undermining that at all. He was
3 in a ton of pain.
4 But he -- when I -- I reference -- my
5 reference of stability would be asking me questions, making
6 jokes about my son, asking about his welfare, thinking
7 about others instead of himself. Having -- you know,
8 wanting to kiss his wife before she left.
9 Things of that nature is what I would use --
10 great isn't a good word, I -- I sense that. But stable in
11 that sense of alert of person, place and thing,
12 conversational and pleasant.
13 Q. Okay. At the time that you were invited to
14 leave the room prior to the intubation attempts, did Diane
15 ask to stay?
16 A. I don't remember that.
17 Q. Okay. When you left the room, did you leave
18 at the same time as Diane, or did she stay for a moment
19 after you had left?
20 A. To my best memory, they kissed and we walked
21 out together.
22 Q. Okay. And you testified previously that you
23 discussed with Mrs. Schwartz in the waiting room the
24 conversation about whether to transfer Mr. Schwartz or not.
25 Do you recall -- what do you recall about that

51

1 conversation?
2 A. Okay. That conversation wasn't in the E.R.
3 waiting room. That was after he had been in the --
4 actually, it was either during or after he was in the CT
5 scan, in the hallway.
6 And the question was, "Do you think he'll get
7 transferred?" And my opinion -- or my response was, I
8 don't know. But generally, here at this hospital, when a
9 serious accident has occurred, they get transferred.
10 Q. Okay. Was there any point between the CT scan
11 and going back to the room, in the E.R. suite, that you
12 were not by Diane's side?
13 A. I don't believe so. But I don't remember -- I
14 don't remember that.
15 Q. Okay. And you had testified that Dr. Garvey
16 told you that there was some question about the opinions to
17 intubate Mr. Schwartz.
18 And at one point I think you said that it was
19 the Reach flight crew that wanted him to be intubated. But
20 then I believe at one point you said it was the accepting
21 facility that wanted him to be intubated.
22 A. No, it was the accepting facility --
23 Q. Okay.
24 A. -- that wanted him to be intubated.
25 MS. BESTICK: Okay. That's all I have.

52

1 MR. BURTON: Anybody on the phone have questions?
 2 MS. RIES-BUNTAIN: Yes, I just have a few
 3 follow-up questions.
 4 (court reporter interjects)
 5 EXAMINATION
 6 BY MS. RIES-BUNTAIN:
 7 Q. This is Jennifer Ries-Buntain. I represent the
 8 hospital. I am the one you can see on the computer screen.
 9 So I'm going to try to make this fast for you
 10 but not so fast the court reporter cannot follow me, okay.
 11 I just have a few follow-up questions.
 12 You mentioned that you thought you saw a
 13 respiratory therapist there. Did you observe the
 14 respiratory therapist providing care?
 15 A. I don't remember that.
 16 Q. But you did see that the nurses were providing
 17 care. True?
 18 A. In general, yes. Monitoring --
 19 Q. And you don't recall the specifics of what
 20 they did, but it's fair to say that they were actively
 21 caring for Mr. Schwartz in your presence. True?
 22 A. Yes. Things like monitoring vitals and things
 23 of that nature.
 24 Q. And it's fair to say that you did not have any
 25 concerns about the nursing care while you were there,

53

1 right?
 2 A. Correct.
 3 Q. That conversation that you had with one of the
 4 nurses who was a patient of yours. If I told you that
 5 Donna Kevitt --
 6 A. That's it.
 7 Q. -- recalled a similar conversation, would that
 8 refresh your recollection?
 9 A. That's her name. Thank you.
 10 Q. When you were speaking with Nurse Kevitt, did
 11 she express or did you observe her sadness over Mr.
 12 Schwartz's situation?
 13 A. Yes.
 14 Q. And did you get the sense that she cares about
 15 her patients and that this situation had affected her?
 16 (court reporter interjects)
 17 Q. Did you get the sense that she cares about her
 18 patients and this affected her personally?
 19 A. Generally, yes.
 20 MS. MORALES: Objection, (inaudible) calls for
 21 speculation.
 22 MR. BURTON: Jennifer Morales, you may want to
 23 say your objection again. I don't think we got all that.
 24 MS. MORALES: Objection, form, and calls for
 25 speculation.

54

1 MR. BURTON: You can still go ahead and answer.
 2 Q. Dr. Patton, when you were discussing your
 3 personal experience with your wife having a pneumothorax, I
 4 just have a -- one follow-up question about that.
 5 Was she put on an -- on an airplane with a
 6 pneumothorax?
 7 A. No.
 8 Q. So it's fair to say that you do not have any
 9 personal knowledge about how that could impact a
 10 pneumothorax. True?
 11 A. Generally.
 12 Q. Yeah, and I am not asking about you as a
 13 physician and maybe what you learned in your training. I
 14 am just asking about your personal knowledge. That was not
 15 something that came up in conversations with your wife, was
 16 it?
 17 A. No.
 18 Q. Because it wasn't one of the circumstances.
 19 Is that true?
 20 A. That's true.
 21 Q. And just to be clear, it's not your intention,
 22 if you were called to testify at trial in this matter, to
 23 offer opinions about the care and treatment as a physician
 24 expert. Is that true?
 25 A. Correct.

55

1 Q. Have we now discussed all of the recollections
 2 that you have about Mr. Schwartz's care and treatment?
 3 A. Generally, yes.
 4 Q. Have we now discussed all of the conversations
 5 that you can remember about Mr. Schwartz's care and
 6 treatment whether during this event or after this event?
 7 A. No. I -- there are -- there are probably
 8 other conversations that I have had. I will -- I sit on
 9 the -- I am currently the chief of surgery at the hospital.
 10 I sit on --
 11 Q. Okay. So I will stop you there. As the
 12 hospital's attorney, if you are about to discuss any
 13 internal investigation or review relative to this matter, I
 14 can tell you that that's privileged. And so I'm going to
 15 enter an objection about any testimony about that if that's
 16 where you are going. And I don't know if it.
 17 MR. BURTON: And I would join that -- that
 18 objection as well.
 19 A. Fine.
 20 MS. RIES-BUNTAIN: Okay. All right. No further
 21 questions.
 22 MS. MORALES: I have a few questions.
 23 EXAMINATION
 24 BY MS. MORALES:
 25 Q. Doctor, my name is Jennifer Morales, and I

56

1 represent Ms. Schwartz -- Mrs. Schwartz.
2 You just -- you just told us that you are
3 chief of surgery for the hospital. How long have you been
4 the chief of surgery?

5 A. Since January.

6 Q. January of this year?

7 A. Correct.

8 Q. Okay. And I don't want to know any
9 discussions about the meetings or -- I don't want to know
10 about any specific discussions.

11 But have you been involved in any meetings,
12 formal meetings at the hospital, that involve this case?

13 A. In addition to sitting on -- being on the --
14 as the chief of surgery, I attend the medical executive
15 committee meetings and sit on the credentialing committee.

16 Dr. Garvey has come up for recredentialing,
17 and this case was --

18 MS. RIES-BUNTAIN: Yeah. And again, I apologize
19 to have to interrupt you, Dr. Patton. But also the
20 credentialing process is privileged. So I ask you to not
21 discuss the content of the credentialing process, please.

22 A. Well then no.

23 Q. (By Ms. Morales) Well, I am still entitled
24 maybe not to know specifics about the meetings, but you
25 have sat in meetings that had to do -- where this case has

57

1 been brought up. Is that fair?

2 A. Yes.

3 Q. Okay. And do you know when that meeting was
4 held?

5 A. In the past few months.

6 Q. And what -- and I'm sorry, I think it was the
7 reception, but what committee did you say that you are part
8 of?

9 A. Credentialing.

10 Q. Okay. Doctor, you testified earlier that you
11 never heard Dr. Garvey explain any risks or benefits or
12 even that intubation procedure needed to take place. Is
13 that correct?

14 A. No.

15 Q. That's not correct?

16 A. No. We never had that discussion.

17 Q. Okay. As you sat with Diane in the waiting
18 room in the emergency room, was there anything Diane said
19 that made you understand or think that she knew that her
20 husband was being intubated?

21 A. No.

22 Q. What -- what was your understanding when you
23 left and were asked to leave the emergency room suite of
24 what they were doing, the medical providers were doing for
25 Doug?

58

1 A. To -- just in general, the information we
2 received was just preparing him for his flight to Salt
3 Lake.

4 Q. And at any point during your stay in the
5 waiting room while Doug was -- while Doug was in the
6 emergency room suite, did anyone ever come out and explain
7 to either you or Diane that Doug needed to be intubated?

8 A. No. We had no communication after the time we
9 left until the nurse came out to get me.

10 Q. Were you in the waiting room when a friend of
11 Danny Benson's came out and had indicated that there was
12 some chaos going on in the E.R. and that they -- he was
13 going to leave?

14 MR. BURTON: Objection. Lacks foundation.

15 MS. BESTICK: Join.

16 MS. RIES-BUNTAIN: Join the objection. Calls for
17 speculation.

18 Q. (By Ms. Morales) You can go ahead and answer.
19 Do you have a recollection of sitting with
20 Diane and Mr. Benson when a man from the E.R. came out
21 indicating that there was chaos in the E.R.?

22 MS. RIES-BUNTAIN: Same objection.

23 MR. BURTON: Join.

24 MS. BESTICK: Join.

25 A. So am I answering this question? Or what are

59

1 we doing?

2 Q. I'm sorry. Did you answer that? I'm not sure
3 if you cut out.

4 A. No, I'm here. So am I answering that
5 question?

6 Q. Yeah, you are allowed to answer still. They
7 are just preserving the record with their objections.

8 A. Yes, I did.

9 Q. Okay. What did you hear of that discussion?

10 A. No more than what you stated in your question.

11 Q. Were you in the emergency room with Doug when
12 the cop -- when a cop came in to talk to him about what had
13 happened as far as the accident itself?

14 A. I don't recall that.

15 Q. At any point when you were in the emergency
16 room suite with Doug, did you notice that he was having any
17 difficulty breathing?

18 A. Well, he was -- he was in a lot of pain and --
19 but as I mentioned multiple times now, he was very
20 conversational.

21 Q. Okay. But you didn't see him gasping for
22 breath or having any shortness of breath or any of those
23 type of symptoms?

24 A. I never noticed him gasping for breath. And
25 in general, he -- he had conversational breathing.

60

1 Q. Okay. Did you, after this -- after the death
2 of Mr. Schwartz, did you ever hear any of the hospital
3 staff screaming out that Diane should sue the hospital?
4 A. Yes.
5 Q. Okay. And do you know who was saying that?
6 A. I don't.
7 Q. If you had to describe Mr. Schwartz to someone
8 who didn't know him, how would you describe him?
9 A. Intelligent, energetic, fun, dedicated, loyal.
10 Q. Did he do a lot for the community there in
11 Elko?
12 A. Yes. He -- he involved himself in -- in a
13 variety of things that I am not completely aware of in his
14 business; for service activities in the church, like moving
15 people in, moving people out, helping, assisting, picking
16 up chairs, putting chairs down.
17 I know he was involved in the Utah and Nevada
18 High School Rodeo Associations.
19 He coached -- well, I don't think he coached
20 while he was in Spring Creek, but he was a previous youth
21 coach.
22 He participated, he came and supported local
23 high school activities. Things of that nature.
24 Q. Okay. Give me one moment here. I think I'm
25 almost done. Going through my notes.

61

1 A. Yeah, I don't remember any conversation. I
2 don't remember any plan or conversation about intubation
3 before we left the room. And it -- if she remembers that,
4 I don't remember any conversation about that.
5 Q. Would it surprise you that she testifies in
6 her deposition that Dr. Garvey did discuss intubation with
7 her?
8 A. It wouldn't surprise me.
9 MS. MORALES: Objection. Form. Misstates the
10 testimony.
11 (court reporter interjects)
12 Q. (By Mr. Burton) Let me read to you from Mrs.
13 Schwartz's deposition. This is page 65, starting at line
14 15.
15 "QUESTION: Did Dr. Garvey ever discuss
16 intubation while you were present?
17 "ANSWER: Yes.
18 "QUESTION: What did he discuss?
19 "ANSWER: Right before I left to go to the E.R.
20 room, he said, 'and we might intubate him just in case he
21 needs to keep his airway open in flight.'" Close quote.
22 Does that help refresh your recollection as to
23 whether or not intubation was discussed?
24 A. No. I -- I just do not remember a
25 conversation about intubation.

63

1 Did you, after this day, after this incident
2 occurred, did you ever hear any -- any of the nurses or
3 anyone talking at the hospital about what happened?
4 MS. RIES-BUNTAIN: Objection, calls for
5 speculation.
6 MR. BURTON: Join.
7 A. Simply generalities.
8 Q. Okay. Any more generalities than we've
9 already discussed today?
10 A. Can you repeat that?
11 Q. Yeah. Was -- is there anything specific that
12 you recall hearing at the hospital that we haven't already
13 discussed?
14 MS. RIES-BUNTAIN: Objection, calls for
15 speculation.
16 MR. BURTON: Join.
17 A. No.
18 MS. MORALES: I have no further questions.
19 FURTHER EXAMINATION
20 BY MR. BURTON:
21 Q. Dr. Patton, I have just a -- one follow-up
22 line of questions.
23 You were asked extensively about if you recall
24 Dr. Garvey discussing intubation or -- with Mrs. Schwartz.
25 Do you recall that?

62

1 Q. But you don't have reason to dispute Mrs.
2 Schwartz' testimony that I read to you, do you?
3 A. No.
4 MR. BURTON: All right. Thank you. I have no
5 further questions.
6 Any other questions?
7 MS. MORALES: No.
8 MS. RIES-BUNTAIN: No other questions. Thank you,
9 Dr. Patton.
10 THE WITNESS: Thank you.
11 THE VIDEOGRAPHER: We're off the record now at
12 10:39 a.m. This ends this deposition.
13 (Signature having not been waived, the deposition
14 of DR. JOHN PATTON was concluded at 10:39 a.m.)
15
16
17
18
19
20
21
22
23
24
25

64

ERRATA SHEET

2 IN RE: SCHWARTZ v. GARVEY, et al.
3 WITNESS: JOHN PATTON

Signature

JOHN PATTON

< Dates >
May 31, 2019
1:37, 4:1,
4:13.
)SS 66:2.

312-345-9608
2:40.
319 5:15.
31st 66:8.
3300 2:38.
36 2:13.

89118 2:32.
89503 5:16.
8980 6:15.
89801 4:3,
6:18.
89815. 6:15.

26:25.
actively
53:20.
activities
61:14, 61:23.
Actually
16:15, 43:6,
52:4.
addition
57:13.
address 6:12,
6:16.
Administrator 1:9.
adults
47:19.
affected
54:15, 54:18.
affixed
66:18.

$< 1 >$.
1 1:2.
1. 67:4.
100 2:5.
101 6:17.
10580 5:14.
10:39 64:12,
 64:14.
115 5:15.
15 6:25, 44:6,
 46:25.
15. 63:14.
1775 6:17.
17th 66:18.
1900 2:14.

≤ 4
 4. 67:7.
 4101 2:5.
 45 14:9.
 ≤ 5
 5. 67:8.
 50 3:4, 9:15.
 53 3:5.
 56 3:6.

.
 < 9 >.
 9. 67:12.
 9:13 1:37,
 4:2, 4:12,
 66:9.
 .
 < A >.
 a.m. 1:37,
 4:2, 4:12,
 64:12, 64:14,
 .

ago 10:4,
12:21, 16:18,
31:10, 48:6.
ahead 55:1,
59:18.
Air 1:24,
2:12, 4:24,
14:5, 30:19,
34:8.
airplane
55:5.
airway 39:19,
63:21.
al 4:15, 4:16,
67:2.
alcohol 8:20,
20:22, 20:25,
21:3, 21:4.
alert 51:11.
Alissa 2:27,
5:2, 50:5.
altered 43:8,
60:6.
almost
61:25.
already 20:8,
45:16, 45:23,
62:9, 62:12.
although
33:5.

•

6 3:3.
6. 67:9.
600 2:31.
60606 2:39.
62 3:7.
6385 2:30.
65 63:13.

able 12:25,
13:1, 35:17,
35:18, 37:17,
44:8.
accepting
52:20, 52:22.
access 25:4,

$\langle 2 \rangle$.
2. 67:5.
20 11:12

600 2:31.
60606 2:39.
62 3:7.
6385 2:30.
65 63:13.

accepting 52:20, 52:22.
access 25:4,

20. 31:13.
200 2:37

6385 2:30.
65 63:13.

access 25:4,
25:8 34:8

2016 11:4.
2019 66:8,
66:18.

≤ 7 .

accident
11:3. 11:6.

23 12:17.
24 9:8, 9:9,
31:9.

702-655-2346
2:7.
702-792-5855

11:10, 12:8,
13:21, 52:9,
60:13.

25 31:9.
25-minute
46:6.

2:25.
702-893-3789
2:33.

accommodate
8:8, 38:10.

2585 4:3.
26 31:9.
260 2:23.

718 6:13.

12:22, 20:11.
according
66:11.

271 1:38,
66:22.

< 8 >.
8. 67:11.
801-328-3600

accurate
48:22, 49:1,
49:4.

< 3 >.

2:16.
8329 2:22.
84111 2:15.

acknowledge
65:3.
ACKNOWLEDGM

3. 67:6.
30 44:6.

89107 2:6.
89113 2:24.

NT 65:1.
across

EXHIBIT 4

1 IN THE FOURTH JUDICIAL DISTRICT COURT
 OF THE STATE OF NEVADA
2 IN AND FOR THE COUNTY OF ELKO

3
4 _____
DIANE SCHWARTZ, individually)
and as Special Administrator)
5 of the Estate of DOUGLAS R.)
6 SCHWARTZ, deceased,)
7 Plaintiff,)
8 vs.) NO. CV-C-17-439
DAVID GARVEY, M.D., an)
9 individual; BARRY BARTLETT,)
an individual (Formerly)
10 Identified as BARRY RN);)
CRUM, STEFANKO & JONES LTD,)
11 dba RUBY CREST EMERGENCY)
MEDICINE; PHC-ELKO INC. dba)
12 NORTHEASTERN NEVADA REGIONAL)
13 HOSPITAL, etc., et al.,)
14 Defendants.)
15 _____)

16 DEPOSITION OF DIANE SCHWARTZ
17 LAS VEGAS, NEVADA
18 VOLUME 1

19
20 REPORTED BY:
21 KENDALL D. HEATH
22 NEV. CCR NO. 475
23 CALIF. CSR NO. 11861
24 JOB NO.: 2959290
25 PAGES 1 - 163

1	IN THE FOURTH JUDICIAL DISTRICT COURT	1	APPEARANCES OF COUNSEL (Cont'd):
2	OF THE STATE OF NEVADA	2	For the Defendant
3	IN AND FOR THE COUNTY OF ELKO	3	Reach Air Medical Services:
4	DIANE SCHWARTZ, individually)	4	
5	and as Special Administrator)	5	KIRTON McCONKIE
6	of the Estate of DOUGLAS R.)	6	BY: JAMES T. BURTON, ESQ.
7	SCHWARTZ, deceased,)	7	Key Bank Tower
8	Plaintiff,)	8	36 S. State Street
9	vs.) NO. CV-C-17-439	9	Suite 1900
10	DAVID GARVEY, M.D., an)	10	Salt Lake City, Utah 84111
11	individual; BARRY BARTLETT,)	11	jbarton@kmclaw.com
12	an individual (Formerly)	12	
13	Identified as BARRY RN;)	13	For the Defendant
14	CRUM, STEFANKO & JONES LTD,)	14	Ruby Crest Emergency Medicine:
15	dba RUBY CREST EMERGENCY)	15	
16	MEDICINE; PHC-ELKO INC. dba)	16	CARROLL KELLY, TROTTER,
17	NORTHEASTERN NEVADA REGIONAL)	17	FRAZEN, McBRIDE & PEABODY
18	HOSPITAL, etc., et al.,)	18	BY: GERALD L. TAN, ESQ.
19	Defendants.)	19	8329 W. Sunset Road
20		20	Suite 260
21	Deposition of DIANE SCHWARTZ, Volume 1, taken	21	Las Vegas, Nevada 89113
22	on behalf of Defendants, commencing on	22	(702) 792-5855
23	Wednesday, January 23, 2019, at 10:15 a.m. at	23	gltan@cktfmlaw.com
24	the offices of Lewis Brisbois Bisgaard &	24	
25	Smith, 6385 South Rainbow Boulevard, Suite	25	
	600, Las Vegas, Nevada, taken before Kendall		
	D. Heath, Nevada Certified Court Reporter,		
	Certificate No. 475.		
	Page 2		Page 4
1	APPEARANCES OF COUNSEL:	1	APPEARANCES OF COUNSEL (Cont'd):
2		2	For the Defendant
3	For the Plaintiff:	3	Northeastern Nevada
4	CLAGGETT & SYKES LAW FIRM	4	Regional Hospital:
5	BY: JENNIFER MORALES, ESQ.	5	
6	4101 Meadows Lane	6	HALL PRANGLE & SCHOONVELD, LLC
7	Suite 100	7	BY: TYSON DOBBS, ESQ.
8	Las Vegas, NV 89107	8	1160 Town Center Drive
9	(702) 655-2346	9	Suite 200
10	jmorales@claggettlaw.com	10	Las Vegas, Nevada 89144
11		11	(702) 889-6400
12	For the Defendant	12	depo@hpslaw.com
13	David Garvey, M.D.:	13	
14	LEWIS, BRISBOIS, BISGAARD &	14	
15	SMITH, LLP	15	
16	BY: DANIELLE WOODRUM, ESQ.	16	ALSO PRESENT:
17	ALISSA BESTICK, ESQ.	17	James "Jacy" Watt, Starr Adjustment Services
18	6385 South Rainbow Boulevard	18	
19	Las Vegas, Nevada 89118	19	
20	(702) 893-3383	20	
21	Danielle.Woodrum@lewisbrisbois.com	21	
22		22	
23		23	
24		24	
25		25	
	Page 3		Page 5

1	INDEX	1	answers you're giving are under penalty of perjury.
2	EXAMINATION	2	Do you understand that?
3	WITNESS PAGE	3	A Yes.
4	DIANE SCHWARTZ	4	Q Also if you don't understand my question,
5	By Ms. Woodrum 7	5	just ask for clarification or tell me you don't
6	By Mr. Burton 126	6	understand. If you answer my question, I'm going to
7	By Mr. Tan 138	7	assume that you understood it.
8	By Mr. Dobbs 142	8	A Yes.
9	Further By Ms. Woodrum 156	9	Q If you could answer with a yes or no, audible
10	By Ms. Morales 159	10	responses. As you can see, we have a court reporter
11		11	who is taking everything down today and that will the
12		12	make the record clearer and easier to understand.
13	EXHIBITS	13	Okay?
14	Exhibit Description Page	14	A Okay.
15	Exhibit A Notes from personal journal 89	15	Q If you need a break during the deposition,
16	Exhibit B Interview with Widow Diane Schwartz 100	16	let me know. You can take a break at any time if you
17		17	need to use the restroom, get something to eat, talk
18		18	to your attorney, just go ahead and let me know. The
19		19	only caveat is, if I've asked you a question, I'd ask
20		20	that you answer the question before we take a break.
21		21	We'll go ahead and take breaks. Usually, we
22		22	take a break every hour, so just to -- it can get kind
23		23	of tedious if we don't.
24		24	Do you understand the difference between an
25		25	estimate and a guess?
Page 6		Page 8	
1	Las Vegas, Nevada	1	A Yes.
2	Wednesday, January 23, 2019	2	Q So today I don't want you to guess. But if
3	-o0o-	3	you have a basis to provide an answer by giving an
4	(Prior to the commencement of the deposition,	4	estimate, I'd ask that you go ahead and do that.
5	all counsel present agreed to waive statements by the	5	Okay?
6	court reporter pursuant to Rule 30(b) (4) of the	6	A Okay.
7	NRCP.)	7	Q At the end of your deposition, in about 30
8	Thereupon,	8	days, you'll receive a copy of the transcript, and at
9	DIANE SCHWARTZ,	9	that time you can make changes to the deposition
10	called as a witness by the Defendants	10	transcript if you would like.
11	was duly sworn, examined and testified as	11	Just keep in mind if you make any substantive
12	follows:	12	changes to your deposition, those can be commented on
13	EXAMINATION	13	at trial and could affect your credibility. So, for
14	BY MS. WOODRUM:	14	instance, if you were to change a yes answer to no
15	Q Good morning, Ms. Schwartz.	15	answer, that might be a substantive change that at
16	I introduced myself off the record. My name	16	trial could affect your credibility.
17	is Danielle Woodrum, and I represent Dr. Garvey in	17	If it's something like changing a spelling or
18	this lawsuit. I imagine before we start today, you've	18	something like that, that's fine, that's okay.
19	had a chance to go over the rules of a depositions	19	What did you do to prepare for your
20	with your attorney, but I'll just go through them real	20	deposition?
21	quickly.	21	A I just met with my attorney and --
22	First important thing you need to remember is	22	Q And I don't want to know anything you talked
23	the oath you just took is the same that you would take	23	with your attorney about.
24	if you were sitting in the courtroom, so it's	24	A Okay.
25	important for you to tell the truth and remember the	25	Q Other than meeting with your attorney, did
Page 7		Page 9	

