

1 THE VIDEOGRAPHER: Here begins videotape number one  
2 in the deposition of Michelle Krupa Shah, in the  
3 matter -- excuse me -- in the matter of *Kevin Tolson vs. St.*  
4 *Agnes Healthcare, Incorporated, et al.*, in the Circuit Court  
5 for Baltimore City, Case Number 24C12008071. Today's date is  
6 August 9, 2013. The time on the video monitor is 10:00 a.m.  
7 The video operator today is Akeem Gram [ph].

8 This video deposition is taking place at 7 St. Paul  
9 Street, in Baltimore, Maryland. Counsel, please voice identify  
10 yourselves and state whom you represent.

11 MR. GASTON: Rodney M. Gaston, and I represent the  
12 plaintiff, Kevin Tolson.

13 MR. BASS: Robert H. Bass Jr. on behalf of Ms. Krupa  
14 and Dr. Prudence Jackson.

15 MS. MCGUIRE: Mary Pat McGuire [ph] on behalf of  
16 Caroline Stelle and St. Agnes Hospital.

17 VIDEOGRAPHER: The court reporter today is Trish  
18 Mitchell of Merrill LAD. Would the reporter please swear in  
19 the witness.

20 REPORTER: Would you raise your right hand?

21 //

22 WHEREUPON,

23 KRUPA KRATIK SHAH,  
24  
25

1 called as a witness, and having been first duly sworn to tell  
2 the truth, the whole truth and nothing but the truth, was  
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. GASTON:

6 Q. Ma'am, could you please state your full name and work  
7 address and home address, please?

8 A. My full name is Krupa Kratik [ph] Shah, and my home  
9 address is 135 Arbor Vista Lane, Owings Mills, Maryland, 21117.  
10 And currently, I'm not working.

11 Q. And, Ms. Shah, my name is Rodney Gaston, and I represent  
12 Mr. Tolson in an action that's currently pending in the Circuit  
13 Court for Baltimore City. This action has a claim for medical  
14 malpractice arising out of the treatment Mr. Tolson received at  
15 St. Agnes Hospital emergency room on December 3, 2009.

16 Have you ever had your deposition taken before?

17 A. No.

18 Q. Okay. I'm going to just go over some of the ground rules  
19 so we can get through this and so that all of the questions and  
20 answers can be recorded clearly and accurately.

21 The court reporter's here to take down the questions and also  
22 take down your answers. Even though it's being videotaped, the  
23 court reporter can't take down both of us talking at the same  
24 time.

25

1           In normal conversation, it's very usual for persons to  
2 interrupt each other during normal conversations. But I would  
3 ask for the purposes of the deposition today that you wait  
4 until after I finish asking my question before you answer, and  
5 then I'll try not to interrupt you.

6           Also, if at any time during the deposition you do not  
7 understand the question that I ask, you have to stop me  
8 immediately and let me know; and I'll try to rephrase the  
9 question. Otherwise, if you don't do that, we will assume that  
10 you've understood the question and that you've answered it  
11 appropriately.

12           Have you understood everything I've said so far?

13 A.    Yes.

14 Q.    Okay. Ma'am, where were you born?

15 A.    Bhavnagar, India. You want me to spell it?

16 Q.    The country's fine. India?

17 A.    India.

18 Q.    And when were you born?

19 A.    October 11, 1979.

20 Q.    Okay. Is English your primary language?

21 A.    Gujarati is my primary language; but English I understand  
22 very well.

23 Q.    Right. You don't have any problem understanding the words  
24 that I'm saying to you right now?

25 A.    Oh, no. No, no, no.

1 Q. And --

2 A. I'm totally educated in English medium so...

3 Q. Very good. Thank you.

4 Okay. And when did you come to the United States?

5 A. I came in 2004.

6 Q. 2004. And, ma'am, your counsel was kind enough to provide  
7 me with a copy of your resume or CV, which we have marked as  
8 Exhibit No. 1. You have a copy of that with you, so you can  
9 refer to that at any time.

10 A. Okay.

11 Q. Is this an accurate -- does the -- does Exhibit No. 1  
12 accurately reflect your education and your work experience?

13 A. Yes.

14 Q. Okay. Do you hold any licenses or certifications in the  
15 field of physician assistant's medicine?

16 A. Yeah, I am a licensed physician assistant.

17 Q. And what state are you licensed in?

18 A. Maryland.

19 Q. And do you know when you obtained that license?

20 A. 2008.

21 Q. 2008. Have you been continuously licensed in the State of  
22 Maryland since 2008?

23 A. Yes.

24

25

1 Q. Have you ever hold [sic] licenses in the field of  
2 physician assistant medicine in any other states or any other  
3 countries?

4 A. No.

5 Q. Okay. Do you hold any other professional licenses or  
6 certifications?

7 A. Yeah. I am a homeopathic physician from India.

8 Q. I'm sorry, a ...

9 A. Homeopathic physician from India, so I do have that  
10 license.

11 Q. Is that a license that you sought to receive when you  
12 moved to the United States?

13 A. Before that, I had that license. I immediately finished  
14 my studies of homeopathic medicine in India, and I came to  
15 United States.

