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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
DOCKET NO. ATL-L-3697-14

LINDSAY SWITZER, JOSEPH SWITZER,

Plaintiffs,

vs

NATALIA REZVINA, SOMERS MANOR OBSTETRICS
AND GYNECOLOGY and/or REGIONAL WOMEN'S HEALTH
MANAGEMENT, LLC, and/or SOMERS MANOR OBSTETRICS
AND GYNECOLOGY, A DIVISION OF REGIONAL WOMEN'S
HEALTH GROUP, LLC,

Defendants.

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)VIDEOTAPED
)DEPOSITION OF
)LINDSAY
)SWITZER
)
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TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before KATHLEEN SWENOR, a Registered
Professional Reporter, Certified Court Reporter
and a Notary Public of the State of New Jersey,
held at the offices of GOLDENBERG MACKER SAYETH &
MINTZ, 1030 Atlantic Avenue, Atlantic City, New
Jersey on February 6, 2015, commencing at 10:00
in the morning.
Job No. NJ1963996

Page 2

1 A P P E A R A N C E S:
2
3 GOLDENBERG MACKLER SAYETH MINTZ PFEFFER
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17 Also Present: Joseph Switzer
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Page 4

1 THE VIDEOGRAPHER: We are now on the
2 record. Please note that microphones are
3 sensitive and may pick up whispering and
4 private conversations. Please turn off all
5 cell phones or place them away from the
6 microphones because they can interfere with
7 the deposition audio. Recording will
8 continue until all parties agree to go off
9 the record.
10 My name is Daniel Gurbich representing
11 Veritext. The date today is February 6,
12 2014. The time is approximately 10:06 a.m.
13 This deposition is being held located at 1030
14 Atlantic Avenue, Atlantic City, New Jersey.
15 The caption of this case is Switzer versus
16 Rezvina et al., which is filed in the
17 Superior Court of New Jersey, law division
18 Atlantic County, case number 3697-14. The
19 name of the witness is Lindsay Switzer.
20 At this time will the attorneys
21 identify themselves and the parties they
22 represent, after which our court reporter,
23 Kathy Swenor of Veritext, will swear in the
24 witness and we may proceed.
25 MR. TALVACCHIA: John Talvacchia, here

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1 for the defendants.
2 MR. PFEFFER: Mark Pfeffer on behalf of
3 the plaintiffs.
4 LINDSAY SWITZER,
5 having been first duly sworn by the Notary Public,
6 was examined and testified as follows:
7 EXAMINATION BY
8 MR. TALVACCHIA:
9 Q. Good morning, Mrs. Switzer.
10 A. Good morning.
11 Q. As you know, my name is John Talvacchia
12 and I represent the defendants in an action that
13 you and your husband have brought in Atlantic
14 County Superior Court.
15 I am here today to take your deposition
16 in conjunction with that action. Do you
17 understand that?
18 A. Yes.
19 Q. Have you ever given deposition
20 testimony before as a witness?
21 A. No.
22 Q. Ever been a party to a deposition
23 before, either a plaintiff or defendant?
24 A. No.
25 Q. I know you are an attorney. Have you

<p style="text-align: right;">Page 6</p> <p>1 represented parties at depositions? 2 A. Yes. 3 Q. About how many times? 4 A. A hundred and fifty. 5 Q. Okay. Suffice it to say, you are 6 familiar with the instructions? 7 A. Yes. 8 Q. I'm going to go over a few so you and I 9 are on the same page, even though I'm sure you 10 know them but so we get it on the record. Okay? 11 First instruction, because now you are 12 in a different chair, keep all your answers 13 verbal. I'm sitting across from you or around the 14 table, you nod your head, I know you mean yes. As 15 you know, the court reporter can't interpret 16 gestures, she needs to take down verbal responses. 17 If you nod your head or shake your head, I may say 18 so you mean yes or you mean no. I'm not trying to 19 be rude, I'm just trying to illicit a verbal 20 response. Okay? 21 A. Okay. 22 Q. As you know, you are under oath. You 23 have given the same oath as if you were before a 24 judge and jury in a court of law. If you don't 25 understand one of my questions, let me know. I'll</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No. 2 Q. Did you review any documents in 3 preparation for the deposition? 4 A. Yes. 5 Q. What did you look over? 6 A. The answers to interrogatories. 7 Q. Anything else? 8 A. No. 9 Q. Any medical records or anything? 10 A. Not specifically for this deposition. 11 Q. Yeah, that's a fair answer. You have 12 looked over your medical records from the 13 hospital? 14 A. Yes. 15 Q. Since June of 2013, true? 16 A. Yes. 17 Q. But this deposition has been scheduled 18 for at least a month or two. In the last month or 19 two, have you gone back and looked over those 20 records? 21 A. Yes. 22 Q. For what purpose, if not for the 23 deposition? 24 A. Whenever we get new things from your 25 office, I look at those.</p>
<p style="text-align: right;">Page 7</p> <p>1 ask it in a different way, I'll rephrase it. If 2 you give an answer to one of my questions, 3 everyone is going to assume you understood it and 4 answered it to the best of your ability. Fair 5 enough? 6 A. Yes. 7 Q. You understand all the questions and 8 answers here today will be put in a transcript. 9 We also have a video recording. That transcript 10 and video recording may be able to be used at 11 later proceedings in this case. You understand 12 that as well? 13 A. Yes. 14 Q. Are you on any medication today that 15 would affect your ability to understand questions 16 and answer them truthfully? 17 A. No. 18 Q. If you need a break, let me know. I'll 19 be glad to accommodate you. The only thing I 20 would ask is if there's a pending question you 21 answer the pending question and we can take a 22 break. Okay? 23 A. Okay. 24 Q. Do you need anymore time with your 25 attorney before we begin?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Okay. Let me see if I understand your 2 answer. You look at new material that we produce 3 in discovery or you go back and look at your 4 admission records from June 2013, or both? 5 A. Both. I look at what you produce in 6 discovery from what you get pursuant to your 7 HIPPA's. 8 Q. Yes. 9 A. And then sometimes there's new stuff 10 that I didn't initially get when I looked at my 11 records. 12 Q. Fair. 13 A. So I look to make sure. 14 Q. Okay. So you looked at records from 15 Ms. Richardson and Ms. Kurek that I've obtained 16 the authorization and supplied? 17 A. Not the ones from Kurek but -- 18 Q. Richardson? 19 A. -- from Richardson I have. 20 Q. Did you look at your employment file 21 that I received the authorization? 22 A. No. 23 Q. The records from Beesleys Point Family 24 Practice? 25 A. No, I haven't gotten those.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Do you recall what other records you 2 looked at, other than the Shore Memorial Hospital 3 records and Ms. Richardson? 4 A. No, that's it. 5 Q. Other than your attorney, have you 6 spoken to anyone -- and your husband, have you 7 spoken to anyone about your testimony here today? 8 A. No. 9 Q. Do you still currently live at the 10 Somers Point address that's listed in your 11 interrogatory answers? 12 A. Yes. 13 Q. How long have you lived at that 14 address? 15 A. It will be five years in June. 16 Q. And you live there with your husband 17 Joe and your two children? 18 A. Yes. 19 Q. Has anyone else lived there with you 20 since the birth of your son Cole? 21 A. No. 22 Q. When were you married? 23 A. February 29, 2008. 24 Q. An easy marriage date to remember. 25 A. Yeah, it's the first -- yeah.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Do they still live in Mount Laurel? 2 A. Yes. 3 Q. What do they do? 4 A. My dad's a developer and my mom is -- 5 she was a stay-at-home mom. 6 Q. Does anyone in your family or your 7 husband's family have any medical training? 8 A. Sorry? 9 Q. Does anyone in your family or your 10 husband's family have any medical training? 11 A. Not in our immediate families. 12 Q. Do you have any close friends in the 13 medical field? 14 A. Yes. 15 Q. Who? 16 A. My -- well, she is my friend and my 17 cousin. 18 Q. Okay. 19 A. Her name is Audrey Iacobucci. 20 Q. How do you spell the last name? 21 A. I-A-C-O-B-U-C-C-I. 22 Q. Thank you. What does Audrey do? 23 A. She is a pediatrician. 24 Q. Where does she practice, at least what 25 state?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And your maiden name is Scarborough? 2 A. Yes. 3 Q. Been known by any other name, other 4 than Scarborough and Switzer? 5 A. No. 6 Q. Your date of birth is 11-12-81? 7 A. Yes. 8 Q. Last four of your social, 6730? 9 A. Yes. 10 Q. Your first marriage? 11 A. Yes. 12 Q. Your husband's first marriage? 13 A. Yes. 14 Q. Have you two ever lived apart or been 15 separated? 16 A. Not since we were married, no. 17 Q. I should have asked that. Let me get a 18 better question out. Since February 29, 2008, 19 since you were married, have you or your husband 20 ever lived apart or been separated? 21 A. No. 22 Q. Your parents are identified as 23 witnesses in the interrogatory answers. What are 24 their names? 25 A. Kevin and Nancy Scarborough.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. In New Jersey. 2 Q. Have you talked to her about this 3 claim? 4 A. Yes. 5 Q. Have you showed her medical records in 6 regards to this claim? 7 A. Yes. 8 Q. Was that before or after the lawsuit? 9 A. Before. 10 Q. Or both? Before, okay. She practice 11 in south Jersey area or north Jersey area? 12 A. She is up by Philly. 13 Q. Did she know any of the medical 14 providers who rendered care to you? 15 A. Not -- no. 16 Q. Anyone else, other than Audrey, who -- 17 close friends who are in the medical field? 18 A. No. 19 Q. You have two children, Cole was born 20 June 19, 2013, right? 21 A. Yes. 22 Q. Your daughter's name is Jane? 23 A. Yes. 24 Q. That's December 4, 2010? 25 A. Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Kids in school now, preschool? 2 A. Preschool and daycare. 3 Q. Pretty much they are in either 4 preschool or daycare during the working hours, is 5 that fair, or does that change day to day? 6 A. They change day to day because my 7 husband doesn't have a nine-to-five working hour 8 so he's with them or my mom. 9 Q. You work full time as an attorney, 10 true? 11 A. Yes. 12 Q. That's at Cooper Levenson? 13 A. Yes. 14 Q. You have worked at Cooper Levenson 15 since January 30, 2014? 16 A. Yes. 17 Q. What type of law do you practice? 18 A. Civil litigation defense. 19 Q. What types of cases do you handle? 20 A. I defend personal injury cases against 21 the casinos and I defend employment cases. 22 Q. So the personal injury cases against 23 casinos, slip and falls? 24 A. Slip and falls. It's sometimes 25 negligence, security, things like that.</p>	<p style="text-align: right;">Page 16</p> <p>1 conducting depositions and producing witnesses for 2 deposition? 3 A. Yes. 4 Q. Do you also have experience in 5 conducting depositions of expert witnesses in your 6 cases? 7 A. I have only done a couple. 8 Q. Any medical expert witnesses? 9 A. No. 10 Q. Have you ever handled any malpractice 11 cases professionally, as an attorney? 12 A. No. 13 Q. In any of the cases that you have 14 handled or you are currently handling, have any of 15 the witnesses or treaters in this case been 16 involved in those cases, if you understand the 17 question? 18 A. I think I do, but can you maybe 19 clarify? 20 Q. Yeah. You know, for example, Miss 21 Richardson, or you list Dr. Stanley as a witness. 22 A. Oh. 23 Q. Have any of the medical providers who 24 either rendered care to you in regard to this case 25 or listed in interrogatory answers, have they been</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. What was the other type of -- 2 A. Employment. 3 Q. Employment. Wrongful discharge, things 4 of that nature? 5 A. Yes. 6 Q. And as part of your professional 7 experience, you said you have been involved in 8 about a hundred fifty depositions? 9 A. I -- yeah. Every couple -- 10 Q. I understand it's an estimate. 11 A. Every couple of weeks I take a 12 deposition. 13 Q. I didn't give you, you know, the 14 instructions in terms of estimates. We don't want 15 you to guess about anything. If you don't know, 16 that's perfectly acceptable. If you have a 17 reasonable estimate, whether it's 150, 200, or 100 18 or 250, it doesn't really matter, Within a 19 reasonable estimate that's fair. Okay? 20 A. Yes. 21 Q. Were you doing depositions at that 22 frequency at your prior job? 23 A. Probably. 24 Q. So in terms of the depositions, are you 25 involved in depositions where you are both</p>	<p style="text-align: right;">Page 17</p> <p>1 witnesses or been involved in any other litigation 2 you have had as subsequent treaters or anything 3 like that? 4 A. No. 5 Q. I know you started work at Cooper on 6 January 30th. Were you up for raises and/or 7 bonuses at the end of the year, in December? 8 A. No, because I didn't do the full year. 9 Q. Were you reviewed in any way? 10 A. Not yet, no. 11 Q. When is your review? 12 A. I don't know. 13 Q. You are still at the same salary you 14 were hired at? 15 A. Yes. 16 Q. You weren't given any end-of-the-year 17 bonus? 18 A. It was just a small one. 19 Q. Just because you are here kind of 20 business? 21 A. Just because I'm there, yeah. 22 Q. Nothing merit based by that? 23 A. No. 24 Q. Because -- not because you didn't earn 25 it but because you are not eligible for it yet?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Correct.</p> <p>2 Q. From looking through your employment</p> <p>3 file, there is different metrics that they look at</p> <p>4 when they evaluate you to see if you qualify for</p> <p>5 bonuses; are you aware of that?</p> <p>6 A. Yes.</p> <p>7 Q. Hours billed being one, fees received,</p> <p>8 and I think fees billed; are you aware there are</p> <p>9 metrics?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what your billable hours</p> <p>12 are for the 11 months of 2014?</p> <p>13 A. I don't know the total.</p> <p>14 Q. Do you know, on average, what you</p> <p>15 usually bill in a month?</p> <p>16 A. Between -- well, it would be a big --</p> <p>17 to answer your question fully, it would be a big</p> <p>18 average because it took me about six months to</p> <p>19 build up a full caseload.</p> <p>20 Q. That's fair. How about for the second</p> <p>21 half of 2014?</p> <p>22 A. Between 160 and 180.</p> <p>23 Q. Understanding that's a range. If you</p> <p>24 have vacation or something it may go down or</p> <p>25 whatever. And when you say full time, you are</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes.</p> <p>2 Q. Let me show you what we will mark as</p> <p>3 P-1 for identification. I'll give a copy to your</p> <p>4 attorney as well.</p> <p>5 MR. TALVACCHIA: Give it to the court</p> <p>6 reporter first.</p> <p>7 (Exhibit P-1, Resumé, marked for</p> <p>8 identification, as of this date.)</p> <p>9 BY MR. TALVACCHIA:</p> <p>10 Q. I hand you that. That's a copy of --</p> <p>11 well, was that a copy of your resumé, at least as</p> <p>12 of December 2013?</p> <p>13 A. Yes.</p> <p>14 Q. And I can represent to you that was a</p> <p>15 copy of the resumé that was in the employment file</p> <p>16 from Cooper Levenson?</p> <p>17 A. Yes.</p> <p>18 Q. And you interviewed for that job around</p> <p>19 the end of 2013; is that fair?</p> <p>20 A. December 6th.</p> <p>21 Q. Okay. December of 2013?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And from glancing at that</p> <p>24 resumé, that would have been the resumé that would</p> <p>25 have been accurate and up-to-date, at least as of</p>
<p style="text-align: right;">Page 19</p> <p>1 there Monday through Friday and some weekends; is</p> <p>2 that fair?</p> <p>3 A. Yeah.</p> <p>4 Q. And you are chuckling at that. On a</p> <p>5 given month, how many weekend days are you</p> <p>6 actually in the office?</p> <p>7 A. I usually go in on Saturdays.</p> <p>8 Q. Most every Saturday?</p> <p>9 A. No. It depends on if Joe is working on</p> <p>10 the weekends. If he's not working, then I go in.</p> <p>11 If he is working, I spend the weekend with my</p> <p>12 kids.</p> <p>13 Q. At least twice a month?</p> <p>14 A. At least.</p> <p>15 Q. And when you go in on the Saturdays, at</p> <p>16 least for half a day?</p> <p>17 A. Usually. Like nine to one.</p> <p>18 Q. Do you have vacation days, personal</p> <p>19 days at Cooper?</p> <p>20 A. No.</p> <p>21 Q. Just if you need a day you take it?</p> <p>22 A. Yes.</p> <p>23 Q. And with the understanding that you are</p> <p>24 being evaluated on how many hours you bill and how</p> <p>25 much money you bring in?</p>	<p style="text-align: right;">Page 21</p> <p>1 December 2013?</p> <p>2 A. Yes.</p> <p>3 Q. If you were to update your resumé</p> <p>4 verbally now, would the only change be an end date</p> <p>5 to your job at the Briggs Law Office and putting</p> <p>6 in what you told me about Cooper Levenson?</p> <p>7 A. Yes.</p> <p>8 Q. When did you last work for the Briggs</p> <p>9 Law Office?</p> <p>10 A. I left like mid January. I left two</p> <p>11 weeks before I started at Cooper.</p> <p>12 Q. So mid January of 2014?</p> <p>13 A. Yes.</p> <p>14 Q. So you were still working there --</p> <p>15 strike that. You went back to work at the Briggs</p> <p>16 Law Office after you had your son?</p> <p>17 A. Yes.</p> <p>18 Q. When did you return to work there,</p> <p>19 approximately?</p> <p>20 A. After maternity leave?</p> <p>21 Q. Yes. Did you take six weeks, 12 weeks?</p> <p>22 A. No. He was born June 19th, I think it</p> <p>23 was ten weeks.</p> <p>24 Q. So pretty much Labor Day?</p> <p>25 A. Labor Day.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. You have to take advantage of the 2 summer. 3 A. Yeah. 4 Q. So you went back September of 2013, 5 worked there -- was that a full-time position? 6 I'm sorry. 7 A. Yes. 8 Q. Worked there full time from September 9 2013 until sometime in the middle of January you 10 had been offered a position at Cooper and then 11 went to work full time at Cooper; is that fair? 12 A. Yes. 13 Q. When you worked at the Briggs Law 14 Office, did you work in the Marmora office? 15 A. Both Marmora and Philly. Mostly 16 Marmora. 17 Q. Looking at your resumé, you did 18 insurance defense there as well? 19 A. Yeah. They were -- yeah, that was 20 insurance. It was the same thing I do now. 21 Q. Slip and falls? 22 A. Uh-hum. 23 Q. Just different types of clients? 24 A. Yes, just different clients. 25 Restaurants and fitness clubs.</p>	<p style="text-align: right;">Page 24</p> <p>1 firm your first position in private law practice? 2 A. As a licensed attorney, yes. 3 Q. Fair. Was that full time as well? 4 A. No. It was per diem. 5 Q. Because I was going -- looking at the 6 time frame there, when you took that position you 7 would have been pregnant with your daughter? 8 A. Yes. 9 Q. You had your daughter in December? 10 A. Yes. 11 Q. Did you take some time with her? 12 A. Five weeks. 13 Q. Went back sometime in January? 14 A. Yes. 15 Q. At least part time? 16 A. Part time. 17 Q. Fair. So the first full-time position 18 that you had as an attorney would have been in 19 October 2011 at the Briggs Law Office? 20 A. Yes. 21 Q. Excuse me. Did you have to take any 22 time before the birth of your daughter from the 23 Fritz law office, you know, not work for any 24 period? 25 A. Before?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Did you have a supervising attorney who 2 you worked under at the Briggs office? 3 A. Yes. 4 Q. Who was that? 5 A. Norm Briggs. 6 Q. Who is your supervising attorney at 7 Cooper? 8 A. Russell Lichtenstein. 9 Q. Looking at your resumé, where did you 10 graduate high school from? 11 A. Lenape. 12 Q. 2000? 13 A. Yes. 14 Q. Graduated from the college of New 15 Jersey. Did you go directly to law school or did 16 you take a year? 17 A. I took a year. 18 Q. And are you licensed in any other 19 state, other than New Jersey? 20 A. Pennsylvania. 21 Q. Who did you clerk for in Cape May? 22 A. Judge Daryl Todd. 23 Q. He was doing civil at that time? 24 A. Yes. 25 Q. Was your position with the Fritz law</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Before December of 2010. 2 A. No. I actually went into labor and 3 then went into the office to finish up some work. 4 Q. Okay. 5 A. I went to the hospital from there. 6 Q. Okay. When you took the position at 7 Cooper, was it an increase in salary from the 8 position at Briggs? 9 A. Yes. 10 Q. Your husband is a police officer you 11 mentioned? 12 A. Yes. 13 Q. Somers Point? 14 A. Yes. 15 Q. How many years? 16 A. Three. 17 Q. Okay. Do you have any siblings? 18 A. Yes. 19 Q. How many? 20 A. Two. 21 Q. And what are their names and where do 22 they live? 23 A. Doug Scarborough lives in Ocean City 24 and Jeff Scarborough lives in Philly, 25 Philadelphia.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. Did either of them have any information 2 regarding this lawsuit? 3 A. My brother Doug. They are aware of it. 4 My brother and his wife are expecting a baby in 5 March. And because of this incident they switched 6 obstetrics and hired the same doula. 7 Q. That's your brother Doug? 8 A. That's Doug. 9 Q. So Doug and his wife -- strike that. 10 Your sister-in-law was a member or went to Somers 11 Manor? 12 A. Yes. 13 Q. As a result of the discussions with you 14 in regard to the birth of your son Cole, they 15 decided to switch practices? 16 A. Yes. 17 Q. When did they decide to make that 18 switch? 19 A. Before she was pregnant. 20 Q. When did -- is she still pregnant now? 21 A. Yeah. 22 Q. To your knowledge, did your 23 sister-in-law, Doug's wife, have any conversations 24 with anyone in Somers Manor about Dr. Rezvina or 25 about your pregnancy?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. No. 2 Q. Since you filed this lawsuit in July of 3 2014, excluding your husband and your attorney and 4 anyone from their office, who else have you 5 discussed the circumstances of the lawsuit with? 6 A. Of the lawsuit or the birth? 7 Q. The lawsuit now, specifically. 8 A. My father-in-law. 9 Q. Anybody else? 10 A. My parents. 11 Q. Any medical providers? 12 A. My new doctors. 13 Q. Who would that be? 14 A. Dr. Stanley. 15 Q. Okay. 16 A. And the nurse practitioner I see at 17 Beesleys Family Practice. 18 Q. What's her name? 19 A. Jill. I don't know her new name. She 20 just got married. 21 Q. Anyone else -- any other medical 22 providers, other than Dr. Stanley and the nurse 23 practitioner at Beesleys, Jill? 24 A. No. 25 Q. What did you discuss, specifically with</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Not to my knowledge. 2 Q. Other than that information which you 3 relayed to me, did they have any other specific 4 information in regard to your lawsuit; for 5 example, did they come see you in the hospital and 6 have any discussion with any medical provider or 7 were they present for any discussions with a 8 medical provider while you were there? 9 A. No. The only thing they have is I 10 showed them the doula's notes from that email. 11 Q. Are they going to the same doula? 12 A. Yes. 13 Q. That's Jodi Green? 14 A. Yes. 15 Q. Now, I know in this case you saw 16 Dr. Rezvina at Somers Manor's Mays Landing office 17 after the birth of your son? 18 A. Yes. 19 Q. Did you audiotape that conversation? 20 A. It was on my phone, so digital. 21 Q. Did you do that without her knowledge? 22 A. Yes. 23 Q. Had you ever recorded any other 24 conversations, either before or after that, 25 without the other individual's knowledge?</p>	<p style="text-align: right;">Page 29</p> <p>1 Jill at Beesleys, about the lawsuit? 2 A. I went in for -- like to get a -- I had 3 like a sinus infection or something really 4 mundane. And in the exam room I had a panic 5 attack. She asked what was going on and I told 6 her. And that was when she -- I mean, that's when 7 I just told her about the lawsuit. I said this is 8 what's going on. 9 Q. You told her about the birth and you 10 have a lawsuit? 11 A. Yes. 12 Q. Did you ever show her any medical 13 records? 14 A. No. 15 Q. Was that a one-time conversation with 16 Jill about the lawsuit? 17 A. About the lawsuit specifically? 18 Q. Yes. 19 A. Yes. 20 Q. Have you received treatment at Beesleys 21 Family Practice for any panic attacks or any 22 physical or emotional claims that you feel are 23 related to the birth of your son Cole? 24 A. Yes. 25 Q. What treatment have you received at</p>

