

IN THE COURT OF COMMON PLEAS

HAMILTON COUNTY, OHIO

CASE NUMBER: A1402190

JUDGE STEVEN E. MARTIN

MCKENZIE DAVIS

PLAINTIFF

vs.

DELHI TOWNSHIP OHIO DBA  
DUNGEONS OF DELHI, ET AL.

DEFENDANTS

VOLUME II

\* \* \* \* \*

DEPONENT:

MCKENZIE DAVIS

DATE:

AUGUST 7, 2015

\* \* \* \* \*

Mindy Davis

Certified Court Reporter

INDEX

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

	Page
Cross-Examination By Mr. Powell	4

1 The deposition of MCKENZIE DAVIS, taken for the  
2 purpose of discovery and/or use as evidence in the  
3 within action, pursuant to notice, heretofore taken  
4 at the office of Law Offices of Blake Maislin, 2260  
5 Francis Lane, Cincinnati, Ohio , on August 7, 2015,  
6 at 9:00 a.m., upon oral examination, and to be used  
7 in accordance with the Ohio Rules of Civil  
8 Procedure.

9 \* \* \* \* \*

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26 ALSO PRESENT: Renee Mason, Paralegal  
Jennifer Blum

27 \* \* \* \* \*

28

1 MCKENZIE DAVIS,  
2 called on behalf of the Defendants, after having  
3 been first duly sworn, was examined and deposed as  
4 follows:

5 CROSS-EXAMINATION

6 BY MR. POWELL:

7 Q. Good morning, again.

8 A. Good morning.

9 Q. Thanks for coming back. In this  
10 deposition, if you recall, we agreed that I would  
11 not ask any questions about your injuries or your  
12 prior medical history. We just focused on the  
13 accident itself in that past deposition. Today what  
14 I want to do -- is it still okay if I call you  
15 McKenzie?

16 A. Yeah.

17 Q. Okay. Is that I want to talk about your  
18 prior medical history, and then get to the point  
19 where you fell and you're in pain and then we'll  
20 move forward. I'm going to be asking you questions  
21 that involve medical issues. And I understand you  
22 are in the medical field. I'd prefer that you  
23 answer the questions in terms of your recollection  
24 instead of -- because you now have an expertise in  
25 this area. But if that helps you explain the

1 answer, then that's okay, all right?

2 A. Okay.

3 Q. Same thing, if you don't understand a  
4 question I've asked you, tell me to repeat the  
5 question because you didn't understand it. If you  
6 don't know the answer or you don't remember  
7 something, just tell me you don't remember because  
8 especially some of these medical issues that  
9 occurred a long time ago. I might show you some  
10 records to see if it refreshes your memory. Now, I  
11 will say this. In the -- I think when we were  
12 talking, the focus will be on medical information  
13 contained in the Children's Hospital records because  
14 we didn't have those at the time. There may be some  
15 overlap in terms of other questions that I've asked  
16 you, but I want to try to focus on the information  
17 contained in the Children's Hospital records, okay?

18 A. Okay.

19 Q. Same thing, you need a break, you tell me  
20 you need a break and we'll do that, all right?

21 A. Okay.

22 Q. So I'm just going to go off of a little  
23 index I have here. And you were born in 1995?

24 A. Yes.

25 Q. Do you have any -- I assume you don't

1 remember, but do you remember or have any  
2 information about being in a car accident when you  
3 were a three-year-old kid?

4 A. Yes.

5 Q. Injuring your neck?

6 A. I don't remember injuring my neck, no.

7 Q. Do you remember being in a car accident?  
8 Do you remember getting injured?

9 A. I don't remember getting injured, but I  
10 remember being in a car accident.

11 Q. Do you remember getting medical treatment  
12 for whatever injury you may have sustained in that  
13 accident?

14 A. No.

15 Q. In October of 2001, you went to Children's  
16 Hospital for a head drop. I think we talked briefly  
17 about that, but I have the records now from  
18 Children's Hospital. Do you remember anything about  
19 having a head drop?

20 A. Yes.

21 Q. Was it a seizure issue?

22 A. I don't believe so.

23 Q. Tell me what you know about that.

24 A. I just remember I would drop my head. And  
25 they got different tests done for it, I believe, but

1 I don't remember. That's all I remember about it is  
2 that I would just drop my head down. And I think  
3 they just wrote it off as a nervous tick.

4 Q. Did you grow out of it?

5 A. Yeah, I don't do it anymore.

6 Q. Do you remember taking any medicine or  
7 having to do any type of particular treatment  
8 because of that?

9 A. No.

10 Q. In February of 2007, you went to the  
11 emergency room for right-sided chest discomfort; do  
12 you remember that?

13 A. I don't remember the incident exactly, but  
14 I do remember when I was younger I would get  
15 diagnosed -- I was diagnosed with heartburn, and  
16 that's what it was.

17 Q. Okay. You had an EKG; do you remember  
18 that?

19 A. Yes.

20 Q. And, again, I know there was a reference,  
21 we talked about the Westside Pediatric note, you had  
22 chest pain. And that's consistent with you going to  
23 the Christ Hospital emergency room. And you  
24 remember having --

25 MS. MASON: Children's Hospital.

1 Q. Children's Hospital. I said Christ.  
2 Sorry about that. And that you were grabbing your  
3 chest and it was very, very painful?

4 A. Yes.

5 Q. Okay. Your understanding is those chest  
6 problems were related to heartburn?

7 A. Yes.

8 Q. Did you receive treatment for that?

9 A. I believe I was on an antacid like  
10 Protonix.

11 Q. Four months later, June of 2007, you fell  
12 and you injured your back; do you remember that?

13 A. I don't remember the particular incident.  
14 Maybe if there was more information.

15 Q. Emergency room, fell down three steps on  
16 the bottom, your tailbone was in pain?

17 A. Yes, I remember.

18 Q. Oh, you were at a water park?

19 A. Yes, I do remember that.

20 Q. And I have no problem showing you if that  
21 helps refresh your memory.

22 A. Uh-huh.

23 Q. Okay. Tell me about that.

24 A. I was at the Beach Water Park and I  
25 remember I fell down. I slipped down three steps



1 and I ended up going to the hospital to get x-rays  
2 to make sure nothing was broken.

3 Q. Did you go by ambulance or did --

4 A. Yes.

5 Q. Who was with you?

6 A. My grandma and my friend.

7 Q. It says you took some ibuprofen. Any  
8 other medication?

9 A. Not that I believe, no.

10 Q. Did that go away, that pain, the problems  
11 go away, the soreness?

12 A. Yeah, after a few days.

13 Q. October 2007, Children's Hospital note,  
14 chest pain. Again, was that heartburn?

15 A. Yes, I believe so.

16 Q. November of 2007, chronic abdominal pain  
17 from Children's Hospital. Do you remember having  
18 abdominal pain and then going to a  
19 gastroenterologist?

20 A. I remember the GI doctor. I don't  
21 remember the ER visit.

22 Q. Okay. And would that also be, to the best  
23 of your recollection, for the heartburn?

24 A. Yeah, they related it to that.

25 Q. GERD?

1           A.    I don't know if they called it GERD, but  
2 they said it was heartburn.

3           Q.    In that November 7th Children's Hospital  
4 note, it indicates that this right chest and right  
5 upper quadrant pain sometimes radiates to your right  
6 ear and right jaw?

7           A.    Uh-huh.

8           Q.    Tell me about that.

9           A.    It starts in my chest and it can radiate  
10 up into my jaw and my ear, which is also consistent  
11 with heartburn.

12          Q.    And that was in 2007.  So in 2007, you  
13 were having heartburn issues?

14          A.    Yes.

15          Q.    And they prescribed Prilosec for you; do  
16 you remember that?

17          A.    I thought it was Protonix.  It could have  
18 been Prilosec, too, either one.

19          Q.    If the records show Prilosec, you don't  
20 have a reason to disagree, do you?

21          A.    No.

22          Q.    Okay.  August of 2008, do you recall  
23 injuring yourself and going to Children's Hospital,  
24 your right femur and right ankle being injured?

25          A.    No.  Is there more to the story?

1 Q. We'll look. There was an x-ray taken of  
2 your femur, x-ray taken of your ankle. Do you  
3 remember why you would have had that done?

4 A. No, I don't remember. Is there a record  
5 stating what happened?

6 Q. No. This is what we have here. There is  
7 an August 15th note of Westside Pediatrics --

8 MS. MASON: First she went to Westside  
9 Pediatrics and got treated at Westside  
10 Pediatrics and they sent her to Children's for  
11 the x-rays.

12 A. I don't remember.

13 Q. Not a problem. August 15th you went to  
14 Children's Hospital emergency room for left-hand  
15 pain. You injured your left pinkie finger when you  
16 stubbed it against the ground; do you remember that?

17 A. No. I played a lot of sports, but I can't  
18 speculate. I have no idea.

19 Q. Again, if you don't remember, McKenzie,  
20 that's fine. January 22, 2009, a Children's  
21 Hospital note indicates that your right upper  
22 quadrant pain has resolved. Do you remember taking  
23 a proton pump inhibitor since 2007?

24 A. Yes.

25 Q. Did that help?

1 A. Yes.

2 Q. Tell me about that. Tell me about your  
3 taking that.

4 A. That was the Protonix, and that did help.  
5 I was on that for a while and I know my heartburn  
6 issues had resolved.

7 Q. Okay. June 30, 2009, do you recall being  
8 struck in your sternum by another player, maybe  
9 soccer?

10 A. Basketball.

11 Q. Basketball. We talked about that, didn't  
12 we, at the last deposition?

13 A. Yes.

14 Q. But you went to the Children's Hospital  
15 emergency room for that?

16 A. I thought I went to Mercy Franciscan.

17 Q. Okay. October 1, 2009, emergency room,  
18 you had right leg pain, you had a softball injury;  
19 do you recall that?

20 A. I believe I had a soccer injury. I was  
21 kicked playing soccer.

22 Q. If the record says softball, would that be  
23 wrong, it would have been soccer?

24 A. Yeah, it was soccer.

25 Q. Okay. And I do believe we talked about

1 that as well?

2 A. Yes.

3 Q. Were you taken to the emergency room by  
4 ambulance or --

5 A. No.

6 Q. Who took you?

7 A. I believe my parents, but I can't be a  
8 hundred percent.

9 Q. And did you receive any treatment for the  
10 injury to your leg?

11 A. I was in an air cast.

12 Q. Did they prescribe the air cast or did you  
13 already have one?

14 A. The orthopaedic did. After I went to the  
15 ER, I saw an orthopaedic.

16 Q. There's a note from February 22, 2010. Do  
17 you remember having an MRI of your right lower leg?

18 A. Yeah.

19 Q. Was that arising out of this October 2009  
20 incident or was it something else?

21 A. What was the date?

22 Q. February 22, 2010.

23 A. What was the date on the --

24 Q. October. Actually, you would have injured  
25 it in September, but you went to Children's Hospital

1 October 1st.

2 A. I'm not sure a hundred percent. I believe  
3 so.

4 Q. You do recall having an MRI, though?

5 A. Yes.

6 Q. October 8, 2010, Children's Hospital note,  
7 do you recall complaining of back pain after soccer  
8 tryouts?

9 A. Yes.

10 Q. Tell me about that.

11 A. I believe my back pain was related to my  
12 shoulder injury that I had.

13 Q. It says, pain and more on right side and  
14 shoulder area into neck?

15 A. Yes.

16 Q. It says, reports that when stressed,  
17 symptoms tend to get worse?

18 A. Yes.

19 Q. Stressed in terms of mental stress or  
20 stress in terms of exerting yourself physically?

21 A. Both.

22 Q. It also has diagnosis, heartburn symptoms.  
23 Were you having heartburn symptoms again?

24 A. No, I don't remember being told that it  
25 was the diagnosis of that.

1 Q. So what did you do for this back pain?

2 A. I don't remember what we -- initially we  
3 went through different -- we went to the doctors and  
4 tried physical therapy. And that didn't work, so we  
5 just wanted to get a second opinion to be sure. We  
6 went to a shoulder specialist. They did an MRI.  
7 The MRI showed an issue, so they did a shot of  
8 Cortisone and sent me to physical therapy and that's  
9 when the issues finally started to resolve.

10 Q. You just got rid of a bunch of questions  
11 for me. So you would have been 15 at this time,  
12 correct?

13 A. Approximately, yeah.

14 Q. So you were also treating with the  
15 orthopaedic surgeon from Beacon Orthopaedics,  
16 correct?

17 A. Yes.

18 Q. So you went to Children's Hospital for  
19 diagnostic studies?

20 A. Yes.

21 Q. Who was it, Dr. Burger?

22 A. Yes.

23 Q. He was the one who was treating you for  
24 the shoulder issue?

25 A. Yes.

1 Q. Did he discuss with you the issue of why  
2 you were in so much pain in light of the nature and  
3 extent of the injury?

4 A. He said that I had inflamed scapular  
5 muscles. Yeah, inflamed scapular muscles.

6 Q. He also arranged for you to have an EMG;  
7 do you remember that?

8 A. Yes.

9 Q. And an MRI?

10 A. Yes.

11 Q. They both were normal, correct?

12 A. He told me the MRI showed that I had the  
13 inflamed scapular muscles.

14 Q. There were no tears?

15 A. Right.

16 Q. It was at this time frame that you were  
17 initially diagnosed with having RSD?

18 A. No.

19 Q. No? Did Dr. Burger talk to you about  
20 having sympathetically mediated pain?

21 A. No.

22 Q. Prior to this incident in September of  
23 2012, did any doctor ever discuss with you  
24 sympathetically mediated pain, RSD or complex  
25 regional pain syndrome?



1           A.    He rubbed his hand over my shoulder and  
2    said, does that hurt?  I said, no.  He's like, okay,  
3    it's not RSD.  So it was ruled out and that was the  
4    last of it.