1 you talk to anybody else about your deposition	1 BY MS. WOODRUM:
2 today?	2 Q You read through the medical records?
3 A I didn't talk about things that would take	3 A Yeah, the ones from the DA's office.
4 place at the deposition, but I told my kids, yes, that	4 Q Other than the records from the hospital in
5 I would be coming to my deposition.	5 Elko, were there any other medical records contained
6 Q So you told your kids you were going to be	6 within those records?
7 deposed, but you didn't discuss what you were going to	7 A No.
8 testify about at your deposition; is that fair?	8 Q Did you review any medical records for Reach
9 A Right.	9 Air?
10 Q Did you review any documents to prepare for	10 A No.
11 your deposition?	11 Q Any of the EMS records?
12 A With my attorney.	12 A No. Well, I don't know where the records
13 Q What documents did you review?	13 came from the DA.
14 A Well, mostly just, what do you call those --	14 Q You just reviewed what was in the DA --
15 discovery. Just stuff that I had told her	15 A Yeah, yeah.
16 personally.	16 Q I'm going to ask a bit of background
17 Q So your discovery responses?	17 information. When I refer to your husband today, you
18 A Yeah.	18 understand I'm referring to Doug Schwartz; correct?
19 Q Did you review any medical records?	19 A Yes.
20 A I don't really have too many. I honestly	20 Q Okay. Is it okay if I call him Doug during
21 came just to answer your questions.	21 the deposition?
22 Q At any time have you ever reviewed any of	22 A Yes.
23 your husband's medical records?	23 Q When did you and Doug meet?
24 A Yes.	24 A Like the date?
25 Q What medical records did you review?	25 Q The time period.
Page 10	Page 12
1 A I reviewed the ones that I got from the DA's	1 A The time period, during Christmas break in
2 office.	2 1980.
3 Q Were those from the hospital in Elko?	3 Q Christmas break. Was that a break from
4 A Yes. And I also reviewed some that Elite	4 school?
5 Investigations sent me. That's the only ones I've	5 A Yes, I was in college.
6 seen.	6 Q Where were you in college?
7 Q When did you review the records you got from	7 A Ricks College in Idaho.
8 the DA's office?	8 Q Was Doug also attending Ricks College?
9 A Clearly back in -- when did I review those?	9 A No.
10 Probably two years ago.	10 Q Was he in school?
11 Q How about the records you got from Elite	11 A No.
12 Investigations?	12 Q Did Doug attend college ever?
13 A Probably about the same time I got them,	13 A Yes.
14 about the same time.	14 Q Where did he attend college?
15 Q When you were reviewing those records, was	15 A Idaho State university.
16 there anything in the records that you disagreed	16 Q Did he receive a degree?
17 with?	17 A Yes.
18 MS. MORALES: Objection; form. Overbroad.	18 Q What was his degree in?
19 THE WITNESS: I really didn't have a	19 A Corporate training and finance.
20 judgment. I just read what was there. I have to say	20 Q Was that a bachelor's degree?
21 I did read through those this last summer now that I'm	21 A Yes.
22 thinking about it when I was preparing for -- what do	22 Q Did he receive anything beyond a bachelor's
23 you call the inter -- the stuff I got ready for you	23 degree?
24 guys. I did read through them again, I just	24 A No.
25 remembered.	25 Q Any further education beyond the bachelor's
Page 11	Page 13

1 degree?
2 A No.
3 Q What about you, did you receive a degree from
4 Rick's College?
5 A No.
6 Q What did you study there?
7 A Just general.
8 Q When did you both get married?
9 A July 31st, 1981.
10 Q Where did you get married at, what city?
11 A In Idaho Falls, Idaho.
12 Q Did you and Doug have any children
13 together?
14 A Yes.
15 Q How many children?
16 A Five.
17 Q What are their names starting with the oldest
18 first.
19 A The oldest is Audrey, A-u-d-r-e-y, and then
20 we lost a son, Michael, and then D.J. or Doug Jr., and
21 Mitchell and Taylor.
22 Q How old is Audrey?
23 A She's 36.
24 Q What's her date of birth?
25 A September 3rd, 1982.

Page 14

1 Q Is he married?
2 A Yes.
3 Q What's his spouse's name?
4 A Ashley.
5 Q Does she use the last name Schwartz?
6 A Yes.
7 Q Do they have any children?
8 A Yes.
9 Q How many children do they have?
10 A Two.
11 Q What are their names?
12 A Sophia and Harper, and they're expecting
13 another baby in March.
14 Q And how old is Mitchell?
15 A 30.
16 Q Is Mitchell married?
17 A Yes.
18 Q What's his spouse's name?
19 A Audra.
20 Q Does she use the last name Schwartz?
21 A Yes.
22 Q What's Mitchell's birthday?
23 A October 17th, '88.
24 Q Does Mitchell have any children?
25 A Yes.

Page 16

1 Q Is she married?
2 A Yes.
3 Q What's her husband's name?
4 A Kasey, K-a-s-e-y, Davis.
5 Q Does Audrey use the last name Davis?
6 A Yes.
7 Q Do they have any children?
8 A Yes.
9 Q How many children do they have?
10 A Five boys. She's busy.
11 Q What are the boys' names?
12 A Hunter, Stockton, Carter, Lincoln, and
13 Cooper.
14 Q Where does Audrey live?
15 A She lives in Logandale, Nevada.
16 Q And Michael is the son you lost?
17 A Yes.
18 Q How old was he when he passed away?
19 A At birth.
20 Q What year was that?
21 A 1984.
22 Q And D.J., how old is D.J.?
23 A He's 32.
24 Q What's his date of birth?
25 A August 25th, '86.

Page 15

1 Q What are those children's names?
2 A Two girls, Olivia and Myla, M-y-l-a.
3 Q And finally Taylor?
4 A He's 25.
5 Q And his date of birth?
6 A August 23rd, 1993; and he's not married.
7 Q What's your current address?
8 A It's 986 East 4485 South, that's Washington,
9 Utah.
10 Q How long have you been at that address?
11 A Since May.
12 Q May of 2018?
13 A May 25th, 2018.
14 Q Prior to that where were you living?
15 A Logandale.
16 Q Do you recall your address in Logandale?
17 A 2477. They only have PO boxes as far as mail
18 delivery. 2477 Adobe Wells Drive.
19 Q What dates did you live at that residence?
20 A We built that house in 2005.
21 Q When you moved to Washington, did you sell
22 that house?
23 A No. My daughter lives there. I just sold it
24 to her Friday, closed on it.
25 Q So Audrey lives there currently?

Page 17

1 A Uh-huh.
2 Q When you were living in Elko, you continued
3 to own the home; correct?
4 A Yes.
5 Q Did you rent it out during that time?
6 A Uh-huh.
7 Q To Audrey?
8 A No, just other tenants.
9 Q Did you own your home in Elko?
10 A Yes.
11 Q What was the address of that home?
12 A 736 Westcott Drive, Westcott. Two Ts.
13 Q What dates did you live at that?
14 A June of 2013 until October of 2016.
15 Q And then prior to that, you lived at the
16 Logandale Adobe address; correct?
17 A Yes.
18 Q Did you sell your home in Elko when you moved
19 back to Logandale?
20 A Yes.
21 Q When did you sell that home?
22 A Well, it actually closed November of 2016.
23 Q Did you purchase the home in Washington?
24 A Yes.
25 Q Are you currently working?

Page 18

1 in a row, two or three days in a row.
2 Q What's your average income from that?
3 A It varies a lot from that. I can't even tell
4 you. Probably 700 to 1500 depending how much I
5 work.
6 Q Does that include also the income you receive
7 from doing hair at home?
8 A Probably.
9 Q Any other employment?
10 A Uh-uh.
11 Q When you were living in Elko, I guess it was
12 actually not Elko; it was Spring Creek; is that
13 correct?
14 A We actually lived in Spring Creek.
15 Q Is that located next to --
16 A Elko.
17 Q Elko, okay.
18 A Yes.
19 Q If I say Elko, you understand what I'm
20 talking about, when you lived in Spring Creek --
21 A Yes.
22 Q So I'm sorry, I don't recall if I asked -- so
23 were you working when you lived in Elko?
24 A Yes.
25 Q How often were you working?

Page 20

1 A Yes.
2 Q What do you do for work?
3 A I'm a cosmetologist.
4 Q How long have you been in that line of work
5 for?
6 A 10 years.
7 Q Where did you receive your training for
8 cosmetology?
9 A St. George, Utah.
10 Q Do you work for someone or are you privately
11 employed?
12 A I am privately employed, but I do work at a
13 salon.
14 Q So you rent a booth?
15 A Uh-huh.
16 Q What salon do you rent from?
17 A The Hair District in Logandale. I just go
18 four days a week, then I work from my home. I have a
19 saloon in my home at St. George.
20 Q How far is that from Logandale to
21 Washington?
22 A About 80 miles.
23 Q You do that four days a week?
24 A No. I just go four days a month. I just go,
25 yeah, a couple times a month, and work for a few days

Page 19

1 A I worked probably three to four days a
2 week.
3 Q Was that as a cosmetologist?
4 A Yes.
5 Q What was your income at that time?
6 A Probably closer to 1700 a month.
7 Q Before you moved to Elko, when you were
8 living in Logandale, did you work at that time?
9 A Yes.
10 Q And where did you work then?
11 A At a salon called Shears.
12 Q Shears? Approximately what date did you work
13 at Shears?
14 A As far as how many days a week or --
15 Q Time frame.
16 A 2009, I believe. Might have been 2010,
17 January, I don't remember. I'd have to figure it out,
18 until we moved to Spring Creek, 2013.
19 Q So from approximately 2009, 2010 to 2013 you
20 worked at Shears?
21 A Yes.
22 Q What was your average monthly income at that
23 time?
24 A Probably 17 to 2,000. I'd have to look back
25 at my taxes.

Page 21

6 (Pages 18 - 21)

1 Q Prior to Shears, where were you employed?
 2 A With the Clark County School District. I
 3 substitute taught.
 4 Q What time frame did you substitute teach
 5 from?
 6 A I think I started in 1998 and through
 7 probably 2008 when I went back to school.
 8 Q How often would you substitute teach?
 9 A Probably once or twice a week then. I did
 10 long-term teaching too. I taught music at the
 11 elementary school, and I taught band at the school,
 12 stuff like that.
 13 Q What was your average monthly income while
 14 you were doing the substitute teaching?
 15 A No idea. It varied so much depending how
 16 much I worked.
 17 Q Are you still licensed to substitute teach in
 18 Clark County?
 19 A Not in Clark County.
 20 Q Anywhere else?
 21 A I renewed my license because I thought about
 22 subbing when I moved to Elko in 2013. It's only good
 23 for five years, so probably not.
 24 Q Was Doug employed at the time of his death?
 25 A Yes.

Page 22

1 Q Where was he employed at?
 2 A He was the CEO for Elko Federal Credit
 3 Union.
 4 Q How long had he held that position?
 5 A For two years.
 6 Q Had he been the CEO for two years?
 7 A Yes. Well, actually, he been the CEO for two
 8 years, but he worked for them three years and three
 9 months, longer than that.
 10 Three years -- he started January 7th, 2013
 11 and passed on June 23rd of '16. So whatever that
 12 is.
 13 Q What was his position prior to being the
 14 CEO?
 15 A They hired him as the executive vice
 16 president. They knew the CEO was quitting, so they
 17 brought him in.
 18 Q And that's why you moved from Logandale to
 19 Elko?
 20 A Yeah. The CEO was retiring, so we went there
 21 in preparation for that.
 22 Q Was it somewhat anticipated he would
 23 eventually becoming the CEO when you moved there?
 24 A Yeah, the board members.
 25 Q What was his salary at the time of his

Page 23

1 death?
 2 A 150.
 3 Q Was that a base salary or does that include
 4 any type of bonus?
 5 A That was a base salary. No, wait -- let's
 6 see, they started out different. Well, at one point
 7 he was 142, then 150. I'd have to think. He'd get a
 8 bonus of 5- or 10,000 usually at the end of like a
 9 year.
 10 Q Other than the 5- to 10,000 bonus, and his
 11 base salary, was there any other type of compensation
 12 that he received from Elko Federal Credit Union?
 13 A As far as his actual income or retirement?
 14 Q Income.
 15 A No.
 16 Q What about retirement?
 17 A There was a retirement plan set up that he
 18 had signed a contract for to stay with them for 10
 19 years, and then it would mature in that length of
 20 time.
 21 Q So he had signed a contract if he stayed with
 22 Elko Federal Credit Union for 10 years, he'd get some
 23 type of retirement?
 24 A Yes.
 25 Q Do you know what type of retirement it was?

Page 24

1 A I don't, but I have the contract and the
 2 paperwork. I submitted it to my attorney.
 3 Q Do you know how much?
 4 A I don't know a number, just because it
 5 started with 750,000 in the account, but at the end I
 6 don't know what it was supposed to end up with.
 7 Q Do you know if he didn't stay a full 10
 8 years, was it prorated?
 9 A I don't know for sure.
 10 Q Was it your and Doug's plan to stay there for
 11 10 years?
 12 A Yes.
 13 Q Did he have insurance through Elko Federal
 14 Credit Union?
 15 A Yes.
 16 Q Who was the insurer?
 17 A McMullen.
 18 Q That was his health insurance was through
 19 McMullen?
 20 A McMullen handled the credit union's health
 21 insurance policies as well as life insurance.
 22 MS. MORALES: I'll just object to the whole
 23 line of questioning for collateral sourcing, but you
 24 can go ahead.
 25 ///

Page 25

1 BY MS. WOODRUM:
2 Q Did he have health insurance and life
3 insurance?
4 A Yes. And I don't remember who his health
5 insurance was. It was -- I guess I should have
6 refreshed that. I don't remember.
7 Q It's okay. I should have said at the
8 beginning --
9 A Anthem. I think it was Anthem.
10 Q I should have said at the beginning, if at
11 some time during the deposition you remember something
12 that I asked you about earlier or something comes to
13 mind, just go ahead and let me know.
14 Did he have life insurance through Elko
15 Federal Credit Union?
16 A Yes.
17 Q What was the amount of life insurance he
18 had?
19 A Double his salary.
20 Q Was it somewhere close to 300,000?
21 A Yes, with a double indemnity on accidental
22 death.
23 Q Did you receive a payment from the life
24 insurance company?
25 A Yes.

Page 26

1 Q What amount did you receive?
2 A I think it was 580.
3 Q When did you receive that?
4 A May of 2017.
5 Q I think I saw in some of the records from
6 Elko Federal Credit Union that they had considered
7 continuing to pay you Doug's salary until the life
8 insurance kicked in. Did that ever happen?
9 A No, they didn't pay me -- they paid me
10 until -- let's see. I thought it was only three
11 months, to be honest. I thought it was through August
12 after he died.
13 Q So from the time of his death through August,
14 you received a check from Elko Federal Credit Union?
15 A Yes.
16 Q Was it for Doug's regular salary?
17 A Yes.
18 Q So the amount that he would have received
19 every month?
20 A Yes.
21 Q Do you recall what that amount was?
22 A Not right off.
23 Q Do you have an estimate?
24 A Between 7 and 8,000.
25 Q Did you receive any other type of gifts or

Page 27

1 payments from Elko Federal Credit Union after his
2 death?
3 A They gave me -- I want to say they gave me
4 10,000 towards his funeral.
5 Q Anything else?
6 A No.
7 Q Prior to his employment with Elko Federal
8 Credit Union, where was Doug employed?
9 A He worked -- he was the CEO of Moapa,
10 M-o-a-p-a, Valley Federal Credit Union.
11 Q How long did he have that position for?
12 A For 19 years.
13 Q Of those 19 years, was he the CEO that entire
14 time?
15 A Yes.
16 Q What was his reason for leaving?
17 A Basically with the economy crash, his credit
18 union merged with America First Credit Union, so he
19 needed a new job.
20 Q Where was Moapa Valley Credit Union located,
21 or where did he work out of?
22 A He worked out of their Overton administrative
23 office in Overton, Nevada.
24 Q Where is Overton, Nevada in relation to
25 Logandale? Are they close?

Page 28

1 A Yeah, about six miles apart.
2 Q When he left Moapa Valley, what was his
3 salary?
4 A I don't know an exact. I know it was between
5 probably 175 and 200, which included bonuses and
6 housing and car allowance.
7 Q That was included in the 175 --
8 A Yeah, uh-huh.
9 Q Did he have any type of retirement plan
10 through Moapa Valley?
11 A Yes.
12 Q What type of retirement plan did he have?
13 A I don't know. I don't know if I ever knew,
14 but he kind of lost that with the whole merge, so ...
15 Q So when you say "he lost it," are you not
16 entitled to any retirement that he has from Moapa
17 Valley?
18 A Not now, no.
19 Q Are there any type of retirement plans that
20 Doug had that you'll receive funds from?
21 A No.
22 Q Did he have any type of 401(k) at Elko
23 Federal Credit Union?
24 A Yeah, but it had started fresh from there, so
25 it was, I think 30,000.

Page 29

1 Q What happened to that at the time of his
2 death?
3 A I have it in an IRA.
4 Q Did he have any life insurance other than the
5 insurance he had through Elko Federal Credit Union?
6 A No.
7 Q Other than the life insurance payment, have
8 you got paid any other type of death benefit, like
9 through Social Security?
10 A No, not through Social Security.
11 Q Have you applied for any type of death
12 benefit through Social Security?
13 A No.
14 Q What about worker's compensation?
15 A Yes, I have worker's compensation.
16 Q Are you currently receiving worker's
17 compensation?
18 A Yes.
19 MS. MORALES: Objection, form; collateral
20 source.
21 BY MS. WOODRUM:
22 Q Do you receive monthly payments?
23 A Yes.
24 Q What amount?
25 A Well, let me look --

Page 30

1 they would be entitled to that money.
2 Q Do you know if workers' comp has a lien in
3 this lawsuit?
4 A I don't believe so.
5 Q Have you notified them of this lawsuit?
6 MS. MORALES: Objection, form.
7 THE WITNESS: I have not.
8 BY MS. WOODRUM:
9 Q What is your understanding of why you're
10 entitled to worker's compensation?
11 A My husband was leaving a business meeting, a
12 monthly business meeting where he basically was there
13 to pay for the meal, and pay for the things -- it was
14 just a monthly meeting they had every month.
15 Q So he was working at the time of the
16 incident?
17 A Yes.
18 Q Prior to his employment with Moapa Valley
19 Credit Union, do you recall where Doug worked?
20 A He worked for Idaho Central Credit Union in
21 Pocatello, Idaho.
22 Q Was he always employed with a credit union or
23 some type of financial institution?
24 A Not always, but from 1982 on.
25 Q What did he do at Idaho?

Page 32

1 MS. MORALES: Just object to this whole line
2 of questioning so I don't have to keep interrupting
3 you; collateral source. Just reserve the right.
4 THE WITNESS: 3697.04.
5 BY MS. WOODRUM:
6 Q So \$3,697.04 a month?
7 A Yes.
8 Q When did you start receiving those
9 payments?
10 A Well, I think it was September or October of
11 2016. And I do believe they prorated it back to the
12 death.
13 Q So at some point you received payments for
14 whatever was left in June, July, August, then you
15 started receiving monthly payments?
16 A Yes.
17 Q How long are you entitled to those payments
18 for?
19 A I think the rest of my life. But I'm not
20 sure if I still continue to get them if I remarry;
21 that's something I need to clarify.
22 Q Do you have any understanding of, if you were
23 to recover in a lawsuit, if those payments would go
24 away?
25 A If I sue the third-party, then that money --

Page 31

1 A 1983 on, probably more so. In Idaho Central
2 he was an executive vice president over lending and
3 collections.
4 Q What dates was he at Idaho Credit Union?
5 A 19 -- October of '87, I do believe, until
6 December of 1993.
7 Q Why did he leave that position?
8 A We moved -- well, because we were getting
9 ready to take the job at Logandale.
10 Q Was it just a better job, better
11 opportunity?
12 A Yeah.
13 Q To your knowledge, was Doug ever fired from a
14 job?
15 A No.
16 Q So other than the worker's compensation that
17 we've discussed and the income you get from your
18 cosmetology business, do you receive any other type of
19 income?
20 A No.
21 Q Do you have any type of retirement account?
22 A No.
23 Q Do you currently live alone?
24 A Yes.
25 Q How was Doug's health prior to his death?

Page 33

1 A It was fine.	1 Q So through Christmas?
2 Q Would you consider him in good health?	2 A Uh-huh.
3 A Yes.	3 Q Where was he hospitalized at?
4 Q Did he have any chronic health conditions?	4 A Dixie Medical Center in St. George, Utah.
5 A Well, he had recently taken -- started taking	5 Q Did he have any long-term complications from
6 high blood pressure medicine.	6 that?
7 Q So medicine to treat high blood pressure?	7 A Not really.
8 A Yes.	8 Q When you say not really --
9 Q I saw in some of his medical records that he	9 A I mean, he didn't -- nothing that affected
10 complained of frequent headaches; do you recall	10 his life. I mean ...
11 that?	11 Q Did he monitor his blood pressure?
12 A Yeah.	12 A He actually was given a machine that very
13 Q Was he taking any type of medication for	13 occasionally he'd use.
14 that?	14 Q When he would take his blood pressure, do you
15 A No. Just like a Tylenol or Excedrin Migraine	15 know what it would typically be?
16 is actually what he would take.	16 A No.
17 Q Would you say that you are the person most	17 Q Did he write it down ever?
18 knowledgeable about Doug's health condition?	18 A Not that I recall.
19 A I would assume so.	19 Q I saw in some of your journal entries, you
20 Q Other than hypertension and headaches, any	20 mentioned that you are a member of the LDS Church; is
21 other health problems?	21 that correct?
22 A No.	22 A Yes.
23 Q Had he ever had any surgeries?	23 Q Doug also?
24 A No.	24 A Yes.
25 Q Had he been in any other car accidents	25 Q Sounds like you guys played a pretty active
Page 34	Page 36
1 ever?	1 part in that church?
2 A No.	2 A Yes.
3 Q Any injuries as a child?	3 Q That Doug served as a counselor in the bishop
4 A No.	4 prior -- or at the time of his death?
5 Q Any broken bones ever?	5 A Yes.
6 A Not that I'm aware.	6 Q Can you explain what that means?
7 Q Did he have a regular physician, a primary	7 A Well, you have a bishop of each ward, then
8 care physician?	8 they have a counselor that serves with them to just
9 A Well, when we moved to Spring Creek, he kind	9 help manage whatever goes on in the ward. So he was
10 of started going to Dr. Whimple for just his	10 the first counselor.
11 hypertension and the few headaches that he had.	11 Q What were his responsibilities? Were there
12 Q Did he have a primary care at Logandale?	12 any specific responsibilities?
13 A He usually just went to the urgent care.	13 A He kind of oversaw the youth, like the 12 and
14 Don't have a lot of options in Logandale.	14 up programs. He wasn't over the actual programs, but
15 Q Was he ever hospitalized?	15 he kind of -- and lots of other stuff. I couldn't
16 A He was in, let's see, 2011, December.	16 even begin to tell you.
17 Q Why was he hospitalized?	17 Q About how many hours a week did he spend
18 A He had a rupture close to his -- in his	18 doing those types of duties?
19 esophagus, close to his -- the opening of his stomach.	19 A Well, besides three hours of church, probably
20 I don't know.	20 couple of hours a week, maybe more -- three, two to
21 Q How did he rupture his esophagus?	21 three.
22 A He swallowed a Dayquil, yeah.	22 Q Was that a voluntary position, so to speak?
23 Q How long was he hospitalized for that?	23 He wasn't paid for it?
24 A 12 days, from December 19th until whatever	24 A He was not paid.
25 that is.	25 Q Did you have a role in the church at that
Page 35	Page 37

1 time?
2 A Yes.
3 Q What was yours?
4 A I actually was a first counselor in the young
5 women's organization, and other things. That was my
6 main calling.
7 Q That was also a voluntary calling?
8 A Yes.
9 Q About how many weeks did you spend doing
10 church activities at the time of Doug's death?
11 A How many weeks?
12 Q Sorry. Hours a week?
13 A Hours a week, probably six.
14 Q Do you continue to be active in your church
15 committee?
16 A Yes.
17 Q Do you have a different calling now?
18 A Yes.
19 Q What do you do now?
20 A I direct the choir.
21 Q About how many hours a week do you spend on
22 that?
23 A Probably just one, probably, choir
24 practice.
25 Q And that's a voluntary position also?