<p style="text-align: right;">Page 30</p> <p>1 Beesleys? 2 A. She prescribed Lexapro. 3 Q. I was going to ask you about that. We 4 will jump into that now. 5 What medications are you currently on? 6 A. Lexapro. 7 Q. And it's prescribed by practitioners at 8 Beesleys Family Practice? 9 A. Yes. 10 Q. When did you first get that 11 prescription, approximately? 12 A. I got the prescription in May, but I 13 didn't fill it right away. 14 Q. Fair. 15 A. Probably like a month. 16 Q. Okay. Do you know what the dose is? 17 A. Well, it started at 10 and then it went 18 up to 20. 19 Q. How many times a day? 20 A. Once. 21 Q. When did it go to 20, if you know, 22 approximately? 23 A. Couple months ago. 24 Q. What pharmacy do you use to get it 25 filled?</p>	<p style="text-align: right;">Page 32</p> <p>1 Have you seen any psychologist or psychiatrist? 2 A. No. Just the two therapists. 3 Q. They are licensed social workers? 4 A. I think so. Yes. 5 Q. And when we speak of the two 6 therapists, we are speaking of Ms. Richardson and 7 Ms. Kurek? 8 A. Yes. 9 Q. Have you ever been referred to any 10 psychologist or psychiatrist? 11 A. No. 12 Q. When you go to Beesleys Point Family 13 Practice, have you ever made visits specifically 14 for any anxiety -- specifically for your anxiety, 15 as opposed to a cold or something else? 16 A. Yes. 17 Q. Can you estimate how many occasions 18 that's been where you called up and made an 19 appointment specifically for anxiety issues? 20 A. Once. 21 Q. Was that before the Lexapro was 22 prescribed? 23 A. No. 24 Q. Was that -- did that visit result in 25 the Lexapro being increased?</p>
<p style="text-align: right;">Page 31</p> <p>1 A. CVS in Somers Point and sometimes the 2 CVS in Marmora. And between the four of us, it 3 might actually be coming from the Rite Aid in 4 Somers Point. I don't remember. 5 Q. That's fine. Any other medications, 6 other than Lexapro? 7 A. No. 8 Q. Have you ever been on any prescription 9 medications prior to the birth of your son Cole, 10 other than an antibiotic for a cold or something 11 like that? 12 A. You mean like an antidepressant or 13 anything like that? 14 Q. Or anything. 15 A. No, other than antibiotics. 16 Q. I mean, anything long-term for any type 17 of chronic condition, whether it be thyroid or 18 whatever? 19 A. No. 20 Q. What was your understanding as to why 21 the Lexapro was prescribed for you? 22 A. Because I -- well, in the words of 23 Jill, she said you are not functioning, so it was 24 to kind of help me function. 25 Q. Okay. Have you seen -- strike that.</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes. 2 Q. Do you recall approximately when that 3 was? You said it was a few months after -- 4 A. Yeah. 5 Q. Late summer, September-ish? 6 A. Maybe like October, November. 7 Q. Okay. When you went there, 8 understanding you're approximating October, 9 November, what issues specifically were you having 10 that led you to make a phone call and go over 11 there? 12 A. It just didn't seem like it was working 13 anymore. I was just, kind of, always on edge. 14 Q. When you say it wasn't "working 15 anymore," by that answer, initially did you get 16 some benefit from the Lexapro, at least that you 17 could perceive? 18 A. Yes. 19 Q. How do you believe it helped you? 20 A. I was able to focus at work. I 21 wasn't -- things that would normally be triggery 22 {sic} were no longer -- I could function and move 23 on with my life. I wasn't -- the term my 24 therapist uses is ruminating. I would say 25 obsessing.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Did you feel -- I'm sorry, I didn't 2 want to cut you off. Were you done with your 3 answer? 4 A. Yes. 5 Q. At least initially at the ten 6 milligrams, did you feel the Lexapro was helping 7 you with the focus and the triggers and the 8 ruminating? 9 A. Yes. 10 Q. And then did there come a point in time 11 when you felt you were going back to the state you 12 were in prior to when you were on the Lexapro? 13 A. Yes. 14 Q. The dose was then raised? 15 A. Yes. 16 Q. Did you then see a benefit from that 17 increased dose? 18 A. Yes. 19 Q. Are you still able to focus better? 20 A. Yes. 21 Q. On your current dose of Lexapro, are 22 you better able to handle the triggers? 23 A. Yes. 24 Q. And I think I know what you mean but 25 let me ask you so we get it out, we are not</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Yeah. 2 Q. Is it fair the five or six examples you 3 gave me are examples of some of the triggers? 4 A. Yes. 5 Q. You spoke about focus at work. From 6 your answer, would the issue you had with focus at 7 work be related to the triggers in that you would 8 have a trigger and you wouldn't be able to focus? 9 A. Right. 10 Q. Such that you would look at an 11 operative report, for example? 12 A. Yes. 13 Q. And when you speak about the rumination 14 and/or the obsessing about it, using your words, 15 once that trigger occurred, you wouldn't be able 16 to handle it and/or let it go? 17 A. Yes. 18 Q. A fair paraphrase? 19 A. Yes. 20 Q. On the Lexapro, from what you are 21 explaining to me, you are better able to handle 22 the triggers, therefore, your focus stays better 23 and, therefore, you don't ruminate about it? 24 A. It's not completely gone but it's -- 25 it's sort of like a screen, kind of, in front of</p>
<p style="text-align: right;">Page 35</p> <p>1 thinking of different things. When you speak 2 about triggers, can you give me some examples of 3 triggers that, before you were on Lexapro, would 4 cause you distress and/or anxiety? 5 A. Oh, boy. Okay, going to the doctor, 6 hearing about my friends having happy birth 7 experiences. Prior to the Lexapro my daughter 8 was -- well, this is before my daughter was potty 9 trained, so it's like a year-and-a-half ago. But 10 she went through a phase where she wouldn't want 11 her diaper changed, so you'd have to hold her down 12 and change it, that was triggery. Reading 13 operative reports at work. 14 My daughter might have to have a 15 surgical procedure, and we are trying to figure 16 out how to explain it to her. And just thinking 17 about having her wake up in an OR and not know 18 why, because she is only four, that's -- that does 19 it. 20 Q. Understood. I'm not looking for an 21 exhaustive list. So I don't need you to like, 22 "I'm leaving something out and then John is going 23 to come back later on and ask me and say you 24 didn't list this other trigger." I'm trying to 25 get some examples.</p>	<p style="text-align: right;">Page 37</p> <p>1 it. Like, I can -- it is there but I can kind of 2 put it over here and focus on -- 3 Q. Okay. 4 A. -- here. 5 Q. So you feel you are functioning better 6 on the Lexapro? 7 A. Yes. 8 Q. You mentioned your daughter's 9 condition. I do have to ask you a couple of 10 questions about that. I apologize. 11 Your daughter has dysphasia; does she 12 have swallowing difficulty? 13 A. Jane, when she -- you are going to get 14 a long answer because I need to explain this the 15 best I can. 16 Q. Okay. 17 A. Because there isn't a medical diagnosis 18 for her. 19 Q. I was going to ask you that question, 20 whether there was a specific medical diagnosis for 21 her condition. You are telling me there is not? 22 A. No. Jane doesn't like to eat, ad she 23 never has. The closest we can get to a medical 24 diagnosis is one of her counselors that she works 25 with thinks she had reflux as an infant, and it</p>

<p style="text-align: right;">Page 38</p> <p>1 didn't really affect her too much until she had to 2 start solid foods. Because I breastfed her and 3 she never had formula. Honestly, the older she 4 gets there now, Jane is just a tough kid. If Jane 5 doesn't want to do something, she is not doing it. 6 But when she was a year old, we were finally 7 referred to the feeding team up at CHOP. And this 8 is after her dad and I were just like, she is not 9 eating, this isn't normal. We can't get her to 10 eat. Her grandparents couldn't get her to eat. 11 We were young parents, we didn't know what we were 12 doing. We thought maybe there was some trick to 13 it. 14 And then she was admitted to CHOP for 15 four days right before Christmas after her first 16 birthday for failure to thrive. And at that time 17 she received an NG tube where she got overnight 18 feeds through the tube of Pediasure for roughly a 19 year and a half. And she had feeding therapy. 20 We've been to -- after Cole was born, while I was 21 on maternity leave, we went out to Hershey Medical 22 Center to do an intensive five-day feeding plan, 23 like a therapy to kind of turn the engine over. 24 They couldn't -- it got her set on the right track 25 so we took out the feeding tube about -- right</p>	<p style="text-align: right;">Page 40</p> <p>1 right. He said he's never seen a situation like 2 hers where it didn't go back to some sort of 3 reflux in infancy. 4 Q. You are still actively seeking 5 treatment for her? 6 A. Yes. 7 Q. And surgery has been recommended, or at 8 least discussed if not recommended? 9 A. Her last -- she goes to see a GI doctor 10 every couple of -- I guess every six months. And 11 she hasn't put on enough weight to go back to 12 feeding therapy. Because they need her to have 13 enough weight to have a cushion in case she 14 revolts, which she will. But I don't want to 15 completely traumatize her again with putting a 16 tube down her nose. So we're possibly discussing 17 putting in an NG tube. It goes right into her 18 belly. Because now she's four, she is not going 19 to go for having a tube taped to her face. 20 Q. So that's the surgery they are speaking 21 of? 22 A. That's the surgery. 23 Q. Obviously that's something that's very 24 distressful to you? Your daughter is -- just 25 trying to figure out what's going on and what you</p>
<p style="text-align: right;">Page 39</p> <p>1 after Cole was born, so 20 months okay. 2 Q. Okay. 3 A. But we still don't know why she is 4 still not a great eater. 5 Q. So she used the tube for approximately 6 a year and a half? 7 A. Yes. 8 Q. Since the tube has been removed in the 9 summer of 2013, she's able to eat solid foods? 10 A. She has always eaten solid food. The 11 tube was supplemental. 12 Q. In terms of her weight, where is she 13 percentile-wise? 14 A. She is not even on the charts. 15 Q. Let me ask you this. I think I know 16 the answer. Let me get a question and answer on 17 the record. 18 Since there is no diagnosis for the 19 condition, has anyone ever given you -- 20 any physician ever given you any opinion as to the 21 cause of her condition? 22 A. They never had anything definitive. 23 The doctor out -- when I was -- my hypothesis is 24 it came from silent reflux and just a willful kid. 25 The doctor outed her. He said you are probably</p>	<p style="text-align: right;">Page 41</p> <p>1 can do for her. 2 A. Yeah. I mean, basically we have been 3 dealing with this her whole life. And basically, 4 at least now she is old enough that we threaten 5 and bribe and that usually will work. 6 Q. I have to ask you some questions about 7 June 19, 2013 now. Okay? 8 A. Yeah. Okay. 9 Q. Would you agree that prior to being 10 brought into the operating room on June 19, 2013 11 you knew that Dr. Rezvina was going to perform a 12 cesarean section? 13 A. Yes. 14 Q. Let me show you a document entitled, 15 Informed Consent Form for Cesarean Section. It's 16 two pages. We are going to mark it as P-2. I'll 17 hand it to you once she puts a sticker on it. A 18 copy for your attorney as well. 19 (Exhibit P-2, Informed consent form for 20 cesarean section, marked for identification, 21 as of this date.) 22 BY MR. TALVACCHIA: 23 Q. One second. Does your signature appear 24 on the first page of that document, Mrs. Switzer? 25 A. That's -- oh, yeah, I did that. But</p>

<p style="text-align: right;">Page 42</p> <p>1 that's not really what my signature looks like. 2 Q. Okay. Does your signature appear right 3 over where your name is printed on the first page? 4 A. Yes. 5 Q. Does your signature also appear on the 6 second page of that document? 7 A. Yeah. 8 Q. Does your writing appear anywhere else 9 on that document, other than the signatures? 10 A. No. 11 Q. I'm going to show you -- now I'm going 12 to mark as P-3 for identification, it's a form 13 from Shore Memorial Hospital from the June 19th 14 admission, Consent Form for the Authorization of 15 Treatment. Once she puts a sticker on that -- if 16 you can hand it to the witness. 17 (Exhibit P-3, Authorization for 18 treatment, marked for identification, as of 19 this date.) 20 BY MR. TALVACCHIA: 21 Q. Does your signature appear on that form 22 as well, Ms. Switzer? 23 A. Yes. 24 Q. And that's a one-page document? 25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes. 2 Q. Do you recall executing various consent 3 forms in regard to that admission as well? 4 A. Yes. 5 Q. I think you touched on it a little bit. 6 Part of your job, you have experience in reviewing 7 medical records? 8 A. Yes. 9 Q. Hospital records sometimes? 10 A. Yes. 11 Q. Do you have experience in seeing 12 consent forms in hospital records? 13 A. Yes. 14 Q. Would you have had that experience 15 prior to June 2013? 16 A. Yes. 17 Q. Going back to P-2 for identification, 18 the informed consent form. Do you see right above 19 your signature line it says, "Only sign this 20 consent when you fully understand the procedure 21 and all your questions have been answered"? 22 A. Yeah. 23 Q. And do you see this form, on page one, 24 lists various risks with the word "risks" in 25 boldface?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Is your writing anywhere else on that 2 form, other than the signature? 3 A. Yes. 4 Q. Where at? 5 A. The date. 6 Q. The 6-19-13? 7 A. Yes. 8 Q. And the time is next to that 9:12 a.m.? 9 A. Yeah. But I don't think that's my 10 handwriting. 11 Q. Okay. Did you approximately arrive at 12 the hospital about 9 a.m. that day? 13 A. Yes. 14 Q. And dealing with this document when you 15 got there at 9:00, would it have been your habit 16 and custom to review the document before you 17 signed it? 18 A. Yes. 19 Q. Would you have read specifically the 20 first two sentences of that consent form for the 21 authorization of treatment? 22 A. Yes. 23 Q. Prior to June of 2013, you delivered 24 your daughter Jane, was it at Shore Memorial 25 Hospital as well?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes. 2 Q. And do you see this form also lists 3 various benefits with the word "benefits" in 4 boldface on the first page? 5 A. Yes. 6 Q. Have you ever told any healthcare 7 provider, subsequent to the birth of your son 8 Cole, that a healthy baby was the most important 9 thing? 10 A. Subsequent? 11 Q. Uh-hum. 12 A. Told them in person? 13 Q. Or put it in writing. 14 A. Yes. 15 Q. Did you ever tell anyone in person 16 that, any medical provider? 17 A. No. 18 Q. Had you, prior to June of 2013, either 19 through personal experience, knowing somebody, or 20 from maybe any cases you have handled, read about 21 or been around children who had brain injury from 22 lack of oxygen from the birthing process? 23 A. No. 24 Q. Were you familiar with the term 25 "hypoxic brain injury" prior to June of 2013 in</p>