5           Q.    So if he has it in his notes that she most  
6    likely has sympathetically mediated pain, that would  
7    be in error?

8           A.    Right, unless it was not discussed with  
9    me.

10          Q.    Did you ever discuss with your parents  
11    whether you had RSD, sympathetically mediated pain  
12    or complex regional pain syndrome before September  
13    of 2012?

14          A.    No.

15          Q.    I'm going to call it RSD so I don't have  
16    to go through three of those terms, okay?

17          A.    Okay.

18          Q.    April of 2011, there's an office note from  
19    Children's Hospital that you visited because of  
20    anxiety; do you remember that?

21          A.    Yes.

22          Q.    Tell me about that.

23          A.    I remember that things at home got really  
24    bad and I went through a bad breakup and ended up in  
25    the ER because I cut myself.  Well --

1 Q. We talked about that, right?

2 A. Yeah.

3 Q. I'm just going to limit these questions  
4 with respect to the information in the Children's  
5 Hospital records, okay?

6 A. Okay.

7 Q. If there's any overlap, I apologize for  
8 that.

9 A. Okay.

10 Q. And this was in the April, May, June, July  
11 time frame, and August; is that about right?

12 A. It sounds right, yes.

13 Q. Of 2011, correct?

14 A. Yes.

15 Q. And I believe we discussed that if the  
16 medical records reflect a suicide attempt, you were  
17 just trying to get attention, you really weren't  
18 trying to kill yourself; is that correct?

19 A. I wasn't trying to kill myself and I  
20 wasn't trying to get attention. I just was upset  
21 and I just kind of lost it and I didn't know what to  
22 do.

23 Q. You were diagnosed with depression,  
24 correct?

25 A. Uh-huh.

1 Q. Yes?

2 A. Yes.

3 Q. I'll have to remind you about that. And  
4 you also had anxiety and panic attacks?

5 A. Yes.

6 Q. And I see that you were treating with --  
7 or were visiting Children's Hospital for that. Were  
8 you seeing anybody in particular for these issues?

9 A. I was seeing Dr. Helmut Roehrig.

10 Q. What?

11 A. Dr. Helmut Roehrig. He's a psychologist.

12 Q. R-O-R-I-C-K?

13 A. R-O, I don't know. R-O-R-I-G [sic],  
14 something along those lines. I'm not exactly sure.

15 Q. What did you do for these emotional or  
16 psychological issues, did you take medication?

17 A. Yes.

18 Q. Prozac?

19 A. Yes.

20 Q. Valium?

21 A. I don't remember the Valium.

22 Q. What else did you do for these issues?

23 A. I went through the therapy and I took  
24 Prozac.

25 Q. Psychotherapy?

1 A. Yeah.

2 Q. Yes?

3 A. Yes.

4 Q. And I see in July of 2011 they diagnosed  
5 you with major depression. As you know, there is a  
6 difference between major depression and just regular  
7 old depression, right?

8 A. Yes, but I don't recall being diagnosed  
9 with that.

10 Q. Do you recall what your emotional or  
11 psychological condition was during that time?

12 A. No. I recall that I wasn't happy, but I  
13 never was told that I had major depression.

14 Q. Did you tell -- you were seeing a  
15 psychiatrist, right?

16 A. Psychologist.

17 Q. All right. Did you tell the psychologist  
18 that you thought you were bipolar?

19 A. No, not that I recall.

20 Q. So if there's notations in there that you  
21 said that you thought you were bipolar, that would  
22 be incorrect or you just don't remember?

23 A. That could be incorrect.

24 Q. I beg your pardon?

25 A. That could be incorrect.

1 Q. How many times did you cut yourself?

2 A. Once.

3 Q. Any other actions that would be deemed  
4 suicidal other than cutting yourself?

5 A. No.

6 Q. Did you ever threaten to kill yourself?

7 A. No.

8 Q. Were you diagnosed with an eating  
9 disorder?

10 A. No. I'm sorry, can I go back? When I cut  
11 myself, it wasn't like a cut, it was a scratch and  
12 it was twice, I'm sorry.

13 Q. And, McKenzie, I'm not getting into  
14 degrees on this thing. And I don't want to discuss  
15 semantics, I just want to make certain that the  
16 information that I have in the records is either  
17 accurate or not. And then if I need to follow up  
18 with you, I will. And you understand I'm not trying  
19 to embarrass you, I'm just trying to get information  
20 in light of the claim in this case. So if we take a  
21 look at the August 29th encounter from Children's  
22 Hospital, patient presents with eating disorder?

23 A. That's not me. I mean, this is my  
24 information, but I never was diagnosed with an  
25 eating disorder.

1 Q. Did you ever have a problem in terms of  
2 eating? And I mean any type of eating disorder. I  
3 don't want to limit it to anything -- eating, not  
4 eating, throwing up your food --

5 A. No.

6 Q. -- anything like that?

7 A. They never told me I had an eating  
8 disorder.

9 Q. And if it's in additional records, that  
10 would be wrong as well, correct?

11 A. I mean, unless they did something without  
12 telling me.

13 Q. You're taking medication, though, correct?

14 A. Uh-huh.

15 Q. For these emotional or psychological  
16 issues?

17 A. Yes.

18 Q. And you were receiving psychotherapy?

19 A. Yes.

20 Q. And I just want to go back to Beacon  
21 Orthopaedics because I want to try to tie this in.  
22 January 18, 2012, you presented to the doctor right  
23 shoulder pain; do you remember that?

24 A. Yes.

25 Q. You were kicked in the shoulder by a

1 friend?

2 A. Yes.

3 Q. And we did talk about that briefly?

4 A. Yes.

5 Q. I'm showing you that document from Beacon.

6 Do you see where it references probable component of

7 RSD?

8 A. Yes.

9 Q. And you're telling me that you did not  
10 have any discussion with Dr. Burger or anybody else  
11 from Beacon about having RSD or any type of RSD?

12 A. Correct.

13 Q. I believe we're finished with your prior  
14 medical. Thank you for bearing with me on that. In  
15 terms of your overall health, I understand you were  
16 still treating -- at the time of this accident in  
17 September of 2012, you were receiving ongoing  
18 medical treatment for other issues, correct?

19 A. I believe so, yes.

20 Q. And you were seeing Dr. Burger with Beacon  
21 Orthopaedics?

22 A. I don't think so, no. I mean -- well, if  
23 my shoulder would flare up or something, I would go  
24 back, but at the time of injury I wouldn't -- I  
25 wasn't there.

1 Q. Okay. Thank you. So whenever your  
2 shoulder would flare up, you would go back to Beacon  
3 Orthopaedics. So I have July 2, 2012, that was a  
4 right hip pain issue?

5 A. Well, yeah, if I hurt something and it was  
6 an orthopaedic problem, they were my orthopaedic so  
7 I would go there.

8 Q. But in September of 2012, you were in the  
9 emergency room. In August you fell off of a fence?

10 A. Yes.

11 Q. And then you were in Canada the past  
12 weekend, I assume over Labor Day, for a dance  
13 competition, your back flared up?

14 A. Yes.

15 Q. And that you had occasional numbness and  
16 tingling in your fingers of the right hand. So you  
17 had a different type of treatment or different type  
18 of injury which you received treatment, is that  
19 fair, lumbar sprain, cervical strain, thoracic  
20 sprain, at Family Medical Group, September 4, 2012?

21 A. I don't remember what type of treatment I  
22 received. I may have received physical therapy, but  
23 I do remember the diagnosis.

24 Q. There are numerous visits to the emergency  
25 room. And was it your practice to go to the



1 emergency room to address acute symptoms or  
2 conditions?

3 A. No, it was I was active and I would get  
4 injured a lot because I was active. I was  
5 aggressive, I was a goalie and I played basketball.  
6 I played numerous sports.

7 Q. Well, there's a lot of falls, too, that  
8 had nothing to do with sports, right?

9 A. Accidents happen.

10 Q. No, I'm not saying -- I'm just saying  
11 irrespective of sporting injuries, you also had  
12 non-sporting injuries. All I'm trying to find out  
13 is instead of going to your family doctor, you would  
14 go to the emergency room?

15 A. If it happened when there were not office  
16 hours, then yes.

17 Q. Let's talk about this accident. And I  
18 think we left off, you were laying on the ground?

19 A. Yes.

20 THE WITNESS: Could we take a break,  
21 please?

22 MR. POWELL: Absolutely.

23 (OFF THE RECORD)

24 BY MR. POWELL:

25 Q. You were laying on the ground after you

1 fell?

2 A. Yes.

3 Q. Tell me about how you were feeling.

4 A. I was feeling awful. I remember I  
5 distinctly yelled my ankle, I broke my fucking  
6 ankle, and then everyone came over. I was in so  
7 much pain. They were trying to get me up off the  
8 ground and I remember I'd never felt this way  
9 before. I couldn't even get up off the ground. It  
10 hurt to move my upper body and it was only my ankle.

11 Q. And let me interrupt you a second,  
12 McKenzie, just so I'm clear. You may have said this  
13 in the last one, but did your ankle invert, meaning  
14 did you twist it from the inside or did you twist it  
15 from the outside?

16 A. I can't remember. It all happened so  
17 fast.

18 Q. Because if I recall correctly, you don't  
19 remember whether there was a hole or whatever you  
20 fell on, whatever caused your ankle to give, so  
21 that's why I was wondering if this was -- and you  
22 understand when I say eversion or inversion?

23 A. Yes.

24 Q. And you don't recall?

25 A. No.

1 Q. Where did your ankle hurt?

2 A. It hurt just all over.

3 Q. Anyplace in particular?

4 A. It was so long ago. I'd have to see the  
5 records. I know I complained of a certain spot that  
6 hurt, I can't remember exactly where, but I was in  
7 so much pain.

8 Q. You hurt your right ankle before, correct?

9 Well, remember you had the x-ray? I assume that  
10 you --

11 A. Oh, yes. Yes.

12 Q. Do you remember whether that was an  
13 inversion or an eversion?

14 A. No.

15 Q. So let's then go to that evening. You're  
16 laying down, you're in pain. Did you go the  
17 hospital that night?

18 A. Yes.

19 Q. And who took you?

20 A. My dad and my mom. Well, I'm sorry,  
21 correction, my dad picked me up from the haunted  
22 house and my mom took me to the ER.

23 Q. All right. You told me that. So that was  
24 September 28th. And I assume that they treated and  
25 released you --

1 A. Yes.

2 Q. -- that evening? I understand -- and  
3 remember, I'm going to be asking you leading  
4 questions so we move this along. If I ask you  
5 something that's incorrect or if the information  
6 contained in my statement is incorrect, you tell me.  
7 You did a nice job the last time. September 28th to  
8 October 1st, how were you feeling?

9 A. Horrible. I remember they had my ankle  
10 pretty much casted up. They had me on some  
11 medication to relieve my pain. So that helped, but  
12 I remember I mostly just spent the day in bed.

13 Q. You said casted up. What do you mean  
14 casted up?

15 A. It was a splint, but it was a soft cast.  
16 It was a posterior splint, if I recall.

17 Q. They didn't put a plaster cast on you?

18 A. No, no, no. I'm sorry.

19 Q. So you, I assume, take it easy from  
20 September 28th to October 1st?

21 A. Yes.

22 Q. And you were in high school?

23 A. Yes.

24 Q. You missed those days of school or did you  
25 go?

1           A.    I believe it was on the -- it happened on  
2 a weekend and I went to school that following  
3 Monday, but I had to leave early for a doctor's  
4 appointment.

5           Q.    So you didn't miss any school?

6           A.    No, not that day.

7           Q.    And that doctor was Burger from Beacon  
8 Orthopaedics?

9           A.    Yes.

10          Q.    You told me before that your foot was  
11 fractured, you had a fractured foot?

12          A.    Yes.

13          Q.    Did you talk to Dr. Burger about the  
14 x-rays showing --

15          A.    Yes.

16          Q.    -- no fracture?

17          A.    Let me clear this up.  In the ER they said  
18 it was fractured.  When I got to Dr. Burger, he said  
19 there was no fracture.

20          Q.    At this point, do you recall talking to  
21 Dr. Burger about RSD?

22          A.    No, not the very first visit.

23          Q.    And you were in a walking boot, correct?

24          A.    Yes.

25          Q.    And you were able to weight bear?

1           A.     Partial weighting bearing with crutches  
2     and a walking boot.  He diagnosed me with a sprained  
3     ankle and I did physical therapy.

4           Q.     Do you remember when you started the  
5     physical therapy?

6           A.     Shortly after seeing him.  It wasn't like  
7     I waited and went, I believe.  It wasn't too long.

8           Q.     Oh, you know what I wanted to ask you, was  
9     your ankle swollen?

10          A.     Yes.

11          Q.     So if his note indicates no frank  
12     effusion, that means there's no swelling, right?

13          A.     But it was swollen.

14          Q.     On October 1st, was it swollen?

15          A.     Uh-huh.  Yes.

16          Q.     So if he put there was no swelling, you  
17     would disagree with that?

18          A.     Yes.

19          Q.     Was your ankle feeling better on  
20     October 1st than it was on September 28th?

21          A.     No.

22          Q.     Had you stayed off it?

23          A.     Yes.

24          Q.     So he sends you to physical therapy.  How  
25     did that go?

1           A.    Physical therapy went well.  After a few  
2 weeks, I was off the crutches, in the boot, was  
3 still doing physical therapy, but nothing was  
4 progressively getting any better.  I was still in  
5 pain.  I was still unable to do normal activities.  
6 And I know it was a sprained ankle, but it still  
7 wasn't progressing the way it should have been.

8           Q.    I understand that in that three-week  
9 period you were wearing a boot some days and walking  
10 with crutches the other days?

