

1 Q. Good morning, Doctor. My name is Justin Zuber.

2 A. Okay.

3 Q. I'm going to be taking your deposition here today. Have
4 you ever had your deposition taken before?

5 A. Yes, I have.

6 Q. On how many occasions?

7 MS. MAGDEBURGER: Objection on -- if I can just have
8 a continuing objection, that would be --

9 MR. ZUBER: Sure, sure.

10 MS. MAGDEBURGER: -- helpful.

11 THE WITNESS: I can recall about four times.

12 BY MR. ZUBER:

13 Q. Okay. And do you remember -- can you tell me, starting
14 with the first one, if you can recall, what year that took
15 place in?

16 MS. MAGDEBURGER: Same continuing objection.

17 THE WITNESS: I believe that was around 2012 or 2013
18 timeframe. I don't know exactly when that was.

19 BY MR. ZUBER:

20 Q. Okay. Do you remember any of the allegations in that
21 case?

22 A. Yes. That was a case where there was an alleged delay in
23 treatment on a patient who had an obstructing colon lesion.

24 Q. And is that case still pending in any sort of
25 jurisdiction?

1 A. No.

2 Q. Okay. Do you remember where that case was filed?

3 A. Prince George's County.

4 Q. Did it go to trial?

5 A. No.

6 Q. Okay. The second case, what year was that in?

7 A. Maybe a year -- two years later, 2014.

8 Q. Okay. And what were the allegations in that case?

9 A. That was a case where a patient suffered a leak following
10 surgery, and it was alleged that there was a delay in
11 diagnosis.

12 Q. Okay. And what case -- or where was that filed in?

13 A. Prince George's County.

14 Q. And is that case resolved?

15 A. It has been resolved, yes. It went to trial, and we had a
16 defense verdict for myself and my corporation.

17 Q. Okay. Were you the primary defendant in that case?

18 A. I believe I was.

19 Q. Okay.

20 MS. MAGDEBURGER: Just for the record, there were two
21 other defendants --

22 THE WITNESS: Three.

23 MS. MAGDEBURGER: -- three other defendants. There
24 was a primary care physician group, so two of them, and then
25 Dr. Balkissoon, who was a partner --

1 MR. ZUBER: Okay.

2 MS. MAGDEBURGER: -- of Dr. Amin's. And there --
3 there was a verdict against the primary care physicians.

4 MR. ZUBER: Okay. I understand.

5 BY MR. ZUBER:

6 Q. And the third case, remember what year that was in?

7 A. I gave a deposition maybe last year, 2016 or -- or late
8 2015.

9 Q. Okay. And I'm assuming you were a named defendant in that
10 case as well?

11 A. Yeah. I believe I was the sole defendant in that case.

12 Q. Okay. And was that in Prince George's County as well?

13 A. Yes.

14 Q. And what were the allegations in that case?

15 A. Improper management of a postoperative wound.

16 Q. And I'm assuming that case is probably still pending?

17 A. No. That case was dismissed by the plaintiffs with
18 prejudice.

19 Q. Okay. Was it dismissed immediately after your deposition?

20 A. Pretty much.

21 Q. Okay. And the fourth case, which case is that?

22 MS. MAGDEBURGER: And it was dismissed without
23 settlement.

24 MR. ZUBER: Okay.

25 MS. MAGDEBURGER: It was just dismissed voluntarily.

1 MR. ZUBER: Sure.

2 THE WITNESS: And last case, I just was deposed last
3 year. That was a case, again, filed in Prince George's County.
4 I believe I was the primary defendant in that case as well.

5 MS. MAGDEBURGER: Sole defendant.

6 THE WITNESS: Sole defendant. Case went to trial;
7 and again, we have a defense verdict for myself.

8 BY MR. ZUBER:

9 Q. Okay. What were the allegations in that case?

10 A. Allegation basically of --

11 MS. MAGDEBURGER: Complications from --

12 THE WITNESS: -- complications from a Lap-Band
13 removal surgery.

14 MS. MAGDEBURGER: And insertion.

15 THE WITNESS: Insertion and removal, yeah.

16 BY MR. ZUBER:

17 Q. Who was the plaintiff's attorney in that case?

18 THE WITNESS: Do you recall, Natalie?

19 I don't -- I don't recall the attorney at this time.

20 BY MR. ZUBER:

21 Q. Okay. Do you --

22 MS. MAGDEBURGER: It's the bathtub effect. Do you
23 have that, Justin, yet?

24 MR. ZUBER: Yeah, yeah. Well...

25 BY MR. ZUBER:

1 Q. That case, did it involve the use of a VisiPort trocar at
2 all?

3 A. I used it, but that was not part of the allegations.

4 Q. Okay. Where did -- was that an operation which took place
5 at Southern Maryland?

6 A. The patient had surgeries at Doctors Community Hospital
7 and at Southern Maryland.

8 Q. Okay. Where you used the VisiPort, was that at Southern
9 Maryland or Doctors Community?

10 A. That would have been both of those surgeries.

11 Q. Okay.

12 A. She had an insertion and a removal.

13 Q. I see.

14 A. And the removal was complicated by infection and wound
15 problems, and that was the allegation of improperly diagnosing
16 the wound issues.