<p style="text-align: right;">Page 46</p> <p>1 regard to the birthing process? 2 A. No. 3 Q. Were you familiar, prior to June of 4 2013, with the term "late decelerations"? 5 A. No. 6 Q. Were you familiar with the term 7 "meconium" as of June 19, 2013? 8 A. Yes. 9 Q. What did you know about that as of the 10 time you presented to Shore in June of 2013? 11 A. Just that sometimes the baby has a 12 bowel movement before it's born and that's what 13 that is. 14 Q. Were you aware, as of June 19, 2013, 15 that meconium can be in response to fetal distress 16 and hypoxia? 17 A. No. 18 Q. Were you aware that prior to June of 19 2013, that if the infant -- the baby inhales that 20 meconium problems can occur? 21 A. Yes. 22 Q. Were you familiar with the term 23 "meconium aspiration syndrome" as of the time you 24 came to the hospital in June 2013? 25 A. Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 daughter Jane in December 2010 and prior to 2 becoming pregnant with Cole, did you have any 3 hospital admissions? 4 A. No. 5 Q. And now, if we go after your admission 6 on June 19, 2013 until today, have you been 7 admitted to the hospital or ever had any ER 8 visits? 9 A. No. 10 Q. I'm going to show you what we will mark 11 as P-4 for identification. These are just -- 12 (Exhibit P-4, Answers to 13 interrogatories, marked for identification, 14 as of this date.) 15 BY MR. TALVACCHIA: 16 Q. I'll ask you what they are in a second. 17 We marked as P-4 for identification a document 18 which on the first page is entitled Plaintiffs' 19 Certified Answers To Interrogatories and dated 20 September 25, 2014; do you see that? 21 A. Yes. 22 Q. Are you familiar with these 23 interrogatory answers? 24 A. Yes. 25 Q. If you go to the very last page, Ms.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Were you aware that was a syndrome that 2 can occur where there can be pulmonary problems 3 from the infant inhaling the meconium that's 4 expelled? 5 A. Yes. 6 Q. Have you become aware that during the 7 c-section the amniotic fluid was meconium stained 8 for your son Cole? 9 A. Yes. 10 Q. Did you ever inquire of any physician 11 about the significance of that? 12 A. No. 13 Q. Prior to the birth of your daughter in 14 December of 2010, had you personally ever been 15 admitted to any hospital? 16 A. No. 17 Q. Between the birth of your daughter and 18 son, had you had any hospital admissions? 19 A. Yes. 20 Q. For what? 21 A. Both while I was pregnant with Cole. 22 Q. That's why I tried -- maybe I didn't 23 phrase my question quite so well. 24 After the birth of -- I didn't phrase 25 my question so well. After the birth of your</p>	<p style="text-align: right;">Page 49</p> <p>1 Switzer, is that your certification for these 2 interrogatory answers? 3 A. Yes. 4 Q. And that's dated September 29th? 5 A. Yes. 6 Q. And did you understand by signing off 7 on them you were certifying that the answers you 8 were providing therein were true to the best of 9 your knowledge at that time? 10 A. Yes. 11 Q. You said one of the things you reviewed 12 prior to coming in today was your interrogatory 13 answers? 14 A. Yes. 15 Q. Did you find anything inaccurate or 16 anything you wanted to change or supplement? 17 A. No. 18 Q. I know subsequent to those 19 interrogatory answers, to be fair to you, there 20 was a supplemental answer about Dr. Ciceron; do 21 you recall that? 22 A. Yes. 23 Q. In your interrogatory answers you 24 indicated that you believed Dr. Bergen was the 25 assistant surgeon, even though Dr. Ciceron was</p>

<p style="text-align: right;">Page 50</p> <p>1 listed on the medical records; do you recall that? 2 A. Well, there is two Dr. Cicerons. Dr. 3 Ciceron, the gynecologist, is a small woman. Dr. 4 Ciceron -- I mean her partner, Dr. Bergen, the 5 gynecologist, is a big tall man. And I know the 6 assisting surgeon was a tall man. 7 Q. I was going to ask you the basis for 8 your statement that you believed it was Dr. 9 Bergen; was that the basis? 10 A. That's why. 11 Q. And you subsequently understood there 12 was another Dr. Ciceron? 13 A. Who is, I think, a urologist. 14 Q. Going to question eight in those 15 interrogatory answers. I think that's page six. 16 A. Yeah. 17 Q. Are those the medical providers with 18 whom you are currently treating? 19 A. Yes. 20 Q. Do you still see Ms. Richardson? 21 A. No, I haven't seen her in a while. 22 Q. You see Ms. Kurek instead of Ms. 23 Richardson? 24 A. Yes. 25 Q. I'll ask you some questions about that</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. At that same practice though? 2 A. At that same practice, yes. 3 Q. Fair. Do you still treat with the 4 chiropractor Dr. Warner? 5 A. Yes. 6 Q. Is that as needed or any kind of 7 regular basis? 8 A. As needed. 9 Q. And for how long have you sought care 10 with Dr. Warner, approximately? 11 A. Since my pregnancy with Jane. 12 Q. Lower back? 13 A. Whole thing. 14 Q. And when you say "as needed," give me 15 an estimate either by month or six-month time 16 frame; how often do you go? 17 A. Once a month. 18 Q. Maintenance? 19 A. Yeah. 20 Q. I'm lucky, I have a neighbor who is a 21 chiropractor so I go across the street, about once 22 a month as well. 23 Would the last time you would have been 24 in the office of Somers Manor OB/GYN been in 25 August of 2013?</p>
<p style="text-align: right;">Page 51</p> <p>1 in a little bit. And you still follow with 2 Beesleys Point Family Practice? 3 A. Yes. 4 Q. You also see, in fairness to you, you 5 go to Reliance for your gynecologic and OB care? 6 A. The only time I went back -- I went 7 last week. But I haven't really gone to the 8 gynecologist. 9 Q. That would be -- have you only seen Dr. 10 Stanley there? 11 A. I think so, yes. 12 Q. So since the birth of your son Cole, 13 the only visits you had with an OB/GYN would have 14 been Dr. Stanley? 15 A. No, I went for my follow-ups at Somers 16 Manor. 17 Q. That's fair. After the two follow-up 18 appointments with Dr. Korzeniowski, you then 19 transferred care to Reliance? 20 A. Yes. 21 Q. And any visit you would have had with 22 an OB/GYN since that time, say, September 2013, 23 would have been with Dr. Stanley? 24 A. Not necessarily. I think I saw a male 25 doctor who is now retired.</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Yes. I think I picked up my medical 2 records at some point, but yes. 3 Q. The last time you would have been 4 formally treated would have been with Dr. 5 Korzeniowski at one of the postpartum visits? 6 A. Yes. 7 Q. When you saw Dr. Rezvina, that wasn't a 8 postpartum visit for medical care, was it? 9 A. No. 10 Q. Other than those two postpartum visits 11 and the visit with Dr. Rezvina, there was no other 12 care at Somers Manor or visits where you had any 13 discussions with any medical providers? 14 A. No. 15 Q. We talked about medications. You were 16 on fertility medications to get pregnant with both 17 of your children? 18 A. Yes. 19 Q. And the only -- you have only been 20 pregnant twice? 21 A. Yes. 22 Q. Which fertility group did you go to 23 again? 24 A. South Jersey Fertility. 25 Q. Have you seen them or followed up with</p>

<p style="text-align: right;">Page 54</p> <p>1 them since the birth of your son Cole? 2 A. No. 3 Q. Have you consulted with any medical 4 provider about becoming pregnant again? 5 A. No. 6 Q. Did you first begin receiving care at 7 Somers Manor in approximately November 2009; does 8 that sound about right? 9 A. Yeah, that's about right. 10 Q. Had you seen any OB/GYN prior to that 11 time? 12 A. I didn't have health insurance, so no. 13 I mean, like in high school and college. 14 Q. Fair. Had you ever seen any therapist, 15 counselor, licensed social worker, I'll group them 16 all together for purposes of this question, if 17 that's okay, prior to the birth of your son Cole? 18 A. I saw a sports psychologist in college. 19 Q. What was that for? 20 A. I ran track and was a head case. It 21 was for relaxation and focus techniques basically. 22 Q. That was at the College of New Jersey? 23 A. No, it was a private practitioner in 24 Mount Laurel. Oh, I was running at the College of 25 New Jersey, yes.</p>	<p style="text-align: right;">Page 56</p> <p>1 and work on communication and -- because we were 2 going to bring a new person into our life. 3 Q. Okay. So this was going to be family 4 counseling? 5 A. Yeah. 6 Q. And I appreciate that answer. It 7 appeared to me that the note I'm referring to was 8 from April 2013 while you were, I guess at that 9 point, about seven months pregnant with Cole. 10 A. Yes. 11 Q. Is that the same incident or referral 12 you are speaking of or was there another referral? 13 A. No, that's the same one. Just with an 14 impending new baby coming, I wanted to make sure 15 Joe and I were on the same page. 16 Q. And then after you got the referral you 17 didn't feel the need to go? 18 A. No. 19 Q. Step back and go to your first birth of 20 your daughter Jane for a moment. She was 21 delivered vaginally, true? 22 A. Yes. 23 Q. What was your due date; how many weeks 24 were you on December 4, 2010? 25 A. She was due December 7th.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Thank you. Were you ever referred to 2 any therapist, counselor, social worker, prior to 3 the birth of your son Cole? 4 A. No. 5 Q. I saw a note in the record in regard to 6 the pregnancy about your son Cole from April 17, 7 2013 that you wanted to note -- I'll paraphrase 8 it. You wanted to talk over some things in your 9 life. Right now you are feeling overwhelmed. And 10 I thought there was a referral to a therapist of 11 some sort; do you recall that? 12 A. Yes. 13 Q. Was it a referral to a therapist? 14 A. Yes. 15 Q. Do you recall the name of that 16 therapist? 17 A. No. 18 Q. From your answer I'm assuming you did 19 not go? 20 A. No. 21 Q. Do you recall the circumstances that 22 led you to making that phone call? 23 A. Yeah. When -- after Jane was born, Joe 24 and I had just new-parent-adjustment issues. I 25 wanted to have us talk to somebody, just to try</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. So about 39 and a half weeks? 2 A. Yeah. She was three days before her 3 due date. 4 Q. And was Dr. Rezvina the delivering 5 physician? 6 A. Yes. 7 Q. And do you recall what time of day she 8 was born? 9 A. 4:16 a.m. 10 Q. And what time did you go into the 11 hospital? 12 A. About dinnertime, 6 p.m. on the 3rd. 13 Q. Do you recall what your level of -- how 14 dilated you were upon arriving to the hospital on 15 December 3rd? 16 A. Four or five. 17 Q. Did you have a doula present at that 18 delivery? 19 A. Yes. 20 Q. Was that Ms. Green? 21 A. Yes. 22 Q. And why was it that you had chose to 23 have a doula present? 24 A. Because I felt the c-section rates were 25 very high in this area, and I wanted to make sure</p>

<p style="text-align: right;">Page 58</p> <p>1 I had the best chance of avoiding surgery that I 2 could have. 3 Q. What led you to believe, as of the time 4 you were pregnant with Jane, that the c-section 5 rates were high in this area? 6 A. It's pretty common knowledge, I guess. 7 If you are in my demographic of childbearing age, 8 female, it's pretty known that 35 percent 9 c-section rate is high. And the World Health 10 Organization recommended rate is like 15 percent. 11 Q. So it was your belief, as of the time 12 you were pregnant with Jane, that the c-section 13 rate in this area, and I guess particularly at 14 Shore Memorial Hospital, was approximately 35 15 percent? 16 A. That's, like, the whole country. 17 Q. I thought you said it was known in this 18 area. That's why I phrased the question. 19 A. Well, in New Jersey I think it's 35 20 percent. 21 Q. Did you specifically inquire at all in 22 terms of the birth of your daughter Jane as to 23 what the c-section rate was at Shore Memorial 24 Hospital or for members of the practice of Somers 25 Manor?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No. 2 Q. Any reason why not? 3 A. I didn't think it was necessary. 4 Q. You said something about by having the 5 doula present you thought that would be your best 6 chance of avoiding surgery; what do you mean by 7 that answer? 8 A. I was afraid of being railroaded and 9 having unnecessary interventions without any 10 explanations of why they were happening. So I 11 found Jodi. 12 Q. Had you had any friends or relatives 13 who utilized a doula, or specifically Ms. Green, 14 prior to your pregnancy? 15 A. No. 16 Q. Did you have an understanding -- strike 17 that. What was your understanding of Ms. Green's 18 educational background as of the time you hired 19 her for the birth of your daughter? 20 A. She is a -- she is certified by the 21 governing body for doulas. And she had attended, 22 I think at that time, about 250 births. 23 Q. Did you understand that she didn't go 24 to medical school? 25 A. Absolutely.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes. 2 Q. Who did you inquire of it? 3 A. Well, I have a lot of friends having 4 kids and they all had c-sections prior to having 5 Jane. So I thought -- I thought about leaving the 6 practice and finding somebody else. When -- 7 somehow it got back to Dr. Korzeniowski, and he 8 called me and told me that they actually had a low 9 c-section rate. 10 Q. When you say you had a lot of friends 11 who had c-sections, I'm assuming from your answer 12 friends that were treating at Somers Manor? 13 A. Yes. 14 Q. When you say "a lot," three, five, ten; 15 give me an estimate? 16 A. Six. 17 Q. When you were pregnant with Jane, did 18 Somers Manor, at that time during that pregnancy, 19 utilize certified midwives as well? 20 A. Yes. 21 Q. More than one? 22 A. Yes. 23 Q. Did you make any requests during that 24 pregnancy to have a certified nurse midwife 25 supervise your delivery, if possible?</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. She didn't go to nursing school? 2 A. Yes. 3 Q. She didn't go through the five years of 4 training as an OB/GYN? 5 A. Yes. 6 Q. Did you understand that the births she 7 attended, she didn't render any medical treatment? 8 A. Yes. She was very clear about that. 9 Q. Did you understand she wasn't trained 10 in any indications for c-section? 11 A. No. 12 Q. You didn't understand that? 13 A. No. I -- what do you mean by training? 14 Q. Training by a governing body, such as 15 the American College Of Obstetrics And 16 Gynecologists where she went to classes and 17 learned what the recommendations were for when a 18 c-section should be recommended or not. 19 A. I'm trying to think of how to answer. 20 Do I understand that she was not trained by -- 21 took any training? 22 Q. Yes. 23 A. Yes, I understood that. 24 Q. Did she indicate to you that she had 25 any experience or knowledge or expertise in the</p>