11          A.    I was wearing my boot and crutches.

12          Q.    Every day?

13          A.    For what he -- my instructions were boot  
14 and crutches for a certain amount of weeks and then  
15 the boot for a certain amount of weeks and then no  
16 boot, no crutches.

17          Q.    So if his note indicates wearing a boot  
18 some days and walking with crutches the other days,  
19 that would be wrong?

20          A.    Yes.

21          Q.    And did he tell you to get out of the  
22 boot?

23          A.    At a certain point, yes.

24          Q.    Did you?

25          A.    Yes, I tried.

1 Q. He recommended that you aggressively  
2 stretch muscles of your ankle and hind foot. Did  
3 you do that?

4 A. Yes, I went to physical therapy.

5 Q. No, after physical therapy.

6 A. Oh, yes.

7 Q. Did you do like home exercises?

8 A. On some days I did, on some days honestly  
9 I didn't because it hurt so bad.

10 Q. So at that point in time in October, had  
11 your pain levels reduced or decreased?

12 A. No.

13 Q. Pain levels were still the same?

14 A. Yes, if not worse.

15 Q. And what about your range of motion?

16 A. Getting worse.

17 Q. How about stiffness?

18 A. Worse.

19 Q. So the physical therapy didn't help?

20 A. No.

21 Q. Made it worse?

22 A. Yes. I mean, I wouldn't say the physical  
23 therapy made it worse, I would -- I just would say  
24 that nothing was helping.

25 Q. And your condition had just deteriorated?



1 A. Yes.

2 Q. Did you tell Dr. Burger that?

3 A. Yes.

4 Q. What did he say?

5 A. Can you repeat the date again?

6 Q. October 24, 2012.

7 A. I'd say after we did the physical therapy,  
8 after we did the boot and crutches and nothing was  
9 getting better, this is when I went back and my foot  
10 started to turn a purplish color and he diagnosed  
11 me. This is the first time that I had heard RSD.

12 Q. So this was November 21, 2012?

13 A. I don't know the exact date, but the  
14 timeline that I remember.

15 Q. So, I mean, if we're talking about  
16 October 24, 2012 when he was recommending you to get  
17 out of the boot, start stretching, being aggressive  
18 with it, about a month later is when you started  
19 having some skin color changes?

20 A. I would say so. I got out of the boot. I  
21 tried to do what he said, but things just kept  
22 getting worse and my pain was so bad and nothing was  
23 working.

24 Q. So from September 28th through  
25 November 21st, did you miss any school?

1           A.    I can't remember, but I'm sure I did.

2           Q.    What would you have missed school for  
3 other than doctor appointments or physical therapy?

4           A.    Probably doctor appointments or physical  
5 therapy.

6           Q.    Other than that?

7           A.    I don't think anything unless I was sick.

8           Q.    Were you competing in sports at that  
9 point?

10          A.    No.  I was a German dancer, but I couldn't  
11 do it anymore.

12          Q.    And with respect to the classroom, did you  
13 have to have any special accommodations?

14          A.    I took the elevator.

15          Q.    What high school were you going to?

16          A.    I went to Seton at the time.

17          Q.    And did you have another chair that you  
18 put your leg on or some other stool that you put  
19 your foot on?

20          A.    Sometimes, but not really.

21          Q.    Well, I don't know what that means,  
22 sometimes but not really?

23          A.    Sometimes I did, sometimes I didn't.

24          Q.    So the teachers would let you do that?

25          A.    Yes.

1 Q. And then as far as you recall, the first  
2 time you ever heard of RSD was November 21, 2012?

3 A. If that's when he diagnosed me with RSD of  
4 my foot, then yes.

5 Q. And as I told you before, I'm not going to  
6 be real concerned about these dates. I'm looking at  
7 time frames.

8 A. Yes.

9 Q. When was the first time you noticed skin  
10 color changes?

11 A. Between those two, yes.

12 Q. October 24th of 2012 and November 21st of  
13 2012 --

14 A. Yes.

15 Q. -- you noticed a purplish color of your  
16 skin where?

17 A. In my foot.

18 Q. Where?

19 A. On the top of my foot.

20 Q. That's the dorsum, right?

21 A. Uh-huh.

22 Q. Yes?

23 A. Yes.

24 Q. Okay. And from the toe to the tarsal bone  
25 or where?

1           A.    From my toes to kind of like the break  
2 where the tibia and the fibia meet the ankle.

3           Q.    The whole area was purple or just spots?

4           A.    The whole area.

5           Q.    Did you take a photograph of it?

6           A.    No, but I have photographs of after I was  
7 diagnosed with RSD when my foot was -- like my whole  
8 foot was just swollen and purple. I do have  
9 photographs.

10          Q.    Okay. Who took those photographs?

11          A.    I did and then my mom.

12          Q.    When did you take them?

13          A.    I have no idea when I took them, but I  
14 took them after my ankle surgery after --

15          Q.    Okay. We'll get to that.

16          A.    Yeah, it was after.

17          Q.    At this point in November of 2012, you  
18 hadn't taken any photographs?

19          A.    No.

20          Q.    Your foot was purple. Was there any  
21 temperature changes at that point?

22          A.    Yes, it was cold.

23          Q.    It wasn't hot, it wasn't warm?

24          A.    No.

25          Q.    You sure about that?

1 A. Yes.

2 Q. When Dr. Burger talked to you about  
3 sympathetically mediated pain, did he tell you what  
4 that was since you didn't know what it was?

5 A. He said reflex sympathetic dystrophy and  
6 said we'll do nerve block shots and left the room.

7 Q. You'll do what?

8 A. Nerve block shots and left the room.

9 Q. Did you say, hey, what is that?

10 A. I tried. He was a pretty speedy guy.

11 Q. You didn't get your questions answered?

12 A. No.

13 Q. Did you look it up on the Internet?

14 A. Yes.

15 Q. That same day?

16 A. I don't recall, but I know I've done a  
17 fairly adequate amount of research.

18 Q. So when you did your research on the  
19 Internet, did you have some questions for him the  
20 next time?

21 A. I can't remember when I went back the next  
22 time. I don't think I ever went back.

23 Q. You didn't go -- I don't understand?

24 A. I got the nerve block shots. They didn't  
25 work. And I wanted to get a second opinion since

1 those weren't working, so I went to Dr. Amis.

2 Q. Okay.

3 A. Unless I did go back one more time.

4 Q. Well, we'll get into that. You did have a  
5 nerve block?

6 A. Yes.

7 Q. And that was in December?

8 A. I had three.

9 Q. I'm just talking about the first one --

10 A. Sorry.

11 Q. -- in December. That's all right. And  
12 you just said it didn't work?

13 A. No, it didn't.

14 Q. Didn't you have 36 to 48 hours of pain  
15 free?

16 A. For that time I did have a few hours, yes,  
17 but then it just came back.

18 Q. Well, 36 to 48 hours you were pain free;  
19 does that sound right?

20 A. Yes.

21 Q. If they have it down here, would you  
22 disagree?

23 A. I wouldn't be a hundred percent agreeable  
24 with it.

25 Q. Okay. And that was at Beacon?

1 A. Yes.

2 Q. And did you tell them during that 36 to 48  
3 hours that you were much more active?

4 A. I don't recall.

5 Q. Did you tell them that you had significant  
6 pain, after that 36 to 48 hours, that came back?

7 A. That sounds about right, because I  
8 remember my pain in any way, shape or form was back.

9 Q. So I understand, like you just said, that  
10 you wanted to get a second opinion?

11 A. Yes.

12 Q. Didn't they tell you that these nerve  
13 blocks, you have to have all three of them?

14 A. Yes, I got all three.

15 Q. And where did you get them, at Beacon?

16 A. I got them at Good Sam Hospital.

17 Q. TriHealth?

18 A. Yes.

19 Q. All right. I understand you went to Dr.  
20 Amis?

21 A. Yes.

22 Q. How did you get to Dr. Amis?

23 A. My aunt knows someone so they got me in  
24 there.

25 Q. Did you tell Dr. Amis that you had a

1 fractured foot?

2 A. I said that in the ER they told me it was  
3 fractured and then I went to Dr. Burger and they  
4 said it wasn't fractured. So I wanted Dr. Amis to  
5 know both sides of the story.

6 Q. If Dr. Amis' note indicates that you told  
7 Dr. Amis that Dr. Burger is the one who told you you  
8 had the fracture, would that be wrong?

9 A. Yes. Wait, I'm sorry?

10 Q. If the note -- as you see there, it  
11 says --

12 A. Yeah, that would be wrong.

13 Q. Then did you tell Dr. Amis that you had  
14 been in a boot and on crutches since October?

15 A. I think -- yes, I said -- I summed it up  
16 to in a boot and on crutches since October. I  
17 should have been more clear and said on and off.

18 Q. That's what I'm getting at. You were not  
19 in a boot full-time because Dr. Burger had  
20 recommended that you --

21 A. Right.

22 Q. -- get out of the boot?

23 A. Right.

24 Q. And, in fact, did Dr. Burger tell you that  
25 because you had a potential diagnosis of RSD, that



1 being in the boot would not be a good idea, did he  
2 give you that information?

3 A. I don't remember that. I'm sorry, I do  
4 remember that, yes.

5 Q. He told you that?

6 A. Yes.

7 Q. But yet you came in to see Dr. Amis in a  
8 boot?

9 A. Because it made it feel better.

10 Q. And you were non-weight bearing, meaning  
11 you were on crutches?

12 A. It hurt.

13 Q. Well, did Dr. Burger tell you that because  
14 of your potential diagnosis of RSD, that being  
15 non-weight bearing was not good for you?

16 A. No.

17 Q. When you saw Dr. Amis, he went a different  
18 route with you, didn't he?

19 A. Yes.

20 Q. And what did he tell you that he thought  
21 was the cause of your pain?

22 A. He said it was not RSD. He said it was an  
23 extra bone in my foot that I was born with that was  
24 injured during the fall.

25 Q. Os trigonum?

1 A. Yes.

2 Q. The os trigonum is something that you were  
3 born with?

4 A. Yes.

5 Q. And what Dr. Amis told you is that it  
6 became symptomatic as a result of the fall?

7 A. Yes.

8 Q. When did you become non-weight bearing?  
9 How long had you been non-weight bearing before you  
10 saw Dr. Amis?

11 A. I think for a few weeks because the three  
12 nerve block shots that I did do didn't work. And my  
13 pain was so bad I couldn't bear weight on my foot,  
14 so yeah.

15 Q. Dr. Amis also told you to get off the  
16 crutches too, didn't he?

17 A. I don't remember.

18 Q. You don't remember him telling you to  
19 transition off the crutches?

20 A. No.

21 Q. And Dr. Amis confirmed with you that you  
22 did not have any fractures in your ankle or foot,  
23 correct?

24 A. Yes.

25 Q. So then you had a bone scan?

1 A. Yes.

2 Q. Do you remember that?

3 A. Yes, I do.

4 Q. And was there any problems shown in that  
5 bone scan?

6 A. Yes.

7 Q. What was that?

8 A. They did a series of two tests to diagnose  
9 the os trigonum, and the bone scan was the first  
10 step. And it did help lead to the diagnosis of the  
11 os trigonum, so it was a positive test to indicate  
12 that issue.

13 Q. And that bone scan didn't show any  
14 evidence of RSD, correct?

15 A. Not that I was told.

16 Q. January 29, 2013, visit with Dr. Amis, it  
17 appears that you were complaining that the pain is  
18 aching, sharp and throbbing. Pain is aggravated by  
19 movement, walking and standing. Do you remember  
20 telling him that?

21 A. Not word for word, but it sounds right.

22 Q. Yeah. Generally?

23 A. Yeah.

24 Q. What was your activity level between  
25 October of 2012, January of 2013, and then the last

1 visit of January 29, 2013, what activity level were  
2 you --

3 A. I'm sorry.

4 Q. -- engaged in?

5 A. Can you say those again?

6 Q. Yeah. You first saw -- well, you were  
7 getting treatment with Beacon in October?

8 A. Are you saying like from the time of the  
9 injury to now?

10 Q. Right, because you're complaining that  
11 your pain is aggravated by movement, walking and  
12 standing, and that the pain -- you described the  
13 pain as aching, sharp and throbbing. What I'm  
14 trying to figure out is what activity level were you  
15 engaged in from October to beginning of January,  
16 January to the end of January?

17 A. So October to when, the first --

18 Q. When you first saw Amos.

19 A. October when I first saw Amos, it was very  
20 minimal. I wasn't doing much at all. I remember I  
21 had some projects to do for school so I was trying  
22 to do those, and that was very hard on me. And then  
23 from this time, if Dr. Amis told me to get out of  
24 the boot and crutches, I felt much more -- what's  
25 the word I'm looking for -- confident to do so

1 because I had -- I felt like I had more of a steady  
2 diagnosis that I understood compared to you have RSD  
3 and the doctor left the room. He sat down and  
4 talked with me and told me what was going on, so I  
5 felt more comfortable.

6 Q. Are you saying that you would have been  
7 apt to follow Dr. Amis' recommendations because you  
8 understood them?

9 A. No, I just felt more -- like I trusted Dr.  
10 Amis more, but I did follow Dr. Burger as well. I  
11 did his course of treatment until nothing was  
12 getting any better.

13 Q. So when you told Dr. Amis that movement,  
14 walking and standing aggravated your pain, what  
15 movement are you talking about?

16 A. Inversion, eversion, plantar flexion,  
17 dorsiflexion.

18 Q. So you're talking about the movement of  
19 your ankle joint itself?

20 A. Yes.

21 Q. And you were able to walk?

22 A. Yes.

23 Q. Which means --

24 A. I don't recall a hundred percent.

25 Q. But if you said the pain was aggravated by

1 walking, it infers that you were walking?