Page 38

1 Q Who is Danny Benson?
2 A If I am remembering his title correctly, he's
3 the chief financial officer at Elko Federal Credit
4 Union. He was there for the meeting as well.
5 Q Where was the meeting at?
6 A Well, what was standard, they'd have a board
7 meeting at the credit union, then they'd all go to a
8 place to eat dinner afterwards. It was kind of their
9 way of compensating the board for their service. This
10 particular night, and most nights, it was held at a
11 restaurant called Machi's in Elko.
12 Q When they would go to Machi's, would they
13 typically drive? Walk?
14 A They would all drive there and park across
15 the street in the parking lot.
16 Q Do you recall approximately what time you
17 received the call from Danny Benson?
18 A I don't remember the exact time, but it seems
19 like it was between 8:00 and 8:30.
20 Q Did anyone else call you to tell you about
21 the accident?
22 A No.
23 Q Did you talk to Doug at that time?
24 A No.
25 Q Were you at home?

Page 40

1 A Yes.
2 Q So when did you first learn that Doug had
3 been involved in a car accident?
4 A Do you want me to answer like the date, the
5 time, or are you wanting to know how I received the
6 information?
7 Q So how did you find out?
8 A Danny Benson called me on the phone.
9 Q What day was that?
10 A June 22nd, 2016.
11 Q And you said it was Danny Benson?
12 A Yes.
13 Q And what do you recall Mr. Benson saying to
14 you?
15 A He said, I don't want to alarm you, but
16 Doug's been hit by a car, but he's okay. They're
17 assessing his injuries, and then he just told me that
18 the ambulance was there and they were going to take
19 him to the hospital.
20 Q So your understanding is when Mr. Benson
21 called you, he was at the scene of the accident?
22 A Yes.
23 Q Do you recall anything else about that
24 conversation?
25 A Not really.

Page 39

1 A Yes.
2 Q Was anyone at your home with you?
3 A Yes.
4 Q Who was home with you?
5 A I was baby-sitting my four grandsons. My
6 daughter and her husband were in Thailand on a wedding
7 anniversary trip.
8 Q Did any of your grandsons talk to Mr.
9 Benson?
10 A No.
11 Q Did you tell any of your grandsons what Mr.
12 Benson told you?
13 A All I said was Grandpa got hit by a car, but
14 he's okay, and I'm going to go to the hospital and
15 meet him.
16 Q Did you have to find somebody to watch the
17 grandkids?
18 A I didn't. At the time my oldest grandson
19 was -- let's see how old was he? Well, he's 16 now,
20 so I was thinking he was like 12 at the time. So I
21 just left him with the little ones. And then later
22 that evening one of my friends, Karen Patton, came and
23 stayed with them.
24 Q How soon after getting the call from Mr.
25 Benson did you leave to go to the hospital?

Page 41

1 A Probably 15 minutes.
 2 Q And you said you went directly to the
 3 hospital, right? You didn't go to the scene of the
 4 accident?
 5 A No, I went directly to the hospital.
 6 Q How far of a drive from your home was it to
 7 the hospital?
 8 A Probably 15 minutes, maybe 20. 15, 20. I
 9 actually saw the ambulance coming up the street as I
 10 got to the stoplight to turn in towards the hospital
 11 and assumed it was him.
 12 Q When you saw the ambulance, did it have
 13 lights and sirens?
 14 A No.
 15 Q Did you ever confirm that was the ambulance
 16 that he was in?
 17 A Yes.
 18 Q How did you confirm that?
 19 A Because it turned right in front of me, and I
 20 turned and followed it to the emergency room doors
 21 exit -- entrance.
 22 Q Between the time that you got the call from
 23 Mr. Benson and the time that you arrived at the
 24 hospital, other than your grandsons, did you talk to
 25 anyone else?

Page 42

1 Q After they took Doug in the hospital, what
 2 happened next?
 3 A They put him in a room and just started
 4 assessing his injuries.
 5 Q When you say they started assessing his
 6 injuries, do you know who was assessing his
 7 injuries?
 8 A The nurse. There was a couple nurses in
 9 there, and one in particular -- I don't know who she
 10 was for sure; I don't know her name.
 11 Q So somebody seemed to be the main nurse in
 12 charge?
 13 A Yes.
 14 Q And other nurses helping her out?
 15 A Yes.
 16 Q How do you know they were nurses?
 17 A I assumed.
 18 Q They didn't tell you; you just kind of
 19 assumed based on what they were doing?
 20 A Yes. And they mentioned something about the
 21 doctor was on the way or something, that's why I
 22 assumed they were nurses.
 23 Q Did you ever meet the doctor?
 24 A Yes.
 25 Q How long between the time that they took Doug

Page 44

1 A No.
 2 Q So you didn't let anyone else know that Doug
 3 had been involved in a car accident?
 4 A No.
 5 Q Did you talk to the paramedics or EMTs?
 6 A No. I just got out of the car just as they
 7 were pulling him out of the back of the ambulance, and
 8 just -- I walked in with them.
 9 Q Did you talk to Doug at that time?
 10 A Yes.
 11 Q Was he lucid?
 12 A He was very coherent. "Oh, there's my wife."
 13 Just held my hand, was really glad I was there.
 14 Q So he didn't seem to be confused at all?
 15 A No.
 16 Q At that time, did he tell you what had
 17 happened?
 18 A No. He apologized.
 19 Q What did he say when he apologized?
 20 A "Sorry, this happened."
 21 Q What did you say to him when he apologized?
 22 A "It's okay. It's not your fault."
 23 Q And you said you never talked to the
 24 paramedics about what happened?
 25 A No.

Page 43

1 into the E.R. and started assessing him until the
 2 doctor got there?
 3 A 15 minutes -- 15 to 30 minutes.
 4 Q Were you concerned at all about the time it
 5 took the doctor to get in to see him?
 6 A Not really because they were helping him.
 7 Q And he seemed okay to you?
 8 A Yeah.
 9 Q And he was able to talk to you?
 10 A Yes.
 11 Q And he wasn't short of breath at all?
 12 A No.
 13 Q And he continued to not be confused?
 14 A No.
 15 Q During the time that the nurses were
 16 assessing him, did you make any phone calls?
 17 A No.
 18 Q So then you said about 15 to 30 minutes
 19 later, the doctor came in. Did you talk to the
 20 doctor?
 21 A Yes.
 22 Q And did Doug talk to the doctor also?
 23 A Yes.
 24 Q Tell me what you recall about your
 25 conversation with the doctor.

Page 45

<p>1 MS. MORALES: Objection; form. Overbroad as 2 to time. 3 BY MS. WOODRUM: 4 Q When he first came in. 5 A When he first came in, I didn't really talk 6 to him then. He started to ask Doug questions about 7 what had happened to him. 8 Q Do you remember any specific questions that 9 he asked? 10 A Yes. 11 Q What specific questions did he ask? 12 A He asked him his name, where he was, if he 13 remembered what happened, how old he was, where he 14 lived. He was trying to assess if he had any kind of 15 head injury, basically. And he asked him just a few 16 random questions like that, like informational-type 17 questions, asking him who the president of the United 18 States was, and Doug was answering them all 19 correctly. 20 Q When he asked what had happened, do you 21 recall what Doug said? 22 A He said, "I guess I got hit by a car," but he 23 said he didn't remember actually being struck, that he 24 woke up in the street. 25 Q Did he say what his last memory was before he</p>	<p>1 A I didn't know that until we were in the 2 emergency room with Doug. 3 Q Was Mr. Benson present while the E.R. doctor 4 was questioning him? 5 A He also followed the ambulance to the 6 hospital and got out and walked in with us as well. 7 And he did end up coming into the little cubicle. 8 Well, it wasn't a cubicle, but into that space. 9 Q Do you recall if he was there when the doctor 10 first came in? 11 A If I remember right, I think he was. 12 Q Do you recall the doctor's name? 13 A Dr. Garvey. 14 Q Had you ever met Dr. Garvey before? 15 A No. 16 Q Had you ever been to the E.R. at Elko 17 before? 18 A No. 19 Q Back to the first encounter with Dr. Garvey, 20 so he asked some informational questions to assess 21 sounds like whether Doug had any type of confusion or 22 head injury. After that, what happened? 23 A So then they started -- he and the nurses 24 started to just ask where he hurt, you know. Like do 25 you hurt here? Do you hurt here? Where do you hurt</p>
<p>1 recalled waking up in the street? 2 A He just remembered walking across the street, 3 and that was all he remembered until he woke up. 4 Q So he was hit while he was walking, correct, 5 not driving? 6 A Yes. 7 Q Was that the first time that you learned that 8 he was walking across the street when he was hit? 9 A It was while I was waiting for the doctor to 10 come in, Danny Benson told me. 11 Q Did Doug ever tell you that he was actually 12 walking across the street when he was hit? 13 A He didn't tell me, Danny told me. Danny 14 said, because when he called me, he said he got hit by 15 a car in front of Machi's, so I assumed he was in his 16 truck because that's where they parked was in the 17 parking lot. I wasn't super concerned because I 18 assumed he was in the truck. Can't go very fast in a 19 one-way street. 20 Then Danny said, "No, he actually got struck 21 by the car while he was walking across the street," 22 which was the first time I knew and, of course, I was 23 shocked. 24 Q But you didn't learn that information until 25 after you were in the hospital?</p>	<p>1 the worst? And Doug just said, "I really just hurt 2 kind of here, like on my right side cavity." 3 Q And you're kind of pointing to your right -- 4 A Yeah. 5 Q -- chest area. 6 A Yeah. So they touched his arms, "Do you have 7 any concerns?" I just remember that actual wording 8 because of what Doug ended up saying, which was kind 9 of comical. "Do you have any concerns? Do you have 10 any concerns? Do you have any concerns," as they 11 moved down his body. Then he stopped and just said, 12 "Just the economy." 13 Q So his concern was the economy? 14 A Yeah. 15 Q So they would go touch different areas of his 16 body, kind of starting at the head and moving down and 17 asked if he had any concerns? 18 A Yes. 19 Q At any point did he say that hurts 20 anywhere? 21 A Just his chest cavity on his right side. 22 Q Did he complain of any difficulty 23 breathing? 24 A No. 25 Q At this time was he clothed? Was he wearing</p>

Page 47

Page 49

13 (Pages 46 - 49)

1 a gown?
 2 A Yes, he had his clothes on still. They had
 3 cut his pants on his one leg or had they taken them
 4 off? No, they had cut them because I seen them, and
 5 he was bugged about that because he liked those pants.
 6 And he was asking where his Ed Manellin (phonetic)
 7 shoes were. He said, I like those shoes, don't lose
 8 my shoes.
 9 Q Did he have any visible injuries?
 10 A The only ones that really were visible, he
 11 had a little scrape on his head. I do believe it was
 12 his left, because I was standing on his left as he was
 13 laying, and then his right knee was scraped.
 14 Q Did any of those scrapes require stitches?
 15 A No. They were more scrapes than cuts.
 16 Q Did you ever see his right chest area?
 17 A I don't recall if I did, actually.
 18 Q So you wouldn't recall if there were any
 19 bruising there?
 20 A No.
 21 Q So after the doctor and nurses asked him if
 22 he had any concerns by touching different areas of his
 23 body, what happened next?
 24 A Well, from all they could tell, was that you
 25 know, they didn't see that he had any broken bones

Page 50

1 attested to it. He said as long as he ever known
 2 Doug, he never seen him drink alcohol at the
 3 meetings.
 4 Q Did other board members drink alcohol at the
 5 meeting?
 6 A Yes, frequently.
 7 Q So back to the doctor and the nurses'
 8 examination. After they checked his body and they
 9 said they were going to do some scans, did they say
 10 anything else about what the plan was?
 11 A Not at this point.
 12 Q At that point, did they tell you anything
 13 about what his injuries might be or how extensive they
 14 were?
 15 A No, because they didn't know.
 16 Q Did you have any individual conversation with
 17 the doctor at that point?
 18 A Not before the results of the MRI.
 19 Q So at that time he was mostly just talking
 20 with Doug?
 21 A Yeah, mostly.
 22 Q And when the police officer came in, did he
 23 talk to the doctor at all?
 24 A I'm sure he could have. I don't remember if
 25 they had a conversation.

Page 52

1 like in his arms or legs that they could tell, so they
 2 decided to schedule an MRI to see how extensive his
 3 possible internal injuries were.
 4 Q Do you know what parts of the body they
 5 intended to do that on?
 6 A I think just the chest -- the body, the
 7 actual body, because that's the only place he really
 8 complained of pain.
 9 Q Do you know if they intended to scan his head
 10 to check for any bleeding?
 11 A I don't think so, but I don't know for a
 12 fact, but it doesn't seem like they did.
 13 So the police officer also came in just close
 14 to the time that the doctor came. Actually, he might
 15 have even been there before the doctor, because he --
 16 it seemed like he came in shortly after we did.
 17 Q Did the police officer watch while they were
 18 examining him?
 19 A Yes. And he also asked questions because he
 20 wanted to see how much my husband had possibly to
 21 drink that night, especially with being a hit and run.
 22 They needed to start investigating the situation.
 23 Q Had your husband had anything to drink that
 24 night?
 25 A He never drank, consumed alcohol; and Danny

Page 51

1 Q Did he talk to the nurses, the police
 2 officer?
 3 A Well, not really. The only one thing that I
 4 do remember about the police officers, Doug was at one
 5 point, he started saying that he felt nauseous. They
 6 were asking him how much he eaten and drank that
 7 night, so he told them he just ate a steak and baked
 8 potato and salad, and had several refills of soda or
 9 couple refills of soda. And he was also complaining
 10 that he needed to go to the bathroom. So they were
 11 trying to help him. They were like, "Hang tight, and
 12 we'll let you relieve yourself in a minute."
 13 So the police officer when Doug started
 14 complaining about being nauseous was trying to find
 15 some kind of a pan he could throw up in, if he had to.
 16 Q Did he find some type --
 17 A Yeah, he just found a pan and just sat it
 18 next to the bed.
 19 Q Did Doug ever throw up?
 20 A No. It subsided.
 21 Q Do you recall the police officer's name?
 22 A I want to say Shane Daz, but I might be
 23 wrong. I'm probably wrong. I should have reviewed
 24 all this stuff, sorry.
 25 Q About how long between the time that the

Page 53

1 doctor left until they took Doug to go get the tests
2 that they ordered?
3 A I don't know. Maybe 30, 45 minutes. It's
4 hard to judge, but we just waited in there and visited
5 and stuff until they hauled him down.
6 Q That was you and Mr. Benson?
7 A Pretty much. And just the nurses that were
8 kind of in and out.
9 MS. MORALES: When you get to a good place to
10 stop.
11 MS. WOODRUM: Sure we can stop now.
12 (Break taken.)
13 BY MS. WOODRUM:
14 Q So we were talking about the first encounter
15 with Dr. Garvey when Doug went for some testing, and
16 you continued to talk with the nurses and Mr. Benson
17 during that time; correct?
18 A Yes.
19 Q About how long was Doug gone to get the
20 testing for?
21 A Let's back up there, because when you asked
22 me that, I was thinking how long we waited until the
23 test.
24 Q I may have asked it that way, I apologize.
25 So you waited about 30 --

Page 54

1 A 30 minutes or so -- 30, 40 minutes before he
2 actually left. So we were all waiting in there.
3 Q So Doug continued to talk with you?
4 A Uh-huh.
5 Q And the nurses?
6 A Uh-huh.
7 Q And Mr. Benson?
8 A Yes. Then he asked me to call someone to
9 give him a blessing.
10 Q Someone from your church?
11 A Yes.
12 Q Did you call someone?
13 A I didn't know who to call because they were
14 all gone on a trip. So he told me to call John
15 Patton. So John Patton and a man named Parry Wilson
16 came to the hospital and -- about the time they
17 arrived, we were all walking down the hall to the MRI
18 room. So they actually gave him a blessing while we
19 were in there waiting, right before the MRI.
20 Q And that was John Patton and Parry Wilson who
21 gave the blessing?
22 A Yes.
23 Q Was there something that happened that made
24 Doug want to ask for the blessing at that time?
25 A No, it was just something that he wanted.

Page 55

1 Q This all happened in the MRI room?
2 A The actual blessing, yes.
3 Q If the medical records say that he actually
4 had a CT scan, would you have any reason to dispute
5 that?
6 A I don't know what all they did, actually,
7 because after they gave him the blessing, I left the
8 room, and Parry Wilson left the hospital, but John
9 Patton stayed. He's also a physician. He just
10 stayed, wanted to be there for me for moral support.
11 Q Is John Patton, would you consider him a
12 friend?
13 A Yes.
14 Q What type of physician is he?
15 A I believe he's a podiatrist, I'm not
16 positive. A foot doctor.
17 Q Yeah, a foot doctor. How long was Doug in
18 the MRI room?
19 A I don't know. Maybe -- I don't know. While
20 he was in there, I called my kids and told them what
21 had happened. So it seemed like an hour-ish or so. I
22 don't know.
23 Q Did you call all of your children?
24 A All but my daughter Audrey because she was in
25 Thailand.

Page 56

1 Q What generally did you tell your kids?
2 A I told them that he had been struck by a car,
3 and explained that he literally had been struck, but
4 that he was okay, and that they were just doing some X
5 rays to see like what was happening for sure, and not
6 to worry about it and panic and stuff.
7 Q At that time, none of your children lived in
8 Elko; correct?
9 A No.
10 Q What was the closest any of your children
11 lived in Elko?
12 A At that time I had a son that lived in Las
13 Vegas, my daughter was in Logandale. I think my son
14 Mitchell was in Idaho, and my youngest son Taylor was
15 going to school here at UNLV, so he was here too.
16 Q You said Audrey was in Thailand. Is that why
17 you had called the four boys?
18 A Yes. So I couldn't reach her.
19 Q Did you try to reach her?
20 A No.
21 Q When you were waiting for Doug to return from
22 the MRI room, where did you wait at?
23 A Mostly just kind of in the E.R. hallway next
24 to the room where they had had him in.
25 Q At that time it was Mr. Patton and Mr. Benson

Page 57

1 who were with you?
2 A Well, they weren't with me the whole time,
3 but they did stay at the hospital the whole time.
4 When I was making my phone calls, I was just standing
5 by myself, and I think John Patton was talking to the
6 doctor at one point, and Danny Benson was just kind of
7 wondering. I don't know.
8 Q So they were at the hospital but not
9 necessarily with you the whole time?
10 A Right. They did stay with me the whole time
11 once we were in the E.R. waiting room, but before
12 that, they weren't with me the whole time.
13 Q You said John Patton talked to the doctor; is
14 that correct?
15 A I saw him behind the counter talking to him
16 at one point.
17 Q Do you know if John knew Dr. Garvey?
18 A I do not know if he knew him.
19 Q Did he discuss anything with you what
20 Dr. Garvey told him?
21 A No.
22 Q Did you ask him?
23 A No.
24 Q Did John offer any opinion as to what he
25 thought Doug's condition was?

Page 58

1 A No.
2 Q Did he say, "I think he'll be all right"?
3 A No.
4 Q Did you ask him?
5 A No. He wasn't his doctor.
6 Q Do you have any type of medical training?
7 A No.
8 Q Does anyone in your family?
9 A No.
10 Q Other than, I guess, Dr. Patton, do any close
11 friends have medical training?
12 A No. Just we do have some doctor friends, but
13 ...
14 Q Doctor friends in Elko?
15 A Uh-huh.
16 Q Who --
17 A Well, the doctor friends we had in Elko were
18 John Patton and Paton Whimple, who is the same doctor
19 that my husband went to. He was the bishop, actually,
20 of our ward at the time.
21 Q Did you call Dr. Whimple at any time --
22 A No.
23 Q -- at any time while he was in the
24 hospital?
25 A No.

Page 59

1 Q If you go ahead and let me get out my full
2 question before you answer, it will be easier on our
3 court reporter here and I'll try to do the same.
4 A Okay.
5 Q Once the test results came back from
6 radiology, did Dr. Garvey discuss those with you?
7 A Yes.
8 Q You and Doug?
9 A Yes.
10 Q What did he say about the test results?
11 A He told me that Doug -- he had broken ribs
12 and some were in multiple places.
13 Q Did he discuss any other injuries?
14 A He said, as far as they could tell, it didn't
15 like he had any other injuries.
16 Q Did he ever discuss collapsed lung or
17 pneumothorax?
18 A He said that they wanted to -- what they
19 decided to do based on the results was to put a chest
20 tube in to start preventing any fluid buildup in his
21 lung.
22 Q Did Doug agree to the chest tube?
23 A Yes.
24 MS. MORALES: Objection; form.
25 ///

Page 60

1 BY MS. WOODRUM:
2 Q And you didn't have any objection to a chest
3 tube being placed?
4 A I didn't have an objection to a chest tube.
5 Q Because you would want Doug to receive the
6 best medical care; is that correct?
7 A Right. So Dr. Garvey said -- explained kind
8 of in detail -- I just remember this pretty clearly --
9 just said that in these type of situations when you
10 have broken ribs, bruising occurs and you start
11 getting a lot of fluid buildup on the lung. So what
12 they wanted to do is put a chest tube in so they could
13 prevent that fluid from causing pressure on the lung
14 and causing the lung to collapse.
15 Q At this time was a transfer to University of
16 Utah discussed?
17 A Close to that time, he said he was going to
18 call the hospital there, and he felt like they could
19 just handle the situation probably a little bit better
20 than the Elko hospital could.
21 Q Did he give any specifics as to why
22 University of Utah could handle the situation
23 better?
24 A Not really.
25 Q Did you agree with the transfer to University

Page 61

1 of Utah?
 2 A Yes, because I didn't -- I figured they knew
 3 what they were doing.
 4 Q Again, you would want your husband to have
 5 the best medical care?
 6 A Right.
 7 Q And did Dr. Garvey ever say that the reason
 8 he wanted to put a chest tube in is because he was
 9 going to be transferred via air to University of Utah?
 10 Was that one of the basis for doing the chest tube?
 11 A Not the basis I could tell. I just thought
 12 he wanted to do it just to help him in the moment, or
 13 you know, whether he left or not, but I don't ...
 14 Q So it's fair to say that you don't know
 15 whether or not the fact he was going to be transported
 16 by air had anything to do with Dr. Garvey's
 17 recommendation for a chest tube?
 18 A Right.
 19 Q Did Doug have any difficulty breaking while
 20 he was in the E.R.?
 21 A No.
 22 Q Do you remember him receiving any type of
 23 oxygen while he was in the E.R.?
 24 A No.
 25 Q He didn't have anything in his nose?