<p style="text-align: right;">Page 62</p> <p>1 interpretation of fetal monitoring strips? 2 A. She had experience. 3 Q. How? 4 A. Attending births. 5 Q. Oh, so just on-the-job, so to speak? 6 A. Yes. 7 Q. Do you know, for example, whether she's 8 ever reviewed any ACOG bulletins? 9 A. Yes. 10 Q. What do you know about that? 11 A. She told me that after Cole's birth, 12 one of the things that Dr. Rezvina said she relied 13 on, the Friedman curve, ACOG came out with a 14 bulletin saying that was no longer good medical 15 guidelines. 16 Q. Okay. So she looked at a bulletin 17 after the fact? 18 A. Yes. 19 Q. Okay. Did you have an understanding 20 that she kept abreast of the recommendations of 21 ACOG trainings, for lack of a better word? 22 A. Yes. 23 Q. Do you think she gets those bulletins 24 regularly? 25 A. Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. No, it was constant when I got my 2 epidural. 3 Q. Do you know, from recollection, what 4 your level of dilation was as of the time you went 5 to the continuous fetal monitoring? 6 A. Eight or nine. 7 Q. You did say you received an epidural? 8 A. Yes. 9 Q. Did you receive any other pain 10 medications or interventions? 11 A. I believe they put Pitocin in my IV. 12 Q. Did you agree with the birth of your 13 daughter Jane to the continuous fetal monitoring 14 at either eight or nine centimeters? 15 A. Yes. Yes. 16 Q. By that I mean, did you voice any 17 objection? 18 A. No. 19 Q. Did you, at any point during the 20 birthing process of your daughter Jane, ask for 21 the monitor to be taken off? 22 A. Yes. 23 Q. How many occasions? 24 A. When I was in -- they have a jacuzzi, 25 so when I was in the tub.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Do you know how she gets those 2 bulletins if she is not a member of ACOG? 3 A. No. 4 Q. The size of your daughter at birth, she 5 was five pounds, 15 ounces? 6 A. Yes. 7 Q. Excuse me. Did you sustain a vaginal 8 tear as a result of the birthing process? 9 A. Yes. 10 Q. Second degree? 11 A. Yes. 12 Q. During the labor of your daughter, were 13 you advised of any late decelerations? 14 A. No. 15 Q. During the birth of your daughter, did 16 you have continuous external fetal monitoring? 17 A. No. 18 Q. Did you have intermittent external 19 fetal monitoring? 20 A. Yes. 21 Q. Was it intermittent throughout, by that 22 I mean up to the time of birth? 23 A. No. 24 Q. Did there come a point in time when the 25 monitoring stopped?</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. 2 A. They had to take it off. 3 Q. Other than that, no? 4 A. I never asked for it, no. 5 Q. You never asked for it to go off, other 6 than when you were going in the tub? 7 A. Right. I didn't even ask then, they 8 just did it. 9 Q. Okay. Did you have any objection or 10 voice any objection to the utilization of Pitocin? 11 A. I wasn't told I was given it until 12 after it was already in. And then yes, I said, 13 Does this mean I'm going to have problems? And 14 the nurse said, No, I don't think so. 15 Q. Do you recall the nurse, labor and 16 delivery nurse from Jane? 17 A. Stacey, I think. 18 Q. Different than your labor and delivery 19 nurses for Cole? 20 A. Actually, I think one of them was the 21 same. 22 Q. You think your first labor and delivery 23 nurse for Cole was Lisa Levitt? 24 A. Yeah. 25 Q. Do you think she was the same for --</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I don't think -- I think there was a 2 Stacey Mulhern at both. Curly hair. 3 Q. Was it fair you were very satisfied 4 with the birthing experience in regard to your 5 daughter Jane? 6 A. Yes. 7 Q. In fact, you put in an email you loved 8 the whole experience, true? 9 A. Yeah. 10 Q. And you would agree that Dr. Rezvina as 11 the delivering physician was part of that 12 experience? 13 A. She showed up for, like, the last ten 14 minutes, but yes, she was there. 15 Q. And following the birth of your 16 daughter you continued treating with Somers Manor 17 OB/GYN? 18 A. Yes. 19 Q. And one of the physicians you saw 20 between the birth of your daughter Jane and the 21 birth of your son Cole was Dr. Rezvina in that 22 practice, true? 23 A. Yes. 24 Q. When you became pregnant again with 25 Cole, you rotated with various members of the</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Another time, April 7th, seemed like GI 2 symptoms. Maybe some bug was running through your 3 house; do you recall that? 4 A. Bug went through the whole family. 5 Q. We spoke about the April 17th when you 6 called requesting the name of a therapist. June 7 14th, I believe it was, 2013, is that when you 8 presented to the hospital with neurologic 9 complaints or symptoms? 10 A. Yes. 11 Q. Am I right the June 14th date? 12 A. It was right before he was born. 13 Q. Five days, seven days, somewhere in 14 that range? 15 A. Yeah. 16 Q. Now, were you still working at that 17 time? 18 A. Yes. 19 Q. So roughly within a week of the birth 20 of your son Cole you had loss of visual field on 21 the right side, from the records, true? 22 A. Yeah. 23 Q. You were unable to make sentences? 24 A. Yeah. 25 Q. And you had tingling and weakness on</p>
<p style="text-align: right;">Page 67</p> <p>1 practice, true? 2 A. Yes. 3 Q. I think you have to rotate through all 4 of them because you don't know who was on duty for 5 delivery, right? 6 A. Right. 7 Q. And that's something you did, you went 8 through all the OB/GYNs and certified nurse 9 midwives during the pregnancy? 10 A. Yes. 11 Q. Including Dr. Rezvina? 12 A. Yes. 13 Q. And your estimated date of delivery for 14 Cole was June 19, 2013, right? 15 A. Yep. 16 Q. So you were full term 40 weeks when you 17 presented to the hospital that morning? 18 A. Yes. 19 Q. During your pregnancy with Cole, you 20 had to go to the hospital on a couple of 21 occasions? 22 A. Yes. 23 Q. I saw one time you went to the ER for 24 dizziness on March 12th; do you recall that? 25 A. Yeah.</p>	<p style="text-align: right;">Page 69</p> <p>1 the right side? 2 A. Yes. 3 Q. What time of day did that happen? 4 A. In the afternoon. 5 Q. And you were at the office? 6 A. Yes. 7 Q. Were you taken by ambulance to the 8 hospital? 9 A. No. My husband came and got me. 10 Q. And you went to -- was it to Shore? 11 A. Yes. 12 Q. And they had to do testing? 13 A. Yes. 14 Q. CAT scan, MRI? 15 A. Yes. 16 Q. And the diagnosis ended up being, was 17 it migraine? 18 A. They said it was a silent migraine. 19 Q. And they talked about transient 20 ischemic attack just to explain those symptoms? 21 A. Right. 22 Q. About how long did those symptoms last? 23 A. They were gone by the time I was 24 admitted to my hospital room. 25 Q. So how long did you have them; was it</p>

<p style="text-align: right;">Page 70</p> <p>1 an hour? 2 A. Maybe two hours. 3 Q. And that's something you never had 4 before? 5 A. No. 6 Q. You never had since, hopefully? 7 A. No. 8 Q. Did you see a member from Somers Manor 9 OB/GYN at the hospital, when you went there for 10 the migraine? 11 A. Yes. 12 Q. Was it Dr. Bravoco? 13 A. I think so. 14 Q. Was there any discussion at that time 15 about your due date, about induction, about any 16 relationship or any potential concern about the 17 pregnancy in light of this -- these neurologic 18 symptoms you had? 19 A. No. 20 Q. Was there any scheduled induction if 21 you went past your due date; was there talk about 22 that? 23 A. No. 24 Q. Were you scheduled to follow up back in 25 the office at Somers Manor?</p>	<p style="text-align: right;">Page 72</p> <p>1 you compensate her? What do you pay her for that? 2 A. I think it was \$800. 3 Q. And she's just basically on-call? When 4 you are going to the hospital you are calling her 5 up? 6 A. You get two prenatal visits with her. 7 She will come to your house to discuss your 8 options and plans. And then for the -- she 9 considers herself on-call for two weeks prior to 10 your due date. And then yeah, you call her when 11 you are in labor. 12 Q. Suppose it's a false labor. Suppose 13 you go in, don't deliver, go back, does she 14 come -- go again; is that all still included? 15 A. Oh, yeah. 16 Q. You had the two prenatal visits with 17 her then in regard to Cole? 18 A. Yes. 19 Q. Does she give you any pamphlets, 20 documentation, literature, anything like that? 21 A. Just the contract. 22 Q. Just the contract, okay. Do you recall 23 your discussions with Ms. Green about your plan 24 for the labor? 25 A. Yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. For the migraine? 2 Q. Or just for your pregnancy. 3 A. Yeah. I'm sure I had another one 4 scheduled, but I didn't go back there because I 5 went into labor before. 6 Q. Fair to say once you are in that last 7 month you are going every week? 8 A. Yeah. 9 Q. And -- okay. In terms of your prenatal 10 visits, I'm assuming your husband went to at least 11 some of them? 12 A. Not very often. 13 Q. Anyone else go? 14 A. No. 15 Q. Jodi go to any? 16 A. No. 17 Q. You ended up retaining Jodi for Cole's 18 birth as well? 19 A. Yes. 20 Q. Were the circumstances of your 21 professional relationship with her the same for 22 both, that being you were compensating her just to 23 be there for the delivery? 24 A. Yes. 25 Q. And then how does that work? What do</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Tell me about that. 2 A. I knew they kept saying this was going 3 to be a bigger baby, and I could tell because he 4 was very different from Jane. So I was like, all 5 right, I would like to stay home as long as 6 possible and not get any epidural because I wanted 7 to be able to push upright rather than on my back. 8 Q. Was it your understanding that would 9 help you get the baby out vaginally better, by 10 pushing upright? 11 A. Yes. 12 Q. Did any medical provider tell you that 13 was true as well? 14 A. Yes. 15 Q. Who? 16 A. Jamie Sosa. 17 Q. What else about your discussions with 18 Ms. Green during either of these two prenatal 19 visits sticks out in your head, if anything? 20 A. Nothing. We ate brownies. 21 Q. That's fine. After you presented to 22 the hospital for the neurologic symptoms we 23 discussed, did you also present on June 17th, two 24 days before, for a concern over decreased fetal 25 movement?</p>

<p style="text-align: right;">Page 74</p> <p>1 A. Yes. 2 Q. You went into the labor/delivery unit? 3 A. Yes. 4 Q. You were evaluated by a midwife there, 5 Donna Fall, I believe? 6 A. Danielle. 7 Q. Danielle, thank you. Is that something 8 you felt during the day, just the baby wasn't 9 moving around like it had been before? 10 A. It was early in the morning. 11 Q. You were concerned enough that you 12 called and they brought you in? 13 A. Yeah. 14 Q. And I mean, you never called before 15 during that pregnancy for concern over decreased 16 fetal movement? 17 A. No. 18 Q. Did you ever have that issue with Jane, 19 where you called and went to the hospital and were 20 evaluated for decreased fetal movement? 21 A. No. 22 Q. On June 19th, were you awakened in the 23 middle of the night with contractions? 24 A. No, it was like 5 a.m. 25 Q. Okay. The record said about 3 a.m.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Whenever they started, is it true from 2 the records that they were approximately every 3 four minutes? 4 A. No. 5 Q. How far apart were they? 6 A. They were probably seven minutes in the 7 beginning. Are you talking about Jane or Cole? 8 Q. Cole. I'm sorry. 9 A. They were probably about seven minutes 10 in the beginning. It was just, sort of, like, Oh, 11 something is going on. Not like real 12 contractions. 13 Q. As of the time you got there at 9:00, 14 had the contraction pattern changed? 15 A. Yes. 16 Q. How often were they then? 17 A. About four minutes. 18 Q. Okay. You got there, was it about 19 9:00, give or take? 20 A. Yes. 21 Q. Husband drove you? 22 A. Yes. 23 Q. Any other family members with you that 24 day? 25 A. No.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. No, they are wrong. 2 Q. So about 5 a.m. -- strike that. When 3 you went into the hospital that day, do you recall 4 medical providers asking you when your 5 contractions started? 6 A. Yes. 7 Q. Would you have told them accurately and 8 truthfully what time they started? 9 A. Yes. 10 Q. As you sit here today, you believe it 11 was 5 a.m.? 12 A. 4:30, 5 a.m., because it was the same 13 time as Jane when she started, when I went into 14 the labor with her. 15 Q. You said Jane -- strike that. Jane on 16 December 3rd you went in the hospital at 6 p.m. 17 you told me, and delivered her about 4:30 on 18 December 4th? 19 A. Yes. 20 Q. When did the contractions start for her 21 at home before you went to the hospital? 22 A. 4:30. 23 Q. So about 12, 14 hours before you went 24 to the hospital? 25 A. Yes.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. By "that day," even up to the point 2 that you went in for your cesarean section. 3 A. I mean, my brother came to watch my 4 daughter in the morning. 5 Q. I mean at the hospital. I'm sorry. 6 A. At the hospital, my parents were there, 7 but I don't think I ever actually saw them. They 8 don't come -- they didn't come in the delivery 9 room. 10 Q. Okay. Did either you or your husband 11 either videotape any portion of the process? 12 A. No. 13 Q. Any audiotape of anything? 14 A. No. 15 Q. Other than the emails, which we 16 produced in this litigation, that you sent and 17 members of the practice sent back to you, and 18 letters, did either you or your husband or any 19 other family member make any handwritten notes 20 about the incident that day? 21 A. No. 22 Q. So other than the medical providers, it 23 would have been you, your husband, and Ms. Green 24 there, true? 25 A. Yes. Correct.</p>

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1 Q. And absent getting something to drink
2 or something, or using the restroom, your husband
3 and Ms. Green would have been with you the whole
4 time?
5 A. I think so, yeah.
6 Q. Upon initially going there, Ms. Sosa,
7 the midwife, was managing your delivery, at least
8 physically there?
9 A. Yes. I'm sorry, can I get some water?
10 Q. Can we take a break?
11 THE VIDEOGRAPHER: The time now is
12 11:22. We are going off the video record.
13 (Whereupon there was a recess in the
14 proceedings from 11:22 to 11:28 a.m.)
15 THE VIDEOGRAPHER: The time is now
16 11:28. This begins tape two. You may
17 proceed.
18 BY MR. TALVACCHIA:
19 Q. Okay. Before we took the break,
20 Ms. Switzer, I was asking, Ms. Sosa was managing
21 your labor, at least physically present, when you
22 arrived at 9:00 or so?
23 A. Yes.
24 Q. Did you have an understanding at
25 anytime before Dr. Rezvina came in at about

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1 that even if you were able to deliver vaginally
2 that an OB/GYN from that practice would be coming
3 to supervise?
4 A. No.
5 Q. Ms. Sosa never advised you of that?
6 A. No.
7 Q. Upon being set up in the labor and
8 delivery room that morning, were there any
9 discussions with the medical providers about
10 external fetal monitoring?
11 A. Yes.
12 Q. Who were those discussions with and
13 what did they entail?
14 A. I talked to Jamie and I said I want to
15 be able to move around so could we just do
16 intermittent monitoring.
17 Q. Was there a -- you said jacuzzi. Was
18 there a jacuzzi in this birthing suite as well,
19 for Cole?
20 A. There is one in the hall, and it's a
21 separate room.
22 Q. Did you utilize that at all for Cole?
23 A. No.
24 Q. The external fetal monitoring that was
25 utilized for you for Cole, can you describe it for

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1 me?
2 A. It's these two bands, a pink and blue
3 one, that go around your belly and they hook up to
4 a machine.
5 Q. Is the machine on wheels?
6 A. I don't know.
7 Q. Did you walk around at all when you
8 were hooked up to the external fetal monitor with
9 Cole?
10 A. No. I would pause and hold the monitor
11 on my stomach.
12 Q. Okay. When you had intermittent
13 monitoring with Cole, describe that for me. It
14 would go on you, you said you would pause, how
15 long would you leave it on?
16 A. Until Jamie told me to take it off.
17 Q. Give me an understanding, would that be
18 a minute, five minutes?
19 A. Maybe a minute.
20 Q. And the records are what they are.
21 From your perspective, about how often was that
22 being done, you know, either by hour or whatever?
23 A. I think it was every 30 minutes at
24 first.
25 Q. Okay. When you initially discussed the

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1 monitoring with Ms. Sosa where you indicated you
2 wanted to move around so you wanted intermittent,
3 did Jamie indicate to you that that would be okay
4 until you got to a certain point and then we
5 needed continuous monitoring?
6 A. Yes.
7 Q. Do you recall her telling you, and
8 actually writing an order in the record
9 indicating, that the continuous monitoring should
10 start once you reached eight centimeters?
11 A. Yes.
12 Q. Were you agreeable to that, at least as
13 of the morning?
14 A. Yes.
15 Q. Did you have an understanding, upon
16 initially being examined by Jamie that morning,
17 once you got set up in the labor and delivery room
18 as to how dilated you were?
19 A. Yes.
20 Q. How dilated were you?
21 A. In the beginning?
22 Q. Yes.
23 A. Five or six.
24 Q. From the first exam?
25 A. Five or six.

<p style="text-align: right;">Page 82</p> <p>1 Q. So if the record said five-and-a-half 2 centimeters, that would mesh with your 3 recollection? 4 A. Yes. 5 Q. So if we were to deal from just roughly 6 9:00, once you got set, until noon, you only would 7 have had intermittent external fetal monitoring. 8 And the intermittent would have been every half 9 hour it was around your belly for about a minute? 10 A. It wasn't even around my belly. I 11 would just hold the transducer there. 12 Q. Even though it wasn't around your 13 belly, at least for those first three hours it 14 would be for about a minute at a time every half 15 hour? 16 A. I think so. 17 Q. Did you ever voice -- or strike that. 18 During the morning, did any medical provider 19 recommend to you that you be on the monitoring any 20 longer? 21 A. No. 22 Q. You said it was hooked up to a machine? 23 A. Uh-hum. 24 Q. Were you able to -- I guess how long 25 was the cord; are you able to see the machine?</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Do you recall how many times that was 2 prior to Dr. Rezvina's arrival? 3 A. Once. 4 Q. Do you recall the time that was? 5 A. I mean, I know it was around noon, but 6 I only know that because of the records. 7 Q. As you sit here, and that's a fair 8 answer, you don't have a recollection of right 9 around noon I had to have oxygen? 10 A. No. 11 Q. Do you recall why they put oxygen on 12 you? 13 A. I just thought that's what they did. 14 Q. Had you needed that during your birth 15 with Jane at all? 16 A. Yes. 17 Q. One occasion or more than one occasion? 18 A. I think once. And then also, like, 19 during the labor, and then I think I might have 20 had it during pushing. 21 Q. When you had it with Cole, the oxygen, 22 did you have to -- were you asked or recommended 23 to lay down as well? 24 A. On my side, yes. 25 Q. So you were asked to lay down on your</p>
<p style="text-align: right;">Page 83</p> <p>1 A. I would stand right next to it. 2 Q. Okay. 3 A. Or sit on the bed right next to it. So 4 I don't know how long the cord was. 5 Q. Were you able to see the numbers on the 6 machine? 7 A. Yes. 8 Q. When you had it on you? 9 A. I wasn't really looking. 10 Q. Okay. Were you able to hear the 11 machine, like the audible tones for the heartbeat? 12 A. No. It's not an auditory thing. It's 13 a graph. 14 Q. It's a graph, okay. From your 15 recollection, there was no sound from that 16 machine? 17 A. I don't think so. 18 Q. Did you become aware, at approximately 19 12:08 in the afternoon, of an audible dip in your 20 son's fetal heart rate down to the 90s? 21 A. No. At that time, no. 22 Q. Did you, at points in time prior to Dr. 23 Rezvina's arrival, have to have oxygen via face 24 mask? 25 A. Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 side, and then they put oxygen on you? 2 A. Yes. 3 Q. During that time frame, did you have 4 the transducer on you? 5 A. I don't remember. 6 Q. Were your contractions still every 7 three to four minutes at around noon? 8 A. They are probably getting closer 9 together around that time point. 10 Q. Do you remember? 11 A. No. 12 Q. Once you reached eight centimeters you 13 didn't have continuous fetal monitoring, did you? 14 A. No. 15 Q. Why not? 16 A. Because Jamie said that the reason they 17 had told me I would need continuous fetal 18 monitoring at eight centimeters was just in case I 19 had been in the tub and had not been monitored. 20 And she said instead we will do it every 15 21 minutes. 22 Q. Do you recall approximately what time 23 you reached eight centimeters? 24 A. No. 25 Q. Is it fair to say, up to the time that</p>