2 A. I don't know if I was in a boot or not is  
3 what I mean, I'm sorry. I believe I was still in a  
4 boot at this point and just off the crutches.

5 Q. But in January of 2013, even as of the  
6 visit on the 29th, your pain was related to -- Dr.  
7 Amis related that the pain you experienced was not  
8 caused by RSD, but was caused by this os trigonum?

9 A. Related to the injury, yes.

10 Q. Os trigonum?

11 A. Yes.

12 Q. Was your ankle or your foot still purple?

13 A. Not that I remember, no.

14 Q. So looking back to January of 2013, is it  
15 fair to say that when you presented to Dr. Amis on  
16 the 15th and on the 29th, you were not having  
17 symptoms of RSD; is that fair?

18 A. No, because Dr. Amis said it was never RSD  
19 to begin with.

20 Q. Looking back to January -- and you know  
21 what the symptoms of RSD are?

22 A. As of right now, yes.

23 Q. You weren't having any of those symptoms  
24 in January of 2013?

25 A. Correct.

1 Q. Dr. Amis knows what RSD is, right?

2 A. Yeah.

3 Q. And you had another MRI?

4 A. Yes.

5 Q. And that was even another piece of  
6 information that Dr. Amis talked to you about to  
7 show that your pain was caused by an os trigonum,  
8 not an RSD or a sympathetically mediated pain?

9 A. Yes.

10 Q. You had surgery on February 11, 2013?

11 A. Yes.

12 Q. And that was to excise the posterior  
13 process of the left talus?

14 A. Yeah.

15 Q. Now, in speaking with Dr. Amis and having  
16 been treating with Dr. Amis, you know that he would  
17 not operate on you if you had RSD, correct?

18 A. He has operated on me with RSD.

19 Q. This first one?

20 A. Not this first one, but I guess we'll get  
21 to that.

22 Q. We'll get to that. February 2013 you had  
23 an operation?

24 A. Yes.

25 Q. And you did not have any active signs or

1 symptoms of RSD at the time you had the surgery,  
2 correct?

3 A. Yes. He said it was not RSD, this is your  
4 problem.

5 Q. Right. I'm just talking about the signs  
6 or symptoms of RSD. You did not have any in  
7 February of 2013?

8 A. Right.

9 Q. Okay. February 26, 2013 you have your  
10 first post-op visit. Did you tell Dr. Amis that you  
11 were doing well?

12 A. Yes.

13 Q. And the swelling that you had been  
14 experiencing had gotten down to normal?

15 A. Yes, I was doing well.

16 Q. And did Dr. Amis tell you to transition  
17 out of your boot?

18 A. Yes.

19 Q. And he told you don't wear the boot when  
20 you're sleeping?

21 A. Yes.

22 Q. Did you follow those instructions?

23 A. Yes.

24 Q. And you know that's important because of  
25 the blood flow issues, right?



1           A.    Yes.

2           Q.    Now, let's go to March 28, 2013.  You go  
3 back to see Dr. Amis, and it looks like you were  
4 progressing as expected.  You were back in shoes and  
5 you were gradually increasing your activities.  And  
6 he told you you no longer had any restrictions and  
7 you were to continue your regular activities?

8           A.    Yes.

9           Q.    So what I'd like to know from you is you  
10 have the surgery the beginning of February.  By the  
11 end of March, were you having any problems  
12 whatsoever?

13          A.    I would have pains every now and then, but  
14 I was definitely better than where I was.  I was  
15 pretty much back to, I wouldn't say normal, but I  
16 was recovering and I had -- most of my pain was  
17 pretty much gone and I was happy.

18          Q.    Okay.  And so when you tell an attorney  
19 pretty much or almost, I got to follow up to ask you  
20 to what extent were you experiencing any type of  
21 residual pain?

22          A.    I'd say pretty much 95 to 98 percent of my  
23 pain was gone.

24          Q.    And this extra percent of pain, was that  
25 just what I call exertional, meaning if you were

1 starting to run or starting to work out or exercise,  
2 that's when you would feel that pain?

3 A. Yeah, or if I walk too much, yeah.

4 Q. Okay. I call that exertional, but that's  
5 my phrase. How was your range of motion?

6 A. I don't recall my range of motion since  
7 the injury. What I am sure about, I can't -- I'm  
8 not sure since the surgery, but what I am sure about  
9 since the injury is my range of motion has never  
10 been great.

11 Q. Well, you had the sprained ankle, so you  
12 know there's going to be some damage in there,  
13 right?

14 A. Yes.

15 Q. But do you recall any limitations as of  
16 the end of March?

17 A. No.

18 Q. So, again, other than this pain caused by  
19 exertion, your activity level was almost normal --

20 A. Yes.

21 Q. -- fair enough?

22 A. Yes. Then this is -- the surgery was when  
23 I started to miss school. This is when my school  
24 started to become missed a lot.

25 Q. The os trigonum surgery?

1 A. Yes.

2 Q. Well, you had to miss because of  
3 recovering from that?

4 A. Yes.

5 Q. And at some point in time after that  
6 initial period, you went back to school?

7 A. I tried and it was very hard, but  
8 eventually I got back.

9 Q. Were you in a cast?

10 A. For the first two days I was in a soft  
11 cast and then I was in the boot.

12 Q. Okay. You were not in a plaster cast?

13 A. No.

14 Q. You were wearing regular shoes in March of  
15 2013?

16 A. Yes.

17 Q. Now, go to May of 2013, May 21st.

18 A. Okay.

19 Q. And I want to make certain that I'm clear,  
20 McKenzie, you had this os trigonum surgery on  
21 February 11th. At the end of March you're close to  
22 being back to where you were?

23 A. Yes.

24 Q. So you're thinking to yourself, these  
25 problems that I've been having, these pains were

1 caused by this os trigonum. Dr. Amis performs  
2 surgery, resolves that issue for the most part?

3 A. Yes.

4 Q. Then in May of 2013 you go back to Dr.  
5 Amis because you told him that you had pain in your  
6 ankle?

7 A. Yes.

8 Q. And that pain was caused by you twisted  
9 your ankle?

10 A. Yes.

11 Q. And that pain was lateral pain?

12 A. Yes.

13 Q. This os trigonum is like right in the  
14 center. Is that where the pain you were  
15 experiencing was located?

16 A. No, it was kind of -- it was on the  
17 outside of my ankle and it was lateral. Like it was  
18 kind of -- it was on the outside of my ankle because  
19 I twisted my ankle.

20 Q. I thought you didn't remember which way  
21 you twisted it or where the pain was?

22 A. No. No, this was a different incident.  
23 This wasn't --

24 Q. I'm sorry, let me start over again. I  
25 understand in the May incident --

1 A. Yes.

2 Q. -- you twisted your ankle and you had  
3 lateral outside pain?

4 A. Yes, yes, yes.

5 Q. Before that --

6 A. Okay.

7 Q. -- the os trigonum, where was your pain  
8 located with respect to the os trigonum pain?

9 A. I don't remember.

10 Q. And that's what you told me?

11 A. Yeah.

12 Q. In May of 2013, you do remember that you  
13 twisted your ankle?

14 A. Yes.

15 Q. And you inverted?

16 A. Yes.

17 Q. And that the pain was on the outside, the  
18 lateral aspect of your ankle?

19 A. Yes.

20 Q. Okay. Now we're on the same page.

21 A. Yes.

22 Q. So this is actually a new injury. What  
23 happened? Tell me what happened. How did you twist  
24 your ankle?

25 A. Ever since the original fall, my ankle has

1 been very weak, so it was very easy for me to tweak  
2 my ankle. I was standing and I was wearing a slight  
3 heel, but not very big, and it just tweaked. I  
4 didn't do anything. I wasn't running. I wasn't  
5 walking. My ankle was just very weak from  
6 everything that it had been through.

7 Q. Well, is this the first time you twisted  
8 your ankle after the October -- or, I'm sorry, the  
9 September 2012 incident?

10 A. Yes.

11 Q. And you said you were just standing there.  
12 Did your ankle buckle?

13 A. Yeah.

14 Q. Prior to May of 2013, did you tell Dr.  
15 Burger or Dr. Amis that you felt that your ankle was  
16 unstable?

17 A. I don't remember.

18 Q. Because I didn't see anything. I mean,  
19 that's a big issue on sprained ankles and I didn't  
20 see anything where you complained about the  
21 stability of your ankle. I saw pain. I saw  
22 stiffness. I never saw anything about stability.  
23 Do you remember whether you told them about that?

24 A. No, but it was just a very weak ankle.

25 Q. Did you ever tell them that your ankle was

1 weak?

2 A. No.

3 Q. But they did give you physical therapy to  
4 strengthen your ankle, right?

5 A. Not after the os trigonum surgery.

6 Q. Before the os trigonum surgery?

7 A. Yes.

8 Q. And they gave you home exercises. We  
9 talked about some of those exercises that you were  
10 supposed to do at home?

11 A. Yes.

12 Q. And the therapy and the home exercises  
13 were designed, in part, to get your range of motion  
14 back and your strength back, correct?

15 A. Yes.

16 Q. And you don't recall telling any of your  
17 doctors or therapists that, hey, your ankle was  
18 still weak or unstable?

19 A. No.

20 Q. Nevertheless, you were in a situation  
21 where I understand you were wearing platform  
22 sandals, correct?

23 A. Uh-huh.

24 Q. And your ankle twisted?

25 A. Yes.

1 Q. And you were just standing there and it  
2 gave out?

3 A. Yes.

4 Q. But there's something in his note,  
5 May 21st note, that indicates a week ago while  
6 shopping she noticed her ankle hurting. So even  
7 before you twisted your ankle, do you recall your  
8 ankle hurting you?

9 A. Yes.

10 Q. Tell me about that.

11 A. I mean, like I said, I would get residual  
12 pain, but it was starting to come back a little bit  
13 more than just 95 to 98 percent.

14 Q. You didn't tell Dr. Amis that, did you?

15 A. It was in a note.

16 Q. No. No, before May 21st, you didn't call  
17 up Dr. Amis' office --

18 A. No.

19 Q. -- and say, hey, I'm getting a little more  
20 pain? What would cause that pain?

21 A. I'm not sure. After I went back and I saw  
22 him, he did say I tore adhesions from surgery and go  
23 back in my boot for a little bit.

24 Q. You tore adhesions as a result of twisting  
25 your ankle or you tore adhesions because of



1 something else?

2 A. He didn't say.

3 Q. Well, adhesions, that's the scar tissue?

4 A. Yeah, I believe so. I'm not sure. He  
5 just said I tore the adhesions and go back in my  
6 boot and they should resolve.

7 Q. Well, we want to break up that scar  
8 tissue, right?

9 A. Yeah.

10 Q. Was it maybe you were out of shape and you  
11 were doing these extra activities or more intense  
12 activities or extended activities and just feeling  
13 the pain as a result of that?

14 A. No.

15 Q. Even a week before you twisted your ankle,  
16 that wasn't it?

17 A. No. I was in pretty good shape before I  
18 went into the -- before I had my ankle injury. I  
19 was active. I did a lot of sports.

20 Q. I know but we're talking in May now.

21 A. Yeah. Yeah, that's what I'm saying. I  
22 mean, I wasn't -- I was just shopping, so it's not  
23 very exertive behavior.

24 Q. Well, I'm talking about the strength of  
25 your ankle itself. You hadn't been doing much with

1 your ankle since September?

2 A. Right, but he told me I had no  
3 restrictions, so...

4 Q. Right. That's what I'm saying. I'm  
5 trying to figure out what led to your ankle twisting  
6 in May, and you're saying you were just standing  
7 there?

8 A. Yeah. I mean, it was weak.

9 Q. But regardless of what happened, the pain  
10 that you experienced in May of 2013, this injury,  
11 that was different than the os trigonum?

12 A. I'm sorry, say that again.

13 Q. The injury that you sustained by twisting  
14 your ankle and the pain that you experienced in  
15 twisting your ankle, that was different than the  
16 injury and the pain associated with the os trigonum?

17 A. Yes, but it was related to.

18 Q. I don't want you to give your medical  
19 opinion. I'm just talking about from what you were  
20 experiencing, just from what you were experiencing?

21 A. Yes.

22 Q. Same thing with any of this RSD type  
23 sympathetically mediated pain that you're  
24 experiencing, this was a different type of pain?

25 A. Yeah.

1 Q. And a different type of an injury?

2 A. Yes.

3 Q. July 2, 2003, from May when you twisted  
4 your ankle to July 2nd when you apparently rolled  
5 your ankle again, did you have any signs or symptoms  
6 associated with RSD?

7 A. No.

8 Q. So on July 2nd you went back to Dr. Amis  
9 and you told him that you rolled your ankle about  
10 three weeks ago?

11 A. Yes.

12 Q. What happened?

13 A. I was in Italy and I was walking. It was  
14 kind of a rocky gravel pavement. And throughout the  
15 vacation I was in some pain. It was hard for me to  
16 walk in some areas. So I twisted my ankle just ever  
17 so slightly, and I felt like a normal person without  
18 an injury when it wouldn't have even phased them.  
19 It was very slight. And then after that, it was  
20 pretty much downhill.

21 Q. Downhill when, in Italy?

22 A. Yes.

23 Q. So that was three weeks ago. How long  
24 were you in Italy?

25 A. I was in Italy for a little over two

1 weeks.

2 Q. So you were just walking on gravel, is  
3 that what you said?

4 A. I was walking on concrete pavement, but it  
5 was kind of like a pebbly, rocky type of --

6 Q. Did you receive any treatment in Italy?

7 A. No, I had my pain medicine with me, so I  
8 just took that as needed, but I didn't receive any  
9 treatment.

10 Q. Did you have your boot with you?

11 A. No.

12 Q. Did you have any type of wrap or brace?

13 A. No. It was towards the end of the trip.

14 Q. Did you ice your foot?

15 A. Yes, ice and elevation.

16 Q. So when you saw Dr. Amis, were you doing  
17 better?

18 A. I was still in a lot of pain. And at this  
19 point I recall him saying there's nothing else I can  
20 do, you have to see your PCP, get into a pain  
21 management doctor because now it's full-fledged RSD.