17 Q. Okay. And the removal, that took place at Southern
18 Maryland?

19 A. That took place at Doctors.

20 Q. Doctors, okay.

21 A. Doctors Community Hospital.

22 Q. And you said that there was an allegation regarding the
23 insertion?

24 A. Yeah. So she had a port that flipped --

25 Q. Uh-huh

1 A. -- and the port flip required us to reoperate. And during
2 that reoperation, she developed a wound infection, which
3 ultimately required the band system to be removed.

4 Q. Okay. But as you said, none of that had anything to do
5 with the use of the VisiPort trocar?

6 A. That's correct.

7 Q. Okay. So these are obviously cases where you're --

8 MS. MAGDEBURGER: There's another case though, just
9 so that the record's complete. I think he's forgotten about
10 the -- the --

11 THE WITNESS: Ryker (ph)?

12 MS. MAGDEBURGER: Right.

13 THE WITNESS: Uh-huh. That was also last year, so
14 the deposition occurred last year. That case was, I
15 understand, just recently dismissed by the courts. And that
16 one is also an allegation of injury or complication from Lap-
17 Band -- or sorry, it was a ventral hernia repair; but it did
18 involve a VisiPort. So there was complication during entry
19 of -- using a VisiPort.

20 BY MR. ZUBER:

21 Q. Okay. Where was that case filed?

22 A. Prince George's.

23 Q. Okay. And you were the sole defendant in that case?

24 A. No. I believe the hospital was also named.

25 Q. Okay. And that would be Southern Maryland Hospital?

1 A. Yes, Southern Maryland Hospital.

2 Q. Okay. And did the allegations have anything to do with
3 the use of the VisiPort?

4 MS. MAGDEBURGER: I'll let him answer on allegations;
5 but since the case is still pending, I'm not going to let him
6 answer --

7 MR. ZUBER: Okay.

8 MS. MAGDEBURGER: -- anything further beyond that.

9 MR. ZUBER: That's fine.

10 THE WITNESS: Yeah. They're alleging that there was
11 a complication from the entry technique.

12 BY MR. ZUBER:

13 Q. Okay. Do you know the name of the plaintiff's attorney in
14 that case?

15 A. I don't recall. I'm sorry.

16 Q. Okay. And when were you deposed?

17 A. This was also last year.

18 Q. You remember what month last year?

19 A. No.

20 Q. Can you give me a season -- winter? summer? spring?

21 A. Yeah. It seemed like -- I think it was sort of beginning
22 of the year, maybe February or March. That would be --

23 Q. Okay. All right. So I think those are cases where you've
24 provided testimony as a defendant. Have you ever testified in
25 a case as a medical expert?

1 A. No, I have not.

2 MR. ZUBER: Okay. All right. So I'm going to have
3 this marked as Exhibit No. 1. This is his CV.

4 (Plaintiff's Exhibit 1 marked for identification.)

5 BY MR. ZUBER:

6 Q. All right. Doctor, I'm just going to show you this
7 briefly; but then I need it back so I can ask you questions
8 about it.

9 A. Sure.

10 Q. But is that an updated and accurate copy of your CV?

11 A. Yes, this appears to be.

12 Q. Okay.

13 MS. MAGDEBURGER: Here you go. Why don't you let him
14 keep that, and you can --

15 MR. ZUBER: Okay.

16 MS. MAGDEBURGER: -- use this one.

17 MR. ZUBER: Sure. That works.

18 MS. MAGDEBURGER: How's that? That way we can keep
19 the exhibits together.

20 BY MR. ZUBER:

21 Q. Doctor, I know a lot of this is kind of written down here
22 already; but can you just kind of briefly describe for me your
23 educational background?

24 A. Uh-huh. So I earned my BS at Emory University; went on to
25 do my medical school at St. George's University in Grenada,

1 where I earned an M.D. degree; after which I immediately
2 transitioned into residency at Case -- well, they -- they now
3 call it "Case Medical Center." At the time it was called
4 "Case Western Reserve University Program." I completed my
5 residency in five years, and then I entered clinical practice
6 immediately after.

7 Q. Why did you choose to go to St. George's?

8 MS. MAGDEBURGER: Objection. Relevance.

9 You may answer.

10 THE WITNESS: It was one of the schools that accepted
11 me, so I decided to go.

12 BY MR. ZUBER:

13 Q. Were you accepted to any schools in the U.S.?

14 A. No.

15 MS. MAGDEBURGER: Objection to relevance. Move to
16 strike. And, actually, Mr. Zuber, I'd ask you to move on
17 because, as you well know, there's case law in Maryland that if
18 it's not relevant, it's not admissible. So you're just
19 tweaking the doctor, which I don't think is appropriate.

20 MR. ZUBER: Okay.

21 MS. MAGDEBURGER: Let's stay professional.

22 MR. ZUBER: I didn't realize I was unprofessional.

23 MR. MAGDEBURGER: Well, that -- you know those
24 questions are not admissible; nor are they relevant.

25