

DIRECT EXAM - [PLAINTIFF WITH SEVERE INJURIES]

I. INTRODUCTION/BACKGROUND

Can you please introduce yourself to members of the jury.

How old are you?

Can you please tell us a little bit about where you grew up, parents, education, and some of your interests or hobbies through the years.

Where do you currently live?

How long have you lived in California?

Why did you move to California?

Where did you live prior to California?

Where did you live in Miami?

How long did you live in Miami?

Were you employed in Miami?

What did you do?

Who was/is your employer?

Title?

How long have you been with the same company?

Responsibilities?

How many employees do you supervise?

You were ____ years of age while living in Miami and since this is the first time members of the jury have had a chance to meet you, can you give them an idea of some of the things you enjoyed while living in Miami prior to March of 1997.

Are you married?

Do you have a boyfriend?

What is his name?

How long have you been dating?

Does he currently live with you in California?

II. TODAY

We have heard a lot of what you have been through since March of 1997.... Can you tell us how you are feeling today?

Would you let us look through your eyes for a moment and show us what you see and feel from the moment you wake up until you go to sleep.

III. DEFENDANT(S)

a) March 1997

Please take us back several years to March of 1997 and tell us what was going on in your life.

Did you have any problems with your health?

Did you have any concerns about your health?

Did you have any problems with your vision?

Did you wear glasses?

Did you have any problems with your senses such as smell?

Taste?

Did you have any problems with your teeth or gums?

Who was your dentist?

What caused you to go see Dr. _____ in March of 1997?

Other than the swelling, did you have any other complaints?

Pain?

Displaced or loose teeth?

Any disfigurement or movement of your teeth or gums?

What occurred with Dr. _____?

Had you ever met or heard of DEF prior to your appointment?

Please tell us what occurred at that appointment.

Other than the swelling did you have any additional complaints when first meeting Dr. Portuondo?

What did he do?

Do you know if he received an opinion as to the portion of the growth he removed from your jaw?

From whom?

Have you ever met the Defendants?

What is your understanding of the role the Defendants played in your plan and course of treatment?

(DEF advised me that before he decides the plan or course of treatment he needs to receive the diagnosis from the Defendants who were pathologists)

What did he tell you?

(He spoke to the pathologists and that I should not worry because it is not a tumor to be concerned about)

What did you understand that to mean?

Were you ever advised that because of this tumor you could suffer a facial deformity or just serious disfigurement?

Were you ever concerned that based on this tumor that you would suffer serious facial deformity or disfigurement?

What did he tell you in reference to the procedure?

Did you have a procedure with DEF ?

Can you tell us about that procedure?

b) May 1997 - August 1997

Was there a time after seeing Dr. _____ and DEF that your symptoms began to worsen?

When?

What type of symptoms did you develop?

Were the symptoms the same or getting worse?

Can you please explain?

Did you continue treating with DEF?

What was DEF telling you with respect to this tumor?

What was your understanding based on the biopsy and DEF's treatment as to the growth of the tumor?

Was DEF treating you with any urgency?

Why not?

(Based on the diagnosis of the pathologists, the tumor was not the type to be concerned about)

Were you ever advised that because of this tumor you could suffer a facial deformity or

just serious disfigurement?

Were you ever concerned that based on this tumor that you would suffer serious facial deformity or disfigurement?

Was there a time when you were referred to another physician by DEF?

What was his name?

Why were you referred to Dr. Montes?

Did Dr. Montes perform a procedure?

Could you please explain?

Did this improve your pain?

Did this improve what you have described as pressure and/or loosening of your teeth?

c) August 1997 - December 1997

Did you see DEF again?

When?
(08/97)

Did DEF perform a procedure in the office?

What was your understanding of why he performed this procedure?

(He was concerned that the tumor was growing and wanted a confirmation of the diagnosis from the pathologist before scheduling any more procedures or treating me.)

What did DEF advise you with respect to the growth of the tumor?

(He believed that the tumor was continuing to expand/grow and was concerned about the diagnosis provided to him originally.)

Do you know whether DEF sent any specimens to the pathologist for a diagnosis?

Did you ever discuss with DEF the second diagnosis provided by the Defendants?

Did DEF schedule any additional procedures?