22 Q. He told you that on July 2, 2013?

23 A. Yes.

24 Q. McKenzie, take a look at this for me.

25 This is the July 2, 2013 note from Dr. Amis. You

1 said that he told you at that point you had  
2 full-fledged RSD, correct?

3 A. Uh-huh. You want me to look at the whole  
4 thing?

5 Q. Yeah, because I don't see any mention of  
6 RSD in there. And I know it became a big issue in  
7 this treatment and diagnosis of your injuries as a  
8 result of this accident, but I don't see anywhere  
9 where it's mentioned.

10 A. It's not mentioned in here, but he did  
11 tell me I had RSD.

12 Q. On July 2, 2013?

13 A. I don't know if it was exactly July 2nd,  
14 but I do recall that when I came back from Italy,  
15 went and saw him about my ankle pain, that he said  
16 there's nothing else I can do, it's now full-fledged  
17 RSD.

18 Q. If July 2nd was the first visit with Dr.  
19 Amis after you returned from Italy and there is no  
20 mention of reflex sympathetic dystrophy, then you  
21 would disagree if he discussed that with you and  
22 didn't include it in his notes?

23 A. Yes, unless there was a later visit.

24 Q. That's what I'm going to look for.  
25 July 22nd you called and said you twisted your ankle

1 again and now you're unable to bear weight?

2 A. Uh-huh.

3 Q. So when you would call or present these  
4 issues to him, what did he do, just tell you to go  
5 back in the boot?

6 A. Yes.

7 Q. Did he prescribe additional medication?

8 A. I don't recall.

9 Q. How did you twist your ankle that time?

10 A. I don't remember. I don't even recall  
11 doing it.

12 Q. Do you recall slamming on the brake?

13 A. Yes.

14 Q. And did that reinjure your ankle, is that  
15 what caused your ankle to be reinjured?

16 A. It flared it up. It flared up my  
17 condition, but I didn't injure anything.

18 Q. Well, what I'm trying to find out is that  
19 what --

20 A. That could be it, yes.

21 Q. Do you recall that you pressing or  
22 applying your foot to the brake would have been the  
23 reason that your ankle was reinjured?

24 A. Well, I drive with my right foot. But the  
25 way it happened, everything just kind of pushed

1 forward so my foot did hit the ground pretty hard.

2 Q. I was going to ask you about that.

3 A. Yes. So --

4 Q. You don't use your left foot to brake, do  
5 you?

6 A. No.

7 Q. So you slammed on the brake, but you left  
8 foot braced, which you're saying reinjured it --

9 A. Uh-huh.

10 Q. -- to the point where you had to go back  
11 into the boot and use crutches?

12 A. Yes.

13 Q. At that point, do you think that might  
14 have been where he discussed RSD?

15 A. This could have been -- yes, sorry, this  
16 could have been it.

17 Q. But I guess the question I have for you is  
18 you didn't have any signs or symptoms of RSD up to  
19 this point?

20 A. Not that I recall, just extreme pain.

21 Q. Well, you weren't in any other pain other  
22 than your ankle sprains?

23 A. Yes, but they were more painful, I guess,  
24 than an original -- or a typical ankle sprain. They  
25 were pretty painful.

1 Q. They were painful, but you were able to go  
2 to Italy, right?

3 A. Yes.

4 Q. You were able to do -- did you tour Italy  
5 or did you go for a school or what did you do over  
6 there?

7 A. I toured Italy, but this was after the  
8 time I was in the boot for a couple weeks after they  
9 said I tore adhesions, so I got that problem kind of  
10 settled down. And then after -- when I was in  
11 Italy, things flared back up so I was never  
12 completely pain free.

13 Q. I'm sorry, because I wasn't referring  
14 about that. All I'm trying to say is when you had  
15 this issue in May when you twisted your ankle  
16 shopping, from a functional standpoint, you were  
17 functional enough to go to Italy and do the touristy  
18 things in Italy, right?

19 A. Yes.

20 Q. Did you go to the Vatican?

21 A. Yes.

22 Q. Any problems when you were at the Vatican?

23 A. No, but they did make some accommodations  
24 for me in certain cities.

25 Q. Who did you go with?



1 A. My boyfriend's family.

2 Q. We already talked about you didn't have  
3 any signs or symptoms of RSD at that point. Then in  
4 July of 2013, up to the trip in Italy, you didn't  
5 have any signs or symptoms of RSD then, correct?

6 A. No.

7 Q. Prior to Italy?

8 A. Prior to Italy, no.

9 Q. And when you were in Italy, you sprained  
10 your ankle?

11 A. I tweaked it. I don't know if I sprained  
12 it.

13 Q. I'm sorry, I called it sprained. You  
14 twisted your ankle, but you had pain?

15 A. Yes.

16 Q. But you didn't have any other signs or  
17 symptoms of RSD at that point?

18 A. Not that I know of.

19 Q. Okay. And then you went back to see Dr.  
20 Amis. And when you saw him in July, you didn't have  
21 any signs or symptoms of RSD, correct?

22 A. No, that I know of, correct.

23 Q. Then we get to July 22nd. You called Dr.  
24 Amis' office and you told him that you twisted your  
25 surgical ankle over the weekend and you were unable

1 to bear weight. We talked about that was a result  
2 of slamming on the brake?

3 A. Yes.

4 Q. At the end of July, actually July 25th,  
5 you went and actually saw Dr. Amis. At that point  
6 there was no swelling, no bruising, right?

7 A. I don't recall.

8 Q. Did your ankle have any discoloration?

9 A. No.

10 Q. Did you tell Dr. Amis that you had a  
11 temperature differential?

12 A. No.

13 Q. So there was no signs or symptoms at that  
14 point?

15 A. No.

16 Q. Correct?

17 A. Correct.

18 Q. So I guess my question to you, McKenzie,  
19 is did you tell Dr. Amis that you were diagnosed  
20 with RSD in the past?

21 A. On our very first visit with him I gave  
22 him the facts up-front what happened with Dr. Burger  
23 and I had my medical records sent over, so he knows.

24 Q. All right. So he says, due to history of  
25 RSD, all she can do is push through the pain.

1 Anything else that he said? I mean, did he say,  
2 look, I can't treat you, you got to go to an  
3 anesthesiologist or a pain specialist, anything like  
4 that, at that point?

5 A. He said go back to my PCP and get in with  
6 a pain doctor.

7 Q. But he said that, but you didn't have any  
8 signs or symptoms of RSD?

9 A. Except extreme pain.

10 Q. On July 29th, your mother called and said  
11 that you were doing worse than what you were a few  
12 days prior. And at that point, your foot was  
13 turning inward, you couldn't wear the boot, and your  
14 foot was also changing colors. Did you take photos  
15 of your foot at that point?

16 A. I could have. I have no idea what date I  
17 took pictures, but I know I have a lot of them.

18 Q. Did you give those pictures to your  
19 attorney?

20 A. Not yet.

21 Q. We're going to need you to do that. And  
22 I'll talk to your attorneys about that.

23 A. Okay.

24 Q. Tell me about your foot turning inward.

25 A. Normally your foot's kind of like this

1 (indicating), and my foot was in like that  
2 (indicating). And it wouldn't -- I mean, I could go  
3 out like that, but it just wanted to go inward. It  
4 wouldn't hold normal.

5 Q. Was there pain associated with that?

6 A. I was in a lot of pain, but it wasn't from  
7 like it turning in.

8 Q. Do you know what was causing your foot to  
9 turn in?

10 A. No.

11 Q. Is that the first time your foot's ever  
12 turned in?

13 A. Yes, I think so.

14 Q. So Dr. Amis saw you the next day. You got  
15 better, though. Did your foot go back?

16 A. It still turned in, I think.

17 Q. Do you recall the next day, July 30th --  
18 while she's looking for that, do you recall, were  
19 you working at that time?

20 A. Yes.

21 Q. Where?

22 A. Good Sam Hospital as a patient transporter  
23 in the ER.

24 Q. And do you recall the day after your  
25 mother called, that your foot was feeling better?

1 A. Yes.

2 Q. But on the 29th, do you recall having a  
3 conversation with Dr. Amis' office saying that you  
4 and your mother felt that your symptoms were caused  
5 by the RSD?

6 A. Yes.

7 Q. Only symptom that you've told me about is  
8 increased pain?

9 A. And my foot changed colors just the night  
10 before.

11 Q. Oh, okay. So you did tell me that.  
12 Purple again?

13 A. I believe so.

14 Q. Same location, on the top of your foot?

15 A. Yeah, and my toes.

16 Q. And your toes?

17 A. Yeah. It was in my toes before as well.

18 Q. Okay. So from the toes all the way up to  
19 where your --

20 A. Ankle meets the --

21 Q. Lower leg?

22 A. Yeah.

23 Q. Do you recall, I'm going to ask you this,  
24 McKenzie, do you recall the next day that your foot  
25 was feeling a little bit better and you wanted to

1 push through the pain and return to work?

2 A. Yes.

3 Q. Did your foot change colors back to  
4 normal?

5 A. Yes.

6 Q. So when it changes colors, how long does  
7 it last?

8 A. It depends. It depends on how my  
9 condition is at the time. Honestly, there's no time  
10 frame for it.

11 Q. Were you having any problems getting  
12 around?

13 A. Yes.

14 Q. But you were able to get around and  
15 perform your job at Good Sam?

16 A. With much difficulty, but I did it. I  
17 believe I wore my boot to work.

18 Q. And Dr. Amis released you?

19 A. Yes.

20 Q. As long as you were wearing your boot?

21 A. Yes.

22 Q. Okay. You saw Dr. Caneris. Do you  
23 remember seeing Dr. Caneris?

24 A. That was after I saw a few other doctors.

25 Q. He would have been the first one?

1 A. I saw --

2 Q. Smith?

3 A. Yes.

4 Q. I have that you saw Dr. Caneris before you  
5 saw Dr. Smith?

6 A. I saw Dr. Smith, then Dr. Caneris.

7 Q. Do you recall when you first saw Dr. Smith  
8 from TriHealth?

9 A. I don't recall when I first saw her, but  
10 it was definitely before Caneris because I saw  
11 Caneris, I believe, in the winter because it was  
12 very snowy outside.

13 Q. You saw Caneris again? Didn't you see  
14 Caneris twice?

15 A. Yes. No, I saw Caneris once.

16 Q. Read that.

17 A. I saw Dr. Caneris for the spinal cord  
18 stimulator. I was referred to Dr. Caneris by  
19 Dr. Schmerler.

20 Q. Schmerler?

21 A. Schmerler, yeah, sorry. But those two  
22 were after Dr. Christina Smith.

23 Q. I remember that part of it, the spinal  
24 cord stimulator, but you don't recall seeing  
25 Dr. Caneris on August 2, 2013? He's a pain

1 management doctor.

2 A. I don't recall seeing him in August.

3 Q. Okay.

4 A. I know I saw him once.

5 Q. I mean, you seen the record that  
6 references that he feels he has nothing further to  
7 offer you?

8 A. I remember he did say that, but it wasn't  
9 in the summertime.

10 Q. Okay. So to the best of your  
11 recollection, the first pain management doctor that  
12 you would have seen was Dr. Smith?

13 A. Yes.

14 Q. And that was August 9, 2013?

15 A. Yes.

16 Q. And you told Dr. Smith, chief complaint is  
17 left ankle pain that started over the last several  
18 months after falling, and you reference  
19 October 2012?

20 A. Yes.

21 Q. But there was a period of that time that  
22 you weren't having pain, correct?

23 A. A few months.

24 Q. And it says the pain does radiate and is  
25 always present. When you said pain does radiate,



1 where does it radiate?

2 A. My leg, up my leg.

3 Q. Up your leg?

4 A. Yes.

5 Q. How far up your leg?

6 A. Everything below my knee.

7 Q. And is this the first time you told any  
8 doctor that your pain radiated up to below your  
9 knee?

10 A. I believe so.

11 Q. You didn't tell any other doctor that your  
12 pain radiated up to right below your knee, correct?

13 A. I think it just started.

14 Q. Other than increased pain compared to  
15 stimulus, was there any other symptom of RSD that  
16 you were experiencing?

17 A. The color changes.

18 Q. I meant on August 9th.

19 A. Oh, I don't remember.

20 Q. She recommended cognitive behavioral  
21 therapy, right?

22 A. Not on that date, I don't think.

23 Q. But if the records shows that she  
24 prescribed it at that point, do you have any reason  
25 to disagree with that?

1 A. Yes.

2 Q. Anytime you need to take a break,  
3 McKenzie, just let me know. When you saw Dr. Smith  
4 on August 9th, you were reporting your pain as four  
5 out of 10; does that sound about right?

6 A. Yeah, I'll agree.

7 Q. Well, when I say that, I'm not -- if it's  
8 wrong, if that's not what you told her -- I'm just  
9 asking is that what you told her?

10 A. It could be. My pain varies per day, so I  
11 can't disagree.

12 Q. So if this office note indicates referral  
13 for cognitive behavioral therapy -- it does  
14 reference that she referred you for cognitive  
15 behavioral therapy?

16 A. Not on the first visit. I remember the  
17 first visit she did acupuncture and she said we'll  
18 see where this goes.

19 Q. Did that help?

20 A. Yeah, the first time.

21 Q. And then you saw her 10 days later?

22 A. Uh-huh.

23 Q. And apparently you reported your symptoms  
24 were improving. Your current pain level reduced to  
25 two out of 10; does that sound right?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. What other symptoms of RSD were you  
5 experiencing at that point?

