

DIRECT EXAMINATION
MONIQUE BENTAL

I. MONIQUE BENTAL

Please introduce yourself to the members of the jury.

A) Background

Ms. Bental, I am going to talk with you about why we are here, however first I would like the jury to learn about you, your husband, and your family.

Where were you born?
(Marseilles, France)

How many years young are you?

How long have you lived in the United States?
(47 years)

Are you a citizen?

When did you become a citizen?
(I came in 59 so I guess it must be 64)

Tell us about your formal education, briefly.
(I have the equivalent of a high school diploma and I have a Bachelors degree and a Masters degree in social work)

Where did you get your Masters degree?
(Long Island, NY at Adephi University)

And when did you get your Masters degree in social work?

And why did you get your degree in social work?

Now, you were born in France. How long did you live in France?
(until the age of 18 then I went to Israel for 2 ½ years and came back to Paris, France, until I met my husband, got married and left to the United States 1958-59)

Now what did you do in Israel?
(Left Paris to be a volunteer in the Army in Israel)

And what year was this?
(1948)

What happen in 1948 that had you want to go to Israel to join the Army? *(They were being attacked by the surrounding Arab countries and I felt that it was important for me at the time)*

because of what happened to my parents to be a part of it.)

That had you want to leave France and go join the Israely Army?

(Well, my parents had been killed in a concentration camp and I felt that it was something I wanted to do)

How old were you at this time?

And did you speak Hebrew at the time?

So you went to fight as a soldier in Israel without speaking any Hebrew.

What languages did you speak?

(English and French)

Did you have any military training?

Did you understand at the time that there were a number of countries attacking Israel?

Did you understand that these understand that these other countries had Air forces?

Did you understand that the countries attacking Israel might had been Syria, Egypt and Jordan among others?

So at age 18, as a young woman, you went to fight as a soldier in Israel against overwhelming odds?

What did you do in the military?*(I became a driver. I said I would like to go to the front and drive.)*

What did you drive?

(I drove a jeep)

And who did you drive in the jeep?

(a general. I was his driver)

So you spent the war as a driver. You were trained to drive trucks and you drove a jeep in the war?

How long did the war last?

(I don't remember)

What did you do after being in the Army?

(I decided to try civilian life)

B) Elie Bental

Now, Ms. Bental, of course Eli Bental is not here. Can you describe him for us?

SHOW BLOW UPS OF ELIE AND LEAVE UP!

Where did you meet your husband, Elie Bental?

(I met him very briefly while we were in the Army. He was an Officer in the Air Force. We went out just a couple of times and after that, I left for France and we just left the war as good friends)

And there came a time where you met him again?

(I met him in Paris by accident. He did not have my address, I did not have his and we just met in an office in Paris)

Did you plan on meeting him in that office ?

(No because I did not even know that he was in France)

Can you tell us how you came to meet in this office?

(I was working at the time for two weeks, I was working in an office in an airline and he came to change his tickets and that's when we met again.)

What was your reaction seeing him again?

(Well I was very happy to see him. So from then on we started going out)

So for how long did you go out before you were married?

(About a year)

And where were you married?

(Paris)

Was it a religious wedding?

(No, it was just-actually, we were both very poor so we just got two witnesses and at the town hall and that was it.)

How old were you at the time when you were married?

How old was Elie at the time you were married?

Where was Elie from?

(He was from Egypt)

And did he speak french?

(Yes he spoke French. He had gone to a French school in Egypt.)

Did you have a honeymoon?

(No)

Why not?

(We couldn't afford it)

How long did you and your husband stay in France?
(We stayed until 1958)

Where did you go then?
(Then we came to the United States)

Why did you come to the United States?
(I came to the United States because it sounded like a very safe place for my children to grow up)

So France wasn't a safe place for your children to grow up at the time?
(No)

Why not?
(My parents had been taken from France to a concentration camp and killed and I thought that might happen again)

How did you avoid being taken?
(Its very difficult for me. I was left behind, we were hiding in a small village and the Gestapo, four Gestapo came to our room, we were staying in a hotel with my father who spoke German fluently, he spoke to them, begged them, my father was on his knees, begging and I assume that he was begging so that we will be left behind, me and my younger sister and my grandmother.