When?

Do you know why DEF suggested another surgery?
(He told me because the tumor was growing)

Please tell us about the procedure you underwent with DEF in December of 1997.

Following the procedure, did your symptoms get any better?

Can you please explain?

d) Dr. _____.

Did you continue treating with DEF?

Was there a time when DEF referred you to another physician?

Who was that physician?

What did DEF explain as to why he referred you to Dr. _____?

Did you see Dr. _____?

What were you advised by Dr. _____?
(Tumor needs to be treated at the University because it is a JAOF and is aggressive)

Is this the first time you were advised that the tumor was actually a juvenile active ossifying fibroma?

At that time, what was your understanding as to a juvenile active ossifying fibroma?

Did Dr. _____ treat you?

Why not?

What did he do?

IV. UNIVERSITY OF MIAMI

Who was the first doctor that you saw at the University of Miami?

Do you know what his specialty is?

When did you see him?

What were you advised by Dr. _____?

(Tumor was a JAOF, was very aggressive, and needed to come out as soon as possible)

Would you please help us understand your reaction how you were feeling at the time?
(13 - desperate & scared because I placed my faith in the doctors and they let me down)

Did you have an option to proceed with the surgery?

a) May 5, 1998

Prior to May of 1998, Drs. have differed in their opinions as to whether the tumor was growing, however they cannot feel in their faces or jaws what that tumor felt like. Can you please describe for us how you felt.

Can you please take us back to 1998 as if it were actually happening again and take us through those weeks leading up to your surgeries of May, 1998?

Can you please tell us the procedures and physicians you spoke with prior to beginning your surgeries in May of 1998.

Please tell us about your expectations of the surgery you were to undergo on May 5, 1998.

What was your understanding as to the anatomy that was going to be removed?

Did you know how many doctors would be present in the surgeries?

Please take us through the day of your first surgery of May 5, 1998.

How long was the surgery?

Who were the physicians?

When did you go into surgery?

When did you come out of surgery?

Please tell us how you felt immediately after waking up after your first surgery?

Did you immediately notice a difference?

What was that difference?

Did you have any idea the amount of your face that would be removed?

Can you please tell us about your physical condition?

How were you feeling?

(I would wake up and hope it was only a nightmare)

Why was reconstruction not started immediately?

Can you please take us through the next two weeks until you began your reconstructive surgery?

Did there come a time when you spoke with Dr. Civantos as to whether he removed the entire tumor?

What were you advised?

Did he perform an additional resection?

What was your understanding at the type of tumor that was removed?

Were you advised as to whether the tumor was aggressive?

Were you advised as to the size of the tumor?

b) May 19, 1998

Please tell us what your understanding of the surgery that was going to be performed

by Dr. Davis?

(Deposition II - 26, 27 - bone from skull and placed into cheek, flap from arm into mouth to close opening, skin graft from thigh to arm)

Did you have a deformity to your eye?

Was Dr. _____ going to attempt reconstruction?

Why not?

Please take us through that day of May 19, 1998 when Dr. ____ performed his first reconstructive surgery.

How long were you in surgery?

Amount of doctors?

Please tell us what happened immediately after waking up after surgery?

When was the first time you saw the difference in your face and jaw?

Can you please take us back to that time and express to us the shock and horror that you felt.

After leaving the hospital, how did you feel?

(I was in tremendous pain, I looked frightening, I was scared, double vision, and scars all over my body - 15)

c) Post Op Care

Can you please describe for us the problems or symptoms you were having?

Where you treated by a doctor because of the pain?

Who was that physician?

Where was he located?

Can you please take us through the next several months with Dr. _____?

Did you try medications?

What medications?

Please go through each of the medications and what their purpose was?

Can you please walk us through a day in your life during that time in 1998 following the surgeries.

(See diary)

On a daily basis, can you please describe the pain on a scale from 1 - 10.

Was there any day in which you were not taking a pain killer?

Was there any day in which you found some relief from pain?

Can you please tell us your thoughts on a daily basis and how you are feeling.

Please tell us what interest or hobbies that you had prior to these surgeries that you were still able to maintain.

On the days when you were able to work a complete date, can you please tell us about your evenings.

Have you ever had pain like that?

Do you cry easily?