<p style="text-align: right;">Page 86</p> <p>1 you reached eight centimeters, your monitoring 2 then would have been every half hour 3 approximately a minute where you held the 4 transducer on you? 5 A. Up to that? 6 Q. Yes, up to that point. 7 A. Yes. 8 Q. And then it went from every half hour 9 doing that to every 15 minutes doing that? 10 A. Yes. 11 Q. Did Jamie, or any other medical 12 provider, once you reached eight centimeters, tell 13 you okay, now we are going to put on the monitor 14 continuously and then you had a question about 15 that? 16 A. No. 17 Q. So it's your testimony that once you 18 reached eight centimeters Jamie said, You know 19 what, we don't need the continuous monitoring; we 20 will just go every 15 minutes? 21 A. Yes. 22 Q. Do you recall a labor and delivery 23 nurse Ms. LoPresti? 24 A. Yes. 25 Q. Do you recall any discussions wherein</p>	<p style="text-align: right;">Page 88</p> <p>1 A. No. 2 Q. Did Ms. LoPresti ever advise you of 3 late decelerations that occurred with Cole at 4 approximately 12:08 in the afternoon? 5 A. No. 6 Q. Do you recall having any discussions 7 with Ms. LoPresti wherein she advised you that she 8 had delivered a child naturally without any 9 interventions? 10 A. No. 11 Q. Were you aware, on June 19, 2013, as of 12 that time but before Dr. Rezvina ever saw you or 13 examined you, that she was advised by Ms. LoPresti 14 that you had been experiencing audible dips in 15 your son's fetal heart rate and that Ms. LoPresti 16 was concerned? 17 A. Can you repeat that, please? 18 Q. Sure. Dr. Rezvina came in, from your 19 recollection it was about 3:30 in the afternoon? 20 A. Yes. 21 Q. As of the time Dr. Rezvina came in, 22 were you aware at that time that Ms. LoPresti had 23 told Dr. Rezvina that she was concerned, Ms. 24 LoPresti was concerned, that your son was having 25 audible dips in his fetal heart rate and that Ms.</p>
<p style="text-align: right;">Page 87</p> <p>1 she had recommended the continuous monitoring once 2 you reached eight centimeters? 3 A. No. 4 Q. Do you recall declining Ms. LoPresti's 5 request, when she was attending you June 19th, for 6 you to go on fetal monitoring? 7 A. No. Do you mean the fetal monitoring 8 or the handheld doppler? 9 Q. Well, that's a good question. Did you 10 have more than one type of fetal monitoring? 11 A. No. 12 Q. So the only type you had was the 13 handheld doppler? 14 A. No. 15 Q. What kind did you have, I'm sorry? 16 A. When I was in the shower -- there was a 17 shower. I was in the shower and it was time for a 18 heart rate check, so Gia came in with this 19 handheld doppler thing. That's auditory, that you 20 hear because they use it every appointment. I 21 said, No, don't worry about it. I'll just go back 22 to the fetal monitor. 23 Q. Did you ever decline from Ms. LoPresti 24 going on the external fetal monitoring at any 25 point up until the point Dr. Rezvina got there?</p>	<p style="text-align: right;">Page 89</p> <p>1 LoPresti was concerned; were you aware that that 2 information was relayed from Ms. LoPresti to Dr. 3 Rezvina? 4 A. No. 5 Q. Is it fair that when Dr. Rezvina first 6 came into the room you weren't on any type of 7 monitoring? 8 A. At that particular time? 9 Q. Yes. 10 A. No. I mean, yes, that's fair. 11 Q. So I'm correct, you were not on any 12 monitoring when Dr. Rezvina first came in the 13 room? 14 A. Correct. 15 Q. Double negatives kill you every time. 16 Following the birth of Cole you corresponded via 17 email with Dr. Korzeniowski and Dr. Bravoco; was 18 that true? 19 A. Yes. 20 Q. And when you formulated those emails, 21 would it be fair that you were attempting to 22 accurately summarize the events of the delivery 23 and your complaints? 24 A. Yes. 25 Q. Have you had a chance to review those</p>

<p style="text-align: right;">Page 90</p> <p>1 emails through the course of this litigation and 2 in preparation for this deposition? 3 A. Yes. 4 Q. Upon review and reflection, do you 5 still find them to be accurate? 6 A. I don't understand the question. 7 Q. Sure. Looking over the emails again 8 now, do you find anything inaccurate with them 9 that you want to advise? 10 A. The timeline is accurate, the events 11 are accurate. My interpretation that I wrote 12 right after the birth is no longer the way I view 13 the events. 14 Q. Okay. When you say the 15 "interpretation" is no longer how you view the 16 events, are you speaking of the first email you 17 wrote to Dr. Korzeniowski and Bravoco? 18 A. I think so, yeah. 19 Q. I'll ask you about that in a minute. 20 We will mark that and ask you a few questions 21 about that. 22 You also had an opportunity a couple 23 months later to set forth your summary of the 24 issues you had with the delivery in a letter to 25 the Board Of Medical Examiners, true?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes. 2 Q. You state in the first paragraph that 3 you were offered a "very well-reasoned perspective 4 on the events surrounding my labor and delivery." 5 What did you mean by that? 6 A. Well, at that time, with the 7 information that I had, which didn't include my 8 medical records showing his heart rate had 9 recovered, he -- Dr. Bravoco explained what -- and 10 Donna Melle explained what nonreassuring fetal 11 heart rate meant and what could happen if it 12 didn't recover, and that's basically it. 13 Q. Okay. When you say Dr. Bravoco and 14 Donna Melle, she's a certified nurse midwife? 15 A. Yes. 16 Q. Would you have had discussions with 17 each of them while you were still in the hospital? 18 A. Yes. 19 Q. When you said they explained to you 20 what nonreassuring fetal heart rate meant, what 21 did they explain to you? 22 A. They just showed me the heart trace and 23 said these are the dips. But it didn't have -- 24 yeah, they just showed me the heart tracing. 25 These are the dips in the heart rate.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Yes. 2 Q. And have you had a chance to review 3 that letter as well? 4 A. Not recently. 5 Q. Okay, I'll show you that. At least as 6 of the time you sat down three months later, do 7 you believe that letter accurately reflected your 8 issues with the delivery? 9 A. I can't answer that without seeing the 10 letter. 11 Q. Fair. Let me go over a couple of these 12 documents then. 13 MR. TALVACCHIA: I'm going to mark 14 first P-5. It's a three-page email noted to 15 be from you to Drs. Bravoco and Korzeniowski. 16 (Exhibit P-5, Email to Dr. Bravoco and 17 Dr. Korzeniowski marked for identification, 18 as of this date.) 19 BY MR. TALVACCHIA: 20 Q. You have that in front of you, Ms. 21 Switzer? 22 A. Yes. 23 Q. Is that the initial email that you 24 wrote in regard to the events of your labor and 25 delivery to anyone?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. So they showed you at least a 2 strip of your son Cole? 3 A. Yes. 4 Q. And they showed you the dips in the 5 heart rate? 6 A. Yes. 7 Q. And what did they explain to you could 8 happen as a result of those dips? 9 A. They didn't really explain what could 10 happen as a result. 11 Q. Did Dr. Bravoco and/or Donna Melle 12 explain as a result of the dips why they believed 13 the cesarean section was recommended and 14 necessary? 15 A. No. 16 Q. Did you ask them if the cesarean 17 section was necessary? 18 A. I don't think I straight out asked them 19 at that point. I had just had a baby. 20 Q. Understood. When you wrote this, were 21 you home already? 22 A. No. I wrote this in the hospital. 23 Q. This email is June 24th. When were you 24 discharged? 25 A. June 22nd.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q. So you wrote it while you were in the 2 hospital but emailed it after you got home? 3 A. Yeah. 4 Q. You wanted to look it over again just 5 to make sure it was accurate? 6 A. Yes. 7 Q. You state in the second paragraph that 8 you were approximately nine centimeters when Dr. 9 Rezvina arrived? 10 A. Yes. 11 Q. And that was about at about 3:30? 12 A. Yes. 13 Q. So in about six-and-a-half hours you 14 progressed from about five-and-a-half centimeters 15 to nine centimeters? 16 A. Yes. 17 Q. Did you have an understanding, from any 18 source, you know, either anything that Ms. Sosa 19 said, Nurse LoPresti, as to how much longer it 20 would actually take you to deliver vaginally as to 21 the time Dr. Rezvina arrived with you being nine 22 centimeters? 23 A. The only frame of reference I had for 24 that was my first birth. 25 Q. What was your mindset, based on your</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. What did you mean by that statement? 2 A. That was me trying to reason what 3 happened and reconcile it. 4 Q. What did you mean if I take out the 5 c-section part by the fact -- by the statement 6 that "I could tell Cole was not descending into my 7 pelvis easily"? What do you mean by that? 8 A. I could feel he was still high, so I 9 was getting out of the bed, that's why. 10 Q. When you said you could "feel he was 11 still high," was this as of the point Dr. Rezvina 12 came in? 13 A. No. He was pretty far down by then. 14 Q. What point in time were you talking 15 about that he was not descending into your pelvis 16 easily and was still high? 17 A. It was probably right before she came 18 in. 19 Q. When you say "right before," five 20 minutes, half hour? 21 A. Half hour. 22 Q. And you think in that half hour he 23 started descending? 24 A. Yes. 25 Q. Did you have any discussions with Ms.</p>
<p style="text-align: right;">Page 95</p> <p>1 personal experience in that regard, as to how much 2 longer it would take you based on where you were 3 at Cole's birth at 3:30? 4 A. Well, with Jane it took me a few hours 5 to go from eight to baby. But with Cole, I could 6 feel him coming so I thought he could -- would be 7 here in, like, 20 minutes. Because I know what it 8 feels like when a baby is about to come out of 9 you. 10 Q. Wasn't it your feeling on June 19, 2013 11 that Cole was not descending into your pelvis 12 easily? 13 A. Yes. 14 Q. You felt from your own experience, at 15 least as of that time, compared to your daughter, 16 that you were having a little more difficulty 17 having him descend, fair? 18 A. No. 19 Q. No? 20 A. I didn't think it was difficulty. 21 Q. Okay. You said in one of the emails 22 that you could tell that Cole was not descending 23 into your pelvis easily and that you understood a 24 c-section may have been necessary eventually? 25 A. Yes.</p>	<p style="text-align: right;">Page 97</p> <p>1 Sosa or Ms. LoPresti as of about 3:30 as to how 2 much longer they thought that it would take for 3 you to deliver vaginally, if you even could 4 deliver vaginally? 5 A. No. 6 Q. Have you ever had any discussions with 7 Ms. Sosa first, even subsequent to June 19, 2013, 8 as to her opinion as to how long it would have 9 taken you to deliver vaginally, if you could 10 deliver vaginally, as of the time Dr. Rezvina 11 arrived? 12 A. No. 13 Q. Were you aware, prior to Dr. Rezvina 14 coming in, that she was the supervising physician 15 for Ms. Sosa that day? 16 A. No. 17 Q. Prior to Dr. Rezvina arriving, had you 18 asked for any pain relief? 19 A. No. Oh, I asked for something through 20 an IV. 21 Q. Prior to Dr. Rezvina arriving? 22 A. Yes. 23 Q. Do you recall what you asked for? 24 A. I just knew that there was something 25 you could put in an IV that made it not as</p>

<p style="text-align: right;">Page 98</p> <p>1 intense. And Jamie said no because the baby would 2 be here too soon and it might affect the baby. 3 Q. When Dr. Rezvina first came into the 4 room, did she offer you a pudendal block? 5 A. Yeah. 6 Q. What was your understanding, if you had 7 any at that time, as to what a pudendal block was? 8 A. It's a shot to your perineum, but that 9 was told to me by the doula. 10 Q. At that time or at some subsequent 11 time? 12 A. During -- while I was like, What is 13 that? 14 Q. Did you, at any point in time after Dr. 15 Rezvina first got in the room, ask for pain 16 relief? 17 A. Yes. 18 Q. Tell me -- I mean, I know you didn't 19 say can I have pain relief. What did you ask for? 20 Can I have a shot? Can I have a pain med? 21 A. I said can I have an epidural. 22 Q. And I want to break this down a little 23 bit. Dr. Rezvina, between the point in time she 24 first came in and the point in time you signed the 25 cesarean section, she was in and out of the room?</p>	<p style="text-align: right;">Page 100</p> <p>1 backwards on the bed. She was over here, like off 2 to one side (indicating). And I don't know who 3 she was talking to. 4 Q. Well, you knew -- you know who was in 5 the room, right? 6 A. Yes. 7 Q. So was it another medical provider? 8 A. I think it was another medical provider 9 because it wasn't Joe. 10 Q. So it would have had to be Nurse 11 LoPresti or Nurse Midwife Sosa? 12 A. Yes. 13 Q. No other medical providers were with 14 you during that time frame? 15 A. Honestly, I'm contracting every minute 16 at this point. I could have had the president in 17 the room and not noticed. 18 Q. I mean, at that point though you had 19 been there over six hours. Once there was a 20 change of shift, was Nurse LoPresti your only 21 labor and delivery nurse? 22 A. I don't know. 23 Q. Do you recall any other nurse, other 24 than Nurse LoPresti and Lisa Levitt that day, 25 prior to your delivery?</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Yes. 2 Q. If I could just focus in now for my 3 questions for the first time she came in the room 4 before she left. Okay? 5 A. Okay. 6 Q. During that first time she was in the 7 room, did you ask -- is it your recollection you 8 asked for an epidural? 9 A. No. 10 Q. During the first time she was in the 11 room, did you ever ask for any pain medications? 12 A. No. 13 Q. Is it your position that the first time 14 Dr. Rezvina was in the room, prior to performing 15 any examination on you and prior to looking at any 16 strips or anything, recommended a c-section? 17 A. She said I want to do a c-section. But 18 she wasn't talking to me. 19 Q. So the first time she comes in the 20 room, prior to examining you and prior to looking 21 at anything to your knowledge, you heard her say 22 "I want to do a c-section"? 23 A. Yes. 24 Q. Who did you hear her say that to? 25 A. I was facing the wall because I was</p>	<p style="text-align: right;">Page 101</p> <p>1 A. I don't know. I don't remember. 2 Q. Okay. Do you recall any other 3 midwives, other than Ms. Sosa, that day? 4 A. No. No, there were known. 5 Q. And when you were explaining to me the 6 discussions about the continuous monitoring at 7 eight centimeters and going intermittent every 15 8 minutes, were the only medical providers present 9 Nurse LoPresti and Nurse Sosa? 10 A. I don't know if Nurse LoPresti was 11 there, but Ms. Sosa was there. 12 Q. So you heard -- it's your recollection 13 that you heard Dr. Rezvina say, "I want to do a 14 c-section"? 15 A. Yes. 16 Q. And you don't recall to who, but you 17 are assuming it was to one or two medical 18 providers? 19 A. I mean, I don't want to assume but... 20 Q. Okay. You know it wasn't your husband? 21 A. No, he was with me. 22 Q. Was Jodi with you also, in your view? 23 A. She, I think, was over by the couches 24 closer to the doctor. 25 Q. Okay. You could see her?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. My eyes were closed a lot. 2 Q. I'm focusing on the exact moment that 3 you heard Dr. Rezvina say, "I want to do a 4 c-section," could you see Jodi? 5 A. I don't think so, no. 6 Q. At that point in time, so we are clear, 7 you did not have a monitor on? 8 A. At that exact moment -- 9 Q. That exact moment. 10 A. -- I don't recall. No, I think I had 11 been hooked up to the monitor by that time, 12 continuously. 13 Q. So it's your recollection when you 14 heard Dr. Rezvina say, "I want to do a c-section," 15 that you are now on continuous monitoring? 16 A. I think so. 17 Q. Did you go on continuous monitoring at 18 the recommendation of Dr. Rezvina? 19 A. I was told I had to be on continuous 20 monitoring. 21 Q. By Dr. Rezvina? 22 A. I don't remember. Somebody just put it 23 on me. 24 Q. And do you think that happened before 25 Dr. Rezvina came in?</p>	<p style="text-align: right;">Page 104</p> <p>1 c-section - without examining me, without 2 reviewing my son's heart tones, without any 3 further discussion as to any other options. She 4 told me to move from my hands and knees to my back 5 on the bed." 6 A. Yes. 7 Q. Is that still true? 8 A. Yes. 9 Q. When you are writing that in this 10 second paragraph, when she said I needed a 11 c-section, is that you documenting she telling you 12 that and making that recommendation to you? 13 A. No, she said it to somebody else. 14 That's when she was talking about c-sections. 15 Q. Okay. And as you know, lawyers hang on 16 words. 17 A. Yeah, I know. 18 Q. You had told me before you heard her 19 say, "I want to do a c-section"? 20 A. Yes. 21 Q. Are you using that synonymously with "I 22 needed a c-section"? 23 A. Yes. 24 Q. Do you remember which one it was that 25 you heard?</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No, it was after she came in. 2 Q. Okay. And again, I'm focusing on she 3 came in and out. Was it while she was in during 4 that first interaction or was it after that first 5 interaction when she walked out? If you don't 6 know, that's a very fair answer. 7 A. It was the first time she came. 8 Q. So during that first interaction the 9 external fetal monitor was put on you. And I 10 guess then left on you up until the point in time 11 you were brought into the operating room? 12 A. I think so. 13 Q. Did Dr. Rezvina, during that first 14 interaction with you, address you directly? 15 A. Yes. 16 Q. Did she examine you during that first 17 interaction? By exam, I mean do an internal exam. 18 A. Yes. 19 Q. Now, as I look at P-5, in that second 20 paragraph you state that after Dr. Rezvina offered 21 you the pudendal block she inquired about your 22 obstetric history with your daughter Jane, right? 23 A. Yes. 24 Q. And then she says at that -- you then 25 state "it was at that time she said I needed a</p>	<p style="text-align: right;">Page 105</p> <p>1 A. I just heard something c-section. 2 Q. That's fair. I'm just trying to get 3 the timeline from your perspective as to what you 4 remember. I know this is difficult. If you need 5 a break for any reason, let us know. Okay? 6 A. No, I'm good. 7 Q. You then said she did an exam? 8 A. Yes. 9 Q. This was after you overheard her make 10 the comment about c-section? 11 A. Yes. 12 Q. Did you address that comment with her? 13 A. No. Not with her, no. 14 Q. And I mean at that time, as she is 15 going -- as she is getting you back in bed and 16 saying, hey, I want to do an exam now; did you 17 say, Hey, what did you mean I need a c-section? 18 A. I couldn't really talk that well during 19 contractions. 20 Q. What do you recall her saying about the 21 exam? 22 A. She said she is not even complete and 23 stood up. 24 Q. Okay. Was it your understanding at 25 that time you were nine centimeters, at least from</p>