And what happened with your parents?
(They took my parents, the Gestapo and put them in a truck while they were picking up all other Jewish families and we were left behind with my grandmother and my younger sister who was three years at the time)

And how old were you?
(13)

And what work did your father do?
(He was a ship chandler. Its someone who furnishes supplies to ships, like ropes, food, whatever is needed on board)

What kind of work did your mother do?
(She didn't work outside the home, she was a housewife and took care of three mother and three children)

When you were 13 what happened to you, who took care of you all after they took your parents away?
(We hid in a small village until the war was over and we were lucky enough not to be caught)

Were you helped by anybody?
(No)

Did you have money, how were you able to stay hidden?
(In the room when the Gestapo took my father, he had a big trunk with furs and some money. My

father said to me here is some money that you have to take out and the Gestapo took the rest. I told my father no, I can't do that and he said you have to do that that is all that's left. So I took the money put it on my younger sister's bed, on the crib, put a lot of dirty laundry on top of it and left the room and that is why we had some money. But it wasn't that much because they took most of it.)

So for two years you lived on a small amount of money hiding, no one helped you and your family, none of the villagers?

(No, we were in a very small house, no electricity, no water)

How old were you when the war ended?

(15)

What did you do for work?

(I worked in a British office where I practiced my English as a telephone operator and while I was doing that I learned to type and I learned shorthand. And then I went to work for a friend of my father's. He gave me a job as a secretary.)

What said to you about American values that the United States would be a safe place?

(America looked to me like a fortress, a country by itself and that I would be safe there.)

It wasn't surrounded by hostile neighbors like France was with Germany or Israel was with the middle eastern states?

(At the time, that's the way I felt, that it was a fortress and that my children would be safe, that there wouldn't be anymore camps.)

Freedom and the idea that people could be treated equally, as a philosophy and that people matter?(Yes)

So what did you do when you got to the United States in terms of work?

(I didn't work, I was pregnant with my son. Elie was an air traffic specialist when he came, and he worked for the American Air Force in Paris. But when he came here, they told him he couldn't work in his field because he wasn't an American citizen. So to become an American Citizen took 5 years. After 5 years, they told him that he didn't have any practice so he never worked in his field. He had to improvise and he worked in a shop, then he worked as a hotel manager. He was very flexible and very smart. So he improvised.)

Did you work ever outside the home in America?

(I worked for 20 years)

What did you do?

(I worked at Kennedy Airport for El Al Israel Airlines and Grumman)

What did you do at the airport and Grumman?

(I was a Supervisor of passenger service)

Please tell us what groups or organizations you've belonged to that help other people.

How would you help?

Tell us about the children....

Do you still do that?

How do you feel about giving that up?

Did Elie eventually retire from work?

From what profession did he eventually retire?

What did Elie do for Grumman?

When Elie retired from Grumman, was he receiving a retirement pension for his years of service with the company?

How much was that pension? Per month?

What happened to that pension when he passed away?

C) Children

How many children do you have?

What are their names and ages?

(Patricia is the eldest, she's 51. Daniel is 47, and Karyl, 46.)

What kind of work are they doing?

(Patricia is an Architect. she likes interior designer. Daniel is in real estate, time shares. And Kary is a Pediatrician.)

Kary is a physician?

Where is Kary's practice? *(In Augusta, GA)*

Was Kary involved in any way for your husband, Elie's treatment?

(She tried to help, but it was difficult as his daughter and her practice is taking care of babies.)

Do you and Elie have any grandchildren?

Can you tell us about them, their ages, where do they live and what are they like?

D) The Man-Elie Bental/Elie as a husband

What kind of husband was your husband?
(He was great, he was my friend, my best friend)

How long were you married? (47 years)

Did you have plans for a 50th wedding anniversary?
(NEED TO SPEAK WITH MONIQUE . **NEED TO ELABORATE!** We had plans for at least another 10-15 years)

Does longevity run in his family?
(Yes, as a matter of fact, with his father.)

How old was his father when he passed away?(95)

E) Life Together/Daily Routine

Can you take us through a typical day with Elie prior to him passing away?
(We were early risers . Around 6:30 in the morning we would walk for about one hour by the beach holding hands then go back to the apartment to have breakfast together. Usually whoever would get up first would prepare breakfast which we always had together. My favorite was eggs and Elie would make himself his Turkish coffee every morning which is very strong coffee. He would always make his coffee as he had special way of making it. After breakfast, Elie would pray for about an hour and I would practice meditation. After breakfast, Elie would read the NY Times and work on his computer. At the time he passed away, he was looking to start a business. An import/export business with his connections from all over the world. He always spoke of leaving something for his children and grandchildren. He was very knowledgeable about various parts of the world. He spoke five languages. He also very much liked politics and would usually read some magazines or books on politics.