Where you crying during this period?

During this time, did you have to perform procedures at home?

Why?

Other than the pain, what other problems were you having?

Vision?

Taste?

Smell?

Breathing?

Sinus problems?

Able to open your mouth? How much?

Disfigurement—can you describe it.

Nasal crust?

Nasal infections?

Bacteria and infections?

(Take home iv's, meningitis, antibiotics, fatigue, sick, etc.)

During this time, did you maintain a diary?

Show diary.

Why were you keeping this diary?

Admit into evidence.

Show photos of 1998

d) 2/99 - Recurrence of Tumor (& Dr. _____).

During the time following these surgeries, did you undergo any additional treatment to determine whether any additional tumor existed?

What were those procedures?

Where you scared that the tumor would recur or had not been fully removed?

Can you please tell us about that.

Was there a time you discussed with Dr. _____ the possibility that the tumor recurred?

Can you please tell us about that.

When was that?

Please tell us the procedures you underwent by Dr. _____ to determine if the tumor recurred?

What was the result of these procedures?

Did Dr. _____ explain to you your options?

What were your options?

What did you decide to do?

Why?

Did you understand that if you did not have this procedure that you would die?

What was your understanding of how the procedure would be performed (anatomically)?

Can you please take us back through the one week preceding the brain surgery performed by Dr. _____?

Can you please take us back to the day of the surgery?

Can you tell us how you felt after the surgery?

Was reconstruction performed?

Did you develop any complications following this surgery?

(17, 18, Deposition II - 13, 14 - Constant headaches - every 2 to 3 days - migraine intensity at home in dark, vomiting, and forehead pain - screws)

e) 9/99 - Reconstruction by Dr. _____.

When was the next surgery?

(9/99)

At this point are you aware of how many surgeries had you undergone?

(Five)

What was the purpose of the fourth surgery at University of Miami?

(31 - 32 - problems with the forehead which was removed and placed back with plates and screws and breathing and sinus problems because I no longer had a sinus)

Could you please explain what reconstructive surgery was performed?

(Davis Deposition - Removal of previous forehead hardware, refixation of frontal bone flap using titanium mesh, frontal cranioplast, nasal septal reconstruction excision, primary closure of palatal fistula)

(See Op Note - removal of previous forehead plating hardware; refixation of frontal bone flap using titanium micromesh; frontal cranioplasty using hydroxyapatite bone cement; nasal septal reconstruction; septal cartilage spreader grafts; excision and primary closure of palatal fistula)

Who performed this surgery?

How long was this surgery?

Did you have a choice or option to undergo this surgery?

Show 1999 Photos

f) 1/00 - Eye Surgery (Dr. _____)

Up to this point did you have any reconstructive procedures with respect to the eye socket?

Why not?

This would be her Fifth surgery at UM?

When was that surgery?

(1/00)

What was the purpose?

Who performed the surgery?

What is your understanding of the surgery performed by Dr. _____? (Davis Deposition - 43, 9 - 22) (45, 17 - 25; 46, 1 - 2)

And the actual reconstruction of the base of the orbit, if that occurs that would be left to the ocular plastic surgeon? Dr. ___ performed a surgery, this is from memory, I believe it was December of '98 where he has placed a prosthetic implant of titanium in the floor of the eye socket in order to shim up and support the eye. That was partially successful but I think his thinking is when the swelling and inflammation has completely subsided she will need further work to do that. So I think that is still pending.)

(See Op Note -DX - severe enophthalmos and globe dystopia, right eye secondary to tumor removal; Op Performed -restoration of orbital floor, with universal orbital floor titanium plate and Medpore sheets; release of periorbital scar tissue and volume augmentation.)

g) 3/00 - 6th Surgery - Dr. Davis

Were you involved in another surgical reconstruction?

When was the next surgery?

(3/00)

At this point are you aware of how many surgeries Michaela Meetz has undergone?

(Six)

What was the purpose of the sixth surgery at University of Miami?

Could you please explain what reconstructive surgery was performed?

(debridement of frontal osteomyelitis, removal of frontal bone plate and hardware, revision frontal cranioplasty)

Who performed this surgery?

How long was this surgery?