<p style="text-align: right;">Page 106</p> <p>1 the last exam? 2 A. It was my understanding that I was 3 nine, almost ten. 4 Q. When was the last time you were 5 examined? 6 A. I don't recall. Right when I started 7 pushing. 8 Q. Did Dr. Rezvina examine your belly such 9 as to perform an estimate as to the weight of your 10 son? 11 A. No. 12 Q. When you say she then got up, did she 13 have any other conversation with you? 14 A. She went somewhere out of my field of 15 vision. 16 Q. Okay. 17 A. And then I was having contractions and 18 was trying to get through them, so my eyes were 19 closed a lot. 20 Q. Okay. Did she have any other 21 discussions with you before she left the room for 22 the first time? 23 A. Yes. 24 Q. What did she tell you? 25 A. That was when she sat on the bed and</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. So the only comment about c-section 2 during interaction number one, for lack of a 3 better term, was what you overheard her say to 4 someone else in the room? 5 A. Yes. 6 Q. After she left the room, did you 7 address that comment with either Jamie or Ms. 8 LoPresti or anybody else? 9 A. No. 10 Q. At this point you do have a monitor on 11 you? 12 A. I think so. 13 Q. Okay. You make a comment on P-5 about 14 her performing an exam on you. 15 A. What do you mean? 16 Q. I'm looking at the second paragraph and 17 the third paragraph, it doesn't look like you talk 18 about her performing an exam. You are just talk 19 about her without examining you saying she -- 20 saying you needed c-section. 21 A. Nope. Is there a question? 22 Q. I'm asking if I am missing it or -- 23 A. No, it's not there. 24 MR. PFEFFER: Your question is it's not 25 in those two paragraphs, right?</p>
<p style="text-align: right;">Page 107</p> <p>1 said, I'm trying to help you and you are not 2 letting me help. And I don't remember, like, 3 exact words, but that was when she said that. And 4 then she kept talking. And then I had started to 5 contract and I said, Give me a minute. I need to 6 get through this. And that was when she stood up 7 and said, American women always want their way, 8 and left. 9 Q. This was all interaction number one, 10 for lack of a better word, the first time she is 11 in the room before she leaves the first time? 12 A. I think -- maybe she didn't say the 13 American comment at that time. She left, yes, 14 that was the first time. 15 Q. The "I'm trying to help you," she is 16 sitting on the side of the bed? 17 A. Yes. 18 Q. After the exam? 19 A. Yes. 20 Q. Did she, during that first interaction 21 before you asked for a moment when you were in a 22 contraction, ever tell you that I think you need a 23 c-section, I am recommending a c-section, any 24 words to that effect? 25 A. No.</p>	<p style="text-align: right;">Page 109</p> <p>1 BY MR. TALVACCHIA: 2 Q. Or is it anywhere in your initial email 3 to Dr. Korzeniowski and Bravoco? I don't see it. 4 Maybe I'm missing it. 5 A. Yes, it is. It's on the second page. 6 Q. Which paragraph? I'm sorry. 7 A. The bottom of the first paragraph. 8 Q. That's at interaction number two 9 though, right? 10 A. Yes. 11 Q. So at least as you wrote this five days 12 after birth, it was your recollection that Dr. 13 Rezvina, the first time she came in the room, 14 never examined you and then left? 15 A. Yes. 16 Q. As you sit here today, do you think 17 that's not true, that she did examine you the 18 first time, or you are just not sure? 19 A. I'm not sure. And I think this is 20 probably closer to correct. 21 Q. Okay. 22 A. P-5 is closer. 23 Q. Referring to your June 24th email? 24 A. Right. 25 Q. When she came back in the second time,</p>

<p style="text-align: right;">Page 110</p> <p>1 did she then recommend the cesarean section to 2 you? 3 A. I wouldn't call it recommending, but 4 she started talking about c-sections, yes. 5 Q. Did Dr. Rezvina, upon returning to your 6 room the second time, tell you that she thought 7 you needed a cesarean section? 8 A. No, she did not say that. 9 Q. Did Dr. Rezvina, the second time she 10 came into the room, thought that it was medically 11 necessary that you consent to the c-section? 12 A. I don't know what she thought. 13 Q. Did Dr. Rezvina tell you, the second 14 time she came in the room, that she was concerned 15 for your son's health due to late decelerations on 16 the fetal monitoring strip and, therefore, you 17 should have a cesarean section? 18 A. She did not tell me that. 19 Q. Did Dr. Rezvina -- is it your testimony 20 Dr. Rezvina at no point told you that your son was 21 having late decelerations? 22 A. Yes. 23 Q. Without using those words "late 24 decelerations," is it your testimony that Dr. 25 Rezvina at no point in time told you that she was</p>	<p style="text-align: right;">Page 112</p> <p>1 A. No, no way. 2 Q. So she just said that sentence, If you 3 don't consent you don't care if your baby died or 4 brain damage, without explaining why she thought 5 that to be true or what her concern was? 6 A. Yes. 7 Q. Did Dr. Rezvina ever discuss with you 8 that one of her concerns was since you were only 9 on intermittent monitoring previous she couldn't 10 ascertain the reserve of Cole to handle these -- 11 this distress? 12 A. No, she never explained that. 13 Q. Did you have any explanation or 14 discussion with either Dr. Rezvina or any other 15 medical provider on June 19, 2013, Ms. Sosa and 16 Ms. LoPresti or anyone else explain to you that 17 the fetal monitoring strips showed reduced oxygen 18 supply to your son? 19 A. No. 20 Q. When you look at P-5, going on to page 21 2, that would be your recollection as to what 22 happened in the second interaction, the second 23 time she came in; is that fair? 24 A. Yes. 25 Q. When you go into the next paragraph,</p>
<p style="text-align: right;">Page 111</p> <p>1 concerned for your son's well-being because of the 2 monitoring strips? 3 A. She did not say anything about the 4 monitoring strips. 5 Q. Did -- is it your -- did Dr. Rezvina, 6 from your recollection, tell you anything that 7 made you think she was concerned for your son's 8 well-being? 9 A. No. 10 Q. Did Dr. Rezvina tell you that she was 11 concerned that your son, if you continued to try 12 to deliver vaginally, might have brain damage? 13 A. She didn't use those words. 14 Q. Did Dr. Rezvina tell you, when she came 15 back in the second time, that she was concerned 16 that your son may have neurologic injury? 17 A. She did not use those words, so no. 18 Q. Did Dr. Rezvina use any words that made 19 you think that there was a concern over the 20 well-being of your son? 21 A. She said that if I did not consent to a 22 c-section that meant I didn't care if my baby died 23 or was brain damaged. 24 Q. And you don't recall her saying or 25 explaining that in any way?</p>	<p style="text-align: right;">Page 113</p> <p>1 which says she returned with the consent form, are 2 you now speaking about another interaction where 3 she left the room and came back in? 4 A. She left the room twice, I think. 5 Q. So -- 6 A. This would be the third time. 7 Q. Where we talk about she returned with 8 the consent form? 9 A. Yes. 10 Q. You do say in the second paragraph, 11 "For each of those contractions the heart monitor 12 showed a late deceleration. Jamie asked the nurse 13 to start IV fluids and I was given oxygen." 14 A. Yes. 15 Q. Is that something you became aware of 16 after the birth of your son, that they showed late 17 decelerations? 18 A. Yes. 19 Q. As Jamie was giving you oxygen and 20 starting IV fluids, did she explain to you why she 21 was doing that? 22 A. No. 23 Q. Did you ask? 24 A. No. 25 Q. Did you ask Ms. Green as to why are</p>

<p style="text-align: right;">Page 114</p> <p>1 they doing this? 2 A. No. They just handed me an oxygen 3 mask. I didn't know about the IV fluids being 4 opened until after because it was already in. 5 Q. Okay. So is that something that was 6 explained to you by Dr. Bravoco and/or Ms. Melle 7 afterwards, the three late decelerations that you 8 put in that photograph? 9 A. Actually, no, Jamie was the one that 10 explained it. Not Jamie, Donna explained it the 11 next day. 12 Q. Okay. Donna Melle, M-E-L-L-E. How do 13 you say it? 14 A. Melle. 15 Q. Melle. Thanks. At what point in time, 16 from your recollection, did you request an 17 epidural? 18 A. When I realized a lot of things were 19 going on that I needed to be able to focus on. 20 Q. Was it before Dr. Rezvina came back in 21 with the consent? 22 A. It was during. 23 Q. So I can't think of a better way to say 24 this, interaction number three? 25 A. I don't recall. She was there.</p>	<p style="text-align: right;">Page 116</p> <p>1 son, even on an intermittent basis, could lead to 2 brain and/or neurologic damage? 3 A. I know that can happen to babies. But 4 I don't know anything about specifically with 5 regard to Cole. 6 Q. Okay. During these interactions with 7 Dr. Rezvina, specifically the second and third 8 interaction, were you still contracting and 9 pushing? 10 A. I was contracting, but at that point -- 11 I was pushing for part of it, and then at that 12 point I think my body just shut down because I had 13 to -- I was so scared. 14 Q. So at least for part of the time that 15 Dr. Rezvina was there, it's your recollection that 16 you were still pushing and trying to deliver 17 vaginally? 18 A. No, my body was pushing. You can't 19 control it. 20 Q. Were you verbally saying, "I can still 21 do this"? 22 A. Yes. 23 Q. Were you being encouraged by your 24 husband and Jodi, even when Dr. Rezvina was there, 25 to try and deliver vaginally?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Okay. So whenever you recall 2 requesting the epidural you recall Dr. Rezvina 3 being there? 4 A. Yes. 5 Q. Can you eliminate interaction number 6 one with Dr. Rezvina and say I know for sure I 7 didn't request the epidural the first time she 8 came in? 9 A. Yes, I know for sure it wasn't then. 10 Q. Okay, that's fair. Do you recall Dr. 11 Rezvina explaining to you, upon hearing that 12 request, either the second or third interaction, 13 that a spinal anesthesia would be better if you 14 needed a c-section? 15 A. That's not what she said. 16 Q. What did she say about anesthesia 17 and/or the epidural? 18 A. I asked Jamie if I could have an 19 epidural and Jamie said yes. And Dr. Rezvina said 20 no because you are getting a c-section. 21 Q. Do you recall whether your request for 22 the epidural was after you had the oxygen? 23 A. I don't recall. 24 Q. Did you have any understanding, on June 25 19, 2013, that a continued lack of oxygen to your</p>	<p style="text-align: right;">Page 117</p> <p>1 A. I don't think Jodi was -- she wasn't 2 really talking to me as much. But I don't think 3 Joe was verbalizing anything either. He was as 4 scared as I was. 5 Q. Were there discussions -- strike that. 6 At what point in time, to your recollection, were 7 there discussions by Dr. Rezvina with you about 8 having legal people come in or legal papers to 9 sign? 10 A. When she came and put something in 11 front of my face and said you have to sign this or 12 else the legal people -- I'll call the legal 13 people who will make you sign. 14 Q. Are you referring to when she returned 15 with the consent form for the cesarean section? 16 I'm referring to P-5 on the second page, first 17 full paragraph. 18 A. Yes. 19 Q. So it's your recollection that when she 20 showed you the consent form, which we marked, for 21 the cesarean section, that she told you that if 22 you didn't sign this consent form she would be 23 calling legal people? 24 A. I don't think she said -- I don't know 25 what she had in her hand because I didn't see it.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. Okay.</p> <p>2 A. But something was in her hand. And she</p> <p>3 said if I didn't sign a consent, then the legal</p> <p>4 people would come make me sign.</p> <p>5 Q. It was your understanding that what she</p> <p>6 wanted you to do is have a cesarean section?</p> <p>7 A. Yes.</p> <p>8 Q. Did she have a discussion with you</p> <p>9 about calling a hospital representative?</p> <p>10 A. No.</p> <p>11 Q. Did you understand that on June 19,</p> <p>12 2013 that Dr. Rezvina had an obligation to ensure</p> <p>13 the health of your baby?</p> <p>14 A. No.</p> <p>15 Q. Did Dr. Rezvina explain that to you,</p> <p>16 when you taped her in the office August 2, 2013,</p> <p>17 that that was one of her obligations to your son</p> <p>18 and you?</p> <p>19 A. She explained that she believed that</p> <p>20 that's her obligation.</p> <p>21 Q. I'm going to play you a clip from that</p> <p>22 and ask you a question.</p> <p>23 MR. TALVACCHIA: If we can play clip</p> <p>24 two. It's page 4 line 14 through 25, going</p> <p>25 into page 5 through line 14.</p>	<p style="text-align: right;">Page 120</p> <p>1 have a patient agree and you know that if she</p> <p>2 can sacrifice her life but the baby needs to</p> <p>3 be saved, that is when you call a court. And</p> <p>4 then the court, whoever is the presiding</p> <p>5 judge, they are going to decide with regard</p> <p>6 to the situation.</p> <p>7 (AUDIOTAPE ENDED)</p> <p>8 BY MR. TALVACCHIA:</p> <p>9 Q. Was that Dr. Rezvina's voice? Can you</p> <p>10 identify that?</p> <p>11 A. Yes.</p> <p>12 Q. And do you recall her telling you that</p> <p>13 during the audiotape you made on August 2, 2013?</p> <p>14 A. Yes.</p> <p>15 Q. And was she explaining to you that</p> <p>16 based upon her medical training and in her</p> <p>17 judgment when she believed the woman needed a</p> <p>18 c-section and she was concerned about the welfare</p> <p>19 of the child, that's when she had to get -- follow</p> <p>20 the chain of command and get hospital</p> <p>21 representatives involved; is that what she was</p> <p>22 explaining to you?</p> <p>23 A. Yes.</p> <p>24 Q. Going back to your email, P-5. Is it</p> <p>25 your position -- I want to understand what your</p>
<p style="text-align: right;">Page 119</p> <p>1 (AUDIOTAPE STARTED)</p> <p>2 When you have to take the board exam,</p> <p>3 and maybe you are familiar with that, what</p> <p>4 the board exam is like you have to take the</p> <p>5 bar exam, for instance, it's an oral exam.</p> <p>6 You have three people who are the special</p> <p>7 people. They are in the Board Of</p> <p>8 Obstetricians And Gynecology. And they are</p> <p>9 testing you to see whether or not you are</p> <p>10 qualified to be board certified. They gave</p> <p>11 you all kinds of different case scenarios.</p> <p>12 And the one of them which, again, it's a</p> <p>13 hypothetical scenario, but very real that it</p> <p>14 happens. And that's where they tell you,</p> <p>15 Okay, well, do you tell the woman that she</p> <p>16 needs to have a c-section and she absolutely</p> <p>17 does not want to do that, and what are you</p> <p>18 going to do. And the way how we are taught</p> <p>19 and the way how -- that's where we would say,</p> <p>20 What do we do? And they say, Well, you call</p> <p>21 the people -- you follow the chain of</p> <p>22 command. The fetus has the right already to</p> <p>23 have to be born and not to have any problems.</p> <p>24 And the way how it's all presented to us in</p> <p>25 my training was, if you absolutely cannot</p>	<p style="text-align: right;">Page 121</p> <p>1 understanding was. Is it your position that Dr.</p> <p>2 Rezvina recommended the cesarean section and came</p> <p>3 in with a consent form prior to even seeing the</p> <p>4 late decelerations, which are documented in the</p> <p>5 medical record beginning at about 3:45?</p> <p>6 A. No, I think she had seen them by then.</p> <p>7 Q. And "by then," meaning before she came</p> <p>8 in with the consent form?</p> <p>9 A. Yes.</p> <p>10 Q. But not by the time you heard her say</p> <p>11 she needs to or I want to do a c-section?</p> <p>12 A. Correct.</p> <p>13 Q. Did you request a second opinion at any</p> <p>14 point prior to having the c-section?</p> <p>15 A. I said I want another doctor.</p> <p>16 Q. Okay. That's not in your June 24th</p> <p>17 email, the second opinion?</p> <p>18 A. No.</p> <p>19 Q. Let me show you what we are going to</p> <p>20 mark as P-6 for identification. It's a three-page</p> <p>21 document. I will show it to you in one second.</p> <p>22 (Exhibit P-6, Complaint to Board of</p> <p>23 Medical Examiners, marked for identification,</p> <p>24 as of this date.)</p> <p>25 BY MR. TALVACCHIA:</p>

<p style="text-align: right;">Page 122</p> <p>1 Q. Is that copy of a complaint that you 2 filed with the Board of Medical Examiners? 3 A. Yes. 4 Q. And was that submitted September 16th, 5 I believe? 6 A. 18th. 7 Q. 18th, thank you. In that complaint, 8 looking at the summary, do you make any mention of 9 the second opinion being given by Dr. Bravoco? 10 A. No. 11 Q. On June 19th, when you are in the labor 12 and delivery suite, did you speak to Dr. Bravoco? 13 A. No. 14 Q. Was it your husband who spoke to him? 15 A. I think so. 16 Q. Have you discussed with your husband 17 what Dr. Bravoco told him on that day? 18 A. I don't know exactly what Dr. Bravoco 19 told him. 20 Q. Understanding you weren't present in 21 the conversation, did you speak about what Dr. 22 Bravoco told your husband with your husband? What 23 did your husband tell you about the conversation? 24 A. He said -- he was on the phone and 25 said -- he just looked at me and said -- he</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. -- you just knew that was a doctor, you 2 didn't know which doctor? 3 A. I didn't know who. 4 Q. Okay. But you knew it with a doctor or 5 you assumed it was a doctor? 6 A. I had no idea. 7 Q. Okay. And it's your testimony that Dr. 8 Bravoco never told you, when he saw you in the 9 hospital after the birth of your son, that he was 10 the one who was on the phone? 11 A. I don't recall. 12 Q. Have you become aware that Dr. Bravoco 13 reviewed your medical records prior to calling 14 your husband? 15 A. I have become aware since then, yes. 16 Q. Have you become aware that he was able 17 to remotely look at all your records from his Mays 18 Landing office? 19 A. What do you mean by "records," my 20 entire file or the just the hard trace? 21 Q. Your entire electronic admission record 22 at Shore Memorial Hospital for your labor and 23 delivery, including all of your fetal monitoring 24 strips. 25 A. Yes, I since have become aware of that.</p>
<p style="text-align: right;">Page 123</p> <p>1 said -- I didn't know who was on the phone. And 2 Joe said, They said c-section is an option. 3 Q. That's what your husband said on June 4 19th? 5 A. That's what he said -- that's what Joe 6 said to me. 7 Q. Did you ever discuss with your husband 8 what exactly Dr. Bravoco told him during that 9 conversation? 10 A. No, I don't think so. 11 Q. You yourself had an opportunity to 12 speak with Dr. Bravoco while you were still in the 13 hospital before June 22nd? 14 A. Yes. 15 Q. Did you ever discuss with Dr. Bravoco 16 what information he had with him when he was 17 consulted about what to do in regard to your care? 18 A. I didn't know he had been consulted at 19 that point. 20 Q. Okay. 21 A. Because I never knew who was on the 22 phone. 23 Q. Okay. So when Joe said they are saying 24 c-section is an option -- 25 A. Yeah.</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. Have you seen the affidavit that Dr. 2 Bravoco executed indicating that, based upon his 3 review of all of your fetal monitoring strips and 4 the fact that they were nonreassuring, in his 5 opinion that he agreed with the recommendation for 6 an emergency c-section? 7 A. Yes. 8 Q. After your husband spoke to Dr. 9 Bravoco, did you inform Nurse LoPresti that you 10 were agreeing to a cesarean section? 11 A. I did. 12 Q. Was Dr. Rezvina in the room at that 13 point? 14 A. I don't know. 15 Q. At the point in time she came back in 16 the room with the consent form, at some point in 17 time you then ended up signing it? 18 A. Yes. 19 Q. Would it be fair to say, as we are 20 putting together this timeline, it was after your 21 husband spoke to Dr. Bravoco? 22 A. Yes, it was after he spoke to someone. 23 Now we know it was Dr. Bravoco. 24 Q. That's fair. After he was on the phone 25 with someone and he said he thinks the c-section</p>

