

1 BALTIMORE, MARYLAND, FRIDAY, AUGUST 9, 2013, 10 A.M.

2 THE VIDEOGRAPHER: Here begins Videotape No. 1 in the  
3 deposition of Michelle Krupa Shah, in the matter -- excuse  
4 me -- in the matter of Kevin Tolson v. St. Agnes Healthcare,  
5 Incorporated, et al., in the Circuit Court for Baltimore City,  
6 Case No. 24C12008071. Today's date is August 9th, 2013. The  
7 time on the video monitor is 10 a.m., and the video operator  
8 today is Akeem Graham. This video deposition is taking place  
9 at 7 St. Paul Street in Baltimore, Maryland.

10 Counsel, please voice identify yourselves and state  
11 whom you represent.

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

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

16 MS. MCGUIRE: Mary Pat McGuire on behalf of Caroline  
17 Stelle and St. Agnes Hospital.

18 THE VIDEOGRAPHER: The court reporter today is Trish  
19 Mitchell, of Merrill LAD.

20 Would the reporter please swear in the witness.

21 THE REPORTER: Would you raise your right hand.

22 KRUPA KRATIK SHAH, PLAINTIFF'S WITNESS, SWORN

23 DIRECT EXAMINATION

24 BY MR. GASTON:

25 Q. Ma'am, could you please state your full name and work

1 address and home address, please.

2 A. My full name is Krupa Kratik Shah; and my home address is  
3 135 Arbor Vista Lane, Owings Mills, Maryland, 21117. And  
4 currently, I'm not working.

5 Q. Okay. And, Ms. Shah, my name is Rodney Gaston; and I  
6 represent Mr. Tolson in an action that's currently pending in  
7 the Circuit Court for Baltimore City. This action has a claim  
8 for medical malpractice arising out of the treatment Mr. Tolson  
9 received at St. Agnes Hospital Emergency Room on December 3rd,  
10 2009.

11 Have you ever had your deposition taken before?

12 A. No.

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

16 The court reporter is here to take down the questions and  
17 also take down your answers. Even though it's being  
18 videotaped, the court reporter can't take down both of us  
19 talking at the same time. In normal conversation, it's very  
20 usual for persons to interrupt each other during normal  
21 conversations. But I would ask, for the purposes of the  
22 deposition today, that you wait until after I finish asking my  
23 question before you answer; and then I'll try not to interrupt  
24 you.

25 Also, if at any time during the deposition you do not

1 understand the question that I ask, you have to stop me  
2 immediately and let me know; and I'll try to rephrase the  
3 question. Otherwise, if you don't do that, we will assume that  
4 you've understood the question and that you've answered it  
5 appropriately.

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

7 A. Yes.

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

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

10 Q. The country's fine. India?

11 A. India, uh-huh.

12 Q. And when were you born?

13 A. October 11th, 1979.

14 Q. Okay. Is English your primary language?

15 A. Gujarati is my primary language but English I understand  
16 very well.

17 Q. Right. You don't have any problem understanding the  
18 words --

19 A. Oh, no.

20 Q. -- that I'm saying to you, right?

21 A. No, no, no.

22 Q. And --

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

24 Q. Very good. Thank you.

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

1 A. I came in 2004.

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

6 A. Okay.

7 (Plaintiff's Exhibit No. 1 previously marked.)

8 BY MR. GASTON:

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

11 A. Yes.

12 Q. Okay. Do you hold any licenses or certifications in the  
13 field of physician assistant medicine?

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

15 Q. And what state are you licensed in?

16 A. Maryland.

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

18 A. 2008.

19 Q. 2008. Have you been continuously licensed in the State of  
20 Maryland since --

21 A. Yes.

22 Q. -- 2008?

23 Have you ever hold [sic] licenses in the field of  
24 physician assistant medicine in any other states or any other  
25 countries?

1 A. No.

2 Q. Okay. Do you hold any other professional licenses or  
3 certifications?

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

5 Q. I'm sorry, a --

6 A. Homeopathic physician from India. So I do have that  
7 license.

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

10 A. Before that, I had that license. I immediately finished  
11 my studies of homeopathic medicine in India, and I came to  
12 United States.

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

16 A. Homeopathy is a medication which is different from the  
17 allopathic medication. In a way it more individualizes, like,  
18 a -- this, homeopathy, is different for every person, every  
19 individual. It's not the same for all of us. And it's similar  
20 in a way that we study all the subjects that allopathic  
21 medication is, like anatomy, physiology, and all the routine  
22 subjects. We go in equal detail. Plus, we have our own  
23 pharmacopeia, a different pharmacopeia that we go through.

24 Q. Obtaining your degree in homeopathic medicine in the  
25 country of India, were you allowed to prescribe medications for

1 patients?

2 A. Homeopathic medication, yes.

3 Q. And does that include narcotic medications?

4 A. No.

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

7 A. We have a total --

8 Q. -- to prescribe.

9 A. -- different, like, herbal medication field in which we do  
10 give medications; but, I mean, it's not based on narcotics, or  
11 it's not based on the allopathic distribution of medicines.  
12 It's very different.

13 Q. Okay.

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

17 MS. SHAH: Good?

18 THE VIDEOGRAPHER: Yes, thank you.

19 MS. SHAH: Okay.

20 BY MR. GASTON:

21 Q. Okay. What medications are you allowed to prescribe in  
22 accordance with your physician assistant license in the  
23 state -- in --

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

25 BY MR. GASTON:

1 Q. -- in -- in the -- in the United States, in the state of  
2 Maryland?

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

4 Q. All medications?

5 A. Uh-huh.

6 Q. So any --

7 A. I have -- okay.

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

10 A. Yeah. I -- we can prescribe controlled drug substances  
11 and --

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

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

19 Q. Okay. Now, in accordance with the deposition today, I did  
20 send a notice of -- of deposition to your attorney. He does  
21 have a copy of that notice, and your attorney can assist you  
22 with answering the next question. But the deposition notice  
23 contained a list of approximately 27 items for you to produce  
24 at the deposition, and I'm wondering if you brought any of  
25 those items with you today.

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

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

14 MR. BASS: Okay.

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

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

24 MR. GASTON: Thank -- thank you, Counselor. I  
25 appreciate that.



1 BY MR. GASTON:

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

10 So I'm asking you that question now. Can you tell  
11 me -- and we can go through a list of one, two, three, four,  
12 five -- all the opinions that you have now and/or intend to  
13 provide at the time of this trial?

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

19 MR. GASTON: Okay. Thank you.  
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