Page 62

1 A No.
 2 Q Did he ever have a face mask on?
 3 A No.
 4 Q Do you recall him seeing a respiratory
 5 therapist?
 6 A No.
 7 Q If the medical records indicate about an hour
 8 before they started intubated him, he was wearing a
 9 face mask for oxygen, would you say that medical
 10 record is wrong?
 11 A Well, I waited in the E.R. waiting room for
 12 quite some time, wondering why it was taking so long
 13 to put the chest tube in. So I have no idea what
 14 happened after I left. But during the time I was
 15 there, he did not have any type of oxygen.
 16 Q Do you recall what time you left the cubicle
 17 or room he was in to go wait outside while they did
 18 the chest tube?
 19 A I don't recall the exact time, but I know I
 20 was calling my kids around 9 something, 9:30
 21 something, and it was after that.
 22 Q Did you send any text messages to anyone at
 23 that time?
 24 A I don't recall that I did.
 25 Q Other than your children and Dr. Patton, and

Page 63

1 I forget the other gentleman who came with him?
 2 A Danny Benson -- or Parry Wilson.
 3 Q Parry Wilson.
 4 A So I called Karen Patton, that's the person I
 5 called, which is John's wife, and asked, because I
 6 didn't have John's phone number. So I called Karen,
 7 and that's why she ended up going and staying with my
 8 kids because I had reached out to her.
 9 So then she told John, and John arranged with
 10 Parry. I didn't talk to Parry. I didn't talk to
 11 Parry.
 12 Q Other than Karen and your children and Mr.
 13 Benson, did you talk to anybody else during the time
 14 that he was -- that Doug was in the E.R.?
 15 A No.
 16 Q When you left the room for the chest tube to
 17 be placed, was it your understanding at that time that
 18 Doug would be transferred to University of Utah?
 19 A Yes. They told me I could go with him if I
 20 wanted, but I said I couldn't because I had my
 21 grandkids, but that coincidentally I was going to be
 22 taking them to Salt Lake the next day to their other
 23 grandma's, so I would just meet them there the next
 24 day.
 25 Q How far of a drive is it from Elko to Salt

Page 64

1 Lake?
 2 A Four hours.
 3 Q I think I saw in the records that Doug had
 4 flight insurance; is that correct?
 5 A Yes.
 6 Q What was the reason for purchasing that?
 7 A They had come to the credit union and just
 8 presented their plan of what they offered, and he
 9 thought, Well, gosh, we live clear out here. It might
 10 be a smart thing to have just in case. You never
 11 know.
 12 Q What did that cost, do you know?
 13 A I don't recall.
 14 Q Did that insurance -- strike that.
 15 Did Dr. Garvey ever discuss intubation while
 16 you were present?
 17 A Yes.
 18 Q What did he discuss?
 19 A Right before I left to go to the E.R. room,
 20 he said, "And we might intubate him, just in case he
 21 needs it to keep his airway open on the flight."
 22 Q So was your understanding that Dr. Garvey was
 23 concerned that since he had these injuries and he was
 24 going to be flying, he wouldn't want him to be
 25 intubated on the flight if that were to become an

Page 65

1 issue?
2 MS. MORALES: Objection.
3 THE WITNESS: Really don't know what his
4 reasoning was.
5 BY MS. WOODRUM:
6 Q Did he discuss any of the risks of intubation
7 with you?
8 A No.
9 Q Did he discuss any alternatives?
10 A No.
11 Q Is it fair to say that at the time you left
12 the room, you weren't sure whether or not Doug would
13 be intubated or not, you were just aware it was a
14 possibility?
15 A Yes.
16 Q Were you asked to leave the room before they
17 started the chest tube?
18 A Yes, because they said they needed to sedate
19 him to put the chest tube in. And they just told me
20 to wait in the E.R. and they would let me know when he
21 was on the flight.
22 Q Was he sedated at all when you were in the
23 room?
24 A No.
25 Q So the sedation began after you left?

Page 66

1 A Yes.
2 Q So since you weren't in the room, you have no
3 knowledge whether or not Dr. Garvey further discussed
4 intubation with Doug after you left the room?
5 A Correct.
6 Q And do you have any reason to believe that
7 Doug would have said he didn't want to be intubated?
8 A I have no idea what he would have said to
9 him, so I can't answer that.
10 Q In your opinion, at the time you left the
11 room, Doug was lucid and would have been able to make
12 his own medical decisions?
13 A Yes.
14 Q How long were you -- after you left for the
15 chest tube and eventually intubation, how long were
16 you waiting in the waiting room?
17 A Not even really sure. A good hour and a half
18 I would say, or more.
19 Q Prior to leaving the room, were you given any
20 estimate of time how long you should expect it to
21 take?
22 A I thought they just said it would just take
23 like 30 minutes or so.
24 Q When the 30 minutes came and gone, were
25 you -- did you get nervous at all?

Page 67

1 A No. We did discuss it, because Danny stayed
2 with me and so did John. They wouldn't leave. They
3 said, "We don't want to leave you here alone, and
4 we'll wait until we know he's on the flight."
5 But it was John that started questioning it
6 because he said, "My wife had a chest tube couple of
7 times, and it only took about 30 minutes, if that. I
8 wonder why it's taking so long." And I didn't even --
9 honestly, I didn't even question it at all. I just
10 was kind of like, well, maybe something was going on.
11 I wasn't concerned at all.
12 Q Could you hear anything that was going on in
13 the E.R.?
14 A No.
15 Q Was there any type of page overhead you heard
16 during that time?
17 A No.
18 Q When was the first time that somebody came
19 out and talked to you from the hospital?
20 A From the actual hospital?
21 Q Or doctor? Doctor or hospital.
22 A Well, there was a man that came out. He just
23 left because of all the commotion that was going on,
24 but it didn't register to me he was talking about
25 Doug. I assumed someone was in an emergency situation

Page 68

1 had shown up at the E.R.
2 Q Do you know that man's name?
3 A I have it in the file, and I don't recall it
4 right now.
5 Q Do you know what his role was?
6 A Well, he was -- apparently, he was studying
7 to be a nurse or was a nurse, but he was friend of
8 Danny's. When he saw Danny, he just said hi, to him
9 and he said, "We decided to come back with all the
10 commotion that's going on back there. We decided
11 we'll come back another time."
12 And I had no idea they were talking about my
13 husband, and I never even really thought they would
14 have been.
15 Q And you said there was more than one?
16 A He and his daughter came out.
17 Q Was he working at the time?
18 A No. He was waiting for her. She had come
19 in -- he was waiting in the little -- on the curtain
20 on the other side apparently where Doug was.
21 Q So his daughter was a patient that was
22 waiting?
23 A That was my understanding.
24 Q Because of what was going on, it was taking a
25 long time and he decided to leave?

Page 69

<p>1 A Yeah. He said, "With everything going on 2 back there, we're just going to come back another 3 time." 4 Q Did he give any specifics? 5 A Not at that time. He did talk to Danny later 6 when he found out what had happened. He was kind of 7 shocked. "Oh, my gosh, I didn't know that was your 8 boss," basically. 9 Q Did you ask any questions about what he meant 10 by the commotion going on back there? 11 A No. 12 Q You just assumed it was somebody else? 13 A Didn't even register to me that he was 14 talking about Doug because when I left him, he was 15 fine. 16 Q And then did you talk to anybody else? Did 17 anybody else come out of the E.R. and talk to you? 18 A No. I finally stepped in to go to the 19 bathroom, and when I came back, John Patton was gone 20 and Danny said, "They came and got John." I was 21 thinking, Okay, that's weird. 22 So just within a minute or two, a nurse and 23 Dr. Garvey and John all walked out of the doors and 24 wanted to talk to me, so I walked over to them. 25 Q What did they say to you?</p>	<p>1 A He disappeared. I never saw him after that. 2 Q The nurse, do you know who the nurse was? 3 A I don't know. There was a couple ladies in 4 there. 5 Q Did anybody from the hospital stay with you 6 after they took you into that room? 7 A Just the nurse. And it seemed like there 8 might have been two ladies, and John Patton stayed 9 with me. And Danny, I don't know where he went after 10 that. 11 Q Did anybody else come to the hospital? 12 A No. 13 Q About how long did you stay in the room 14 before you left the hospital? 15 A Well, while I was in there, John said, "We 16 need to call some people." So I was trying to hold my 17 phone, which I couldn't even hold my phone to open it 18 up, but he made some phone calls for me to my kids. 19 Q Is John the one who let your children know? 20 A Yes. 21 Q Was he able to reach Audrey? 22 A Yes. He also called my brother and two 23 really close friends. 24 Q What is your brother's name? 25 A Mathew Edlefsen, E-d-l-e-f as in fox,</p>
Page 70	Page 72
<p>1 A Sorry. I wasn't expecting this. Dr. Garvey 2 said, "I'm sorry, we you lost him." And at first I 3 was kind of confused like what are you talking about? 4 I actually knew what he meant, but I couldn't 5 understand it in my head. He repeated it again. He 6 said, "I'm sorry, we lost him." I just looked at him 7 like, What are you talking about? 8 And he said -- he explained to me what 9 happened. He said, "We decided to intubate him, and 10 he vomited, and aspirated, and we couldn't clear his 11 airway. And we worked on him for about 35 minutes and 12 he went into cardiac arrest and died." 13 Q Did he say anything else? 14 A Not really, because at that point I kind of 15 lost it. 16 Q Do you need to take a break? 17 A No. So John Patton kind of grabbed me. And, 18 of course, I was wailing. That's the best word I can 19 use. And then I kind of buckled, so they were yelling 20 like, "Get a wheelchair for her, and take her out of 21 here. Take her in that room." 22 So I just went in the other room with them 23 and tried to wrap my head around what just happened. 24 Q Did you have any further conversations with 25 Dr. Garvey?</p>	<p>1 s-e-n. 2 Q Who were the close friends? 3 A Van Burtenshaw and Todd Robinson. 4 Q Did either Van or Todd live in Elko? 5 A Van Burtenshaw lives in Idaho, and Todd 6 Robinson lived in Overton, Nevada. 7 Q Did you have any family in Elko? 8 A No. 9 Q Did you call anyone yourself? 10 A No. 11 Q Did the hospital offer you any sort of 12 sedative or medication to help you? 13 A They did, but I didn't want to take it, then 14 finally I took something. I don't remember what it 15 was. 16 Q Do you recall around what time it was that 17 you took it? 18 A I want to say I went in there about 1:30 or 19 one o'clock-ish in the morning. I don't know, between 20 1:00 and 1:30. 21 Q When you said you went in there? 22 A In that room with them. 23 Q I know you testified earlier at some point 24 Karen Patton went to your house with the boys. Do you 25 know around what time that was?</p>
Page 71	Page 73

<p>1 A I don't. I want to say it was probably 2 around 9:00, 9:30. It was probably soon after I 3 called her, have her talk to John. 4 Q Did you ever talk to Dr. Garvey again? 5 A No. 6 Q Since the date of the death, have you ever 7 talked to Dr. Garvey? 8 A No. 9 Q You said that the gentleman who came out with 10 his daughter later talked to Mr. Benson; is that 11 correct? 12 A Yes. 13 Q Did Mr. Benson tell you about that 14 conversation? 15 A He did. 16 Q What did he tell you? 17 A He said that he told them that everybody -- 18 there was just a lot of commotion, everybody was going 19 crazy. And he said, I could hear them yelling 20 something about "this machine is not working, get that 21 other machine." That's about all he told me, that it 22 was -- they were frantic. 23 Q Do you know when he said "this machine isn't 24 working" or he said somebody said "this machine wasn't 25 working," what machine he was talking about?</p>	<p>1 A She said if -- yeah, she said that, yes. 2 Q And do you know why she said that? 3 A Well, just because she said, "I could hear 4 everything that was going on back there." That's all. 5 That's all he told me. I don't know anything else. 6 Then he tried to talk to her later about it 7 some more to find out some information, and she 8 wouldn't talk to him and there was like a guard on 9 her. 10 He tried to call her later, he told me, and 11 she wouldn't accept his calls. At that point it was 12 kind of the end of it. 13 Q You said there was a guard on her? 14 A That's what he said. 15 Q Like a physical person guarding her? 16 A Yes. 17 Q Did he try calling her at the hospital? 18 A I don't -- from my understanding, from what 19 he told me, it seems like he just said he had tried to 20 find her later and talk to her about it, expound on 21 what she meant or why she said that, but she wouldn't 22 talk to him. 23 Q Do you know when the conversation she had 24 with him occurred? 25 A It was while I was in the other room where</p>
Page 74	Page 76
<p>1 A It sounded like a suction machine or 2 something, that's all I know. 3 Q Why do you think it sounded like a suction 4 machine? 5 A Well, from what Danny said after they had 6 their conversation. Danny is the one who mentioned 7 something about that, that's all I know. I don't know 8 any details. 9 Q So Danny mentioned something about a suction 10 machine not working? 11 A If I remember right, suction machine. 12 Q Do you know if Mr. Benson talked to anybody 13 else at the hospital what happened? 14 A He told me right before he left, the lady 15 that was sitting at the E.R. administration desk, I 16 guess you could say admittance desk, she said, "I 17 could hear everything that was going on back there, 18 and if I were her, I'd sue the crap out of this 19 hospital." That's all I know. 20 Q Do you know that lady's name? 21 A I think it was Carmen, but I didn't know at 22 the time, I've just since found out. But I should 23 have looked through my stuff. 24 Q So Carmen told Mr. Benson that if he were 25 you, she would sue the crap out of the hospital?</p>	<p>1 they had taken me. 2 Q Do you know if he initially approached her, 3 or if she approached him? 4 A I do not know. 5 Q Did Mr. Benson tell you about any other 6 conversations that he had with anybody at the 7 hospital? 8 A No. 9 Q Did Mr. Benson have any conversations with 10 Dr. Garvey outside your presence? 11 MS. MORALES: Objection; calls for 12 speculation. 13 THE WITNESS: Not that I know. 14 BY MS. WOODRUM: 15 Q Did you witness any conversations between Mr. 16 Benson and Dr. Garvey in your presence? 17 A No. 18 Q Do you know if Dr. Patton, John Patton, had 19 any conversations with anybody at the hospital after 20 Doug's death? 21 A No. 22 MS. MORALES: Calls for speculation. 23 THE WITNESS: I do not know if he did. He 24 was with me almost the entire time after the incident, 25 because he stayed in the room with me, made the phone</p>
Page 75	Page 77

1 calls, then they finally let me go see Doug, and he
2 came in the room with me there too. Then he took me
3 home from the hospital in his vehicle -- actually, in
4 my vehicle. He drove me home.
5 BY MS. WOODRUM:
6 Q After you got home, what happened? What did
7 you do?
8 A I talked to Karen, his wife briefly, and
9 thanked her for coming, and I went to bed. It was 4,
10 4:30 in the morning by then.
11 Q Were you alone then with the children?
12 A Yes. Well, I don't know if Karen stayed,
13 honestly. She might have stayed. I don't even know
14 after that what happened.
15 I went to bed and woke up the next morning,
16 and there were several of my friends from church at my
17 house.
18 Q What time did you wake up?
19 A It was probably around 7, 7:30. One of our
20 really close friends came into my bedroom and he just
21 knelt by the side of my bed.
22 Q What was his name?
23 A Ken Jones.
24 Q Who else was at your house?
25 A Marie Johnson, and her daughter, Melody

Page 78

1 Walthers. It kind of seems like Stephanie Davis might
2 have been there.
3 Q Were these all people from your church?
4 A Yeah. They were all friends as well.
5 Q Did they kind of take over with things at the
6 home and the grandchildren?
7 A Yes.
8 Q Did your kids come into town?
9 A Later that day.
10 Q All of them -- I guess Audrey was in
11 Thailand?
12 A She didn't, just my boys.
13 Q Did Audrey leave Thailand?
14 A Yes.
15 Q How soon was she able to make it back?
16 A She actually came, I believe, on Saturday.
17 This was Wednesday -- yeah, it took a while. It was
18 hard for them to get home.
19 Q Did your boys stay with you during that
20 time?
21 A Yes.
22 Q On the day after?
23 A Yes. I guess -- what day is the 23rd?
24 Thursday? I think the accident happened Wednesday,
25 the accident happened on Wednesday, and they came on

Page 79

1 Thursday, then she finally got there Thursday -- I
2 mean Saturday, excuse me.
3 Q When was the funeral?
4 A We had a memorial service in Spring Creek on
5 Monday evening, and then the funeral took place
6 Friday, the following Friday in Logandale.
7 Q I think I read it was a big turn out?
8 A Yes.
9 Q About how many people attended?
10 A Well, the memorial service, hundreds. It
11 filled the chapel clear back through the whole
12 overflow into the cultural hall, and then the same
13 thing in Logandale. He was involved in a lot of
14 stuff, so was I, so we had a lot of friends.
15 Q Did you have any out-of-pocket expenses
16 related to the funeral?
17 A Not really because I also had a donation from
18 America First Credit Union of \$6,000.
19 Q I think you said earlier that the Elko Credit
20 Union paid \$10,000?
21 A Yes.
22 Q Did you get any workers' comp funds for the
23 funeral?
24 A I think.
25 MS. MORALES: Objection, form. Collateral

Page 80

1 source.
2 You can answer.
3 THE WITNESS: 10,000. I was blessed, I
4 guess.
5 BY MS. WOODRUM:
6 Q Was he buried in Logandale?
7 A Yes.
8 Q At the time of his death, were Doug's parents
9 alive?
10 A His mother is alive.
11 Q She's still alive?
12 A Yes.
13 Q How old is she?
14 A She's 79, I think. 79 or 80.
15 Q How's her health?
16 A It's pretty good.
17 Q Do you maintain a relationship with her?
18 A Yes.
19 Q Where does she live?
20 A Nampa, Idaho. N-A-M-P-A.
21 Q About how often do you talk with her?
22 A Not that often, really. Several times a
23 year.
24 Q And Doug's father was deceased at the time?
25 A Yes.

Page 81

1 Q How old was he when he died?
2 A He was 59.
3 Q What's his cause of death?
4 A Emphysema.
5 Q Was he al smoker?
6 A Yes.
7 Q Did Doug ever smoke?
8 A No.
9 Q Does Doug have any siblings?
10 A Yes.
11 Q How many siblings?
12 A A half brother and two other brothers.
13 Q What are his brothers' names?
14 A His half brother is Lyle Schwartz, and Robert
15 and Farin, spelled F-a-r-i-n.
16 Q Robert and Farin, is their last name
17 Schwartz?
18 A Yes.
19 Q Half brother, do they have the same father?
20 A Yes.
21 Q Where does Lyle live?
22 A Idaho Falls, Idaho.
23 Q And Robert?
24 A He lives in Moscow, Idaho, outside of Moscow,
25 Idaho, and Farin lives in Meridian, Idaho.

Page 82

1 because the providers at the hospital, the nurses and
2 doctor may have messed up somehow?
3 MS. MORALES: Objection, form. Overbroad;
4 vague and ambiguous.
5 THE WITNESS: So you're asking me when I
6 finally decided that I might want to pursue a lawsuit?
7 BY MS. WOODRUM:
8 Q Not when you necessarily decided you wanted
9 to pursue a lawsuit, but when you started thinking
10 maybe I should see if somebody messed up when they
11 were taking care of Doug?
12 MS. MORALES: Objection; form. Overbroad as
13 to provider.
14 THE WITNESS: Dr. Garvey pretty much told me
15 that things went wrong, so I knew that right from the
16 start, I guess. I knew that because they intubated
17 him, then he vomited and aspirated. I knew that
18 because he told me.
19 BY MS. WOODRUM:
20 Q When you were told by Mr. Benson that Carmen
21 at the hospital had said she would sue if she were
22 you, is that when you first starting thinking you
23 should sue?
24 A No, it was long after that.
25 Q What started you thinking maybe you should

Page 84

1 Q Do you talk to them at all?
2 A Yes.
3 Q About how often do you talk to Lyle?
4 A Lyle, very seldom. I haven't talked to him
5 since the funeral, actually. He never lived with
6 them, so you know, they weren't super close. But I
7 talk to the other two probably five times, six times a
8 year, or text frequently -- I should change that. We
9 text occasionally, not frequently, but I talk to their
10 wives.
11 Q When did you first think that something may
12 have gone wrong at the hospital?
13 A Honestly, when I came out from the bathroom,
14 and they said, they came and got John, started to
15 wonder, wonder what happened.
16 Q When did you first start to suspect there may
17 have been some negligence on the part of the doctor
18 and hospital and nurses?
19 A Well, honestly I didn't suspect anything. I
20 didn't see why there would have been anything gone
21 wrong. It wasn't until Dr. Garvey explained to me
22 what actually happened that I knew something went
23 wrong.
24 Q I guess what I'm getting at, when did you
25 think maybe you should look into filing a lawsuit

Page 83

1 sue?
2 A To be honest, it was 10 and a half months
3 later. And I just couldn't get the thought out of my
4 head one day. I just kept hearing in my head, you
5 need to call an attorney today, so I did finally.
6 Q Other --
7 A I hadn't even looked into it.
8 Q That's 10 and a half months after the
9 incident is when you first contacted an attorney?
10 A Uh-huh.
11 Q I saw in your journal entries or in some of
12 the discovery that you had said that in the community,
13 there was talk that maybe something had happened that
14 wasn't quite right at the hospital, so to speak. Do
15 you remember hearing any gossip about what had
16 happened?
17 A No. Actually, no one had a clue. Anyone I
18 ever talked to thought he had either died soon after
19 he got to the hospital or he had internal bleeding
20 there.
21 MS. WOODRUM: Want to go off the record for a
22 second?
23 (Break taken.)
24 BY MS. WOODRUM:
25 Q Back on the record after a lunch break. You

Page 85

1 understand you're still under oath?
 2 A Yes.
 3 Q We discussed earlier that your husband was
 4 hit while he was walking across the street; correct?
 5 A Yes.
 6 Q Do you know the name of the driver of the
 7 vehicle that hit him?
 8 A Yes.
 9 Q What was his name?
 10 A Daniel Vaseu, V-A-S-E-U.
 11 Q My understanding is that Mr. Vaseu left the
 12 scene of the accident?
 13 A Yes.
 14 Q Did you know Mr. Vaseu prior to this
 15 incident?
 16 A No.
 17 Q Have you ever spoken with Mr. Vaseu?
 18 A No.
 19 Q You mentioned a DA file regarding Mr. Vaseu
 20 earlier. Was he prosecuted related to this
 21 accident?
 22 A Yes.
 23 Q Do you know what the charges were?
 24 A They charged him with felony hit and run
 25 causing injury or death.

Page 86

1 kind of person he was.
 2 Then I said, I hope some day you'll show
 3 through your actions that you can make up for what
 4 happened, and I forgave him.
 5 Q Did you tell him you forgave him?
 6 A Yeah.
 7 Q Do you forgive Dr. Garvey for what his role
 8 is or what you see his role is in the case?
 9 MS. MORALES: Objection, form.
 10 THE WITNESS: I don't hold malice to what
 11 happened at the hospital. Things happen, mistakes are
 12 made.
 13 BY MS. WOODRUM:
 14 Q When you say you don't hold malice about what
 15 happened at the hospital, are you including Dr. Garvey
 16 in that?
 17 A Yes.
 18 MS. MORALES: Same objections.
 19 BY MS. WOODRUM:
 20 Q Fair to say you forgive Dr. Garvey just like
 21 you forgive the man who hit your husband?
 22 A Yes. I do want him to be held responsible
 23 for what happened, though.
 24 Q Do you have -- without discussing anything
 25 you've talked with your lawyer about, do you have any

Page 88

1 Q Did he go to trial on those charges?
 2 A No. He pled guilty, and they had a hearing
 3 sentencing.
 4 Q Did you attend the hearing?
 5 A Yes.
 6 Q Do you recall how long he was sentenced
 7 for?
 8 A He was sentenced to eight to 20 years; eight
 9 years, no possibility of parole.
 10 Q Was he charged with drunk driving?
 11 A Well, what I just said. Felony hit and run
 12 causing injury or death. However, during the hearing
 13 they did prove through records and a text from him
 14 that evening, 15, 20 minutes before the accident that
 15 he was drunk.
 16 Q Were you given a chance to speak at the
 17 hearing?
 18 A Yes.
 19 Q What did you say?
 20 A I said that I wasn't asking for anything in
 21 particular, but that I was leaving that in the DA's
 22 hands, and that I wanted him to know a little bit
 23 about my husband that he so thoughtlessly left lying
 24 in the street. And I told him about my husband's
 25 life, a little bit, some of the stuff he did and the

Page 87

1 plans to sue Mr. Vaseu for wrongful death?
 2 A No.
 3 Q Why is that?
 4 A Because I believe he -- it was his doing that
 5 put him in the hospital, that I never felt like it was
 6 because of what he did that he died.
 7 Q Can you explain that to me?
 8 A Well, I just feel like because of the
 9 intubation and things that took place at the hospital,
 10 that's why he died, not because of broken ribs that
 11 were caused from the accident.
 12 Q I'm going to go ahead and mark as Exhibit A
 13 this document in your discovery, responses you
 14 identified as notes from your personal journal.
 15 (Defendant's Exhibit A was marked for
 16 identification.)
 17 MS. MORALES: Do you have another copy?
 18 BY MS. WOODRUM:
 19 Q Do you recognize these notes?
 20 A Yes.
 21 Q These are notes from your personal journal?
 22 A Yes.
 23 Q Did you review these prior to your
 24 deposition?
 25 A No.