<p style="text-align: right;">Page 126</p> <p>1 is an option, you then advised Ms. LoPresti that 2 you agreed to have a c-section, and you don't know 3 where Dr. Rezvina was at that time, true? 4 A. I don't think I ever actually said I 5 agree to have a c-section. I think I just gave 6 up. 7 Q. What words did you use? 8 A. I think I just said, Okay. 9 Q. You were then brought in for the 10 cesarean section, true? 11 A. Yes. 12 Q. Do you need a break? 13 A. No. I just want to do this. 14 Q. I want to try and get you out. I think 15 we are doing okay. 16 You mentioned something in your letter 17 about double layer sutures. I have to ask you a 18 question or two about that. 19 A. That's okay, yeah. 20 Q. You state in your letter, I think it's 21 P-5, that when you were brought in you requested 22 that double layer of sutures, true? 23 A. Yes. 24 Q. Would that have been something you 25 requested, I guess, initially before she even</p>	<p style="text-align: right;">Page 128</p> <p>1 doing, fair? 2 A. Yes. 3 Q. And you admitted in one of the 4 correspondence you were wrong with the terminology 5 you used or you became aware that you were wrong 6 with the terminology about requesting a double 7 layer of sutures or stitches, right? 8 A. Yes. I mean, I was about to be 9 operated on, I was little freaked out. 10 Q. Understood. But you admit that 11 whatever you said didn't really make -- 12 retrospectively didn't make medical sense? 13 A. No. She said -- subsequent I learned 14 that they always do a double layer of stitches. 15 Q. Okay. Or they always close the uterus 16 in two layers? 17 A. Yes. 18 Q. So at least in terms of the 19 terminology, you being a layperson, it wasn't the 20 terminology that physicians would use; is that 21 fair? 22 A. Correct. Yes. 23 Q. When Dr. Rezvina -- if you were told 24 that the uterus would be closed in two layers, as 25 a layperson, even with your experience looking at</p>
<p style="text-align: right;">Page 127</p> <p>1 delivered your son? 2 A. Yes. It was while they were putting 3 the drape up. 4 Q. Okay. And correct me if I'm wrong, but 5 I believe you stated in your letter it was your 6 understanding that a double layer of stitches or 7 sutures were part of the criteria for a VBAC? 8 A. Yes. 9 Q. And a VBAC -- 10 A. Vaginal birth after cesarean. 11 Q. Thank you. Is that something you had 12 researched prior to June 19, 2013, for you to have 13 that knowledge or information base? 14 A. I just remember -- yes. I was like, 15 okay, Lindsay, if you end up in the operating room 16 ask for a double layer of stitches. Because one 17 of my friends did not have that and had to have 18 all three of her kids by cesarean. 19 Q. So would it be fair to say then, you 20 knew even before you went into the hospital on 21 June 19th that a cesarean section was an option? 22 A. Yes. 23 Q. And that whether a cesarean section 24 would be necessary or not would be dependent on 25 how the labor progressed and how your son was</p>	<p style="text-align: right;">Page 129</p> <p>1 medical records, that really wouldn't mean 2 anything to you? 3 A. No, it means something to me as 4 somebody who delivered two babies. 5 Q. I didn't mean that. I mean didn't mean 6 anything to you because you wouldn't have known 7 what it meant without researching and having it 8 explained to you. Your basic knowledge, as of 9 June 19th, wouldn't have told you that closing the 10 uterus in two layers was something important? 11 A. No, I already knew that. 12 Q. Okay. You just had the terminology 13 wrong? 14 A. I just had the terminology wrong. 15 Q. You made a comment about evening plans 16 of the surgeon -- of the surgeons. 17 A. Is there a question? 18 Q. Sure. Did you make a comment in 19 various correspondence and emails about whether 20 Dr. Rezvina had evening plans? 21 A. All I heard was them talking about 22 something going on that night. 23 Q. Did you think Dr. Rezvina was 24 recommending a c-section because she had somewhere 25 to go?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. I think that might have been part of 2 it. 3 Q. Have you subsequently seen 4 documentation that Dr. Rezvina was on-call and 5 actually in the hospital the entire night into the 6 next morning? 7 A. She was on-call starting 10 p.m. that 8 night, yes. 9 Q. Are you aware that she was on-call 10 straight through from 5:00 until 8 a.m. that 11 morning? She delivered someone else at 10 p.m., 12 but that she was on-call and physically present 13 the entire time thereafter, she had to be present 14 there; are you aware of that? 15 A. I have since become aware of that. If 16 that's what you are telling me, I don't know. 17 Q. I know you have been looking at 18 documents through the course of discovery. Did 19 you see the on-call schedule for Somers Manor 20 OB/GYN? 21 A. Yes. 22 Q. It was attached to Dr. Bravoco's 23 affidavit? 24 A. I think so. 25 Q. Okay, that's fine. There's a comment</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Yes. 2 Q. Had she had children delivered by 3 Dr. Rezvina? 4 A. Dr. Rezvina did not deliver her son, 5 but she was there when she was in labor. 6 Q. Was this before or after your birth 7 with Cole? 8 A. Before. 9 Q. And did Ms. Vazquez indicate to you, 10 prior to your birth with Cole, that she had any 11 issues with her delivery or any of the 12 practitioners? 13 A. Yes. 14 Q. What did she tell you about that? 15 A. She said while she was in labor with 16 her son, Dr. Rezvina came in and said, I'm going 17 to check you, and if you are not at least five 18 centimeters I'm taking you back for a c-section. 19 Q. Was she greater than five centimeters? 20 A. She was eight. 21 Q. So did Dr. Rezvina recommend a 22 c-section? 23 A. She left. I don't think Erica ever saw 24 her again. 25 Q. And did she go on to deliver vaginally?</p>
<p style="text-align: right;">Page 131</p> <p>1 in one of your emails about knowing of other 2 mothers who have had similar experience to Dr. 3 Rezvina. 4 A. Yes. 5 Q. To whom were you speaking of as of the 6 June 24th correspondence? 7 A. My sister-in-law. 8 Q. Is that the one you told me about 9 earlier who was switching practices? 10 A. No, different sister-in-law. 11 Q. Who? 12 A. Erica Vazquez. 13 Q. I was going to ask you about 14 Ms. Vazquez. She is listed as a witness in your 15 interrogatory answers? 16 A. Yes. 17 Q. How are you related to her? 18 A. She is my husband's sister. 19 Q. What was her husband's name? 20 A. Michael. 21 Q. Had she been a member of the practice 22 of Somers Manor? 23 A. She was a patient there. 24 Q. Patient of the practice. Had she had 25 children delivered by that practice?</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Yes. 2 Q. And did her child have any problems? 3 A. No. 4 Q. Anyone else that you are speaking of, 5 when you made the comment in your email, who was 6 dissatisfied or had similar experiences? 7 A. No. 8 Q. Prior to the birth of your son Cole, 9 had you voiced any dissatisfaction with 10 Dr. Rezvina's care with any other member of Somers 11 Manor? 12 A. Uhhh, yes. 13 Q. Who? 14 A. I think it was Jamie. 15 Q. Okay. When? 16 A. When I asked for a midwife to deliver 17 my second child. 18 Q. Okay. 19 A. I don't know the date. 20 Q. Okay. I believe from the record you 21 saw Jamie your initial prenatal visit, does that 22 mesh with your recollection? 23 A. I have no idea. 24 Q. What did you say to Jamie Sosa at some 25 point during your prenatal visits for Cole about</p>

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1 Dr. Rezvina?
2 A. I said she was just weird during the
3 delivery of Jane. And I would really prefer a
4 midwife because I like the midwives better.
5 Q. Was that the only medical provider who
6 you voiced any dissatisfaction or concern with
7 Dr. Rezvina prior to Cole being born?
8 A. Yes.
9 Q. Have you posted on any social media
10 site any complaint or dissatisfaction with
11 Dr. Rezvina's care?
12 A. I don't think I named her.
13 Q. By social media site, Facebook,
14 Twitter, Instagram. Have you posted anything
15 naming her or Somers Manor, or Dr. Korzeniowski,
16 or Dr. Bravoco?
17 A. No.
18 Q. Based on your last answer, have you
19 posted on any social media site, the same ones I
20 listed, any complaints about your delivery without
21 mentioning any providers by name?
22 A. I wouldn't say it was a complaint about
23 my delivery exactly. There are social media --
24 there are organizations that are centered around
25 fighting this kind of abuse.

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1 Q. What organizations are you speaking of?
2 A. Improvingbirth.org; Human Rights in
3 Child Birth, ICAN, the International Cesarean
4 Awareness Network. I think that's the only ones
5 that I have contacted.
6 Q. I'm sorry, what was the second one?
7 A. Human Rights in Child Birth.
8 Q. Thank you. Those three organizations,
9 are there memberships for it and are you a member?
10 A. It's not really a membership type of
11 thing. It's more like resources.
12 Q. Okay. From your answer, are there ways
13 you can post about experiences you have had on any
14 of these sites?
15 A. There is a Facebook group, but I don't
16 think that's really the purpose as to post your
17 personal story.
18 Q. Okay. Have you commented on your
19 experience through any of these sites?
20 A. Not really.
21 Q. Have you utilized these sites
22 subsequent to the birth of Cole?
23 A. Yes.
24 Q. Had you ever utilized them or were
25 aware of them before the birth of Cole?

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1 A. No.
2 Q. And what do you utilize them for?
3 A. Validation. It's nice -- since this
4 happened I have become very aware that this sort
5 of treatment of laboring women or pregnant women
6 is not as uncommon as it should be.
7 Q. Are you doing something with Shore
8 Memorial Hospital in that regard?
9 A. I contacted about a year ago -- no, not
10 currently. I never heard back from them. I
11 contacted, I think I explained what was going on
12 to one of the people there, Ed Quigley. And he
13 said he would talk to the, I think, director of
14 maternity, and I never heard back.
15 Q. Okay. I thought I saw a mention in
16 some note that you were contacting Shore Memorial
17 Hospital about improving the maternity experience.
18 And I may be --
19 A. I think that's what I'm talking about,
20 yeah.
21 Q. I'm paraphrasing. It may not have been
22 stated that way but, okay.
23 Your son Cole has now health issues at
24 all?
25 A. Nope.

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1 Q. You state in your email, P-5, June
2 24th, "I have perspective, I have a beautiful
3 healthy son." Is that still true?
4 A. What do you mean? Yes, he's beautiful
5 and healthy.
6 Q. It was one statement. "I have
7 perspective," comma, "I have a beautiful healthy
8 son." Is that statement true, or do you feel
9 differently?
10 A. My perspective has changed.
11 Q. How so, from when you wrote that?
12 A. Well, I thought, well, the only thing
13 that matters is that I'm okay and Cole is okay.
14 Then I came to realize I'm not okay and I matter
15 too.
16 Q. Do you need a break?
17 A. No.
18 Q. You state on page 3 of P-5, last
19 paragraph, the sentence states that you wrote
20 "Medical advancements like cesarean sections are
21 wonderful tools that have saved lives, and I
22 understand that, maybe, a c-section rather than
23 resuscitative measures would have been the only
24 option for safely getting my son here."
25 A. I know what you are talking about.

<p style="text-align: right;">Page 138</p> <p>1 Q. Okay. What did you mean by "rather 2 than resuscitative measures"?</p> <p>3 A. Donna Melle said, when she came to my 4 hospital room after, she said sometimes we can do 5 c-section or we can do resuscitative measures, 6 like oxygen and IV.</p> <p>7 Q. Okay.</p> <p>8 MR. TALVACCHIA: What's the next 9 exhibit? P-7 and P-8, these are just emails 10 to and from you and Dr. Korzeniowski. I'll 11 ask you to identify.</p> <p>12 (Exhibit P-7, June 25, 2013 email, 13 marked for identification, as of this date.)</p> <p>14 (Exhibit P-8, June 26, 2013 email, 15 marked for identification, as of this date.)</p> <p>16 BY MR. TALVACCHIA:</p> <p>17 Q. Do you have, in front of you, P-7?</p> <p>18 A. Yes.</p> <p>19 Q. Is that an email or does that document 20 show emails from you to Dr. Korzeniowski and Dr. 21 Korzeniowski back?</p> <p>22 A. Yes.</p> <p>23 Q. And is that in regard to the June 24th 24 email?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 140</p> <p>1 said she was sorry. And it's just that Dr. 2 Rezvina was so intervention friendly or something 3 like that. And then I got her a tissue.</p> <p>4 Q. Any other discussions with her after 5 that day?</p> <p>6 A. I think she was just there to check my 7 incision, so then she did that.</p> <p>8 Q. Any other discussions while you were 9 with her in the hospital?</p> <p>10 A. No.</p> <p>11 Q. Any other discussions with any other 12 members from Somers Manor, while you were in the 13 hospital?</p> <p>14 A. While I was in the hospital, I don't 15 think so, no.</p> <p>16 Q. Your first contact with 17 Dr. Korzeniowski was, how; was it that email or 18 was it a phone call that led to the email?</p> <p>19 A. I think it was the email.</p> <p>20 Q. Did you speak to Jamie Sosa again in 21 the postpartum time frame, that next month or so?</p> <p>22 A. No.</p> <p>23 Q. When was the next time you spoke to 24 Jamie Sosa about your delivery?</p> <p>25 A. When I was trying to get in touch with</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. You just wanted to make sure he got it, 2 and he's letting you know he got it?</p> <p>3 A. Yeah.</p> <p>4 Q. The next document, can you identify for 5 me?</p> <p>6 A. Yes.</p> <p>7 Q. What does that show?</p> <p>8 A. My response to him after he said he got 9 my email, I think.</p> <p>10 Q. Okay. Other than while you are in the 11 hospital subsequent to the birth of Cole, other 12 than Dr. Bravoco and Donna Melle, did you speak to 13 any other providers from Somers Manor?</p> <p>14 A. Yes.</p> <p>15 Q. Who?</p> <p>16 A. Jamie.</p> <p>17 Q. Tell me about your discussion with 18 Jamie in the hospital.</p> <p>19 A. Jamie came to my room, and I asked what 20 had just happened. This is probably the next day.</p> <p>21 Q. Okay.</p> <p>22 A. I asked why was Rezvina even there. 23 And that's when she told me that she needed to be 24 supervised by a doctor because she is a newer 25 midwife. And then she started to cry. And she</p>	<p style="text-align: right;">Page 141</p> <p>1 her about being a witness.</p> <p>2 Q. So after the lawsuit was filed?</p> <p>3 A. Yes.</p> <p>4 Q. So sometime in the fall?</p> <p>5 A. Yes.</p> <p>6 Q. And did you actually speak to her?</p> <p>7 A. Yes.</p> <p>8 Q. Did you meet her in person or just 9 speak to her?</p> <p>10 A. Just spoke to her on the phone.</p> <p>11 Q. How many times?</p> <p>12 A. I think twice.</p> <p>13 Q. Okay. And did you correspond with her 14 via email as well, send her some documents I 15 believe?</p> <p>16 A. I sent her documents, but I never got 17 anything back.</p> <p>18 Q. And the email correspondence, I think 19 your attorney provided just was pretty much, Here 20 are the interrogatory answers or whatever; is that 21 your recollection?</p> <p>22 A. I think so. I don't remember.</p> <p>23 Q. Tell me about each of the conversations 24 you had with her. What did you tell her? What do 25 you recall her telling you back?</p>

<p style="text-align: right;">Page 142</p> <p>1 A. I said to her -- I called her up and I 2 said to her -- I was like, Jamie, there is no 3 really delicate way to put this, but I filed a 4 lawsuit for what happened during Cole's birth, and 5 she said okay. I said, I don't know what we are 6 going to need from you or what's going to happen. 7 She said I'll -- she said, I don't work there 8 anymore, so I'll do a statement or do whatever you 9 need me to do. And I said, Okay, thanks. And 10 that was it. 11 Q. When you looked for her -- I guess you 12 called her at the office -- at her office? 13 A. Yes. 14 Q. You never -- at least initially you 15 didn't have her cellphone or anything? 16 A. No. 17 Q. You knew she was working at 18 Dr. Bergen's office for AtlantiCare? 19 A. I think Jodi, the doula, knew that, and 20 she's the one that told me. 21 Q. So you called her up, you told her 22 that. And then did you have a second conversation 23 with her? 24 A. Yes. 25 Q. Tell me about that.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Any other -- anything else to that 2 conversation? 3 A. No. 4 Q. Was that the last conversation you had 5 with her? 6 A. Yes. 7 Q. Ever have any discussions with Nurse 8 LoPresti since you left Shore Memorial Hospital? 9 A. No. 10 Q. Were you able to breastfeed Cole within 11 the hour of him being born, to have him in your 12 arms and able to breast feed them? 13 A. I don't think -- I don't know how long 14 it was. 15 Q. Did it seem pretty quick? 16 A. I don't know. 17 Q. Do you recall inquiring of Nurse 18 LoPresti, or any other medical provider, after you 19 had the cesarean section as to how that would 20 affect your running? 21 A. No, I don't remember that. 22 Q. Were you -- well, you ran track in 23 college? 24 A. Yeah. 25 Q. Were you, I'll call it a runner, in</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I called and I said the depositions are 2 coming up. And I said to her, you know, I hope 3 you can still help me. And she said, Yes. Sure. 4 I'll do whatever you need. And I said Jodi -- 5 Jamie, I just have to ask you, why did she do this 6 to me? 7 Q. What did she tell you? 8 A. She said, Lindsay, I don't know. I 9 have only seen her act like that one other time. 10 Q. Did she tell you during that 11 conversation that Dr. Rezvina did what she thought 12 was appropriate? 13 A. She said that she is sure that 14 Dr. Rezvina believes that what she did was right. 15 Q. Did she tell you that Dr. Rezvina, in 16 her experience, c-section rate was very low? 17 A. She didn't tell me that. 18 Q. Any other discussions with Jamie? 19 A. I asked Jamie if Dr. Rezvina was, like, 20 on something, and -- just to say it. And then she 21 said, I don't think so, but I know she's had 22 problems in the past. 23 Q. What did you say in response to that? 24 A. I was just like -- I didn't say 25 anything. I kind of left that alone.</p>	<p style="text-align: right;">Page 145</p> <p>1 quotes, still? 2 A. Not as much as I would like to. 3 Although I did just sign up to run a half marathon 4 for the firm. 5 Q. Okay. Did you run during your 6 pregnancies? 7 A. I worked out. I went to, like, the 8 gym. I didn't really run once I got too big. 9 Q. Do you run on a consistent basis or 10 have you run on a consistent basis since Cole's 11 birth? 12 A. No. 13 Q. Are you going to start now evidently, 14 the half marathon is coming up? 15 A. Apparently. 16 Q. When is that? 17 A. April 11th. 18 Q. Are you a member of any runners clubs 19 or anything? 20 A. Not anymore, no. 21 Q. When was the last time you were a 22 member of one? 23 A. When we lived in Wilmington, so during 24 law school. 25 Q. Did you begin running again or --</p>