6 A. I think I was doing pretty -- I was okay  
7 at that point.

8 Q. So these symptoms that you've described,  
9 the color changes, is that like a matter of hours  
10 that you notice the color change and then it goes  
11 away?

12 A. It could be within seconds.

13 Q. Okay. Thank you. No longer than a time  
14 period of hours?

15 A. I mean, it just depends. It can last for  
16 a while. It can stay. It lingers. It goes away.  
17 It could be purple. It could be red.

18 Q. How long does it remain purple, what's the  
19 longest?

20 A. I don't know.

21 Q. A day?

22 A. It really varies.

23 Q. Has it ever lasted a day?

24 A. Huh-uh.

25 Q. No?

1 A. No.

2 Q. And the temperature change, the same  
3 thing, last seconds, hours?

4 A. Days. It doesn't go away. It's  
5 continuously either extremely hot to where it feels  
6 like I'm putting my foot into a pit of fire or  
7 extremely cold to where it feels like it's  
8 frostbitten, falling off. It's horrible.

9 Q. So you're saying that your temperature  
10 changes last longer than your color changes?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes. But depending on the temperature,  
14 that's what color my foot's going to be.

15 Q. That's what I'm wondering because that's  
16 called vasomotor changes, right?

17 A. Uh-huh. Kind of, yes.

18 Q. And that affects the blood circulation.  
19 The blood circulation affects the color of your  
20 foot, right?

21 A. Yes.

22 Q. So wouldn't they go hand in hand?

23 A. I'm sorry?

24 Q. Wouldn't the color changes and the  
25 temperature changes go hand in hand?

1 A. Yes.

2 Q. In August, August 19, 2013, did you tell  
3 Dr. Smith that you were having temperature changes?

4 A. I could have. Probably.

5 Q. If it's not noted, is that because she  
6 failed to put that down or do you remember having  
7 color changes and temperature changes?

8 A. Uh-huh.

9 Q. Yes?

10 A. Yes. Yes, probably do.

11 Q. Who did you see at Reconstructive  
12 Orthopaedics?

13 A. Dr. Sammarco.

14 Q. Why did you see him?

15 A. We wanted to -- my mom saw someone at  
16 work, and I had a picture of my ankle and it was  
17 really swollen. And my mom showed it to a doctor at  
18 work and she told him my story. The doctor said you  
19 should see Dr. Sammarco, he is an orthopaedic. So  
20 we got in with Dr. Sammarco. I was still seeing  
21 Christina Smith. And we just wanted to make sure  
22 there was no structural things wrong since I did  
23 have surgery and I did have a few minor tweaks here  
24 and there. So I saw Dr. Sammarco. He did an MRI,  
25 came back clean, so that was when he diagnosed me

1 for sure with RSD.

2 Q. We'll get into that. On September 6, 2013  
3 you saw Dr. Sammarco?

4 A. Yes.

5 Q. And you told Dr. Sammarco on that date you  
6 had pain of 10 out of 10?

7 A. That sounds right.

8 Q. That was the worst day ever, right, so  
9 far?

10 A. So far.

11 Q. Because you never complained of pain to  
12 that extent to any doctor, to anybody, prior to that  
13 point?

14 A. Uh-huh.

15 Q. What happened to make your pain that  
16 extreme?

17 A. I don't know. My pain one day is a five  
18 out of a 10. The next day it's a 10 out of 10. It  
19 just varies.

20 Q. Did you ever tell Dr. Amis, Dr. Burger,  
21 any of the physical therapists, Dr. Smith, that you  
22 had experienced pain of 10 out of 10?

23 A. I'm sure I did, yes.

24 Q. What did they tell you when you told them  
25 you had pain of 10 out of 10?

1           A.    I don't remember.

2           Q.    Ten out of 10 is outrageous pain.  That's  
3 a lot of pain.

4           A.    Yes.  I know Christina Smith prescribed me  
5 some medication, for when it got that bad, to help.  
6 They also -- and Dr. Amis did as well, but I weaned  
7 myself off of it and only used it in emergencies.  
8 And Christina Smith also tried a few different  
9 medications, I believe, but I can't remember what  
10 they were.

11          Q.    And I understand -- I mean, throughout  
12 your records, McKenzie, there's references to your  
13 pain levels, but there was nothing mentioned -- I  
14 think one time there was an eight, but I never saw a  
15 10 out of 10.  I just wonder why it was so bad that  
16 day.  But you're telling me that you've had 10 out  
17 of 10 before --

18          A.    All the time.

19          Q.    Not all the time, because you had two out  
20 of 10 August 19th, right?

21          A.    Yeah, but it's -- I have a 10 out of 10  
22 more than just one day.

23          Q.    Why wouldn't you have told -- so you're  
24 saying you did tell your doctors?

25          A.    Yeah.

1 Q. You don't know why they would have never  
2 mentioned that in any of the records?

3 A. Correct.

4 THE WITNESS: Can we take a break?

5 MR. POWELL: Absolutely.

6 (OFF THE RECORD)

7 BY MR. POWELL:

8 Q. So when we left off, we were talking about  
9 your visit to Dr. Sammarco?

10 A. Uh-huh.

11 Q. And at that point, we were talking about  
12 your rating your pain 10 out of 10?

13 A. Yes.

14 Q. Then I see a note of September 9th, three  
15 days later when you saw Dr. Smith, that you had been  
16 able to get back to your activities. Increased her  
17 activities, ability to function with medication?

18 A. Yes.

19 Q. So the pain that you were experiencing, a  
20 10 out of 10 pain that you were experiencing three  
21 days earlier, that got better, I assume?

22 A. Yes.

23 Q. And how long did you experience that pain  
24 of 10 out of 10?

25 A. I don't recall.



1 Q. Do you recall what it was that you did  
2 that helped resolve your 10 out of 10 pain?

3 A. I know I had some medication at home.  
4 Probably rest, went home and rested, but I don't  
5 recall exactly what I did that made it go away.

6 Q. Do you recall what activities you were  
7 participating in at that point?

8 A. No.

9 Q. Let me go back to October of 2013. Do you  
10 recall going to Dr. Orlando on October 1, 2013  
11 complaining of falling and injuring your neck, mid  
12 back and low back?

13 A. Dr. Orlando?

14 Q. TriHealth.

15 A. Dr. Orlando was my -- the guy who did my  
16 nerve block shots, so, no, I wouldn't have gone to  
17 him. And also with Dr. Sammarco, I did do -- he did  
18 prescribe physical therapy.

19 Q. Tell me about your physical therapy.

20 A. I just did physical therapy. That was  
21 more geared, I believe, towards RSD and getting my  
22 foot back to where it should be, and that did help.

23 Q. Okay. It did help?

24 A. Uh-huh.

25 Q. Yes?

1 A. Yes.

2 Q. You don't recall when you were getting  
3 your nerve block that you were complaining of neck,  
4 mid and low back pain?

5 A. No.

6 Q. How about on October 7, 2013 when you  
7 returned to see Dr. Smith, do you recall telling her  
8 that you were having no pain at that time?

9 A. Yes.

10 Q. And that your symptoms were improving?

11 A. Yes.

12 Q. And you didn't have any other issues, even  
13 any other symptoms of RSD at that point; is that  
14 correct?

15 A. Yes. These were after the nerve blocks.

16 Q. Well, then that nerve block lasted?

17 A. Yes.

18 Q. What nerve block was that? How many was  
19 that for you?

20 A. I think we did a round of three for that  
21 time.

22 Q. So the nerve blocks did help?

23 A. Yes.

24 Q. There was an issue regarding your  
25 medications. They were trying to wean you off of

1 Vicodin?

2 A. Yes.

3 Q. And they told you they weren't going to  
4 give you any more prescriptions for that, right?

5 A. They didn't tell me they weren't going to  
6 give me anymore, they said they were going to wean  
7 me off of it up until I'm done to where I don't need  
8 it anymore.

9 Q. They weren't going to give you more  
10 prescriptions at that time?

11 A. No, they didn't say that.

12 Q. Did you continue with your cognitive  
13 behavioral therapy?

14 A. I wasn't doing cognitive behavioral  
15 therapy. I was doing like therapy with the  
16 psychologist, but it wasn't cognitive.

17 Q. Okay. October 18, 2013 you were having  
18 increased pain in your left ankle, no known injury.  
19 Pain just started. Do you remember that?

20 A. Yes.

21 Q. Tell me what was going on with that.

22 A. My pain just started to come back. It was  
23 the same pain, it just started to come back. I  
24 guess we assumed that the nerve block shots had worn  
25 off.

1 Q. Who's we?

2 A. My mother and I.

3 Q. Then I see a November 4, 2013 note with  
4 Dr. Smith. Current pain is located in the left  
5 ankle with pain radiation to the left foot. Hot and  
6 cold issues getting worse and states more changes in  
7 coloring. The whole area is sensitive to touch?

8 A. Yes.

9 Q. Again, that's -- I'm not saying it's new,  
10 but that hasn't happened for several months,  
11 correct?

12 A. It happened, but it apparently wasn't  
13 documented.

14 Q. So one of two things: When you were  
15 having this increased severe pain, 10 out of 10,  
16 changes in color, changes in temperature, if there's  
17 no reference to those complaints or symptoms in the  
18 medical records, one of two things; number one, you  
19 told the doctors they didn't put it into the notes  
20 or, number two, you had these problems on days that  
21 you weren't seeing the doctors. Which one?

22 A. I told them that it was happening. I told  
23 them everything.

24 Q. Again, you don't recall whether you were  
25 taking photographs?

1           A.    I was taking photographs, but I don't know  
2 the dates on which I was taking the photographs.

3           Q.    Well, there was another issue here about  
4 medications. Do you recall having a conversation  
5 with Dr. Smith about that?

6           A.    Yes.

7           Q.    And she was asking you about your usage of  
8 these prescriptions?

9           A.    Yes.

10          Q.    And you told her that you took two to  
11 three per week, but that your pills were almost  
12 gone?

13          A.    Yes.

14          Q.    And you told Dr. Smith that you were not  
15 sure what happened to the pills. You've been in  
16 crowds where someone could have taken this from your  
17 purse?

18          A.    Yes.

19          Q.    Tell me about that.

20          A.    I go to a very small college. I am  
21 gullible and I trust people. I leave my purse  
22 sitting around. Anything could have happened.  
23 Someone could have got in my purse, someone could  
24 have taken them. I did what she said. I went, I  
25 filed a police report. I was compliant.

1 Q. How many times did this happen?

2 A. Once.

3 Q. I want to show you the 11/5/2013 hospital  
4 encounter admission. If you see on the second page,  
5 thoracic lumbar cervical sprain. Do you recall  
6 going to the hospital on November 5, 2013  
7 complaining of neck, mid or lower back pain?

8 A. No. I could have gone for my RSD  
9 flare-up.

10 Q. I understand, but you see the diagnosis  
11 here, thoracic sprain and strain, lumbar strain,  
12 cervical strain?

13 A. I was there for reflex sympathetic  
14 dystrophy and those were my secondary problems.

15 Q. I understand that. I'm just trying to  
16 figure out what secondary problems you were having  
17 with your neck, mid or low back?

18 A. I don't recall.

19 Q. You don't recall injuring them?

20 A. When we talked about it earlier, but I  
21 don't recall injuring them again.

22 Q. You don't recall having another injury to  
23 those areas, correct?

24 A. Correct.

25 Q. Do you recall telling the doctor that you

1 were having problems in those areas of your body?

2 A. I don't recall, no.

3 Q. Okay. So we talked about this November 4,  
4 2013 visit with Dr. Smith where the pain medication  
5 issue came up. Then on November 10th, six days  
6 later, you went to the emergency room at Christ  
7 Hospital?

8 A. Yes.

9 Q. Tell me about that.

10 A. I was in an extreme amount of pain. I was  
11 screaming for hours. I could not get my pain under  
12 control, nothing helped. And my mom finally said,  
13 enough is enough, I'm not going to sit here and  
14 watch my daughter scream in pain all night long. So  
15 she took me to the hospital.

16 Q. And an incident occurred, correct?

17 A. No, my RSD was flared up.

18 Q. No, an incident between your mother and  
19 the doctor?

20 A. I don't recall.

21 Q. Do you recall an issue that arose  
22 regarding the doctor not prescribing narcotic pain  
23 medication for you and your decision or your  
24 mother's decision not to leave until a narcotic pain  
25 prescription was prescribed?

1 MR. BRAUN: I'll object, but you can  
2 answer.

3 Q. Do you know?

4 A. That didn't happen.

5 Q. At that point, were you having any color  
6 changes in your foot?

7 A. Yes.

8 Q. Do you remember having any temperature  
9 differential in your foot?

10 A. Yes.

11 Q. Did you tell the doctor that?

12 A. Yes.

13 Q. HPI, it's history, right? Do you see  
14 where it says there's no redness?

15 A. There may have not been redness, but it  
16 could have been purple and blue like it tends to be  
17 when it gets really cold.

18 Q. Well, if there's no record in here of it  
19 being purple or blue, do you know why they would not  
20 have put color change? You told them you had RSD?

21 A. Yes.

22 Q. And would you know why they would not have  
23 put color changes?

24 MR. BRAUN: Objection. You can answer.

25 Q. If you know. That's all I want to know is



1 if you know?