Page 89

<p>1 Q Do you recall when you made these notes?</p> <p>2 A These particular notes was last July.</p> <p>3 Q What was the reason you made these notes?</p> <p>4 A To give my attorney information what happened</p> <p>5 that day. Some I had already recorded on my laptop</p> <p>6 through my journals still, and some of them I wrote.</p> <p>7 I think I included both. Some I wrote specifically</p> <p>8 for her, then some I had already started and written</p> <p>9 earlier, like soon after it happened.</p> <p>10 Q So the ones you started, you said soon after</p> <p>11 it happened. Do have an estimate as to what time you</p> <p>12 made those notes?</p> <p>13 A I started making those notes probably</p> <p>14 November 2016.</p> <p>15 Q What was the reason you made those notes?</p> <p>16 A Because I wanted to document what happened</p> <p>17 that night and remember it.</p> <p>18 Q Do you regularly keep a personal journal?</p> <p>19 A Not regularly, but I do catch up on events</p> <p>20 that happened in my life.</p> <p>21 Q Is that something you keep on your laptop?</p> <p>22 A I have a handwritten one, and probably in the</p> <p>23 last 10 years I probably keep it on my computer more</p> <p>24 so.</p> <p>25 Q Have you made any handwritten notes related</p>	<p>1 that were created in November 2016 that don't appear</p> <p>2 here?</p> <p>3 A Well, not just then. Maybe it started then,</p> <p>4 then I would add to it, lot of Sunday afternoons I</p> <p>5 continued on and added to it, but I don't see that</p> <p>6 here. So it's basically the same thing, but just ...</p> <p>7 Q Have you had a chance to review this</p> <p>8 recently?</p> <p>9 A No, I haven't read through it since I gave it</p> <p>10 to her. I don't like dwelling on it all the time.</p> <p>11 Q And I know you just said you don't like</p> <p>12 dwelling on it, but I'm going to ask you if you can</p> <p>13 read through it now and let me know if there's any</p> <p>14 changes that you would like to make or anything that</p> <p>15 you see in here that may be inaccurate.</p> <p>16 MS. WOODRUM: We can go off the record for a</p> <p>17 second.</p> <p>18 (Break taken.)</p> <p>19 (Witness reviewing document.)</p> <p>20 BY MS. WOODRUM:</p> <p>21 Q So you just read through the document we</p> <p>22 marked as Exhibit A, and you don't see anything you'd</p> <p>23 like to change?</p> <p>24 A No. I didn't read through like these,</p> <p>25 though, I put information that -- I think these were</p>
<p>1 to the events at the hospital?</p> <p>2 A No. I've done it all on my laptop.</p> <p>3 Q Does the document in front of you include all</p> <p>4 the notes that you've made regarding the incident that</p> <p>5 are on your laptop?</p> <p>6 A Yes.</p> <p>7 Q You haven't made any additional notes since</p> <p>8 July when you printed this?</p> <p>9 A Not to my knowledge.</p> <p>10 Q You said July of last year, so since July</p> <p>11 2018?</p> <p>12 A Yes.</p> <p>13 Q Are you able to differentiate looking at this</p> <p>14 what notes you made specifically to give to your</p> <p>15 attorney versus what notes you made closer to the time</p> <p>16 of the incident?</p> <p>17 A I think this particular part was all that I</p> <p>18 had done in July.</p> <p>19 Q When you say "this particular part," can</p> <p>20 you --</p> <p>21 A Well, this that you gave me was all that I</p> <p>22 did in July. But I was thinking that I had given,</p> <p>23 copied the other journal that I had done earlier, but</p> <p>24 I don't see it here.</p> <p>25 Q So you think there may be additional notes</p>	<p>1 their inputs, not mine.</p> <p>2 Q A couple of follow-up questions I had on</p> <p>3 those. At one part, it would be on the fourth page --</p> <p>4 I know these aren't numbered. The top of the page,</p> <p>5 "They let me know that Doug had broken five ribs," on</p> <p>6 the same page?</p> <p>7 A Yeah.</p> <p>8 Q If you go down to the second paragraph that</p> <p>9 says, "I wasn't sure why that was necessary because he</p> <p>10 has his other lung, which was just fine, and he wasn't</p> <p>11 struggling at all to breathe."</p> <p>12 What are you talking about there?</p> <p>13 A I'm talking about I didn't understand -- this</p> <p>14 is after the fact, so as I looked back, I couldn't</p> <p>15 understand why they needed to intubate him in the</p> <p>16 first place.</p> <p>17 Q And your reasoning for not understanding why</p> <p>18 he needed to be intubated is because he wasn't</p> <p>19 struggling to breathe?</p> <p>20 A Yes.</p> <p>21 Q And only one lung was affected?</p> <p>22 A Yes.</p> <p>23 Q But that wasn't a question that you had at</p> <p>24 the time of the incident; that was only in retrospect</p> <p>25 that you thought that?</p>

Page 90

Page 92

Page 91

Page 93

1 A I actually did think that when the doctor
2 told me they might intubate him, because I thought
3 why? He's fine. But he's the doctor and the
4 professional and not me. I just assumed if that's
5 what they chose to do, he would, you know ...
6 Q And you assume that the doctor would have
7 your husband's best interest in mind when he made that
8 decision?
9 A Yes.
10 Q And you go on to say that, "I thought about
11 questioning the doctor, but I'd done that once before
12 and I was chastised for it by Doug, so I didn't say
13 anything."
14 When had you been chastised for questioning a
15 doctor before?
16 A When one of my kids broke his arm.
17 Q Tell me about what happened then.
18 A Well, they were going to put a cast on his
19 arm, and when he was wrapping it, it looked like he
20 was wrapping it really tight. Of course, this is my
21 son, and I was all worried they were going to cut the
22 circulation off his arm. So I said, "Are you sure
23 you're not doing too tight?" And Doug looks at me,
24 "Oh my gosh, come on. He's the doctor." And he was
25 kind of irritated that I would say anything.

Page 95

1 So I just thought I better keep my mouth shut
2 because Doug was sitting right there, and I didn't
3 want him to be annoyed with me for asking the doctor.
4 Q It sounds like Doug was the type if a doctor
5 made a recommendation to him, he was going to listen
6 to it. Is that fair to say?
7 MS. MORALES: Objection; form. Overbroad;
8 calls for speculation.
9 THE WITNESS: Not necessarily. I really
10 don't know what was in his mind.
11 BY MS. WOODRUM:
12 Q Then you go on to write, "Come to find out
13 later the doctor was supposed to go over the possible
14 risks and have us sign a consent form. This he did
15 not do."
16 When did you find that out?
17 A After the E.R. -- after the -- how do I
18 explain that.
19 After I heard the results from when I had
20 hired an attorney and it goes, you know, to the review
21 board to even see if there's a lawsuit, and apparently
22 he's the one who had mentioned that. So that came to
23 light then for me, that that was one of the things
24 that he picked you up on that I should have signed.
25 We or he should have signed some kind of release for

Page 95

1 that.
2 Q When you talk about the review board, are you
3 referring to an affidavit by a Dr. Kenneth Scissors?
4 A I believe that was his name.
5 Q When did you review that affidavit?
6 A I don't know if I ever actually read it
7 through or my attorney told me.
8 MS. MORALES: Let's not talk about anything I
9 told you.
10 BY MS. WOODRUM:
11 Q So you're not sure one way or the other if
12 you actually reviewed the affidavit of Dr. Scissors?
13 A Correct.
14 Q When did you first decide to look into making
15 a worker's compensation claim?
16 A Probably within weeks after the accident.
17 Mostly because I was kind of perturbed with my husband
18 for being there that night, because my grandkids were
19 there, and I was taking them to Salt Lake the next
20 day, and I asked him for the first time ever if he
21 would just go to the board meeting and come home and
22 not go to the dinner. And he said, he goes, "Well, I
23 can't do that. I pay for the meal, I have to be
24 there."
25 Q How would he pay for the meal? Was it a

Page 96

1 company credit card?
2 A Yes. So, of course, after the fact, I was
3 thinking in my mind, why did you go? I told you not
4 to go. You wouldn't even been there if you had just
5 come home like I wanted you to.
6 You go through stuff like that in your mind
7 when that happens. I knew he was basically there
8 because of work, so I just asked Craig Stevens at the
9 credit union if that was something that I should look
10 into.
11 Q Did anybody at the credit union assist you
12 with making the claim?
13 A No. I actually just got the information of
14 who it was with, who the workers' comp was with.
15 Q Was there any particular -- strike that.
16 Who was the worker's compensation through?
17 A I think it was called First Comp.
18 Q Was there anybody at First Comp, like a
19 claims representative that you worked with on this
20 claim?
21 A Well, I went to the credit union. I do
22 believe it was Craig who filed it at the credit union,
23 and then First Comp had hired a nonpartisan company to
24 come and speak with me. And I believe the name of
25 that company was Elite Investigations out of Reno,

Page 97

1 Nevada. And I can't remember her last name, but
 2 Jennifer, I do believe was her name, came to my home
 3 and spoke with me.
 4 Q What do you remember about your conversation
 5 with Jennifer?
 6 A Really, just talking about the fact that --
 7 she just asked questions as far as, why he was there,
 8 was this an ongoing thing, or was it just like
 9 once-in-a-while type thing, just trying to get as much
 10 information about why he was there in the first place,
 11 and if it was actually work related, those kinds of
 12 things.
 13 Q When you say "why he was there," you're
 14 talking about at the dinner?
 15 A Yes.
 16 Q So they were trying to make a determination
 17 sounds like whether the dinner was part of his job?
 18 A Yes.
 19 Q Sounds like they ultimately made a
 20 determination that it was?
 21 A Yes, because they did this every single
 22 month, and he always was the one who paid for the meal
 23 through the credit union's account or whatever.
 24 Q Do you know if he was the only one that was
 25 authorized to use that credit card?

Page 98

1 A I don't believe so. I think Craig Stevens
 2 and Danny Benson also were authorized.
 3 Q What's Craig Stevens' job at the credit
 4 union, or what was his job at the time?
 5 A He's a vice president over something.
 6 Q At the time you talked with Jennifer from
 7 Elite Investigations, were you planning on filing a
 8 lawsuit for medical malpractice at that time?
 9 A No.
 10 Q Did Jennifer suggest that you did?
 11 A She's the first one that gave me a heads-up
 12 that something didn't look right.
 13 Q And how did she give you that heads-up? What
 14 did she say?
 15 A She just said that it looked like they could
 16 have used the wrong medications, that there's certain
 17 medications that you give a patient when you do an
 18 intubation that helps paralyze the muscles or reflexes
 19 so you don't vomit. From what she could tell, she
 20 didn't know if they used the correct medication to
 21 prevent that.
 22 Q Do you know if Jennifer had any type of
 23 medical training?
 24 A I don't know. I do know she does a lot of
 25 investigations for medical-type things.

Page 99

1 Q Did she tell that you she had learned that
 2 information --
 3 A No.
 4 Q - about the medications?
 5 A No, just from her investigation. I don't
 6 know, she may have, but I don't recall what, what it
 7 would have been.
 8 Q Did you ever provide any type of written
 9 statement to Elite Investigations?
 10 A Not that I'm aware of.
 11 Q Did you ever provide any type of written
 12 statement to worker's compensation?
 13 A Not that I'm aware of, I just answered their
 14 questions, and they wrote my answers.
 15 Q Have you ever reviewed the worker's
 16 compensation file?
 17 A No.
 18 Q I'm going to go ahead and mark as Exhibit B a
 19 document entitled "Interview with Widow Diane
 20 Schwartz" from MLB Investigations.
 21 (Defendant's Exhibit B was marked for
 22 identification.)
 23 BY MS. WOODRUM:
 24 Q Have you ever seen this document before?
 25 A No.

Page 100

1 Q I'll represent to you that this was contained
 2 in the workers' comp file that was produced by your
 3 attorney. If you -- or it may have been actually
 4 produced by my office, and it's an summary of an
 5 interview you had with the representative from Elite
 6 Investigations.
 7 If you want to just go ahead and read through
 8 this statement, and let me know if there's anything in
 9 the statement that you disagree with.
 10 (Witness reviewing document.)
 11 BY MS. WOODRUM:
 12 Q So you've had the chance to read through the
 13 document marked as Exhibit B?
 14 A Yes.
 15 Q Do you see anything in this document you
 16 disagree with?
 17 A No.
 18 Q Is this an accurate transcription of your
 19 interview with Elite Investigations?
 20 A Yes.
 21 Q Anything you recall from the investigator
 22 from Elite Investigations that's not included in this
 23 summary?
 24 A Not that I'm aware of.
 25 Q You can turn to, it's marked at the bottom

Page 101

1 Schwartz 00197, that page.
 2 A Yes.
 3 Q If you go to the second paragraph, seven
 4 lines up from the bottom, it says, "She stated that
 5 she was not sure what had happened, but there was talk
 6 and speculation in the community that the hospital had
 7 not done a proper job with Schwartz's medical care."
 8 Do you recall making that statement to the
 9 investigator?
 10 A I didn't.
 11 Q So --
 12 A I didn't know what was going on in the
 13 community. That could be because -- no, actually, I
 14 never said that because I didn't know what the
 15 community was saying. She may have found that out.
 16 Q So you never knew of any talk or speculation
 17 in the community about the hospital not doing a proper
 18 job with Schwartz's medical care?
 19 A No.
 20 Q Then if you go to the next page marked
 21 Schwartz 00198, go down to the third line -- I'm
 22 sorry, the very end of the second line, it says, "As
 23 far as she knew, the public defender's office in Elko,
 24 as well as the prosecutor's office in Elko, had the
 25 death certificate, but we're not releasing it at this

Page 102

1 intubation because of blunt force trauma?
 2 MS. MORALES: Same objection; calls for
 3 medical opinion.
 4 THE WITNESS: If I'm just answering that from
 5 my observation, he wasn't in duress, so I didn't see
 6 why that was necessary, but I'm not an expert.
 7 BY MS. WOODRUM:
 8 Q Do you have any reason to dispute if the
 9 medical records state that he had a pneumothorax, that
 10 is not true?
 11 MS. MORALES: Same objection; calls for
 12 speculation for medical opinion.
 13 THE WITNESS: I don't know what that is
 14 exactly.
 15 BY MS. WOODRUM:
 16 Q If the medical records state he had partially
 17 collapsed lung, do you have any reason to dispute
 18 that?
 19 MS. MORALES: Same objections.
 20 THE WITNESS: Well, he had another lung, so
 21 ...
 22 BY MS. WOODRUM:
 23 Q Going back to that same paragraph we were
 24 just on, "To this day she still does not know what
 25 actually happened to her husband while at the hospital

Page 104

1 time due to the pending charges against Daniel Vaseu."
 2 Did you ever see the death certificate?
 3 A I finally did after 10 and a half months.
 4 Q And do you recall what the cause of death
 5 was?
 6 A It said blunt -- blunt force trauma due to
 7 vehicle accident, which I should have fought because
 8 that's not why he really died.
 9 Q Why do you say you should have fought that?
 10 A Well, I didn't even know you could. I'm just
 11 saying I probably should have, looking back.
 12 Q Because you don't believe that he had died
 13 from blunt force trauma?
 14 A No.
 15 Q What's your basis for saying that, other than
 16 discussions you may have had with your attorney?
 17 A Well, reading the medical records, I know it
 18 was because of the intubation. Obviously, blunt force
 19 trauma put him in the hospital.
 20 Q Do you have any reason to dispute that he
 21 required intubation because of blunt force trauma?
 22 MS. MORALES: Objection; form. Calls for
 23 speculation, for medical opinion.
 24 BY MS. WOODRUM:
 25 Q Do you have any reason to believe he required

Page 103

1 and is eagerly awaiting for the coroner's report." Is
 2 that an accurate statement?
 3 A At that particular time. This was long
 4 before I read any medical records at all.
 5 Q And were you ever able to obtain the
 6 coroner's report?
 7 A I don't think I ever did see it.
 8 Q Did you ever speak with the coroner?
 9 A Well, I called once because I was really
 10 confused as to why it was taking so long, to get it,
 11 but they didn't give me really any information.
 12 Q Other than that one call to the coroner's
 13 office, did you ever speak with anybody again?
 14 A No.
 15 Q Did anybody ever discuss the coroner's report
 16 with you other than your attorney?
 17 A No.
 18 Q You said this is the first time that you were
 19 maybe alerted to something that wasn't right that
 20 happened at the hospital; is that correct?
 21 MS. MORALES: Objection; form. Overbroad;
 22 vague and ambiguous.
 23 THE WITNESS: Well, not necessarily, because
 24 Dr. Garvey told me what happened, so I knew right then
 25 that things didn't go right because of the

Page 105

1 intubation.	1 A Never.
2 BY MS. WOODRUM:	2 Q Ever seek marital counseling?
3 Q I'm going to jump back for a second. We were	3 A No.
4 talking earlier about the hearing for Daniel Vaseu and	4 Q Neither of you had any previous marriages;
5 you said you made a statement, victim impact	5 correct?
6 statement; correct?	6 A No.
7 A Yes.	7 Q How would you describe Doug as a father?
8 Q Did anybody else make a statement at that	8 A He was a great father. He had a great
9 hearing?	9 relationship with his kids and spoke with them
10 A My son.	10 frequently. He was the great adult parent. I was the
11 Q Which son?	11 great baby's parent, so we worked together.
12 A D.J.	12 Q What do you mean by the great adult parent?
13 Q Anyone else?	13 A He just had a way with talking to my kids
14 A And his brother -- well, my son D.J. also	14 about stuff that they needed or problems, concerns,
15 read a letter from my son, his brother Robert, who was	15 supported them in every way possible.
16 not able to attend.	16 Q Is he the parent they would kind of call when
17 Q Did Audrey attend?	17 they had a problem?
18 A Yes.	18 A My boys mostly probably more than my
19 Q Did she make a statement?	19 daughter. She would probably call me more than him,
20 A No.	20 but not necessarily, because I had a real close
21 Q And Mitchell?	21 relationship with them too, but they did kind of rely
22 A He did not attend, but my son Taylor did.	22 on my husband for a lot of their male support, I
23 Q I'm sorry, I have them mixed up.	23 guess.
24 A Mitchell didn't want to be there. It was too	24 Q How often would he talk to D.J.
25 hard. He didn't want to face it at that time.	25 A Well, I do know that he would call the kids
Page 106	Page 108
1 Q Did you think that the sentence Mr. Vaseu got	1 quite frequently to and from work because it would
2 was fair?	2 take about 30 minutes to and from work, and he would
3 A Well, I didn't ask for anything, I just let	3 call them a lot and talk to them, but you'd have to
4 them do it. Sometimes I actually feel bad he got that	4 ask them how often that was.
5 long a of sentence, even though I put him there, I	5 Q Any one child he was more close to than
6 didn't feel like he caused his death, he was charged	6 others would you say?
7 with his death. He was charged with a felony hit and	7 A I wouldn't think so, but he did have a
8 run causing injury or death.	8 special bond with Taylor because Taylor liked rodeo
9 Q How was your relationship with Doug prior to	9 stuff like him, but he coached the kids in sports. He
10 his passing? Would you consider it a good	10 coached D.J. and Taylor in football, and Mitchell in
11 relationship?	11 basketball when he was in middle school. He was
12 A Absolutely.	12 varsity coach at the high school, just a volunteer.
13 Q What kind of things did you enjoy to do	13 Q What other things did he do with them when
14 together when you had free time?	14 they were younger?
15 A We liked to get on the Ranger and go out to	15 A Watch sports. I don't know, just be with
16 dinner, go to movie, spend time with friends, watch	16 them.
17 sports, just be together.	17 Q One of your boys was in college at the
18 Q Did you travel?	18 time?
19 A Yes, we traveled a lot. I guess I should	19 A Yes.
20 have included that. We loved to travel.	20 Q Taylor?
21 Q Did you have any vacations planned?	21 A Uh-huh.
22 A We had just gotten back, actually, the week	22 Q Were you guys paying for his college?
23 before to Nashville.	23 A Actually, he was going to UNLV when Doug
24 Q Did you ever have any times of separation	24 passed away, and Taylor actually had a scholastic
25 during your marriage?	25 scholarship and a rodeo scholarship. As far as the
Page 107	Page 109

1 actual school, we weren't supporting him, but we were
 2 supporting him like through room and board and food
 3 and stuff like that.
 4 Q How much were you giving him a month for room
 5 and board?
 6 A I couldn't tell you. Doug pretty much took
 7 care of that.
 8 Q After Doug's passing, did you continue to
 9 support him with room and board?
 10 A Yes.
 11 Q How much were you giving him then?
 12 A Probably 3- to \$600 a month.
 13 Q Where did he live? Was he in the dorms?
 14 A No. He lived with some friends at a couple
 15 locations.
 16 Q Has he graduated?
 17 A He transferred to BYU Idaho, and he has just
 18 probably over a year left at school.
 19 Q What's he studying?
 20 A Business agriculture.
 21 Q Are you providing him support now for
 22 school?
 23 A I have been.
 24 Q About how much a month?
 25 A Up until just recently -- off and on because

Page 110

1 financial support?
 2 A No, not that I can recall.
 3 Q Were any of your children beneficiaries to
 4 any type of life insurance policy for Doug?
 5 A I didn't know they were, but actually they
 6 were awarded some money, yes.
 7 Q Where was that money from?
 8 A It was through State Farm; it was through
 9 Daniel Vaseu's insurance.
 10 Q How much were they given?
 11 A I don't know actually, the amount.
 12 Q Did you receive anything?
 13 A I did initially. I received a hundred
 14 thousand, then part of that went to workers' comp, and
 15 part of it went to hospital bills, and part of it went
 16 to pay the attorney, then I got a portion.
 17 Q How much was left over after those bills?
 18 A I honestly don't remember the exact number,
 19 but I think it was around 30,000ish, but I could look
 20 that up for you.
 21 Q Were the hospital bills paid out of that
 22 money you got from State Farm?
 23 MS. MORALES: Objection; form. Collateral
 24 source; irrelevant.
 25 THE WITNESS: What was left after the bills,

Page 112

1 sometimes he'll work for a while, and he'll use his
 2 money for a while when he's between semesters and
 3 stuff like that, then he'll say I need some help. I
 4 don't know if I can tell you how much a month
 5 necessarily. \$300 or \$600 paying for books, so it's
 6 sporadic. I can't tell you exactly in numbers.
 7 Q Before his death, were you and Doug
 8 supporting any of your other children financially?
 9 A No.
 10 Q Were any of them giving you any type of
 11 financial support?
 12 A No. Sometimes we would give Mitchell a
 13 little help because he had been going to school too
 14 and recently gotten married, and sometimes we'd help
 15 him a little bit.
 16 Q How often would that happen?
 17 A I can't tell you because Doug kind of did it.
 18 I'd have to look back on statements and stuff like
 19 that.
 20 Q Since Doug's passing, have you provided any
 21 of your children other than what we talked about with
 22 any financial support?
 23 A Say that again.
 24 Q Since Doug has passed, have you provided any
 25 of your children other than Taylor with any type of

Page 111

1 part of it went to pay the balance.
 2 BY MS. WOODRUM:
 3 Q Do you recall how much that was?
 4 A I don't.
 5 Q What about --
 6 A I could get that information, though.
 7 Q And the workers' comp, was that to reimburse
 8 workers' comp?
 9 A Yes, because anything I get from the third
 10 party basically goes to workmen's comp.
 11 Q Do you recall how much of that 100,000 you
 12 reimbursed the workers' comp with?
 13 A I don't recall right off, but I could find
 14 out.
 15 Q Is there a reason that your children aren't
 16 parties to this lawsuit?
 17 A Mostly because I didn't even know that they
 18 could be, because they were adults, so I just assumed
 19 the fact that they were adults, it really didn't apply
 20 to them. I don't know; never done this before.
 21 Q In your responses to discovery, you listed
 22 quite a few witnesses that I want to go through. Some
 23 of them we've already talked about their roles, so
 24 we'll get through that rather quickly, but there's
 25 some I don't believe we talked about.

Page 113

1 The first one is Danny Benson, and we talked
2 about his role pretty thoroughly today. Is there any
3 other conversations that you've had with Mr. Benson
4 about the incident other than what we've already
5 discussed today?
6 MS. MORALES: Objection, form; overbroad.
7 THE WITNESS: Not that I know of.
8 BY MS. WOODRUM:
9 Q Did you ever discuss with Mr. Benson that you
10 were going to file a lawsuit?
11 A I'm sure I told him that I might.
12 Q Do you remember what he said?
13 A No, I don't.
14 Q The next was John Lemich -- am I saying that
15 correctly?
16 A Can I see?
17 Q L-E-M-I-C-H. He was the one at the bottom of
18 that statement.
19 A I've never talked to John. He's the owner of
20 Machi's. I don't really know him. I knew Doug knew
21 him pretty well because they were in there so often,
22 but to this day, the only conversations I've ever had
23 with him was just to give me condolences at the
24 memorial services. He came, but I've never discussed
25 anything ever with him regarding what happened or

Page 114

1 anything.
2 Q The next is Raymond Eugene Connelly. Do you
3 know that name?
4 A No, I don't.
5 Q Janet Baum?
6 A If I remember correctly, she might be on the
7 board of directors of the credit union.
8 Q Did you ever discuss the accident with her?
9 A No. What was name before her?
10 Q Raymond Eugene Connelly.
11 A No. He might have been on the board too. I
12 don't know who that is.
13 Q Tom Ballew, B-a-l-l-e-w?
14 A Don't know who that is.
15 Q Craig Stevens?
16 A Craig Stevens is one of the VPs at the credit
17 union.
18 Q Did you discuss the incident with him?
19 A Yes.
20 Q Tell me about that conversation.
21 A Well, he's the one that I went in and talked
22 to about the workmen's comp, and I definitely told him
23 how things transpired that night, because I was so
24 distraught at the time, you know. I went in and
25 talked to him, wondering what I should do, or if I

Page 115

1 should file workmen's comp, et cetera. So, yes, I did
2 have a conversation with him.
3 Q Did you discuss filing a lawsuit with him?
4 MS. MORALES: Objection; form. Overbroad;
5 vague and ambiguous.
6 THE WITNESS: I actually did ask him
7 whether -- I asked him about it because I said if I do
8 decide to, I don't even know who I would talk to.
9 BY MS. WOODRUM:
10 Q Did he give you any recommendation about who
11 to talk to?
12 A He did actually. He said he knew -- it was
13 him that actually told me to call the attorney's
14 office, I mean, gave me an idea of an attorney to call
15 because I asked for his opinion.
16 Q And when you say you asked for his opinion,
17 do you mean you asked for his opinion about whether or
18 not you should sue for medical malpractice?
19 A No. I asked his opinion -- I asked him if he
20 would happen to know an attorney that would deal with
21 that.
22 Q Did he offer any opinion about whether or not
23 you should sue for medical malpractice?
24 A Not really. He had no idea what transpired
25 that night other than what I told him.