Did you have a choice or option to undergo this surgery?

h) 10/00 -

Was there a time when it was determined you would need another reconstructive surgery?

When?
(10/00)

Why?
(Extreme forehead pain, impressions on the side of head, nasal passages, & severe double vision)

What was your understanding of how the procedure would be performed (anatomically)?
(21 - forehead reconstruction with bone cement, tried to lift plate under right eye (for double vision).

(Examination of the nasal cavity under anesthesia, partial correction of enophthalmos with transnasal repositioning of orbital floor reconstruction plate, bilateral temporal cranioplasty))

Did you double vision get any better?

Show 2000 Photos

f) 2/01 -

Were you involved in another surgical reconstruction?

When was the next surgery?
(2/01)

At this point are you aware of how many surgeries you have undergone?
(Eight at UM, 10 total)

What was the purpose of the eighth surgery at University of Miami?
(23 - Removed plates under right eye to not interfere w/nasal passages, raised plate under eye, and fat from belly to place under eye)

(See Op Report; Dx - post surgical deformity of the right orbit with enophthalmos and hypophthalmos following tumor resection; chronic infection of the right maxillary

cavity secondary to exposed orbital plating hardware; and post surgical contour abnormality of the right temporal fossa following cranioplasty with hydroxyapatite cement.)

Could you please explain what reconstructive surgery was performed?

(See Op Report - removal infected right orbital floor hardware; Removal of exposed orbital floor hardware via infraciliary approach; reconstruction of the right orbital floor with a titanium orbital floor reconstruction plate, free dermal fat graft (abdominal), revision of right temporal cranioplasty)

How long was this surgery?

Did you have a choice or option to undergo this surgery?

Show 2001 Photos

V. USC & DR. _____.

Do you need any treatment after moving to California?

What doctors did you see?

What treatment did you receive?

Why?

Did you have any additional reconstruction in California?

Why?

What surgery was performed?

(3/02 - Dr. _____ at USC for removal of right orbital implant, placement of floor implant and reconstruction, right conjunctivoplasty, right suture tarsorrhaphy, and forced deductions right side)

Did the procedure help with the pain and infection?

Did it correct the double vision?

What is your understanding as to whether your double vision will improve?

Show 2002 Photo

VI. CURRENTLY

a) Medical Expenses

Since 3/97, have you received medical bills for your treatment?

Have you reviewed them?

When you received your medical treatment who is ultimately responsible?

Show Summary

Authenticate and admit Summary

What is the total amount of medical expenses you have incurred to date?

What is your understanding as to whether you will need future medical treatment (break it into 3 categories—tumor, repairs, & reconstruction for aesthetics)

b) Impairments & Daily Treatments

Has there come a time now where you have returned to normal activities?
(I do not believe I will ever return to “normal”)

Please explain.

Can you please explain for us on a daily basis how you are limited?
(Deposition II - 48 - need to flush out nose 2x day because mucus will accumulate and cannot breathe, as well as foul odor).

Show and describe medical equipment used daily, etc.

FOR EACH IMPAIRMENT - NEED TO ESTABLISH IF IT IS PERMANENT (“Will it ever return to ‘normal?’”)

Vision?

Compared to 1998?

Taste?

Smell?

Hearing?

Breathing?

Sinus problems?

Able to open your mouth? How much?

Disfigurement—can you describe it.

Nasal crust?

Nasal infections?

Bacteria and infections?

(Take home iv's, meningitis, antibiotics, fatigue, sick, etc.)

Can you estimate since 1998 how many infections and courses of antibiotics you have been through?

Do you know why?

(Amount of prosthetics)

Tension or pain?

Pressure?

c) Attitude Toward Social Situations

How do you feel about the way people - deal with you and look at you?

How do you feel in the company of other people, strangers?

How about when people are with you, are they comfortable with your disfigurement?

How does the pain, with the thought of what has occurred, interfere with your everyday life?

Do you think about the pain all the time?

Do you have nightmares?

Can you tell us about them?

d) State of Mind

What is the biggest fear that you have now?

Why?

Are you tumor free as you sit here today?

Are you concerned?

Do you think about the tumor recurring often?

Are you still monitored because of concern of regrowth?

(73 - 74)

In your mind as we sit here today, are you certain this is over?

(53)