2 A. I don't know.

3 Q. Take a look at course of medical  
4 decision-making. Is that the first you've learned  
5 of that information?

6 A. Yes.

7 Q. I understand the day -- well, in November  
8 of 2013, that you were pursuing the cognitive  
9 behavioral therapy?

10 A. No.

11 Q. No?

12 A. I was doing therapy with a psychologist,  
13 but it wasn't cognitive behavioral therapy.

14 Q. So is this just a prescription of  
15 cognitive behavioral therapy and you did not pursue  
16 it?

17 A. Correct.

18 Q. Did you ever pursue cognitive behavioral  
19 therapy?

20 A. Eventually, but not under the advisement  
21 of Christine Smith.

22 Q. Were you having some issues with  
23 Dr. Smith?

24 A. Yes.

25 Q. Tell me what they were.

1           A.     She cut off my nerve block shots because  
2 the doctor had said I lied about him saying  
3 something that he said to me. And she said, until  
4 you get cognitive behavioral therapy, we're not  
5 going to do any nerve block shots. So that's when  
6 my RSD started to spiral out of control, was when  
7 those shots were ended, and that's when I -- that's  
8 when my foot started to get really bad.

9           Q.     Is that in the November time frame?

10          A.     I believe so.

11          Q.     Like November 25th, it's so cold all the  
12 time. The foot has now been breaking out with  
13 rashes and itching after applying heat. Is that  
14 what you're talking about?

15          A.     Uh-uh.

16          Q.     Yes?

17          A.     I believe so.

18          Q.     Is that when you stopped seeing Dr. Smith?

19          A.     I stopped seeing Dr. Smith after she  
20 refused to do nerve blocks shots until I got  
21 cognitive therapy. Because I didn't have time to do  
22 cognitive therapy. I had to start clinicals and I  
23 didn't have time. I didn't -- it was going to take  
24 months and I needed...

25          Q.     Did she have a concern about your

1 medication use?

2 A. Not that I know of. I know I didn't have  
3 a concern about it.

4 Q. I'm just asking, was that an issue between  
5 you and Dr. Smith, the pain medication  
6 prescriptions?

7 A. She was very particular about it, but I  
8 followed her rules and I followed her advice and I  
9 never -- you know, I didn't argue with her and I  
10 followed what she recommended, so...

11 Q. Did she ever raise the issue with you in  
12 terms of having medication or prescription  
13 medication problems?

14 A. Not that I recall.

15 Q. So the only issue that started a problem  
16 between you and Dr. Smith was not prescription  
17 medication usage, it was her refusal to proceed with  
18 these steroid injections or lumbar blocks?

19 A. Yes.

20 Q. Now, let's get to Dr. Caneris here. Is  
21 that when you were talking about seeing him,  
22 December 6, 2013?

23 A. Yeah, I saw Dr. Schmerler. The ER  
24 referred me to him and he referred me to  
25 Dr. Caneris.

1 Q. And the reason was the spinal cord  
2 stimulator?

3 A. Yes.

4 Q. Did the spinal cord stimulator work?

5 A. For about a month.

6 Q. Then what?

7 A. And then it just -- it didn't work. It  
8 started -- it didn't -- it just didn't cover the  
9 areas that I needed. They tried to work with the  
10 programming. It started to cause extreme back pain.  
11 It was just horrible.

12 Q. I'm going to hand you the Mercy Health  
13 Partners January 30, 2014 -- actually, it's  
14 December 9th, all these days on here, December 9,  
15 2013 note from Dr. Howes. Under history of present  
16 illness, just read that to yourself. And all I want  
17 to know is, is the information accurate. If it's  
18 not, I'll follow-up with you.

19 A. Okay.

20 Q. And for the record, I'm doing this to move  
21 the deposition along versus asking you questions  
22 sentence by sentence.

23 A. It's right up until some things in like  
24 the second to last area.

25 Q. Tell me what's not correct.

1           A.    I don't remember falling and hitting my  
2 foot.  Can I see it again?

3           Q.    Yes, ma'am.  Where it says then she  
4 tripped and hit her foot approximately one month  
5 ago, is that what you don't remember?

6           A.    Yeah.  And then after the incident,  
7 another sympathetic block was done which did not  
8 improve the pain at all.  It didn't help because it  
9 was only one and I was told we were supposed to do  
10 them in a series of three.

11          Q.    With respect to that December 9th note,  
12 you disagree with the reference to what precipitated  
13 this round of problems, tripping and hitting your  
14 foot, and the reference to the nerve block?

15          A.    Right.

16          Q.    The December 10th note.  And this helps  
17 move this along so thank you.  Again, believe it or  
18 not, this does help move this along much quicker.  
19 Take a look at the December 10, 2013 letter that  
20 Dr., the psychologist, not a doctor, Dr. Buhrman,  
21 B-U-H-R-M-A-N, sent to Dr. Howes.  And, again, read  
22 it and let me know if that information is accurate?

23          A.    Uh-huh.

24          Q.    The information contained in this is  
25 accurate?

1 A. Yes.

2 Q. December 20, 2013, looks like there was an  
3 incident where you punched a wall and injured your  
4 right hand?

5 A. Yeah.

6 Q. Tell me about that.

7 A. I was angry. My mom got sick and I just  
8 lost it and that's pretty much it.

9 Q. Did you go to the emergency room?

10 A. Yeah, just to get x-rays, but everything  
11 was normal and that was that.

12 Q. The neurostimulator, you said it worked  
13 for about a month?

14 A. Yeah.

15 Q. And then did you go back to Caneris to  
16 say, hey, what else can you do for me?

17 A. No, I went to another pain doctor.

18 Q. Who was that?

19 A. Dr. Lee.

20 Q. February 13, 2014, it looks like your pain  
21 came back 10 out of 10, left ankle pain. And it  
22 looks like what caused that was you slipped on ice  
23 and twisted your ankle?

24 A. Yes, possibly. Okay.

25 Q. So prior to that, you had a -- is that

1 when you had the spinal cord stimulator placed, the  
2 month before in January?

3 A. I don't know. When did I have it? I  
4 had --

5 Q. January.

6 A. -- the stimulator placed January 31st.

7 Q. Okay. And that helped?

8 A. Yes.

9 Q. Was it this February 13, 2014 incident  
10 that you were previously talking about is when your  
11 pain came back?

12 A. This incident?

13 Q. The February 13, 2014, you complained pain  
14 10 out of 10 in your left ankle.

15 A. Uh-huh.

16 Q. Is that yes?

17 A. Yes. When I had the stimulator, the pain  
18 never fully went away.

19 Q. It reduced, it wasn't 10 out of 10?

20 A. Right, but it reduced. But sometimes it  
21 still did get up to a 10 out of 10.

22 Q. Did you tell any doctors that it was still  
23 10 out of 10 with that spinal cord stimulator in?

24 A. Yes.

25 Q. Who did you tell?

1 A. My pain doctor.

2 Q. Caneris?

3 A. Dr. Lee.

4 Q. So if Dr. Howes said that it was extremely  
5 helpful, that would be incorrect?

6 A. It would be correct. I was able to put a  
7 shoe on and walk.

8 Q. Did you have it removed then?

9 A. Roughly a year later.

10 Q. So you had it in for a year?

11 A. Roughly. I just had it removed this past  
12 March, I think.

13 Q. Do you remember in March of 2014 where you  
14 injured your calf muscle and had a potential grade 1  
15 stress fracture?

16 A. I don't remember injuring it, my calf  
17 muscle, but I do remember getting an MRI for pain in  
18 my shin and pain in my calf.

19 Q. You were doing stretching exercises and  
20 you went to the emergency room saying that you had  
21 sharp and burning pain and that you were diagnosed  
22 with a strain of the calf muscle?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes.



1 Q. You were taking oxycodone at that time?

2 A. Yes.

3 Q. Who prescribed the oxycodone?

4 A. My pain doctor, Dr. Lee.

5 Q. When did you start taking oxycodone?

6 A. I don't know. We switched from the  
7 hydrocodone to the oxycodone at some point. I don't  
8 remember when.

9 Q. Was Dr. Lee the first one who prescribed  
10 the oxycodone?

11 A. Yes.

12 Q. Why did he increase your medication?

13 A. To help cover my pain because my pain was  
14 getting worse.

15 Q. Is he with West Chester Pain Management?

16 A. Yes.

17 Q. April 27, 2014, again, it looks like you  
18 tweaked your ankle. You were at a party; do you  
19 remember that?

20 A. No.

21 MR. BRAUN: What's the date on that one?

22 MR. POWELL: April 27, 2014.

23 A. I don't think I --

24 Q. It says you twisted your right foot  
25 stepping in a hole and injured your left leg; do you

1 recall that?

2 A. No. I'm not denying that I went, I just  
3 don't remember.

4 Q. And I see here in addition to oxycodone,  
5 did he not prescribe diazepam for you?

6 A. That sounds right.

7 Q. Was Dr. Lee the first one who prescribed  
8 diazepam for you?

9 A. It was an ER doctor, but Dr. Lee knew  
10 about it.

11 Q. Why were you taking diazepam?

12 A. To help with the calf tightness.

13 Q. On July 15, 2014, there's a note from West  
14 Chester Pain Management that on July 11th you went  
15 to the emergency room because you injured your shin?

16 A. Yes.

17 Q. Tell me about that.

18 A. I think that that was -- I think I was at  
19 a party then, too, and I was walking and all of the  
20 sudden just -- I had extreme pain shoot through my  
21 shin.

22 Q. And you went to the emergency room for  
23 that?

24 A. And everything just -- it kept hurting the  
25 rest of the night.

1 Q. You went to the emergency room?

2 A. Yes.

3 Q. How did you get there?

4 A. My mom.

5 Q. But then you went back to Dr. Amis in  
6 September of 2014, correct?

7 A. For what? I don't know.

8 Q. Ankle pain and swelling.

9 A. Okay. I think so.

10 Q. Why? Why did you go back to Dr. Amis?

11 A. I don't know if it was 2014. Yeah. Yeah.  
12 Okay. My pain doctor referred that I went back to  
13 Dr. Amis because he felt that not only did I have  
14 RSD, but I also had other mechanical issues from the  
15 fall back in -- when I fell at the haunted house  
16 that were unresolved.

17 Q. So Dr. Amis missed the diagnosis of your  
18 mechanical injuries related to the fall other than  
19 the os trigonum, because we talked about that. He  
20 specifically said you didn't have any of these other  
21 issues. Now is he saying in September of 2014 you  
22 did have these issues --

23 MR. BRAUN: I'll object, but you can  
24 answer.

25 Q. -- mechanical issues related to the fall,

1 other than the os trigonum?

2 MR. BRAUN: I'll object, but you can  
3 answer.

4 A. He said that -- when I went and saw Dr.  
5 Amis, he said that they were there when I had the os  
6 trigonum issue, but they weren't anything he needed  
7 to fix at the time.

8 Q. Why did he need to the fix them in  
9 September of 2014?

10 MR. BRAUN: Objection, but you can  
11 answer.

12 Q. And I'm just asking you what you either  
13 talked to him about or what you understand the  
14 reason for him addressing this issue?

15 A. I think he went back in surgically in  
16 December because the issues had gotten worse and  
17 were causing a lot of my pain.

18 Q. Well, was the mechanical issues that he  
19 was addressing in September of 2014 causing your  
20 issues or was the RSD causing your issues or both?

21 A. Both.

22 Q. Did he tell you that?

23 A. Yes.

24 Q. Did your mechanical issues, and this is  
25 non os trigonum issues, right?

1 A. Yes.

2 Q. Did they get worse since you first saw him  
3 in 2012?

4 A. Yes.

5 Q. Do you know why?

6 A. I don't know why.

7 Q. Could it be all the falls you had?

8 A. No.

9 Q. That didn't have anything to do with it?

10 MR. BRAUN: Objection, but you can  
11 answer.

12 A. He said no. He said that even when I  
13 presented to him with the issue, that I could walk  
14 on it up until surgery and I couldn't cause any more  
15 damage.

16 Q. You saw Dr. Amis October 7, 2014, and you  
17 were walking and felt something tear in your medial  
18 ankle?

19 A. Yes.

20 Q. Now, was the problems you were  
21 experiencing lateral?

22 A. Yes.

23 Q. And now this is medial?

24 A. Yes.

25 Q. How do you explain that?

1 MR. BRAUN: Objection, but you can  
2 answer.

3 A. I was walking in my boot and I felt like  
4 something tore, and I was later diagnosed with  
5 posterior tibial tendinitis, which is related to  
6 that feeling.

7 Q. Dr. Amis examined you. He said there was  
8 no swelling; is that correct?

9 A. Yes.

10 Q. You were full weight bearing at that time?

11 A. Yes, with a boot.

12 Q. Did Dr. Amis assure you that you did not  
13 tear anything?

14 A. Yes.

15 Q. When you saw Dr. Amis in September, did he  
16 tell you that subtalar joint fusion or lateral sinus  
17 tarsi debridement could solve your problems and  
18 eradicate the RSD?

19 A. Yes.

20 Q. Did you decide to go forward with that?

21 A. Yes.

22 Q. When?

23 A. December 24th.

24 Q. So how it's been after -- how's your ankle  
25 been after December 2014?

1           A.    I definitely think he fixed the problem,  
2 but my RSD is still here.

3           Q.    Tell me about that.

4           A.    I still have hot and cold, extreme pain,  
5 sensitivity, color changes. I still have all the  
6 symptoms of RSD. I'm still getting treated for RSD.