Page 116

1 Q Was the name of the attorney he referred to
2 you Ms. Morales?
3 A No. It was Craig, the other attorney in
4 their office, Kidwell.
5 Q Is that an attorney in Elko?
6 A Yes. Kidwell and Gallagher. He thought that
7 Craig dealt with malpractice, but Craig apparently
8 dealt with workmen's comp type stuff, so when I called
9 their office, they said, well, he's not really. The
10 one you would talk to, you would probably want to talk
11 to Barbara Gallagher.
12 Q When did you call their office?
13 A Toward the end of May. I don't know the
14 exact day, to be honest.
15 Q May of 2016?
16 A No, May 2017.
17 Q Any other conversations with Craig Stevens?
18 A Not really.
19 Q After you had that initial conversation with
20 him about worker's compensation, did he help you, kind
21 of shepherd through the claim at all?
22 A No. He just gave me the information as to
23 who it was and -- you know, what's interesting, I
24 don't remember whether he filed -- yeah, they filed it
25 at the credit union; so he just asked me the pertinent

Page 117

1 questions based on the form, and then he submitted it.
2 I didn't really do it.
3 He actually didn't think they'd do anything
4 about it, to be honest. He thought it would be a big
5 fight, but they were really good about it.
6 Q Why did he think it would be a big fight?
7 A He just assumed, usually it would be that
8 they weren't that easily going to a okay, here you go.
9 So ...
10 Q Jenna Johnson?
11 A Jenna Johnson? I do not.
12 Q Shawn Daz?
13 A Shawn Daz, I think that's the police
14 officer.
15 Q Other than the involvement we talked about
16 with Mr. Daz earlier, is there any other conversations
17 that you had with him?
18 A No.
19 Q So you didn't have any conversations outside
20 the hospital?
21 A No. I only saw him that one day at the
22 hospital, and he was asking Doug quite a few
23 questions, he was asking me a few, but mostly just
24 asking Doug what had happened, and then he left.
25 Q John Patton, we've discussed his role

Page 118

1 earlier. Any other conversations that you had with
2 John Patton?
3 A Well, I've talked to John many times --
4 Q About the incident?
5 MS. MORALES: Objection. Form; overbroad;
6 vague and ambiguous.
7 THE WITNESS: I can't recall if I did or
8 didn't, honestly. I probably have talked to him a
9 little bit because I've seen him a lot since.
10 BY MS. WOODRUM:
11 Q Did you ever discuss filing a medical
12 malpractice with John Patton?
13 A What?
14 Q Did you ever discuss filing a malpractice
15 with him?
16 A No, that was a private matter.
17 Q Do you know if John Patton talked to anybody
18 at the hospital after the incident happened?
19 A Not to my knowledge.
20 MS. MORALES: Objection, form; calls for
21 speculation.
22 THE WITNESS: Only time I talked to him was
23 way early on. He was behind the desk talking to the
24 doctor a brief minute, and that's the only time I paid
25 attention to what he was doing at the hospital other

Page 119

1 than when he was with me.
2 BY MS. WOODRUM:
3 Q Parry Wilson?
4 A Parry was the one who came to give a
5 blessing, but as soon as it over, he left. He didn't
6 talk to anybody that I know of, and I have honestly
7 never even seen him since or talked to him since.
8 Q Cory Lucero?
9 A For some reason I was thinking he was the
10 friend that came out of the E.R., but I can't
11 remember.
12 Q The one with the little --
13 A The girl, the daughter. I should have
14 reviewed who these people were for sure, but that was
15 last summer so ...
16 Q Amber Miller?
17 A From my understanding, Amber Miller was the
18 nurse that reached out to a friend of mine and said
19 that I should get all the doctors and nurses' notes as
20 soon as possible. She was, from what I understand,
21 she was a nurse on staff that night.
22 Q Did she say why you should get all the doctor
23 and nurses's notes soon as possible?
24 A I didn't talk to her; she just talked to this
25 friend, and she just said because there were things

Page 120

1 that happened at the hospital, and she wanted me to
2 get them soon as possible so that -- yeah, she
3 actually did say take them to a malpractice
4 attorney.
5 Q What was name of your friend that she talked
6 to?
7 A Marie Johnson. She did not -- from what I
8 understand, she did not personally talk to. She knew
9 somebody that knew Marie really well, and she said
10 will you get this message to Marie, and I don't know
11 who the other person was.
12 Q So there was some intermediary that talked to
13 Marie Johnson?
14 A Yes, because she said she wanted to stay
15 anonymous, but, of course, she's not anonymous now.
16 Q Did you ever try to talk to Amber Miller?
17 A No.
18 Q Does the recommendation that came through
19 Marie Johnson from Amber Miller play a part in your
20 decision to sue?
21 MS. MORALES: Objection; form. Overbroad.
22 THE WITNESS: No. It sparked an interest as
23 to what happened. Marsha would say that.
24 BY MS. WOODRUM:
25 Q Then the next person identified was Marie

Page 121

1 Johnson. So what did Marie Johnson say in as much
2 detail as you can remember about this conversation?
3 A What I told you.
4 Q That you should get all the doctors and
5 nurses's notes together as soon as possible?
6 A And take them to a malpractice attorney.
7 Q And take them to the malpractice attorney.
8 When did that conversation occur?
9 A Probably a couple months after he passed
10 away.
11 Q And your relationship with Marie, she's a
12 close friend, you say?
13 A Well, she was the Relief Society president at
14 the time and a friend as well, because ...
15 Q Is the Relief Society the woman's
16 organization in your church?
17 A Yes.
18 Q Patton Whimple?
19 A Paton.
20 Q Paton Whimple, that was the primary care
21 physician; correct?
22 A Yes, and he was the bishop of our ward and a
23 close friend.
24 Q Did you ever talk to Dr. Whimple about
25 whether or not you should sue for medical

Page 122

1 malpractice?
2 A No. But he did mention to me that he thought
3 I should get the records. He didn't say do anything
4 with them or anything. He just said, "I really think
5 you should get the records."
6 Q How did that conversation come about?
7 A I actually was at church, and he just called
8 me in the bishop's office and just said that. Because
9 he was a physician, he didn't want to say anymore.
10 Q But he initiated the conversation?
11 A Yes.
12 Q So you never asked him should I get the
13 records, he on his own volition told you to?
14 A Yes.
15 Q And has he ever discussed it with you any
16 further?
17 A Nope.
18 Q Todd Robinson?
19 A Todd Robinson is one of Doug's best
20 friends.
21 Q How long were Doug and Todd friends for?
22 A We met he and his wife in about 1994, '95.
23 We started to just spend a lot of time with their kids
24 and our kids, and I was friends with his wife as
25 well.

Page 123

1 Q What's his wife's name?
2 A Denise.
3 Q Where do they live?
4 A They live in Overton, Nevada.
5 Q Do you continue to have a close friendship
6 with them?
7 A Yes.
8 Q Debbie Geng?
9 A G-e-n-g?
10 Q Correct.
11 A Debbie Geng was basically his vice president
12 at Moapa Valley Federal Credit Union and a very close
13 friend as well.
14 Q Does she have any knowledge about the
15 incident and what happened at the hospital?
16 A No.
17 Q So is her --
18 A I'm not even sure why she's on there other
19 than she worked with Doug for 19 years. She might be
20 on there because I had to go to her to get -- I called
21 her about getting the pay stubs and stuff from the
22 credit union for this investigation.
23 MS. MORALES: Can we take a break soon?
24 MS. WOODRUM: We can take one now.
25 (Break taken.)

Page 124

1 BY MS. WOODRUM:
2 Q Did you mention earlier that Doug engaged in
3 rodeos?
4 A Yes.
5 Q Did he participate in rodeos?
6 A Not professionally. He was a roper, header
7 just for fun, and he would go to roping and stuff.
8 He'd win sometimes. But he also ran the Clark County
9 Fair and Rodeo for about 20 years.
10 When I say "ran," he was the chair, the
11 director, whatever.
12 Q Was there any type of donation from the Clark
13 County Fair and Rodeo?
14 A Not to my knowledge.
15 Q Was there any type of Go Fund Me or crowd
16 raising type of --
17 A No.
18 Q -- fund-raiser?
19 A No.
20 Q Any other donations other than what we've
21 already talked about?
22 A No, not that I'm aware of.
23 MS. WOODRUM: That's all my questions. I'll
24 let the other attorneys go ahead, if I have any
25 follow-up.

Page 125

<p>1 EXAMINATION</p> <p>2 BY MR. BURTON:</p> <p>3 Q Hi, Ms. Schwartz. I'm James Burton. I</p> <p>4 represent Reach Air in this case. I'm going to be</p> <p>5 brief, and I'm going to bounce around a little bit</p> <p>6 because a lot of questions have been asked.</p> <p>7 You testified earlier, and the records</p> <p>8 indicate, that your husband had an ulcer on the bottom</p> <p>9 of his esophagus, 2011. Do you remember that?</p> <p>10 A Yes.</p> <p>11 Q Do you know if that was disclosed to</p> <p>12 Dr. Garvey or the hospital when your husband was hit</p> <p>13 by the car?</p> <p>14 A Not to my knowledge.</p> <p>15 Q As I mentioned, I represent the flight crew.</p> <p>16 Do you recall meeting any of the flight crew in the</p> <p>17 hospital the night your husband was hit?</p> <p>18 A I saw them coming in just about when I was</p> <p>19 leaving.</p> <p>20 Q Meaning when you were leaving --</p> <p>21 A Just in the room my husband was in.</p> <p>22 Q Prior to them doing the chest tube or</p> <p>23 intubation?</p> <p>24 A Yes.</p> <p>25 Q Did you speak with either one of them?</p> <p>Page 126</p>	<p>1 After your husband passed away and you went</p> <p>2 in to view his body, do you recall there being a chest</p> <p>3 tube in his chest?</p> <p>4 A Honestly, when you say like in the side, like</p> <p>5 an actual chest tube, all I remember about going in</p> <p>6 there was they said you can't touch him anywhere</p> <p>7 except basically his left arm, and I do remember</p> <p>8 seeing a tube. I do believe either in his mouth or</p> <p>9 nose, and because I was on his left side, it almost</p> <p>10 seems like I remember seeing a tube on this side, but</p> <p>11 honestly, I was so out of it kind of, that I don't</p> <p>12 really know exactly what was going on with all the</p> <p>13 tubes.</p> <p>14 Q I remember your testimony where you said your</p> <p>15 husband had never consumed alcohol.</p> <p>16 A Yes.</p> <p>17 Q Do you have any reason to understand -- let</p> <p>18 me back up.</p> <p>19 Some of the folks that were in the room said</p> <p>20 the room smelled like alcohol, the treating room. Did</p> <p>21 you smell alcohol in that room?</p> <p>22 A No.</p> <p>23 Q Some of the folks in the room also said, and</p> <p>24 this will come out when others are deposed, when your</p> <p>25 husband vomited, that it smelled like alcohol. Do you</p> <p>Page 128</p>
<p>1 A No.</p> <p>2 Q Have you ever spoken with either one of</p> <p>3 them?</p> <p>4 A No.</p> <p>5 Q Do you have an understanding as to what</p> <p>6 specifically -- I'll represent to you there were two</p> <p>7 flight crew members there.</p> <p>8 Do you have an understanding what either one</p> <p>9 of them did specifically in treating your husband in</p> <p>10 the emergency room?</p> <p>11 A I don't know what they did exactly. I</p> <p>12 understood now, from --</p> <p>13 MS. MORALES: Nothing that we discussed.</p> <p>14 THE WITNESS: No. I understand now that one</p> <p>15 of the flight nurses was the one who actually did the</p> <p>16 intubation, which kind of surprised me, but I didn't</p> <p>17 know that until long after it happened.</p> <p>18 BY MR. BURTON:</p> <p>19 Q Was your husband actually given a chest tube,</p> <p>20 or was he prepared for a chest tube?</p> <p>21 A I have absolutely no idea what they did.</p> <p>22 Q I know a lot of this -- it's not lost on me</p> <p>23 or anyone in the group, a lot of these questions are</p> <p>24 personal, and I can assure you I was uncomfortable</p> <p>25 asking some of them, as I know you are answering them.</p> <p>Page 127</p>	<p>1 have any reason to understand that?</p> <p>2 A I've never heard that before.</p> <p>3 Q To your knowledge, your husband never drank</p> <p>4 alcohol before?</p> <p>5 A Never. And Danny said he never witnessed him</p> <p>6 drink any alcohol that night. Never heard that</p> <p>7 before, but interesting.</p> <p>8 Q With respect to the intubation, and I just</p> <p>9 want to make sure the record is clear, and I know you</p> <p>10 talked about it earlier, to your knowledge, you don't</p> <p>11 know one way or the other whether or not your husband</p> <p>12 consented to intubation?</p> <p>13 A I do not know if he signed any papers or</p> <p>14 consented, no.</p> <p>15 Q Do you know if there was ever a discussion</p> <p>16 between your husband and a medical professional about</p> <p>17 intubation?</p> <p>18 A I do not know. If it took place, it was</p> <p>19 after I left the room.</p> <p>20 Q Is your journal that you keep, you keep on a</p> <p>21 laptop at home?</p> <p>22 A Yes.</p> <p>23 Q Tell me what you did as you look through to</p> <p>24 find the entries that are relevant to this case?</p> <p>25 A Tell you what I did? Like what do you mean?</p> <p>Page 129</p>

1 Q How did you search for and determine what to
2 provide to your attorneys?
3 A I only had written one particular one about
4 the incident, so I knew exactly where it was.
5 Q Was it kept in the same spot -- I assume you
6 have other journal entries?
7 A I think I just listed that -- I don't even
8 know what I entitled it.
9 Q As a separate document?
10 A Yes.
11 Q So it's not part of a regular --
12 A No.
13 Q -- journal?
14 A No.
15 Q After your husband passed away and you were
16 informed that he had died, did you see the flight crew
17 members again?
18 A No.
19 Q So I assume, because you didn't see them, you
20 didn't speak with them either?
21 A No.
22 Q Have you ever spoken with either of the
23 flight crew members?
24 A No.
25 Q Do you know what their names are?

Page 130

1 A For an autopsy.
2 Q Do you know how many days his body was in
3 Reno?
4 A I do believe a week, because it seemed
5 like -- maybe I don't know exactly when Brian Redmon
6 from the mortuary went -- I know he came to Las Vegas
7 to pick it up from the airport, or they flew it down.
8 I know it was -- so the funeral was Friday. I don't
9 know exactly what day he came and picked it up, but I
10 know it was there Thursday. So probably Tuesday or
11 Wednesday, but I don't know for sure.
12 Q Do you know if that autopsy report has been
13 produced or -- "produced" is a lawyer fancy word we
14 use. Do you know if it's been provided to the
15 defendants' counsel in this case?
16 A I'm pretty sure it was.
17 Q There's an expert report that was attached to
18 the complaint from Dr. Scissors. Have you seen that
19 report?
20 A No.
21 Q Have you ever had a conversation with
22 Dr. Scissors?
23 A No.
24 Q In some of your interrogatory responses --
25 and again that's the fancy word for question -- you

Page 132

1 A No.
2 Q Do you know if in your -- in some of the
3 records, it talked about releasing to the coroner.
4 You remember how you had that discussion with counsel,
5 releasing your husband's body -- or getting a
6 coroner's report, sorry. Do you remember having that
7 discussion --
8 A With?
9 Q -- with Ms. Woodrum. Do you recall having
10 that discussion with Ms. Woodrum about the coroner's
11 report?
12 A Just now today?
13 Q Yeah, during the deposition. Let me ask my
14 question.
15 Do you know if your husband -- if an autopsy
16 was performed?
17 A Yes, an autopsy was performed.
18 Q Walk me through, when your husband's -- let
19 me back up. Has that report been provided to you?
20 A I honestly don't know if I have that
21 report.
22 Q Do you know where your husband's body went
23 when it left the hospital after he passed away?
24 A They either drove or flew him to Reno --
25 Q For an autopsy?

Page 131

1 talk about, or you list lost wages and lost future
2 earning capacity. Are you familiar with those
3 numbers? I'm not going to ask you but --
4 A Yeah, I'm familiar.
5 Q How did you come up with those numbers? I
6 don't want you to tell me any conversations you had
7 with your attorneys, but how did you determine those
8 numbers?
9 A I actually never talked to my attorney about
10 those numbers. Basically what I did is, I just did a,
11 okay, this is how much he's making now based on the
12 fact he signed a contract that he'd work for 10 years.
13 I don't think I even added inflation, honestly.
14 Q So it's just the remainder of that 10-year
15 contract with the credit union?
16 A Yeah, that's kind of what I estimated it.
17 Q The 201,000 approximately lost wages -- you
18 had two numbers: Future income, which was 704,000 and
19 201,000 in lost wages. What's the difference between
20 those two numbers? How did you differentiate the two
21 numbers?
22 A Not exactly sure what you're asking me.
23 Q So you have a lost wages, a past lost wages
24 line item is \$201,270, and then you have a future
25 earning capacity --

Page 133

1 A I think what that was up to the point I was
2 doing that particular interrogatory based on what he
3 would have made up to that point, which was July of
4 2018, that's how much money I would have had, had he
5 still been alive.
6 And based on what was left of the 10-year
7 contract would have been the rest of the money. I
8 think that's how I figured that out.
9 Q In your journal entry, you talk about the
10 drugs were not given to eliminate his gag reflex. Do
11 you remember that?
12 A Yes.
13 Q What's the basis for your understanding he
14 wasn't given drugs to eliminate the gag reflex?
15 A Based on Jenna tell me what she had observed
16 when she read through the hospital records from Elite
17 Investigations. So it wasn't anything that I read
18 myself, I was just basing that on what she had.
19 Q And any subsequent review of the medical
20 records -- I realize you're not a nurse or doctor, I'm
21 not trying to trick you. I'm just curious if you know
22 what drugs were given, or if there were drugs given to
23 him prior to his intubation?
24 A I do not know what they were.
25 Q Is your opinion still that he was not given

Page 134

1 done it, so when I found out it was the flight nurse,
2 I actually was kind of surprised, because I thought if
3 he would have had an emergency, why couldn't they have
4 done it on the plane, if need be? So I really was
5 always confused why he did it in the first place.
6 Q Was your concern that he did it in the first
7 place or did it improperly?
8 A A little of both actually, because I couldn't
9 understand why they intubated him in the first place
10 based on what I was seeing taking place that night and
11 the condition that Doug was in, and the fact he was
12 breathing fine and he was okay, that kind of stuff.
13 But then I just wondered if he did do it
14 improperly, or why after he'd attempted the first
15 time, why they went and continued to do it, tried a
16 second time.
17 Q Do you know or do you have an opinion as to
18 whether or not the intubation was done improperly --
19 the intubation was done by Barry Barlett, I'll tell
20 you that. He's one of the flight crew members -- by
21 Mr. Bartlett. Do you have any idea if he did the
22 intubation improperly?
23 MS. MORALES: Objection; calls for medical
24 opinion.
25 THE WITNESS: I have no idea whether he did

Page 136

1 drugs to eliminate his gag reflex?
2 A Well, based on the report I read, I can't
3 even tell because I'm not an expert.
4 Q Fair enough. You have a variety of different
5 claims that you have asserted, and again I realize
6 you're not a doctor. I also realize you're not an
7 attorney, so I'm just asking your personal opinion,
8 not a legal conclusion.
9 Obviously, there are multiple parties that
10 are here. If you can, what specifically are you
11 alleging that Reach Air, which is, again, my client,
12 the ambulance service to cause your husband's death?
13 MS. MORALES: I'll just put an objection on
14 the record for legal conclusion and calls for
15 speculation.
16 THE WITNESS: Well, basically, I always
17 thought that Dr. Garvey did the intubation because he
18 was the doctor at the E.R.
19 MS. MORALES: Sorry, nothing we talked about
20 either; so whatever you know outside of our
21 discussions.
22 BY MR. BURTON:
23 Q To be clear, none of my questions are
24 intended to elicit attorney-client.
25 A I always assumed it was Dr. Garvey that had

Page 135

1 it correctly or not.
2 For me, I couldn't understand why they would
3 do it knowing he just ate a big meal, that was my
4 biggest problem with the whole thing. They all knew
5 he just had a big meal, and the potential risk of
6 intubation is vomiting, so that is probably the
7 biggest reason why I thought they should have been a
8 little smarter about it.
9 BY MR. BURTON:
10 Q How did you know that vomiting was a
11 potential risk of intubation?
12 A Not really sure, actually.
13 Q Do you recall if anybody at the hospital
14 indicated you that that was a risk of intubation?
15 A No. I think just after the fact, and it
16 could have been something that Jenna had said, and
17 logic.
18 Q You testified earlier that you were informed
19 that your husband would need to be sedated before the
20 flight. Do you remember that?
21 A Well, they said he needed to be sedated to
22 put the chest tube in.
23 Q Who said that to you again?
24 A Dr. Garvey.
25 Q At that time, do you recall Dr. Garvey saying

Page 137

1 anything about he needed to be sedated for
2 intubation?

3 A No.

4 Q I think counsel asked if -- and I apologize
5 again if some of these are repetitive -- if Dr. Garvey
6 explained any alternatives to intubation to you?

7 A No.

8 Q Do you know if there were any alternatives to
9 intubation to secure an airway?

10 A No. I mean, I guess a trach or something
11 possibly.

12 (Court reporter asks for clarification.)

13 THE WITNESS: Telling you right now, I guess
14 a tracheotomy could.

15 MS. MORALES: I'll lodge a late objection as
16 to it calls for expert medical opinion.

17 MR. BURTON: Give me 30 seconds. Again, Mrs.
18 Schwartz, I'm sorry, generally sorry we're here. I
19 appreciate your professionalism. I don't have any
20 further questions.

21 THE WITNESS: Thank you.

22 EXAMINATION

23 BY MR. TAN:

24 Q Just a few questions. I represent a business
25 entity called Crum, Stefanko & Jones, Ltd.

Page 138

1 really kind of at the door of the room where Doug's

2 over here waiting in the hallway to leave, he said,

3 "Oh, by the way, we might intubate him." So I said,

4 "Why would you do that?" He said, "Well, we just want
5 to make sure he has a clear airway on the airplane
6 just in case."

7 So I was like, Okay. That seems weird to me.

8 I wasn't going to argue because he's the professional,
9 so I left.

10 Q And those were statements made by
11 Dr. Garvey?

12 A Yes. And he wasn't talking to Doug about it
13 right then. He just was solely talking to me.

14 Doug was probably like from me to you away,
15 10, 12 feet.

16 Q Was that the only conversation that you were
17 present for with Dr. Garvey talking about
18 intubation?

19 A Yes.

20 Q During that conversation, did Dr. Garvey tell
21 that you he needed to be authorized by Ruby Crest
22 before he did that intubation?

23 A No.

24 Q After the intubation, and after Doug's death,
25 are you aware of any -- let me ask this: Are you

Page 140

1 Prior this lawsuit, you ever heard that
2 business before?

3 A No.

4 Q They go by the name Ruby Crest Emergency
5 Medicine. Prior to this incident, have you heard that
6 entity before?

7 A No.

8 Q I'm just going to refer to it as Ruby Crest.
9 Would you understand what I'm talking about?

10 A Yes.

11 Q You were present for some conversations with
12 Dr. Garvey and Doug talking about the possible
13 intubation; is that right?