We would swim together, all year round.

We would have lunch together, Elie would usually make an Israeli salad(which is very small pieces of cucumbers, tomato and lettuce) and some boiled chicken.

In the afternoons, we were members of a group that would play Bocci or Elie and I would play Gin Rummy, which I usually win and would usually make him mad. We would also sometimes take the car to places around the areas that we did not know.

Elie would spend a lot of time in his garden taking care of his plants or gardening. He had about 100 different kinds of plants.

In the evenings, we would go to the movies, always my choice and socialize with friends. We would also discuss where we were going to travel to next. One year before he passed away we traveled to Israel for our nephew's wedding.)

F) Elie's Health

Elie had a Ht. Attack, 15 years ago while living in NY? (20)

First problem he ever had with his heart?

Had a procedure in NY called an Angiogram after his heart attack? (23)

After this procedure, did he have any chest pain? (24)

Any shortness of Breath?

Elie was diagnosed with a condition called AFIB? (24)

On medication? What?

Did this AFIB prevent him in anyway from enjoying his life and doing the things he loved?

Did there come a time in Florida that Elie began to have some problems related to his heart ?

When was that ?

(several months before his death.)

Were you referred to a cardiologist ?

Who was that? *(Dr. Seckler)*

How many times did you see Dr. Seckler before Elie was admitted into the hospital?

When Elie would see Dr. Seckler or any other doctor, would you attend those visits?

Why?

Did Dr. Seckler recommend a procedure, an angiogram?

Elie had an angiogram by Dr. Seckler?

No problems following the Angiogram?

After the angiogram, Elie did not remain in the hospital?

After the angiogram was another procedure recommended? (41)

What procedure was that ? *(bypass surgery)*

And was a surgeon recommended to you?

What was his name ? *(Dr. Bott)*

Did you learn how many bypasses Elie would need? (2)

And at the time you saw Dr. Seckler, had you ever met his partner, Dr. Bartzokis?

Did Dr. Seckler ever tell you that Dr. Bartzokis would be responsible for Elie's care either in the office or when Elie was hospitalized?

Had you ever met Dr. Bartzokis prior to Elie being in the hospital?

II. THIS CASE

A) Friday, Saturday, Sunday (Sept 8, 9, & 10)

At the time you and Elie decided to have the bypass surgery, did any of your child come into town to provide support ?

Who ?

When did she come in town?

Elie was going to be admitted at Northridge Medical Center to have the bypass surgery with Dr. Bott on Sept. 8, 2000?

Morning of the bypass surgery, September 8th, at what time did ya'll get up?

Who was at the apartment?

How old was Ilan?

Did Elie talk with Kary or Ilan when he awakened?

How was he feeling that morning?

(Not really anxious, he was confident that everything will be ok)

Where were your other children at this time?

Who went to the hospital on September 8th, the day of Elie's surgery? (44)

1. Post Operative

Did you see your husband after the surgery? (45)

Can you describe how he was after the surgery?

(He was so happy, he was feeling great, he said his blood was running through his body, he was making jokes.)

Friday the 8th, Saturday night and Sunday the 10th did you visit him?

(49-everyday over the weekend)

Who else visited him over the weekend?

(all 3 kids, and my son in law)

His grandson, Ilan?

On Friday, did he ever make any complaints such as shortness of breath, chest pain, anything?

On Saturday, did he ever make any complaints such as shortness of breath, chest pain, anything?

On Sunday, did he ever make any complaints such as shortness of breath, chest pain, anything?

B) Monday morning-Dr. Bartzokis and Dr. Zacharoudis

Do you recall when you left the hospital on Sunday, Sept. 10th, afternoon or evening?

How was Elie feeling when you left on Sunday?

When you left on Sunday, how were you feeling about Elie's surgery and his health?

Did you discuss with Elie activities or trips or future plans?

When did you speak with Elie next?

What time did Elie call you on Monday morning?

What did he say?

(46-48-he called me called to tell me that he was dying and nobody was taking care of him)

What did you do after receiving this phone call from your husband?

(46-47 I called my son immediately because my son lives five minutes away)

What did you do?

When did you get to the hospital?