16 Q. Okay. Can you tell me a little bit about homeopathic  
17 medicine and how that relates or doesn't relates [sic] to other  
18 fields of medicine?

19 A. Homeopathy is a medication which is different from the  
20 allopathic medication. In a way it more individualizes, like,  
21 a -- this, homeopathy, is different for every person, every  
22 individual. It's not the same for all of us. And it's similar  
23 in a way that we study all the subjects that allopathic  
24 medication is, like anatomy, physiology, and all the routine  
25

1 subjects. We go in equal detail. Plus, we have our own  
2 pharmacopeia, a different pharmacopeia that we go through.

3 Q. Obtaining your degree in homeopathic medicine in the  
4 country of India, were you allowed to prescribe medications for  
5 patients?

6 A. Homeopathic medication, yes.

7 Q. And does that include narcotic medications?

8 A. No.

9 Q. Okay. I'm just trying to figure out what -- what types of  
10 medications that you were allowed to prescribe.

11 A. We have a total different, like, herbal medication field  
12 in which we do give medications; but, I mean, it's not based on  
13 narcotics or it's not based on the allopathic distribution of  
14 medicines. It's very different.

15 Q. Okay.

16 THE VIDEOGRAPHER: Excuse me. Ms. Shah, can  
17 I -- would you mind moving your microphone up higher? I think  
18 it slid down a little bit.

19 MS. SHAH: Good?

20 THE VIDEOGRAPHER: Yes, thank you.

21 MS. SHAH: Okay.

22 BY MR. GASTON:

23 Q. Okay. What medications are you allowed to prescribe in  
24 accordance with your physician assistant license in the  
25 State -- in --

1 MR. BASS: It -- oh, in -- I'm sorry.

2 BY MR. GASTON:

3 Q. -- in -- in the -- in the United States, in the State of  
4 Maryland?

5 A. We are allowed to prescribe all the medications.

6 Q. All medications?

7 A. Uh-huh.

8 Q. So any --

9 A. I have -- okay.

10 Q. I'm sorry. I -- I didn't know if you were -- finished  
11 your answer or not.

12 A. Yeah, I -- we can prescribe control drug substances and --

13 Q. So you do not need a physician's permission to prescribe  
14 pain medication or narcotic medication in the emergency room  
15 setting. Would that be true?

16 A. We -- we do not, but we generally prescribe it in  
17 accordance with them. They do watch what we prescribe; but  
18 yes, it's not necessary that she -- that a physician has to  
19 see -- watch that.

20 Q. Okay. Now, in accordance with the deposition today, I did  
21 send a Notice of -- of Deposition to your attorney. He does  
22 have a copy of that notice, and your attorney can assist you  
23 with answering the next question. But the deposition notice  
24 contained a list of approximately 27 items for you to produce

25

1 at the deposition, and I'm wondering if you brought any of  
2 those items with you today.

3 MR. BASS: For -- for the record, and I indicated  
4 prior to the deposition started, Ms. Shah does not have, other  
5 than her CV, any other documents being produced. All the  
6 records that we obtained, we obtained from St. Agnes Hospital.  
7 She does not have any of her own notes or records in the care  
8 and treatment of Mr. Tolson at St. Agnes Hospital on December  
9 3, 2009. The rest of the documents will be produced, if called  
10 for, through discovery, if they haven't been already.

11 MR. GASTON: I'm particularly concerned because we  
12 will have expert depositions coming up within the next four  
13 weeks, any demonstrative evidence or exhibits pertaining to the  
14 issues in the case that are to be relied upon by any expert  
15 witnesses --

16 MR. BASS: Okay.

17 MR. GASTON: -- because I would like to get a copy of those  
18 before the experts are deposed. So if they exist now, if you  
19 could tell me if they do, and -- and if -- if they could be  
20 produced.

21 MR. BASS: From -- from right now, on behalf of my  
22 clients, I don't have any such exhibits at this point. If they  
23 are and we're going to -- and my experts are going to use them  
24 in response to your questions in their testimony, I will  
25 certainly produce them before the deposition will take place.



1 MR. GASTON: Thank -- thank you, Counselor. I  
2 appreciate that.

3 BY MR. GASTON:

4 Q Okay. Ms. Shah, one -- one of the main reasons that I've  
5 asked you here today is because, if this case goes to trial and  
6 you're called as a witness by either side and you're asked on  
7 the witness stand to provide any opinions that you have in this  
8 case, the reason I'm here today is to find out the opinions  
9 that you intend to tell the jury -- the opinions that you have  
10 -- intend to tell the jury, and all of the reasons, the factual  
11 basis behind those opinions. So I'm asking you that question  
12 now.

13 Can you tell me -- and we can go through a list of one, two,  
14 three, four, five -- all of the opinions that you have now  
15 and/or intend to provide at the time of this trial?

16 MR. BASS: Mr. Gaston, Ms. Shah is not going to  
17 render any expert opinion. She will answer questions now or on  
18 the stand as to her care and treatment of Mr. Tolson when she  
19 saw him on December 3, 2009, as indicated in the medical  
20 records at St. Agnes Hospital and her recollection.

21 MR. GASTON: Okay. Thank you.

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