14 MS. MORALES: Objection; form. Misstates her
15 testimony.

16 THE WITNESS: Can you rephrase that?

17 BY MR. TAN:

18 Q Were you present for any conversations
19 between Doug and Dr. Garvey about the possible
20 intubation?

21 A No. As I was leaving the room, when he told
22 me that I needed to leave because they were going to
23 put the chest tube in and put him under, that I
24 couldn't stay in there when they did that.

25 As I was leaving the room, and I was standing

Page 139

1 familiar with the word "ratified" or "ratification"?

2 A Not really.

3 Q For our purposes, let's say it means, say an
4 employee does something, and it's sort of -- do you
5 have any understanding what "ratification" means?

6 A Well, a little bit.

7 Q What's your understanding of ratification?

8 A Like I don't even know if I'm right, but they
9 need like authorization from -- I don't know.

10 Q It's like an authorization after the fact.

11 A Okay.

12 Q Are you aware of any statements and
13 communications or any other indications that Ruby
14 Crest had ratified the intubation of Doug?

15 A No.

16 MS. MORALES: Objection; form, ambiguous --

17 THE WITNESS: I'm not saying if they did or
18 didn't. I don't know of any.

19 BY MR. TAN:

20 Q Did you have any conversation with any of the
21 flight crew?

22 A No.

23 Q And I know we're getting into very personal
24 information, but do you have any plans to remarry
25 sitting here today?

Page 141

1 A Not with anyone in particular at this time.
2 I would love to if I found the right person.
3 MR. TAN: I appreciate that. That's all the
4 questions I have.
5 EXAMINATION
6 BY MR. DOBBS:
7 Q Ms. Schwartz, my name is Tyson Dobbs. I
8 represent Northeastern Regional. I'm going to move
9 down here so we're not screaming across the table.
10 I'm going to jump around a little bit too.
11 You testified earlier that Dr. Whimple, is he
12 your husband's primary care physician?
13 A Yes.
14 Q And he was also the bishop in your ward?
15 A Yes.
16 Q So he was or is, not just a family practice
17 physician; is that what he is?
18 A I don't exactly what his title is.
19 Q Do you know if he sees patients -- strike
20 that.
21 Does he see patients in a particular office
22 in Elko somewhere?
23 A As far as I know, he has an office there,
24 yes.
25 Q Do you know if he sees patients at

Page 142

1 Northeastern Regional?
2 A I do not know. I do know he's -- I thought
3 he was on the medical review board.
4 Q That was Dr. Whimple?
5 A Yes.
6 Q And the medical review --
7 A I thought. I don't know for sure if he was,
8 but that was my understanding that he sits on the
9 medical review board.
10 Q What did you understand the medical review
11 board to be?
12 A I have no idea other than what it says. I
13 just figured that he sat on that board to review some
14 of the medical records that would come through after
15 patients' care.
16 Q But do you know if he ever saw patients at
17 the hospital?
18 A I do not know.
19 Q What about Dr. Patton. He was there with
20 you --
21 A He was just there as a friend, but he
22 coincidentally happens to be a doctor. I do remember
23 while we were sitting in the E.R., though, I don't
24 think he spends a lot of time in the E.R. or that part
25 of the hospital. He's pretty much just his own doctor

Page 143

1 in his office. You know what I'm saying? I don't
2 think he spends a lot of time. He knew some of the
3 doctors, but I have no idea if he knew Dr. Garvey.
4 Q I just asked because in your statement I saw
5 somewhere it said something to the effect of John was
6 also a physician at the hospital. And John is that --
7 A John Patton.
8 Q You said he had a practice outside of the
9 hospital?
10 A I do believe he had his own office. I'd
11 never been to it.
12 Q But it's also your understanding that John
13 practiced in the hospital as well?
14 A He might have. I'm sure he did surgeries. I
15 don't know where he would have done them.
16 Q Had Doug ever been to -- and is it okay if I
17 call him Doug?
18 A Yes.
19 Q Had he ever been to Northeastern Regional
20 emergency department before?
21 A Not to my knowledge.
22 Q And I think you testified that you didn't
23 know Dr. Garvey before --
24 A Actually, you know what, he might have gone
25 for a headache, migraine one time.

Page 144

1 Q Do you recall when that was?
2 A I don't.
3 Q Do you have an estimation or approximation?
4 A Maybe a year, year and a half before the
5 accident.
6 Q And did you go to the hospital with him at
7 that time?
8 A Yes.
9 Q And --
10 A He just couldn't kick it, so he was hoping
11 they could give him something to kind of take the edge
12 off.
13 Q Was he seen by an emergency department
14 physician at that time?
15 A Yes.
16 Q And do you remember who it was?
17 A No.
18 Q Do you know if it was Dr. Garvey?
19 A No.
20 Q Could it have been?
21 A I have absolutely no idea who it was. He
22 mostly just was with the nurse.
23 Q Fair to say you don't have a recollection?
24 A No. I have no idea.
25 Q And you testified that you did not know

Page 145

1 Dr. Garvey before going to the hospital at the time
2 frame we're talking about; correct?
3 A I did not know him.
4 Q Do you know if Doug knew him?
5 A I do not know if Doug knew him, but I would
6 doubt it because he only been to the hospital the one
7 other time.
8 Q I just ask, Elko I image it's a smaller
9 community; right?
10 A Yeah. I didn't know very many people there,
11 honestly.
12 Q Did you have any understanding as to
13 Dr. Garvey's -- who his employer was at the time that
14 you came to the hospital?
15 A I had no idea.
16 Q And I want to know if you had formed any
17 belief about whether he was an employee of the
18 hospital or if he was an employee of a practice
19 group?
20 A I had no understanding at all other than -- I
21 assumed he worked for the hospital because he was
22 working in the E.R.
23 Q But you didn't have any information one way
24 or the other as to who he worked for?
25 A No.

Page 146

1 Q True?
2 A True, I had no idea.
3 Q So you hadn't formed any sort of opinion or
4 belief at that time as to whether or not he was an
5 employee of the hospital or employee of a practice
6 group or some other?
7 MS. MORALES: Objection; misstates her
8 testimony.
9 THE WITNESS: My understanding was he worked
10 for the hospital because he was at the hospital
11 working.
12 BY MR. DOBBS:
13 Q Do you recall when you arrived at the
14 hospital, did you ever -- do you recall filling out
15 paperwork?
16 A I know people brought me forms to sign
17 regarding just your standard stuff.
18 Q And I think I have at least one of those
19 forms. And I'm just going to show it to you real
20 quick.
21 Do you recall what time frame that was that
22 you were filling out the forms at the hospital?
23 A Probably within 30 or so minutes after we got
24 there.
25 Q So that was early on in the admission;

Page 147

1 right?
2 A Yes, yes.
3 Q What I handed you is, it's called a "Consent
4 for Services and Financial Responsibility." You see
5 that?
6 A Uh-huh.
7 Q At the bottom right-hand corner we've got
8 Bates numbers. And the Bates numbers on this are the
9 page numbers, and this one is NEN000030, and it goes
10 through NEN40.
11 I just wanted to, if you could, turn to
12 page 32 of that document. Right there.
13 A Uh-huh.
14 Q Before I go on, do you remember signing this
15 record?
16 A No. Obviously I did, but ...
17 Q And you say obviously you did. Why do you
18 say that?
19 A Because it's my signature, but I mean, you
20 just sign papers when they bring them.
21 Q That's what I wanted to know. Is the
22 signature on page 32, is that indeed your signature?
23 A Yes.
24 Q But you don't have a recollection of actually
25 signing this document?

Page 148

1 A Well, not really, but just, yeah,
2 obviously.
3 Q You remember signing documents, but you don't
4 remember specifically this record?
5 A And I don't remember specifically any of the
6 what they were. I just signed them because they told
7 me to.
8 Q You recall if you reviewed them?
9 A More than likely they probably just said a
10 few things, and so I said okay.
11 Q If you could turn to page 31. If you look at
12 paragraph 10, do you see that?
13 A Yes.
14 Q It says "Relationship between hospital and
15 physicians, other healthcare providers." You see
16 that?
17 A Yes.
18 Q Then under that it says -- correct me if I'm
19 reading it wrong -- the second sentence -- "Most
20 physicians and surgeons providing services to me,
21 including radiologists, pathologists or emergency
22 physicians, anesthesiologists, hospitalists and others
23 are independent contractors and not employees or
24 agents of the hospital." Did I read that correctly?
25 A Yes. It says "most," so it's hard to say

Page 149

1 which ones were and which ones weren't.
2 Q You pointed that out, yes.
3 My question is, this document is something
4 that you signed at the hospital; correct?
5 A Yes.
6 Q And other than this record, you didn't have
7 any information about Dr. Garvey's employment status;
8 correct?
9 A I did not have any knowledge.
10 Q So this would have been the only record that
11 you had within your possession at the time that had
12 any indication about what Dr. Garvey's employment
13 status could be; true?
14 MS. MORALES: Objection; form.
15 THE WITNESS: I had no idea.
16 BY MR. DOBBS:
17 Q But this is the only thing that would have
18 indicated --
19 A As far as I know, this is the only thing I
20 would have signed, but I didn't know it was there.
21 Q But Dr. Garvey, he didn't say to you --
22 A No. He did not say anything about that to
23 me.
24 Q Earlier there was some, I believe you
25 testified that Danny Benson mentioned to you that he

Page 150

1 meant as to whether they weren't able to get the
2 suction or --
3 A I don't have any idea. All I know, he just
4 told me that, which kind of sparked my interest as to,
5 okay, what the heck happened in there?
6 Q And this was a couple of days after the
7 hospitalization?
8 A Yeah, probably.
9 Q So you didn't have any conversations
10 regarding a suction machine not working at the time
11 you were at the hospital?
12 A No.
13 Q Is that true?
14 A And still don't know if that is even true.
15 Q But you didn't have any conversations,
16 correct, at the hospital?
17 A No.
18 Q Is that correct? It's a double negative.
19 A Yeah.
20 Q I guess I should ask you, did you have any
21 conversations at the hospital regarding --
22 A No, I did not. And I have not read that in
23 anything. I do not know if that's even the case --
24 Q Okay.
25 A -- and I didn't believe it just because he

Page 152

1 overheard somebody say something about a suction
2 machine not working?
3 A Yes.
4 Q Do you recall when you had that conversation
5 with Danny Benson?
6 A I do believe it was within the next day or
7 two, because I had to go to the credit union or
8 something, and he mentioned it to me, if I remember
9 correctly. I think it was at the credit union.
10 Q And who was it again that he believed had
11 told that to him?
12 A It was the friend that came out of the
13 emergency room that said he was going to bring his
14 daughter back.
15 Q And do you recall that friend's name? I
16 don't know if you said it earlier or not.
17 A I don't remember. I did put it on the
18 information, but I can't remember his name. Tony
19 something, maybe.
20 Q So this was something that Danny Benson had
21 heard from Tony, and then he was then telling you?
22 A Yes.
23 Q You didn't hear it firsthand; correct?
24 A I did not hear it firsthand.
25 Q And you didn't have any details about what he

Page 151

1 said it; I just heard that.
2 Q Okay.
3 A But I did want to find out if that was
4 true.
5 Q Did you do anything to find out?
6 A No. I read through the records, but not
7 looking specifically for that, just ...
8 Q And I think we've discussed several of the
9 conversations you had with Danny Benson about what the
10 administration clerk or whoever it was said about
11 filing a lawsuit; correct?
12 A What are you asking me?
13 Q Do you remember that conversation?
14 A Yes, but I'm not sure what you're asking me.
15 Q Let me get there. Are there any criticisms
16 -- strike that.
17 Besides your conversations with Danny Benson,
18 did you have any discussions with any hospital staff
19 members that you understood to be a criticism of the
20 treatment that your husband received?
21 A No, other than the nurse that contacted
22 Marie, but I didn't speak with her myself. They were
23 all very helpful that night.
24 Q The staff members?
25 A Yes.

Page 153

1 Q That brings me to my next question. Outside
2 of the criticisms that you have regarding the
3 intubation and the care provided by either the
4 Dr. Garvey or the flight crew that did the intubation,
5 do you have any direct or independent criticisms of
6 the hospital nursing staff or other personnel?
7 MS. MORALES: Objection; form. Calls for
8 legal conclusion; overbroad; vague and ambiguous.
9 BY MR. DOBBS:
10 Q I'm just asking for your personal --
11 A Do I have issue with any of the treatment I
12 saw taking place that night personally?
13 Q Besides Dr. Garvey and the flight crew.
14 A I felt like they were very caring and took
15 really good care of him from what I witnessed
16 firsthand.
17 Q When you arrived at the hospital, I believe
18 you stated you had to wait a little bit for Dr. Garvey
19 to arrive?
20 A Well, when we got into the room, the nurses
21 were there first and just started assessing his needs.
22 And, to be honest, I don't know how long it took him,
23 because I was just -- it could have been 15 minutes,
24 it could have been 30. I don't know. It was not
25 immediate, but it wasn't like a really long time. I

Page 154

1 didn't feel like I was wondering where the doctor was
2 or anything like that.
3 Q When you say you were -- when I heard you say
4 that you were waiting for him to arrive, it wasn't
5 that he wasn't at the hospital; was it?
6 A I'm sure he was there somewhere. I wasn't
7 concerned or wondering where's the doctor. I was just
8 trying to give an idea about how much time passed
9 before he actually came into the room -- 15 minutes,
10 maybe. I don't know.
11 Q Thank you.
12 A Maybe 30, I don't even remember, honestly.
13 We were just talking. The nurses were there before
14 him is all.
15 Q And we did talk about the -- earlier you
16 discussed that Danny Benson had the conversation with
17 the, the person at administration that said you should
18 sue; right? You remember that?
19 A Yes.
20 Q You stated he tried to go back to talk to her
21 and there was a guard on her?
22 A Well, that's what he said. I have no idea,
23 actually. I mean, it's just -- I tried to talk to
24 her, but I heard there was a guard on her the rest of
25 the night. I don't know if that's true or not.

Page 155

1 That's all I heard.
2 Q What did you understand "a guard on her" to
3 mean?
4 A I just understood it to mean, if that is the
5 case, that somebody was there trying to make sure she
6 didn't talk about what happened that night and what
7 she heard. Just somebody that stayed right there by
8 her to make sure she didn't talk about what happened
9 that night. That's all I know. That's just my
10 assumption.
11 Q So best to ask Danny about that, I guess?
12 A Yes.
13 MR. DOBBS: I think that's all the questions
14 I have.
15 MS. WOODRUM: I have a few more follow-ups.
16 FURTHER EXAMINATION
17 BY MS. WOODRUM:
18 Q Did you ever see Doug eat anything while he
19 was in the hospital?
20 A He did not, to my knowledge.
21 Q So the last time he ate was when he was at
22 Machi's?
23 A Yes.
24 Q That would have been before 8:30 when you got
25 the call about the accident; correct?

Page 156

1 A Yes.
2 Q And, so he hadn't eaten anything between the
3 time that he ate at Machi's and the time he was
4 intubated several hours later?
5 A Not to my knowledge.
6 Q So when you said he had just eaten a big
7 meal, you're talking about the meal several hours
8 earlier at Machi's?
9 A When he left, he had just finished eating.
10 Q Do you have a Facebook account?
11 A Yes.
12 Q Do you have Instagram?
13 A Yes.
14 Q Any other social media?
15 A No.
16 Q Have you posted anything about the care and
17 treatment that was provided?
18 A No.
19 Q Anything about this lawsuit?
20 A No.
21 Q What's your Facebook name?
22 A Diane Schwartz.
23 Q What about Instagram?
24 A Gosh, I set it up so long ago, I don't even
25 know. Probably just Diane Schwartz. People find me

Page 157

1 somehow.	1 that information from someone else; correct?
2 I never use it, I never get on either one of	2 A Yes.
3 them, to be honest.	3 Q And as you sit here today, you don't know if
4 Q Why did you move from Logandale to	4 that's true or not?
5 Washington?	5 A I do not know if that's true.
6 A That's a good question. When you're in this	6 Q And you've reviewed the medical records, at
7 situation, your life changes, and I just didn't want	7 least some of the medical records from the hospital in
8 to live there anymore. I just wanted to live where	8 this case; right?
9 there's lot more things to do and easier access to	9 A Yes.
10 stores. I'd always kind of wanted to live there, so I	10 Q And when you reviewed those medical records,
11 did.	11 did you see any documentation about there was any
12 Q So just kind of a change of scenery?	12 problems with the suction machine?
13 A Yeah.	13 A No, I did not.
14 Q Was your and Doug's plan to retire back to	14 Q So, as you sit here today, you still don't
15 Logandale after he finished in Elko?	15 know if there was a problem with the suction
16 A Actually, we did have a home there still, but	16 machine?
17 I don't know we would have gone back to it for sure.	17 A Correct.
18 There or probably St. George, Utah.	18 MS. MORALES: I have no further questions.
19 Q And the plan was for Doug to work the 10	19 MS. WOODRUM: That's all.
20 years at the credit union, and then retire?	20 (Court reporters requests order for
21 A Yes.	21 transcripts.)
22 Q So he didn't plan to work beyond the ten	22 MS. WOODRUM: We would like a full,
23 years?	23 condensed, and e-trans with all exhibits.
24 A Well, he did talk about, once he retired, he	24 MR. BURTON: E copy with exhibits.
25 kind of wanted to work on the corporate training part	25 MR. TAN: E-trans with exhibits.
Page 158	Page 160
1 of it, and go to -- just be either, what do you call	1 MR. DOBBS: E-transcript with exhibits for me
2 it? When you go to their training meetings, a	2 as well.
3 facilitator at training meetings for different	3 MS. MORALES: E-trans and full, please.
4 institutions, mostly credit unions because he was	4 We'll reserve signature.
5 really good at that. And instead of hiring someone at	5 (TIME NOTED: 3:55 p.m.)
6 the credit union, he always just kind of did it.	6
7 Q Would that be like an independent contractor	7
8 kind of position?	8
9 A Yes. He would have liked to have done that.	9
10 He talked about that a lot where he hoped that he	10
11 could be a facilitator for training meetings.	11
12 Q How would you describe Dr. Garvey's	12
13 demeanor?	13
14 A I didn't really notice him that much, to be	14
15 honest. I was more worried about Doug. I mean, he	15
16 was pleasant. I didn't have an issue with him.	16
17 MS. WOODRUM: That's all I have. Thank you.	17
18 MS. MORALES: I just have a couple questions.	18
19 EXAMINATION	19
20 BY MS. MORALES:	20
21 Q You were asked earlier about the conversation	21
22 or discussion that you had regarding the suction	22
23 machine; do you remember that?	23
24 A Yes.	24
25 Q And I believe you testified that you heard	25
Page 159	Page 161

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, DIANE SCHWARTZ, deponent herein, do
declare under penalty of perjury that I have read the
foregoing transcript; that I have made any corrections
as appear noted, in ink, initialed by me, or attached
hereto; that my testimony as contained herein, as
corrected, is true and correct.

Executed this ____ day of _____,
20____, at _____,
(City) (State)

DIANE SCHWARTZ
Deponent

Page 162

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

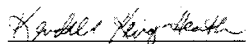
REPORTER'S CERTIFICATE

I, the undersigned, a Certified Shorthand
Reporter of the State of Nevada, do hereby certify:
That the foregoing proceedings were taken
before me at the time and place herein set forth; that
any witnesses in the foregoing proceedings, prior to
testifying, were duly sworn; that a record of the
proceedings was made by me using machine shorthand
which was thereafter transcribed under my direction;
that the foregoing transcript is a true record of the
testimony given.

Further, before completion of the
proceedings, review of the transcript [] was []
was not requested.

I further certify I am neither financially
interested in the action nor a relative or employee of
any attorney or party to this action.

IN WITNESS WHEREOF, I have this date
subscribed my name.
Dated: February 6, 2019


NV. CCR NO. 475
CALIF. CSR NO. 11861

Page 163

EXHIBIT 5



Inc. Date: 06/23/2016
Run #: IFT
PCR #: 16-14083

REACH Air
Santa Rosa, CA 95403
DISPATCH
800-332-1292 ADMIN

Prehospital Care Report - Critical Care

Medical Record #: 000330967

Patient Information		
Name: SCHWARTZ, DOUGLAS	Age: 58 Years	D.O.B: 06/02/1958 (mm/dd/yyyy)
Address: [REDACTED]	Gender: Male	SSN: [REDACTED]
[REDACTED]	Weight: 90.718 KG / 200.00 LB	Race:
Country:	Phone: [REDACTED]	Ethnicity:
	Pediatric Color: Not Applicable	Study: Not Applicable
Billing Information		
Payment Method:	Work Related? No	
Call Type and Location	Call Disposition	Response Times
Call Type: Interfacility Transfer (Unscheduled)	Disposition: Treated, Transported	Run #: IFT
Vehicle Dispatch Location:	Resp. Mode: No Lights or Sirens	Call Sign: REACH58
Dispatch Reason: Auto vs. Pedestrian	Destination: University of Utah	Vehicle #: N271SM
Resp. Mode: No Lights and Sirens	Healthcare, 50	1st Resp. Arr.:
Service Level: Critical Care Transport	Medical Drive, Salt	PSAP:
Unit Role: Non-Transport	Lake City, UT 84132	Disp. Notified: 23:36
Urgency: Immediate	Dest. Determ.: Specialty Resource	Unit Disp.: 23:41
Response: Interfacility Transfer (Unscheduled)	Center	Standby Date/Time:
Location: Health Care Facility (clinic, hospital, nursing home)	Diverted From:	Enroute: 23:45
Facility: Northeastern Nevada Regional Hospital	Dispatch Delay:	At Scene: 23:55
Address: 2001 Errecart Boulevard	Turn Around Delays:	At Patient: 23:57
Elko, Elko, NV 89801		Depart: 01:39
		Arrive Dest: 01:40
		In Service: 01:41
Unit Personnel		
Crew Member	Level of Certification	Role
Lyons, Ronnie (RL)		
Bartlett, Barry (BB)	EMT-Paramedic	
EMS Scene Information		
Number of Patients: Single	Mass Casualty Incident: No	
Level of Service Provided: Critical Care Transport		
Referring EMS Agency:	Other EMS or Public Safety Agencies on Scene:	

History of Present Illness

AUTO vs PEDESTRIAN ACCIDENT: At app. 2200 hours this date Mr. Schwartz and his family were enjoying an evening out and had finished dinner at a local restaurant. As they departed he was struck by an automobile and the driver fled the scene of the accident. Mr. Schwartz arrived at NNRH where he was evaluated by Dr. Garvey and REACH 58 was summoned at 2345 for transfer to the University of Utah hospital for trauma services.

REACH team arrives at 2357 to find Dr. Garvey speaking with the receiving physician by phone. Dr. Garvey reports Mr. Schwartz has an approximate 10% pneumothorax on the right side of his chest with a flail segment but is tolerating it well at this time. The receiving physician has recommended Mr. Schwartz be intubated with chest tube placement pre-flight. We arrive bedside to find Mr. Schwartz talking with his family as Dr. Garvey assembles his team and equipment. The procedure is explained to the pt. and family and the family is escorted from the room. Dr. Garvey has invited the REACH team to assist along with his staff in this process. The team includes a respiratory therapist, app. six ER nurses, one paramedic as well as both REACH attendants.

A procedural time out is completed, Dr. Garvey is sterile and ready for chest tube placement and Paramedic Bartlett is at the head of the bed for the initial attempt. The BVM, C-Mac, intubation gear and suction are at the ready and 180 mg's Ketamine and 90 mg's Rocuronium are both drawn up from REACH stock and verified by another nurse at the foot of the bed. The transport monitor is placed and 90% oxygen saturation will be the cut-off reading to stop and reoxygenate. Mr. Schwartz is pre-oxygenated to 99% and with staff in place around the bed the sedative and paralytic are pushed at 0018 hours with a 60 second pause for effect. Once the drugs take effect Paramedic Bartlett opens the airway at 0020 and places the C-Mac device resulting in copious amounts of emesis and large food chunks fulminating from the mouth and nose.

Intubation is immediately stopped and the airway suctioned, which promptly plugs the suction tubing and yankauer tip. Over the course of the next 13 minutes Mr. Schwartz vomits several more times and numerous attempts are made at clearing / maintaining the airway and reoxygenating him with the BVM on high flow oxygen. ET tube placement is attempted again at 0023 and 0033, both unsuccessfully. In addition to the factors that are making this procedure very difficult (airway contamination, difficulty in keeping the suction devices flowing, difficulty in getting a good facial seal and very stiff bagging effort) his airway is reportedly very inferior / anterior making it a challenge to visualize. Cric pressure and POCPOM are provided several times with little to no benefit. Paramedic Bartlett attempts several tooled and digital intubations, all of which are unsuccessful.