And what did you do when you got to the hospital on Monday, September 11?

(50-51- I went into his room where I saw him. He looked like he was at the bottom of the bed and I could only see his eyes. My son that had been there before me and was holding his hand. I thought he was dying and he was. I just couldn't take it. I ran in the corridor, screaming and crying in the corridor.)

Who else was there at the hospital? *(Kary)*

1. Dr. Zacharoudis

Who was the first Doctor you spoke with? *(Dr. Zacharoudis)*

Where? *(Nurses' Station)*

How did you know to talk with Dr. Zacharoudis?

(51-I asked at the desk that I wanted to see the doctor in charge and they said it was Dr. Zacharoudis so we went to talk to him to see what was going on)

Who were you with when you went to speak with Dr. Zacharoudis?

Had you met with Dr. Zacharoudis prior to the morning of September 11th?

Ever introduced? Told by Dr. Bartzokis or anyone?

What did Dr. Zacharoudis tell you?
(52-that we need to talk to Dr. Bartzokis)

Did he tell you anything else?
(52-thats it.)

Do you recall approximately at what time this is?

So that I understand, as Elie was feeling terrible, thinking that he was dying and looking like he was dying, when you asked Dr. Zacharoudis about his care did he walk to Elie's room and physically examine him?

Did he discuss with you anything about his care?

Did he tell you whether he had been into his room to see him?

At the time that you spoke with Dr. Zacharoudis, can you describe how you and your daughter how you were acting?
(We were very worried and told Dr. Zacharoudis we thought he was dying and looked horrible)

In response to this concern, did Dr. Zacharoudis offer or make any effort to see how Elie was doing?

Again so that I understand in response to your concerns, all Dr. Zacharoudis did was to tell you to see Dr. Bartzokis?

2. Dr. Bartzokis

Was Dr. Bartzokis around or on Elie's floor or in the room?

Had you seen Dr. Bartzokis prior the morning of September 11?
(46-first time I recall was when my husband-when we felt my husband doing so poorly and we were looking for him.)

Where did you find Dr. Bartzokis?
(46-He was doing an angiogram so we went to the upper floor with my daughter Karyl and my son)

What did you tell him?
(46-We told him that we felt that Elie was doing very poorly and we would appreciate if he would come and see him)

How did he respond?
(46-He told us not to micro-manage Elie's care and to not look at the tree in the forest and that it was routine.)

Did Dr. Bartzokis at that point go to Elie's room to see what you were talking about or

how he was doing?

What did you do?

(53-I went to be with my husband)

Did you stay in his room with him on Monday the 11th (54)

As you stayed in the room that day, did any doctors come in and see him?

Was there a time during the day when Elie felt very tired and needed to rest?

(54-He asked me to help him to the commode around two o'clock. He said that he was very tired and he's going to sleep.)

When Elie went to sleep, what did you do?

(54-55-I was still in shock because this was the first time that I thought that he could die. He said that he was going to sleep, I left my daughter there and I went with my son and grandson to my son's apartment which was nearby.)

How long were you at the apartment?

(54-Until my daughter called and said you have to come right back.)

What did you do when you left Elie? (ELABORATE – Gave him a kiss, “I Love you,” etc.?)

Did you believe that would be the last time you would ever speak with Elie?

When you got back to the hospital, what was going on?

(55-By the time I came back my husband was already in CCU and think they had called the blue code already; 56-I saw everybody passing by with the gowns on and I thought they were probably going to do some surgery)

Did anyone tell you what was going on?

After you came back to the hospital and code blue was called and saw everybody in surgical gowns, did you get a chance to speak with a doctor?(56-Yes, Dr. Bott)

Dr. Bott was his original surgeon for the bypass surgery?

Did you talk with Dr. Bott?

(56-The first thing I wanted to know is that did his heart stop and for how long; 57-He said it was very difficult to say because they were working under pressure and he said it was probably five minutes but he wasn't sure)

Did Dr. Bott tell you why your husband heart had stopped?

(57-He told me it was tamponade)

Did you stay at the hospital until Elie came out of surgery?

Did you get a chance to see him? Where was he?

Did you speak with him? Was he able to speak with you?

What did you say to him?

Was he conscious?

Did he ever regain consciousness ?

C) Post-Tamponade

Did Elie Remain in the intensive care unit?

And while he was at the intensive care unit was seen by several physicians?