7           Q.    By whom?

8           A.    My pain doctor.

9           MR. POWELL: We don't have those records,  
10 right?

11          MS. MASON: Huh-uh.

12          Q.    Who else are you treating with besides --  
13 well, who are you treating with now?

14          A.    My pain doctor, Dr. Lee.

15          Q.    West Chester Medical --

16          A.    West Chester Pain Management.

17          Q.    Anybody other than West Chester Pain  
18 Management?

19          A.    Dr. Amis.

20          Q.    When was the last time you saw Dr. Amis?

21          A.    Last Monday.

22          Q.    Are you employed?

23          A.    No.

24          Q.    You graduated from nursing school, right?

25          A.    No, not yet.

1 Q. Oh, you didn't. When are you expected to  
2 graduate?

3 A. I would be graduating this December, but  
4 because of my injury, I had to push it back until  
5 May.

6 Q. Okay. So you're expecting to graduate in  
7 May?

8 A. Yes.

9 Q. And what type of nursing?

10 A. I want to do pediatrics, oncology.

11 Q. And where are you going to nursing school?

12 A. Good Sam.

13 Q. Refresh my memory, do you have any  
14 brothers or sisters?

15 A. No.

16 Q. Anybody else in your family have ankle  
17 problems?

18 A. No.

19 Q. Mom or Dad doesn't have ankle problems.

20 A. (Witness shakes head).

21 Q. Does anybody in your family have  
22 depression?

23 A. My mom and grandma.

24 MR. BRAUN: I'll object, but you can  
25 answer.



1           A.    My mom and grandma.

2           Q.    Today, when I mean today, I mean the  
3   current time period, tell me about how you feel on a  
4   daily basis, generally.

5           A.    I feel very tired.  I feel exhausted.  My  
6   pain, I wake up, it's worse in the morning and it's  
7   worse at night.  I have to make plans depending on  
8   how I feel.  Like I can't make plans prior or I'll  
9   have to cancel or I can't do it.  I'm just in a lot  
10   of pain every day and it's frustrating.  I can't do  
11   what I used to be able to do.

12          Q.    What do you do for the pain?

13          A.    I take my medications and I go see a  
14   cognitive therapist and I deep breathe.

15          Q.    Who's the cognitive therapist?

16          A.    Dr. Ed Gutfreund.

17          Q.    Spell that.

18          A.    G-U-T-F-R-E-U-N-D.

19          Q.    How often do you see this individual?

20          A.    Once every other week.

21          Q.    Is it helping?

22          A.    Uh-huh.

23          Q.    Yes?

24          A.    Yes.

25          Q.    You said you can't do what you used to do?

1 A. Right.

2 Q. What is that?

3 A. I mean, I -- if I would be able -- I used  
4 to go to the gym and work out and exercise and now  
5 if I did that, I would be in an extreme amount of  
6 pain afterwards.

7 Q. Why?

8 A. My RSD.

9 Q. Have you tried to ride a bike?

10 A. Yes.

11 Q. Can you ride a bike?

12 A. Not that long, but I can -- I try and it  
13 it's extremely painful. Anything I try to do is  
14 extremely painful.

15 Q. Have you tried swimming?

16 A. Yes.

17 Q. Is that painful?

18 A. Yes. The water has to be the exact  
19 temperature or the right temperature of my foot, and  
20 the water brushing up against my foot irritates it.  
21 It's not easy.

22 Q. You're able to do your schooling as a  
23 nurse?

24 A. I was able to do Nursing I, Nursing II,  
25 but I'm a bit anxious to see if I can do Nursing

1 III.

2 Q. What is Nursing III?

3 A. I have eight-hour clinicals.

4 Q. When does that start?

5 A. The 18th.

6 Q. Who is Dr. Stanton-Hicks?

7 A. He is an RSD specialist up in the  
8 Cleveland Clinic.

9 Q. Who referred you to Dr. Stanton-Hicks?

10 A. My PCP.

11 Q. Who is your PCP?

12 A. Dr. Margaret Braun.

13 Q. What were the circumstances surrounding  
14 your seeing Dr. Stanton-Hicks?

15 A. We wanted to -- we wanted answers. We  
16 wanted to see if -- since the Cleveland Clinic is so  
17 world-renowned and everyone goes there and he is an  
18 RSD specialist and he's published many different  
19 articles and publications on RSD, we wanted to see  
20 if he had a different technique to treat RSD that  
21 doctors around here didn't have.

22 Q. You saw him in March of 2015?

23 A. Yes.

24 Q. And how many times have you seen him?

25 A. I'd say maybe about -- I'm not sure, maybe

1 six.

2 Q. Has he been treating you?

3 A. Yes.

4 Q. We don't have those records either. What  
5 has Dr. Stanton-Hicks done for you?

6 A. He has prescribed a sympathetic nerve  
7 block medication since I responded well to the nerve  
8 blocks themselves. It's a medication that acts as a  
9 nerve block.

10 Q. Has that helped?

11 A. Yeah.

12 Q. I thought you told me before that you were  
13 still experiencing this RSD, you were still in  
14 extreme pain, that you were limited --

15 A. I am, but compared to where I was, it does  
16 help. I was not able to walk. I was on crutches.  
17 I wasn't able to put a shoe on.

18 Q. When?

19 A. Before I had the stimulator and after the  
20 stimulator had stopped working. There were days I  
21 couldn't even get out of bed. So compared to where  
22 I was, everything that the doctors are doing has  
23 helped.

24 Q. The doctors, Dr. Stanton-Hicks?

25 A. Dr. Stanton-Hicks, Dr. Lee, all of them,

1 the doctors that I am seeing now.

2 Q. When did you have the surgery, December of  
3 2014?

4 A. For what, my ankle?

5 Q. Yeah.

6 A. Yes.

7 Q. How long did it take you to recover from  
8 that?

9 A. About six weeks.

10 Q. So that puts us into February, correct?

11 A. Uh-huh. Yes.

12 Q. After February, were you able to get  
13 around?

14 A. Yes.

15 Q. Then when did your condition become so bad  
16 that you couldn't walk, when was that?

17 A. It was before my ankle surgery.

18 Q. Before December of 2014?

19 A. Yes. Before I had the stimulator, I was  
20 not able to walk.

21 Q. The stimulator, I thought, was before  
22 that?

23 A. It was.

24 Q. You got me confused, McKenzie.  
25 December 2014 was your ankle surgery?

1 A. Yes.

2 Q. You had the stimulator in there before  
3 that?

4 A. Yes.

5 Q. Are you telling me that you had these  
6 severe problems before the spinal cord stimulator  
7 was put in?

8 A. Yes.

9 Q. Is that the time frame that you said you  
10 couldn't walk?

11 A. Yes.

12 Q. Once the spinal cord stimulator was  
13 placed, you were able to walk?

14 A. I was able to walk, yes.

15 Q. You were able to function?

16 A. I wouldn't say function a hundred percent.

17 Q. Maybe not a hundred percent, but you were  
18 able to get around?

19 A. Yes.

20 Q. You went to nursing school, right?

21 A. Yes.

22 Q. And so when you tell me that  
23 Dr. Stanton-Hicks, you seen him six to seven times  
24 and his treatment helped, you're talking about  
25 helped relative to where you were a year and a half

1 later or a year and a half previous to that when  
2 this spinal cord stimulator was put in?

3 A. Since the spinal cord stimulator only  
4 worked for a month or so, I'm talking about since I  
5 first saw Dr. Stanton-Hicks, his treatment and  
6 the -- once the terazosin started getting built up  
7 in my system, my pain started to become a bit  
8 better, but it's still not a hundred percent.

9 Q. You don't have any more stability  
10 problems, right? Dr. Burger addressed your ankle  
11 stability problems, so that's not an issue now; is  
12 that right?

13 A. Correct.

14 Q. Have you had a functional capacity  
15 evaluation?

16 A. What do you mean?

17 Q. Where someone's testing your strength,  
18 your range of motion, things like that.

19 A. I've had physical therapy, but I don't  
20 think they've done that.

21 Q. It's a specific test?

22 A. Yeah. No.

23 Q. So currently, are you still seeing  
24 Dr. Stanton-Hicks?

25 A. Every now and again, but it's more of they

1 prescribed the terazosin and I pick it up at the  
2 pharmacy because --

3 Q. Dr. Stanton-Hicks hasn't released you from  
4 his care, has he?

5 A. (WITNESS SHAKES HEAD.)

6 Q. So you're still treating with Dr.  
7 Stanton-Hicks. You're treating with the clinical  
8 psychologist for your cognitive behavioral therapy?  
9 Yes?

10 A. Yes.

11 Q. And you're treating with Dr. Lee?

12 A. Yeah.

13 Q. Anybody else you're still treating with?

14 A. I mean, my PCP, but...

15 Q. You went to Italy?

16 A. Yes.

17 Q. Have you taken any other vacations after  
18 that?

19 A. I've been here and there. I've been to  
20 Florida.

21 Q. Where at?

22 A. Desitin.

23 Q. To the beach, I assume?

24 A. Yes.

25 Q. How many times?



1 A. Once.

2 Q. How did you get there?

3 A. Flew.

4 Q. With whom?

5 A. My friend and then my parents met us down  
6 there.

7 Q. And any other vacations?

8 A. I went to Nashville.

9 Q. When did you go to Desitin?

10 A. I went over spring break a year ago.

11 Q. And you said you went to Nashville?

12 A. Yes.

13 Q. What did you do in Nashville?

14 A. Pretty much sat in a hotel room and  
15 watched TV.

16 Q. Why did you do that?

17 A. Because I was in a wheelchair and I  
18 couldn't get around.

19 Q. When were you in a wheelchair?

20 A. When I wasn't going to walk around the  
21 whole town on crutches because it was -- and so my  
22 parents got a wheelchair. And my pain was so bad I  
23 couldn't go out and I couldn't drive myself, so we  
24 rented movies and that was my Nashville trip.

25 Q. When was that?

1 A. Before the stimulator.

2 Q. Did you tell any of your doctors that your  
3 pain was so bad you had to get a wheelchair?

4 A. Yeah.

5 Q. Who did you tell?

6 A. Well, I didn't tell them that I was in a  
7 wheelchair, but they knew I was on crutches and  
8 couldn't weight bear and couldn't put a shoe on. I  
9 mean, I wore socks and a slipper.

10 Q. And this was right around the time you had  
11 the issue with Dr. Smith?

12 A. Yeah.

13 Q. So when she decided not to prescribe any  
14 more epidural steroids or injections, that's when  
15 your condition got really bad and it was bad until  
16 you had the spinal cord stimulator?

17 A. Yes.

18 Q. Any other vacations?

19 A. The day trips to Cleveland to see  
20 Stanton-Hicks.

21 Q. That's not a vacation.

22 A. No. I don't think so. I don't know.

23 Q. Do you know the amount of your medical  
24 bills?

25 A. No.

1 Q. Who has paid your medical bills?

2 A. My mom.

3 Q. Do you know if insurance has paid your  
4 medical bills?

5 A. Insurance has covered some, but I don't  
6 know how that works.

7 Q. Do you know who your insurance carrier is?

8 A. Medical Mutual.

9 Q. You said at the last deposition, I did not  
10 follow-up on it, but you said that you had a job you  
11 weren't able to perform. Tell me about that.

12 A. I had two. I worked as a patient  
13 transporter in the ER at Good Sam Hospital and then  
14 I worked at LaRosa's Call Center.

15 Q. And when did you quit the patient  
16 transporter at Good Samaritan?

17 A. I can't remember. It was a while ago.

18 Q. How many hours were you working?

19 A. I think around 16 to 24.

20 Q. You were in high school, right?

21 A. At the time.

22 Q. How much were you making an hour?

23 A. I don't know. I made shift diff. That's  
24 all I know.

25 Q. So if we needed to find out what hours you

1 would miss, we'd have to contact Good Samaritan?

2 A. Yes.

3 Q. And then you were in the call center for  
4 LaRosa's?

5 A. Yes.

6 Q. And what did do you there?

7 A. I answered the phone calls and took orders  
8 for pizza.

9 Q. Why did you stop doing that?

10 A. I was in too much pain. I couldn't  
11 function.

12 Q. When was this?

13 A. I don't remember. It was a while ago.  
14 It's in the records somewhere.

15 Q. You don't recall what year this was?

16 A. Right now, no.

17 Q. Did you file income taxes during those  
18 years?

19 A. I don't know.

20 Q. Were you high school in?

21 A. Yeah.

22 Q. Did you make over \$2,000?

23 A. I don't know.

24 Q. You were part-time, right?

25 A. Yes.

1 Q. You were a high school student. This was  
2 a part-time job?

3 A. Yeah.

4 Q. I wanted to make certain. I have to ask.

5 A. I think the LaRosa's job was when I was in  
6 my first year of college. Yeah, it was in my first  
7 year of college.

8 Q. I think I'm finished, McKenzie. Let me  
9 make certain. Do you do any type of physical  
10 activity now?

11 A. Not really. I get out and I go out with  
12 my friends every now and again --

13 Q. I mean, like --

14 A. -- and walk around.

15 Q. -- exercise?

16 A. No, I can't. It's almost nearly possible.

17 Q. Even with the work that Dr. Stanton-Hicks  
18 has been doing, still impossible?

19 A. It's very hard. I could do it, but I'd be  
20 in a lot of pain.

21 MR. POWELL: Okay. That's all the  
22 questions I have.

23 MR. MILLIGAN: McKenzie, I don't have any  
24 questions for you today.

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(Witness excused.)

(Deposition concluded at 12:00 p.m.)

MCKENZIE DAVIS

DATE

1 )  
2 STATE OF OHIO )  
3 )

4 I, Mindy Davis, Notary Public for the State of  
5 Ohio, do hereby certify:

6 That the witness named in the deposition, prior  
7 to being examined, was by me duly sworn;

8 That said deposition was taken before me at the  
9 time and place therein set forth and was taken down  
10 by me in shorthand and thereafter transcribed into  
11 typewriting under my direction and supervision;

12 That said deposition is a true record of the  
13 testimony given by the witness and of all objections  
14 made at the time of the examination.

15 I further certify that I am neither counsel for  
16 nor related to any party to said action, nor in any  
17 way interested in the outcome thereof.

18 IN WITNESS WHEREOF I have subscribed my name  
19 and affixed my seal this 21st day of August, 2015.

20  
21  
22  
23  
24  
25

MINDY DAVIS  
Notary Public  
My Commission expires: 04/03/16