Dr. Garvey steps in to attempt intubation three separate times and he too is unsuccessful due to the factors at hand. Mr. Schwartz loses pulses at 0035 and CPR is initiated for app. one minute and pulse is restored. The airway is again suctioned and a king airway placed from ER stock. BVM bagging remains very difficult and shortly afterward the king is removed after becoming plugged by emesis and food particles. A third suction unit is placed in play and vital signs at this time are 225/136, 119 and 47% on high flow oxygen. Intubation attempts continue with various size ET tubes, stylets and bougie introducers and airway adjuncts at 0040, 0044 and 0047 hours. The emesis is almost continuous and proving very difficult to keep cleared. At 0050 hours his oxygen saturation is ~50%. 0052 unsuccessful attempt, airway suctioned and oxygen sat is 55%. 0053 unsuccessful attempt and the airway suctioned, several operator changes. 0054 vital signs 221/148, 122, 42% with bagging and suctioning at every opportunity. A cricothyrotomy is discussed and the kit prepared.

Mr. Schwartz is becoming abdominally distended and a 16 french NG tube is attempted, once in each nare, and will not pass resulting in epistaxis. Facial seal remains a challenge due to the emesis and wet face. An oral OG placement attempt is also unsuccessful and abandoned. Staff in the room are watching his vital signs on the monitor and keeping the crew up to date on changes. At 0058 hours his oxygen saturation is 68% and the third operator is again in place as efforts to reoxygenate are minimally effective and bagging effort is very high. Cric airway is being prepared, however, the bagging pressure results in his trachea moving with each bag effort and will necessitate the need to stop bagging in order to make the attempt. 0102 vital signs are heart rate of 122 and oxygen saturation of 75%. After another unsuccessful intubation attempt the cric is initiated by Dr. Garvey and Paramedic Bartlett at 0106. The guidewire and dilators are placed however the ET tube is very difficult to advance into the trachea. As advancement is attempted it begins filling up with emesis, is pulled and replaced two additional times with the same results. Pulses are lost at 0117 and CPR resumes. Emesis continues and additional suction units and methods of airway clearance are discussed.

0120 the monitor is displaying asystole, CPR is ongoing with ER staff and at 0122 a pulse of 52 is noted on the monitor. CPR continues, gastric distension is increasing and cannot be evacuated. 0125 CPR ongoing by ER staff and at 0128 we note a oxygen saturation reading of 64% on the monitor. 0129 pleural decompression needles are placed in both the right and left upper chest cavities with no results and no air escape. 0133 hours CPR is stopped and Mr. Schwartz is pronounced deceased. The AOC on call for REACH, Mr. Jeff Cress, is updated on our outcome and the crew is released from the ER after assisting the ER crew in clean up duties.

Medication Administered

Time	Crew	Medication	Route	Site	Dose/Rate	Con.	Response	Progress Notes	PTA
00:18	RL	Ketamine	Intravenous		180MG			180 mg's Ketamine SIVP for sedation. Dose verified by ER nurse.	No

Crew Signature

Crew Member

I acknowledge that I have provided the above assessments/treatments for this patient.

I Agree

I Disagree

Not Applicable

Ambulance Crew Member Statement

My signature below indicates that, at the time of service, the patient was physically or mentally incapable of signing, and that none of the authorized representatives were available or willing to sign on the patient's behalf.

I Agree

I Disagree

Not Applicable

Patient Name: SCHWARTZ, DOUGLAS

Signature



Printed Name Ronnie Lyons

Date

Reason Pt. Unable to Sign

Crew Signature

Crew Member

I acknowledge that I have provided the above assessments/treatments for this patient.

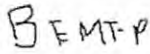
☒ I Agree☐ I Disagree☐ Not Applicable

Ambulance Crew Member Statement

My signature below indicates that, at the time of service, the patient was physically or mentally incapable of signing, and that none of the authorized representatives were available or willing to sign on the patient's behalf.

☒ I Agree☐ I Disagree☐ Not Applicable

Signature



Printed Name Barry Bartlett

Date

Reason Pt. Unable to Sign

EXHIBIT 6

Original Summary

Provision of Care Event (93061) - 06-24-2016



Safety Incident Management

Provision of Care

This form is often used as the catch-all for events that have no other place. This form can be thought of as the miscellaneous form.

GENERAL INFORMATION ABOUT THE PROVISION OF CARE EVENT

General Event Type	Provision of Care
Specific Event Type	Patient Death (Unexpected)
Type of Person Affected	In-Patient
Severity Level (Reported)	E. Death
Injury Incurred?	Yes
Equipment Involved/Malfunctioned?	No
Brief Factual Description	<p>Pt was prepared for transfer to University of Utah for a higher level of care. 2 REACH RN's present as well as 2 Elko EMS. EMS student also present. Pt was stable and ready for transfer. Decision was made to intubate and insert chest tube made by U of U and given to Dr. Garvey. . All equipment was prepared prior to start of procedure. See code sheet for further documentation on code. There were complications with intubation which resulted in patient death. The only staff members present from NNRH were Dr. Garvey, myself, Nancy A, ER tech, Tom E, RT, Cindy F, RN (Travel ICU float), and Sue O, RN, house sup. Trauma cart open, not fully stocked - Supplies had to be obtained from 2 other rooms and store room. Privacy issues with other patients in the ER (Room 11-verbal witness to trauma).</p>
Contributing Factors (Reported)	<ul style="list-style-type: none"> • Staff - Use of Float Staff • Staffing Issue • Task - Training Issue • Work Envmt - Inadequate Equipment Availability
Immediate Actions (Reported)	

When and Where Event Occurred

WHEN AND WHERE THE EVENT OCCURRED

Event Date	06-23-2016
Time (00:00) use military	01:33
Site	Northeastern Nevada Regional Hospital
Department	Emergency
Unit	Main Department
Specific Location	Patient Room
Patient room number/location	Bed 12

Person Affected Details

DETAILS OF THE PERSON AFFECTED BY THE EVENT

Person Affected MRN	330967
Encounter/Account #	6139781
Person Affected First Name	DOUGLAS
Person Affected Middle Name	
Person Affected Last Name	SCHWARTZ
Suffix	
Person Affected Date of Birth	06-02-1958
Person Affected Admission Date	06-22-2016
Discharge Date	
Person Affected Gender	Male
Person Affected Race	White
Person Affected Preferred Language	
Person Affected Street 1	
Person Affected Street 2	
Person Affected City	
Person Affected State	
Country	United States
Person Affected ZIP	
Person Affected Phone #	
Person Affected Alternate #	
Attending Physician	
Attending Physician Service	

Injury Details

PLEASE PROVIDE INFORMATION ABOUT THE INJURY

Nature of Injury	• Other
Location of Injury on Body	Traumatic, unsuccessful intubation resulting in patient death.
Treatment Provided	Yes

Parties Involved / Notified / Witnesses

CLICK ADD TO ENTER PARTIES INVOLVED / NOTIFIED / WITNESSES IN THE EVENT

Party Involved / Notified / Witnesses

ITEM 1

PERSON INVOLVED / NOTIFIED / WITNESSES

Role in Event	Involved Party
Classification of Party	Physician
Physician Service	
Party Involved Name	Dr Garvey
Dept	
Party Involved Employee ID	
Phone #	
Date	
Time	
Party Involved Notes	

ITEM 2

PERSON INVOLVED / NOTIFIED / WITNESSES

Role in Event	Involved Party
Classification of Party	Registered Nurse
Party Involved Name	Sue Olson, RN
Dept	
Party Involved Employee ID	
Phone #	
Date	
Time	
Party Involved Notes	

ITEM 3**PERSON INVOLVED / NOTIFIED / WITNESSES**

Role in Event	Involved Party
Classification of Party	Registered Nurse
Party Involved Name	Donna Kevitt
Dept	
Party Involved Employee ID	
Phone #	
Date	
Time	
Party Involved Notes	

ITEM 4**PERSON INVOLVED / NOTIFIED / WITNESSES**

Role in Event	Involved Party
Classification of Party	Registered Nurse
Party Involved Name	Cindy Fus
Dept	
Party Involved Employee ID	
Phone #	
Date	
Time	
Party Involved Notes	

ITEM 5**PERSON INVOLVED / NOTIFIED / WITNESSES**

Role in Event	Involved Party
Classification of Party	Other (please specify)
Other Classification of Party	ER Tech
Party Involved Name	Nancy Abrahams
Dept	
Party Involved Employee ID	
Phone #	
Date	
Time	
Party Involved Notes	

ITEM 6**PERSON INVOLVED / NOTIFIED / WITNESSES**

Role in Event	Involved Party
Classification of Party	Respiratory Therapist
Party Involved Name	Tom Evers
Dept	
Party Involved Employee ID	
Phone #	
Date	
Time	
Party Involved Notes	

Privacy Statement

PRIVACY STATEMENT

This is a confidential and privileged quality assurance and patient safety work product document. It is protected from disclosure by the provisions of the Patient Safety and Quality Improvement Act (42 CFR Part 3) and other state and federal laws. Unauthorized disclosure or duplication is prohibited.

End of Form

EXHIBIT 7

**NORTHEASTERN NEVADA
REGIONAL HOSPITAL**

Origination: 07/1996
Approved: 10/2015
Last Revised: 10/2015
Next Review: 10/2017

Owner: Edward Johnson: ER Director
Policy Area: Provision of Care, Treatment, and Services

References:
Applicability: Northeastern Nevada Regional Hospital

Code Blue Procedure & Crash cart maintenance

SCOPE:

House wide

POLICY:

Hospital staff will follow established guidelines for Cardiopulmonary Resuscitation.

This policy has been written to identify and designate Code Blue team members, their duties and responsibilities, and accepted procedures/protocols to follow in the event of a Code Blue. Additionally, the procedures for the utilization of crash carts are delineated.

Any person in the hospital who experiences cardiac, pulmonary or cardiopulmonary arrest will receive full resuscitative measures unless otherwise indicated by the physician in attendance or as specified by written physician's orders.

PROCEDURE:

CODE BLUE TEAM MEMBERS:

1. Physician
2. ICU RN
3. ED RN
4. Respiratory Therapist
5. Nursing Supervisor/Manager, or designee
6. Primary Nurse
7. Pharmacist

RESPONSIBILITIES:

All team members will identify themselves upon arrival to the code.

1. **Physician:** Emergency Department Physician responds to all Code Blue's unless attending or consulting physician assumes responsibility for Code Blue.
 - a. Assumes medical control.

- b. Interprets rhythm and orders medication and treatments as per ACLS protocol and/or other medications and treatments as deemed necessary.
- c. Determines if and when life support may be stopped or discontinued.
- d. Discusses patient outcome with family/S.O. as soon as possible after code terminated.

2. ICU Nurse

- a. Directs Code Blue until arrival of physician.
- b. Attaches patient to monitor equipment, obtains rhythm strips.
- c. Interprets cardiac rhythms and initiates appropriate treatment per ACLS protocol or physician order.
- d. Oversees the activities of other team members and coordinates fulfillment of their responsibilities.
- e. Brings crash cart from second floor to third of hospital (for Code Blue in Pain Program or Sleep Medicine Program).

3. ED Nurse

- a. Establishes an intravenous line if not already in.
- b. Administers medication under direction of physician, or team leader in absence of physician.
- c. Notifies recorder each time medication is given, including type of drug and dose given.

4. Respiratory Therapist:

- a. Assumes responsibility for airway management and ventilation. Initiates and maintains ventilator assist with intubation as required.
- b. Brings blood gas kits.
- c. Restocks any respiratory equipment on the crash cart following the code.

5. Nurse Manager/Supervisor or designee

- a. Aids in decreasing the number of people attending the code. Asks people to leave if duplicate service or not part of Code Blue team members.
- b. Assumes responsibility to see requirements are met for nursing documentation of patient medical record.

6. Primary Nurse:

- a. Responsible for having patient's chart, kardex, IV, and medication record at the bedside for physician in charge. Diagnosis/reason for admission should be clearly documented on kardex where applicable.
- b. Assures notification of attending physician of Code Blue.
- c. Assures notification of patient's family or significant others, and attends to other patients and visitors in room.
- d. Coordinates patient disposition.

7. Pharmacist: The pharmacist will respond to Code Blue's when possible.

- a. As ordered, prepares medications for administration and hands to IV Med Nurse.
- b. At close of the Code Blue, initiates cart restocking process and verifies final step of drug replacement and seals/locks the cart.

ASSIGNMENT OF CODE BLUE TEAM MEMBERS:

General Code Assignments*

Physician—ED
Team Leader—ICU or ED ACLS RN
IV Med-Nurse—ED RN or ICU ACLS RN
Recorder Primary Care Nurse
Compressions—RN, LPN, CNA with current BLS
Ventilation—Respiratory Therapist as assigned each shift
Drug Supplies—Pharmacist/ Patient Care Supervisor

*Areas may be re-assigned on shift-to-shift basis as need dictates.

INITIATION OF CODE BLUE:

1. The first responder on the scene of a cardiac/pulmonary arrest will immediately call for help and initiate CPR as instructed by current CPR standards. Identify the room number or area to operator and announce Code Blue.
2. When the Code Team arrives, the team leader will initiate the appropriate current ACLS protocol in the absence of a physician. With a physician present, the team leader will follow orders as given as well as assist the physician with interpretation of rhythm, suggested ACLS protocol, etc.

PERFORMANCE IMPROVEMENT:

1. Ongoing review of the outcomes related to the processes and outcomes of resuscitation will be reviewed by the Quality Improvement Department and appropriate action taken if opportunities for improvement are identified. The findings, conclusions, recommendations, actions taken, and effectiveness of actions taken will be reported through the performance improvement program to the Emergency Department Committee, the Medical Executive Committee and Governing Board.

TRAINING, EDUCATION AND COMPETENCY

1. The hospital will identify, educate, and retrain (as appropriate) Code Blue team members.

CRASH CARTS – CHECKING AND MAINTENANCE:

There is an established mechanism to ensure the availability of emergency supplies and equipment on each nursing and specified ancillary unit.

1. General
 - a. Code Carts will remain locked until Code Blue is called.
 - b. Code Carts will be located in accessible, designated areas of patient care to facilitate immediate availability of necessary supplies and/or equipment in the event of patient crisis.
2. Checks (Daily/Monthly)
 - a. Hospital personnel in each department where a code cart is located will be responsible for ensuring that each code cart is appropriately stocked and that all equipment is in working condition.
 - b. All code carts will be checked routinely on a DAILY basis, when the department is open.

- c. Nursing will check for expired items monthly for nursing supplies
- d. Pharmacy will check for expired items monthly for medications
- e. Respiratory will check for expired items monthly for the respiratory drawer

3. 1. Free standing contents:

Supplies and equipment **not** contained within the locked elements of the cart are to be checked and re-stocked daily and as needed on all units. All Code Cart checks are to be documented.

- a. Oxygen tank regulator at full
- b. Integrity and functioning of defibrillator
- c. Back board
- a. **Internal Code Cart contents:**
 - a. Pharmacy is charged with control and maintenance of all code cart medications.
 - b. Respiratory Therapy will restock their designated drawer in all crash carts in the hospital.
 - c. Nursing is charged with stocking all other supplies
 - d. Please see attachment A for list of supplies and form to complete when stocking cart

REFERENCES:

American Heart Association

Attachments:

[Crash cart stock](#)

Approval Signatures

Approver	Date
Alice Allen: CNO	10/2015
Becky Jones: Director of Clinical Informatics and Education	10/2015
Becky Jones: Director of Clinical Informatics and Education	08/2015

TOP OF CART	AMOUNT	EXPIRES	DATE
Ambu bag Adult	2		
Ambu bag Pediatric	2		
Code Sheets			
Defib/Pacer pad Adult	2		
Defib/Pacer pad Pediatric	2		
Doppler Gel	2		
ECG Electrodes (3 pack) Pediatric	3		
ECG Electrodes (5 pack) Adult	2		
Gloves - Large	1		
Gloves - Medium	1		
Gloves - Small	1		
Monitor Paper Rolls	4		
Monitor w/Cables	1		
Nasal Cannula Adult	1		
Nasal Cannula Pediatric	1		
NRB Mask Adult	1		
Oxygen Tank	1		
Sharps Container	1		
Simple Mask Pediatric	1		
FIRST DRAWER			
MEDICATIONS	AMOUNT	EXPIRES	DATE
Adenosine (Adenocard) 6mg/2ml	3		
Amiodarone 150mg/3ml vial	3		
Atropine Syringe 1mg/10ml	3		
Calcium Chloride 10% 10ml vial	1		
Dextrose 5% 100ml IVPB	1		
Dextrose Syringe 50% 50ml	1		
Dopamine Drip 800mg/250ml	1		
Epinephrine Syringe 1:10000	3		
Esmolol (Brevibloc) 100mg/10ml vial	1		
Flumazenil (Romazicon) 0.5mg/5ml vial	1		
Furosemide (Lasix) 40mg/4ml vial	2		
Labetalol 100mg/20ml vial	1		
Lidocaine Syringe 100mg/10ml	2		
Magnesium Sulfate 1gm bag	1		
Naloxone (Narcan) Ampule 0.4mg/1ml	5		
Nitroglycerin Drip 50mg/250 ml IV	1		
Nitroglycerin 0.4mg table #25	1		
Sodium Bicarbonate Syringe 50mEq/50ml	2		
Sodium Chloride 0.9% Flush 10ml vial	3		
Sterile Water 10ml vial	3		
Vasopressin 20units/2ml vial	2		
Verapamil 5mg/2ml vial	1		

SECOND DRAWER			
RESPIRATORY	AMOUNT	EXPIRES	DATE
Primary Intubation Kit	1		
Secondary Intubation Kit	1		
Oxisensor (Disposable SpO2 probe)	1		
Sterile Suction Catheter 14fr.	1		
Tongue blades	5		
Yankaur w/Suction Tubing	1 each		
ABG Kit	2		
THIRD DRAWER			
IV SUPPLIES	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1 box		
Benzoine	5		
Betadine Swab Stick pack	2		
Blood Tubes			
Blue Top	1		
Green Top	1		
Purple Top	1		
Orange Top (SST)	1		
Red Top 10ml	1		
Tiger Top	1		
Blood Transfer Device	2		
Bioclusive Transparent Dressing 4 inch	2		
Bioclusive Transparent Dressing 2 inch	5		
Coban roll 2 inch	2		
Gauze Sponges			
2x2	10		
4x4	2 boxes		
IV End Cap (Heplock)	5		
IV Catheters			
24 gauge	5		
22 gauge	5		
20 gauge	5		
18 gauge	5		
16 gauge	5		
IV T-connector	5		
IV Twin Catheter			
18/20 gauge	2		
20/22 gauge	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	10		
Povidone-Iodine prep pads	15		
Povidone-Iodine solution bottle	1		
Razor	1		
Three-Way Stop Cock	5		
Syringes (luer lock tip)			

3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	10		
20ml	2		
60ml	1		
Tape			
Paper 2 inch	1		
Silk 1inch	1		
Silk 2 inch	1		
Transpore 1 inch	1		
Transpore 2 inch	1		
Tournequets	3		
IV Tubing			
Blood Y Set	1		
Extension Set	2		
Nitorglycerin Non-adherent	2		
Primary Set	2		
Secondary Set	2		
BOTTOM	AMOUNT	EXPIRES	DATE
Central Line Kit 7fr. 20cm	1		
Central Line Kit 7fr. 16cm	1		
Doppler			
Foley Tray w/Urimeter	1		
Irrigation Kit w/60ml Piston Syringe	1		
IV Fluid			
LR 1000ml	1		
NS 1000ml	1		
NS 500ml	1		
Lubricant	3		
Manual Blood Pressure Cuff	1		
NG Tubes			
16 fr.	1		
18 fr.	1		
NG Tube Anti-Reflux Valve	1		
Pressure Bag	1		
Sterile Gloves			
6 1/2	2		
7	2		
7 1/2	2		
8	2		
8 1/2	2		
Suction Canister	1		
Suction Tubing	1		

CODE CART CHECKLIST**PEDIATRIC**

TOP OF CART	AMOUNT	EXPIRES	DATE
Ambu bag Adult	1		
Ambu bag Pediatric	2		
Braslow Tape	1		
Code Sheets			
Defib/Pacer pad Adult	2		
Defib/Pacer pad Pediatric	2		
Doppler Gel	1		
ECG Electrodes (3 pack) Pediatric	4		
ECG Electrodes (5 pack) Adult	3		
Gloves - Large	1		
Gloves - Medium	1		
Gloves - Small	1		
Monitor Paper Rolls	2		
Monitor w/Cables	1		
Nasal Cannula Adult	1		
Nasal Cannula Pediatric	1		
NRB Mask Adult	1		
Oxygen Tank	1		
Sharps Container	1		
Simple Mask Pediatric	1		
FIRST DRAWER			
MEDICATIONS	AMOUNT	EXPIRES	DATE
Adenosine (Adenocard) 6mg/2ml	2		
Amiodarone 150mg/3ml vial	2		
Atropine Syringe 1mg/10ml	2		
Dexamethasone vial 4mg/ml 5ml	1		
Dextrose Syringe 25% 10ml	1		
Dopamine in D5 800mg	1		
D10W 500ml	1		
D5 1/4NS 500ml	1		
Epinephrine Syringe 1:10000	4		
Lidocaine syringe 2% 100mg/5ml	2		
Lidocaine vial 1%	1		
Magnesium sulfate 50% (1gm/2ml)	3		
Hydrocortisone sodium succinate/solu-cortef 100mg vial	1		
Naloxone (Narcan) Ampule 0.4mg/1ml	2		
Sodium Bicarb Syringe 4.2% 5meq/10ml	4		
Sodium Chloride 0.9% Flush 10ml vial	2		
Sodium chloride 0.9% NV 500ml	1		
Sterile Water 10ml vial	2		
OTHER ITEMS	AMOUNT	EXPIRES	DATE

Batteries C	2		
Batteries AA	6		
Braslow Disposable BP cuffs			
Infant-Small Child Size	1		
Small Child-Child Size	1		
Large Child-Adult Size	1		
Braslow Tape	2		
Laryngoscope Handle Large	1		
Laryngoscope Handle Small	1		
McGill Forceps Large	1		
McGill Forceps Small	1		
SECOND DRAWER			
PINK/RED Infant 3-9 kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box		
Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		
18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		
Transpore Tape 1 inch	1		
Yankaur	1		
THIRD DRAWER			
PURPLE Toddler 10-11kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box		

Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		
18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		
Transpore Tape 1 inch	1		
Yankaur	1		
FOURTH DRAWER			
YELLOW Small Child 12-14kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box		
Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		
18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		

Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		
Transpore Tape 1 inch	1		
Yankaur	1		
FIFTH DRAWER			
WHITE Child 15-18kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box		
Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		
18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		
Transpore Tape 1 inch	1		
Yankaur	1		

SIXTH DRAWER			
BLUE Child 19-22kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box		
Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		
18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		
Transpore Tape 1 inch	1		
Yankaur	1		
SEVENTH DRAWER			
ORANGE Large Child 24-28kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box		
Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		

18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		
Transpore Tape 1 inch	1		
Yankaur	1		
EIGHTH DRAWER			
GREEN Adult 30-36kg	AMOUNT	EXPIRES	DATE
Alcohol Prep pads	1box	NA	
Benzoine	2		
Bioclusive Transparent Dressing 2 inch	5		
Braslow Resuscitation Kits			
Interosseous Delivery Module Kit	1		
Intubation Module Kit	1		
IV Delivery Module Kit	1		
Oxygen Delivery Module Kit	1		
Gauze 2x2	5		
IV Catheters			
24 gauge	2		
22 gauge	2		
20 gauge	2		
18 gauge	2		
IV End Cap (Heplock)			
IV T-connector	2		
Needles			
18 gauge 1 inch	10		
19 gauge 1 1/2 inch	5		
Suction Tubing	1		
Syringes (luer lock tip)			
3ml	5		
5ml	5		
10ml	5		
10ml prefilled Saline Flush	5		
20ml	2		
60ml	1		
Tournequets	2		

Transpore Tape 1 inch	1		
Yankaur	1		
BOTTOM DRAWER			
	AMOUNT	EXPIRES	DATE
Flowmeter	1		
Lubricant	3		
Mini-Infuser Syringe Pump	1		
Mini-Infuser Syringe Pump Tubing	2		
Irrigation Tray w/60ml Piston Syringe	1		
IV Fluids			
Dextrose 5% 1/4 NS 500ml	1		
Dextrose 500ml	1		
Dextrose 10% 500ml	1		
LR 1000ml	1		
Normal Saline 1000ml	1		
Normal Saline 500ml	1		
IV Tubing			
Buretrol Primary Set	2		
Extension Set	2		
Nitroglycerin Non-Aherent	2		
Primary Set	2		
Secondary Set	2		
Oxisensor Disposable SpO2	1		
Suction Canister	1		