And do you recall speaking with some neurologists who came in to evaluate Elie
(58-Yes, we had two)

Did they discuss with you, Elie's prognosis?
(59-They said that his brain had died and there was no brain waves.)

What was your understanding of when he would recover?

When did he pass away?
(59-On the 21st at one o'clock in the morning.)

And were you at his side?
(59-Yes)

Tell us about that?
(The last couple of days, I stayed with him because we didn't know when it was going to take place. He was on life support for a while until the doctors advised that it was only a matter of time and that he would never recover. He was taken off of everything and the only thing he was on was the medication so he wouldn't be in pain. There was nothing they could do for him.)

So between the code and Elie passing away, was how long?
(I guess it was a week to 10 days)

Were you present with him during this time as he slowly passed away?
(Yes, all the time and with my children)

Did you talk to him?*(Yes)*

What did you say to him?*(I told him that I loved him, I'm sorry that I couldn't help him)*

Do you feel like you let him down in some way?*(Yes)*

Did you ever talk to anyone professionally about Elie passing away?*(Yes)*

Which mental health professional did you see most often?*(Sandy Friedman)*

Is she the first mental health professional that you saw after your husband's death?*(64-Yes)*

For how long did you stay in therapy? *(For about 1 year)*

Did her visits with you help?
(64-I needed to talk to someone because I felt I killed my husband by sitting there waiting for him to die)

Was it helpful in any way? *(It was helpful because it was somebody to talk to.)*

Are you still in therapy?

Why not?

Do you talk to your husband in your mind?

What do you talk about?

Do you believe that he is watching over you, somehow?

Do you still think about your husband?
(That I miss him, I wish that he was here. I thought we had another 10-15 years together. And that we made a mistake trusting the doctors to do their job)

Do you ever sit down or when you're driving in the car or taking a walk and talk to your husband?

What do you talk to him about?

III. ELIE'S DEATH

I need to discuss with you the financial losses as a result of Elie's untimely death.

A) Medical Bills

Have you received medical bills from Elie's hospitalization?
Have you reviewed them?

SHOW SUMMARY OF MEDICAL BILLS

Appear to fairly and accurately depict his medical bills?

Who is ultimately responsible to see the bills are paid?

What is your understanding as to the amount of these bills?

ADMIT SUMMARY

(FRE §90.956)

SEE DR. LANDSEA'S REPORT AND TESTIMONY

B) Present Life

1. Budget

C) Future

D) Funeral Bills

Can you tell us how much the funeral bill was?

Can break it down- did you make a note of it so you could remember? I asked you to.

ADMIT BILL

Where was Elie buried? *(60-Star of David)*

Do you have a plot next to him?9

Was a headstone selected?

By whom?

Can you tell us what was chosen for Elie?

Can you explain it.

IV. LIFE AFTER ELIE'S DEATH

Do you visit Elie's grave?

(60-61-Yes)

When you go to his grave site, do you talk with him?

What do you discuss with him?

How are you doing presently from an emotional standpoint?

(72-Not doing too well. I miss my husband terribly. He was my best friend. I was invited for New Years Eve and I didn't stay because people were dancing and I just couldn't stay anymore. We use to dance together. That was too upsetting for me. I have a lot of pictures in my bedroom, but I usually don't look at them, otherwise I start crying.)

Do you participate in any activities where you currently live?

(72-Yes-I force myself to join a group there to do some acting in some shows)

Does that give you some pleasure?

(72-At the time, yes. I still feel a terrible void)

Can you please take us through a day in your life presently without your husband, Elie?

(Usually I wake up and go swimming at 7:30 in the morning. I have breakfast by myself at my apartment, almost always alone. I usually eat some oatmeal and if I go out, its to the neighbors. I get dressed and make my bed and usually check my emails and go on the internet. I look up different articles on health and pay my bills. I will check the movie section. I love the movies, mysteries and drama. If I find a movie that I like, I go to the movies alone, usually two to three times a week. If I do not go to the movies, I stay at home or sometimes I drive up to Del Rey where Elie and I used to live. I may stop at a restaurant where I can see the beach. It is the section of the beach where Elie and I used to walk which I cannot do anymore. Soon after he passed I would go to the beach, however I would cry the whole time and stopped walking. If I have late lunch, I would go to the apartment and watch some movies on television and go to bed early. Often times I need medication to help me sleep because I find it very difficult to sleep alone without my husband.)