<p style="text-align: right;">Page 146</p> <p>1 strike that. Did you start to run again on a 2 regular basis after Cole's birth? 3 A. I started to a little bit. 4 Q. When were you able to, like time-wise? 5 A. Probably eight weeks. 6 Q. Sometime in August? 7 A. Yes. 8 Q. Did you have a conversation with a 9 hospital representative named Susan Cole while you 10 were in the hospital? 11 A. Yes. 12 Q. And is that something you were voicing 13 your concerns about what happened with the 14 delivery? 15 A. Yes. 16 Q. She talked about -- I saw something 17 about an open chart review. Can you explain to me 18 what that was? 19 A. I didn't have that. 20 Q. What was your understanding of what 21 that is? 22 A. That the doctor would sit with me and 23 look at my records. 24 Q. And that's something you declined? 25 A. When he didn't -- Dr. Bravoco came. It</p>	<p style="text-align: right;">Page 148</p> <p>1 A. The three late decelerations and not 2 the recovery. 3 Q. You had two postpartum visits with 4 Dr. Korzeniowski, right? 5 A. Yes. 6 Q. They would have been after your June 7 24th email? 8 A. Yes. 9 Q. Were those visits strictly postpartum 10 or did you have further discussions about the 11 events? 12 A. They were strictly postpartum. And we 13 didn't really discuss too much. I wasn't wearing 14 pants at the time, so I really wanted to get out 15 of there. 16 Q. Understood. You then saw Dr. Rezvina, 17 was that after the second postpartum visit with 18 Korzeniowski? Was that your last interaction with 19 Somers Manor? 20 A. Yes. 21 Q. When you had that meeting with 22 Dr. Rezvina, was it your mindset at that time that 23 she had plans in the evening? Was that your 24 mindset, is that what you thought, even as of 25 August 2, 2013, that one of the things that</p>
<p style="text-align: right;">Page 147</p> <p>1 wasn't -- we did look at -- no, it was Donna 2 Melle, we looked at my records. But -- so yes, we 3 did look through it. And then she said, These are 4 the three late decelerations. However, Somers 5 Manor did not give me the pages that showed his 6 heart rate had recovered. 7 Q. At that point in time, when you are 8 with Donna, you are in the hospital, right? 9 A. Yes. 10 Q. The record of the strips from Cole were 11 the hospital records, weren't they? It wasn't 12 Somers Manor record, it was the hospital record. 13 A. When I -- when I -- when I told them -- 14 when I went back to the records department at 15 Shore. 16 Q. Okay. 17 A. When I said, Hey, I was in labor for, 18 like, seven hours, where is the rest of the strip? 19 They gave me the rest and they said, Oh, the 20 maternity ones are different. I don't really know 21 how they keep their records. But when I had a 22 Somers Manor representative or doctor or midwife 23 with me in the hospital, they only gave me those 24 records. 25 Q. That's fair.</p>	<p style="text-align: right;">Page 149</p> <p>1 factored into her decision making was that she had 2 plans that evening? 3 A. Yes. 4 Q. Did Dr. Rezvina explain to you during 5 the meeting that she was trying to do the best 6 thing for you and your child? 7 A. I don't understand. 8 Q. Sure. Did Dr. Rezvina tell you that 9 she was sorry you had an unpleasant birthing 10 experience? 11 A. Yes, she used those words. 12 Q. In your meeting you spoke of knowing of 13 two people off the top of your head, using -- off 14 the top of your head, using your words, that Dr. 15 Rezvina bullied. 16 A. Uh-hum. 17 Q. Whom are you referring to? 18 A. Erica, and I don't remember the second 19 one. 20 Q. The bullying with Erica was based upon 21 the statement you told me before? 22 A. Yes. 23 Q. I want to play another clip for you. 24 MR. TALVACCHIA: If we can play the 25 clip starting at page -- do we have page 13</p>

<p style="text-align: right;">Page 150</p> <p>1 line 25? 2 THE VIDEOGRAPHER: Page 13 line -- 3 MR. TALVACCHIA: No? 4 THE VIDEOGRAPHER: No. I have 14 line 5 25. 6 MR. TALVACCHIA: Yeah. If you could 7 play page 8 line 19 through 25. 8 (AUDIOTAPE STARTED) 9 You know what, you brought up me being 10 a lawyer. I'm not going to sue you. You 11 think you can't get sued for performing 12 c-sections. People will sue for anything. 13 Whether it's successful or not, your 14 insurance company will throw some money at it 15 and they will get some money on it and that's 16 it. I don't want to do that because I want 17 to move on with my life. 18 (AUDIOTAPE ENDED) 19 BY MR. TALVACCHIA: 20 Q. Obviously you decided to file a 21 lawsuit. What changed your mind? 22 A. The fact that nobody seemed to listen 23 to me. 24 Q. After this visit you went to Shore 25 Memorial Hospital and filed a complaint?</p>	<p style="text-align: right;">Page 152</p> <p>1 A. What formal -- the lawsuit complaint? 2 Q. Yeah, lawsuit. Sure. 3 A. No, I didn't decide -- well, not 4 immediately after that. That was like in the 5 winter. 6 Q. Did you -- other than whatever was done 7 at Shore Memorial Hospital and the State Board of 8 Medical Examiners, and now the complaint at 9 Atlantic County Superior Court, have you made any 10 other complaints in regard to Dr. Rezvina's care? 11 A. No. 12 MR. TALVACCHIA: The next exhibit -- 13 what's the number? 14 COURT REPORTER: We've got 9. 15 MR. TALVACCHIA: Two pages. It's the 16 email of August 27th. 17 (Exhibit P-9, August 27th email, marked 18 for identification, as of this date.) 19 BY MR. TALVACCHIA: 20 Q. Do you have that in front of you, 21 ma'am? 22 A. Yes. 23 Q. Is that the email you drafted to Drs. 24 Bravoco and Korzeniowski? 25 A. Yes.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. No, I don't think so. 2 Q. Did you become aware that the medical 3 staff committee at Shore Memorial reviewed the 4 care and found there were no issues identified 5 either with physician care or documentation of the 6 care provided to you? 7 A. I'm aware of that now, yes. 8 Q. Were you aware of that at the time that 9 they issued that back in November 2013? 10 A. No, I don't think I was privy to the 11 hospital investigation. 12 Q. And in September of 2013 you filed the 13 board of medical examiner complaint that we 14 marked? 15 A. Yes. 16 Q. And did you become aware that the State 17 Board of Medical Examiners, upon review of the 18 medical records and the statement, found no cause 19 to institute any disciplinary action? 20 A. Yes. 21 Q. Were you given a copy of that response 22 by the Board when it came out in March, I believe? 23 A. Yes. 24 Q. Was it only after that time that you 25 decided to file the formal complaint?</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. You state in the last paragraph of page 2 one you "declined an epidural or other drugs." 3 You see that? 4 A. Yes. 5 Q. I guess let's put that in context. The 6 sentence before says, "Again, I understand that a 7 c-section may have been necessary eventually 8 because I could tell that Cole was not descending 9 into my pelvis easily. That was why I had 10 declined an epidural or other drugs; I was able to 11 move around and try a variety of positions to try 12 and get him to engage." Did I read those two 13 sentences accurately? 14 A. Yes. 15 Q. Why is it that you then requested an 16 epidural when Dr. Rezvina was there? 17 A. Because when she came in and started 18 yelling at me I could no longer focus on my 19 contractions. 20 Q. When you say that is why I had declined 21 an epidural, had it been offered to you prior to 22 Dr. Rezvina arriving? 23 A. No. 24 Q. What do you mean by the declining? 25 A. It's just normally part of the process.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. Okay. So you are using that to say 2 normally everyone gets one, but because you wanted 3 an intervention-free birth that was one of the 4 things you were getting? 5 A. Right. I just never asked for it. 6 Q. Okay. Again, that same paragraph. 7 When you say, "For some reason, my initial record 8 request only included one page, the trace of the 9 three contractions that showed late 10 decelerations." Are you speaking about what you 11 were shown in the hospital or about something else 12 that you got from the hospital when you first got 13 records? 14 A. What I was shown in the hospital. Then 15 I went to request my full file. From the hospital 16 I was just shown that one page and the operative 17 report. Then I wanted to request my full file 18 with the nurses notes and everything. And I was 19 given my admission record, discharge, like what 20 went on after the birth, and the one page of fetal 21 heart trace. 22 Q. And you were given that by Shore 23 Memorial Hospital? 24 A. Yes. 25 Q. So you went to the records department</p>	<p style="text-align: right;">Page 156</p> <p>1 Centricity? 2 A. No. 3 MR. TALVACCHIA: Is 1:15 okay to get 4 you out of here, Mark? I'm really almost 5 finished. 6 MR. PFEFFER: Yeah. 7 BY MR. TALVACCHIA: 8 Q. You state in this letter that you 9 recall Dr. Rezvina asking you how long you had 10 been in labor with your first child; do you 11 remember that statement? 12 A. I remember asking her that, yes. No, 13 she didn't ask me how long I had been in labor. 14 Q. Okay. Do you recall telling her you 15 didn't remember how long you were pushing? 16 A. No, I couldn't answer because I was 17 having a contraction, and she talked only when I 18 had contractions. 19 Q. You didn't say that you told her you 20 couldn't remember when you remembered to the 21 minute? 22 A. Yeah, I did tell her that. 23 Q. And that was in response to what 24 question? 25 A. How long did you push.</p>
<p style="text-align: right;">Page 155</p> <p>1 there, asked for all your records and they only 2 gave you, for some reason, one page of the fetal 3 monitoring strips? 4 A. Right. 5 Q. And then you had to go back and say, 6 hey -- 7 A. I wasn't even out of the parking lot 8 before I realized it wasn't enough. 9 Q. And then you say, "I assume this is the 10 page Dr. Bravoco saw when I asked for a second 11 opinion." Are you referring to what he went over 12 with you in the hospital after your birth or are 13 you referring to what you think he saw when he was 14 on the phone with your husband? 15 A. What I thought he saw when he was on 16 the phone with my husband. 17 Q. And you found that subsequently to be 18 not true? 19 A. That's what he said. 20 Q. Do you have any reason to dispute that? 21 A. I have no idea what their procedures 22 are for their websites or whatever they use. 23 Q. Has anyone -- have you spoken to any 24 medical provider that told you that records can't 25 be viewed through an electronic system such as</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. So when Dr. Rezvina was asking you 2 medical history about the birth with Jane in order 3 to evaluate you and treat you, you weren't honest 4 with your response? 5 A. That's not true. 6 Q. Well, you knew how long to the minute 7 you had pushed and you told her you couldn't 8 remember. 9 A. Yeah, I know now. But I couldn't at 10 the time remember because I was having a 11 contraction. 12 Q. Okay. Did you put that in the letter? 13 A. I don't think so. 14 Q. You talked about exploring a home birth 15 and wishing you had done that. Had you looked 16 into that? 17 A. We kicked it around. 18 Q. And why did you look into a home birth 19 for Cole if your experience was so good with Jane? 20 A. Because I was afraid of getting another 21 practitioner like Dr. Rezvina. It was good with 22 Jane in the sense I was able to deliver her 23 vaginally. 24 Q. You said you loved the whole experience 25 though.</p>

<p style="text-align: right;">Page 158</p> <p>1 A. Everything that had to do with me, yes. 2 But I also felt lucky that I avoided a lot of 3 things that a lot of people go through. 4 Q. Did Dr. Rezvina ever mention to you, 5 prior to you signing the consent for the 6 c-section, that she thought your son was going to 7 be much bigger than your daughter? 8 A. She just said this baby is bigger. 9 Q. And Cole was eight pounds, was it two 10 ounces or three ounces? 11 A. Two. 12 Q. Two. I'll show you the next two 13 exhibit markings, it's the September 16th and 14 September 23rd letter. 15 MR. TALVACCHIA: If you can mark them. 16 (Exhibit P-10, Letter dated September 17 16th, marked for identification, as of this 18 date.) 19 (Exhibit P-11, Letter dated September 20 23rd, marked for identification, as of this 21 date.) 22 BY MR. TALVACCHIA: 23 Q. What's the first exhibit you have in 24 front of you, Mrs. Switzer? 25 A. P-10.</p>	<p style="text-align: right;">Page 160</p> <p>1 September. I think it was September 18th. 2 A. I think so, yeah. 3 Q. After you filed the lawsuit, did you 4 have any communications with any current or former 5 manner -- strike that. 6 A. Long morning. 7 Q. Yes. After you filed your lawsuit in 8 July 2014, other than Ms. Sosa, have you had any 9 other communications with any other current member 10 or former member of Somers Manor? 11 A. No. 12 Q. Did you advise Ms. Sosa -- I know you 13 advised her of the lawsuit. Did you advise her of 14 the Board Of Medical Examiner complaint and the 15 result? 16 A. I don't recall. 17 Q. Have you discussed this lawsuit with 18 Dr. Stanley? 19 A. Yes. 20 Q. Tell me about that discussion, or 21 discussions if it's more than one. 22 A. I had an appointment last week or two 23 weeks ago with her where I had to tell her I was 24 on Lexapro. And I, sort of, explained the 25 situation. And I showed her Jodi, the doula's,</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. Which date is that letter? 2 A. September 16th. 3 Q. Is that the letter Dr. Rezvina wrote to 4 you? 5 A. Yes. 6 Q. Then P-11, is that a letter from Dr. 7 Kay, K-A-Y? 8 A. Yes. 9 Q. Is that dated September 23? 10 A. Yes. 11 Q. Did you have any further contact with 12 Dr. Rezvina or Dr. Kay, K-A-Y, after receiving 13 those correspondence? 14 A. No. Like a phone call? 15 Q. Phone call, any further correspondence 16 directly to them. I don't think you did. I don't 17 recall seeing anymore. 18 A. No, I don't think so. 19 Q. Did you forward any other electronic 20 communication to Dr. Korzeniowski or Dr. Bravoco 21 following the August 27th email? 22 A. No. This is when I pretty much just 23 cut ties with Somers Manor, I think. 24 Q. That was the Board Of Medical 25 Examiner's complaint happened in the middle of</p>	<p style="text-align: right;">Page 161</p> <p>1 email to me, the notes. And I just -- and I 2 apologized for rambling. She said no, this is 3 totally relevant to your medical... 4 Q. Had you seen her prior to last week 5 when you were on Lexapro? 6 A. No. 7 Q. So you had been on Lexapro since -- 8 A. May. 9 Q. -- of -- 10 A. No. I got the prescription in May but 11 I didn't start taking it -- 12 Q. Until the summer? 13 A. -- the summer, yeah. 14 Q. So from the summer of 2014 until 15 January or February of 2015 you hadn't seen Dr. 16 Stanley? 17 A. No. 18 Q. So you went in specifically to make an 19 appointment to tell her that you are on Lexapro? 20 A. No. 21 Q. Was there another reason for the 22 appointment? 23 A. I haven't gotten my period since Cole 24 was born. 25 Q. Sorry about that.</p>

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1 A. Yep. It's subject matter, it's okay.
2 I was prepared for that.
3 Q. Did Dr. Stanley, at that point or any
4 other point, ever look at any of your medical
5 records from Shore Memorial Hospital?
6 A. Yes.
7 Q. When?
8 A. After Cole was born I went to transfer
9 doctors and to get birth control. And I said if I
10 ever have another baby I need to know if this
11 situation could happen again based on what
12 happened with Cole. And I showed her the fetal
13 heart trace and I said, Is this a situation that I
14 should be worried about with any future children?
15 And she said, Well, looking -- based on what I'm
16 seeing here, I would not have recommended a
17 c-section.
18 Q. So it's your testimony that you showed
19 Dr. Stanley your fetal heart tracings?
20 A. Yes.
21 Q. All of them or just the three?
22 A. The late decelerations and the recovery
23 at least. But I think I usually keep it all
24 together as one packet.
25 Q. You showed her that. She reviewed it.

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1 And she told you based on what I see here I would
2 not have done a c-section?
3 A. Yes.
4 Q. In your interrogatory answers, I'm
5 going to break this down, you talk about physical
6 damages.
7 A. Yeah.
8 Q. Physical damages, are we talking about
9 the c-section scar would be one?
10 A. Would be one.
11 Q. Scar, four inches?
12 A. Yeah, about four, five inches.
13 Q. Under the bikini line? If you are
14 wearing a bathing suit, is it under or no?
15 A. You could see it -- well, I'm not going
16 to wear a bikini anytime soon. But if I did, you
17 could see it.
18 Q. If you are running in running shorts,
19 is it under?
20 A. Then you can't see it. But I don't
21 really expose my stomach.
22 Q. Okay. Do you have any problems with
23 the c-section, and by problems let's talk about
24 does it itch, is it raised?
25 A. I can feel the adhesions in it. I'm

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1 more concerned about the damage that's inside.
2 Because I now have a higher risk of uterine
3 rupture if I have another baby. It's the -- it's
4 there. Like, I feel it all -- as I sit here
5 today, I can feel.
6 Q. Any other complaints or issues in
7 regard to the c-section scar?
8 A. No.
9 Q. How long after the cesarean section
10 were you able to go back to work? I apologize if
11 I asked you that before.
12 A. I think I went back at ten weeks.
13 Q. I did ask you that before. Labor Day.
14 Were you able to return to work full time?
15 A. Yes.
16 Q. And you said you were able to run at
17 about eight weeks?
18 A. I started.
19 Q. How long?
20 A. How many -- how far, or --
21 Q. Yeah, how far. In minutes or length.
22 A. Oh, God. Maybe 20 minutes. I mean, it
23 was...
24 Q. That's a lot for us out of shape. Have
25 you gone to any medical providers since the summer

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1 of 2013 with any physical complaints related to
2 your c-section?
3 A. No.
4 Q. You then talk about emotional damages.
5 A. Yes.
6 Q. You break that down in your
7 interrogatory answers. Do you still -- are you
8 still currently treating with Ms. Kurek?
9 A. Yes.
10 Q. How often do you see her?
11 A. Once a week.
12 Q. Is she a social worker?
13 A. She is a licensed --
14 Q. Therapist?
15 A. -- therapist thing. Yeah.
16 Q. Had you previously seen Ms. Richardson?
17 A. Yes.
18 Q. And where is Ms. Richardson located?
19 A. Audubon.
20 Q. And where is Ms. Kurek?
21 A. Linwood.
22 Q. Any reason you switched, other than
23 maybe convenience?
24 A. Michelle Richardson went on maternity
25 leave in May.

<p style="text-align: right;">Page 166</p> <p>1 Q. And when did you first start seeing Ms. 2 Richardson in relation to the birth of your son 3 Cole? 4 A. August 2013. 5 Q. When you first started seeing Ms. 6 Richardson, do you recall discussing -- her 7 discussing with you to see whether you were 8 looking for advocacy or punishment? 9 A. Yes. 10 Q. And do you recall having discussions 11 with Ms. Richardson as to your motive for pursuing 12 this legally? 13 A. Yes. 14 Q. What do you recall about those 15 discussions? 16 A. I don't recall the specific discussion. 17 I didn't know what I wanted to do. 18 Q. Okay. What do you recall about 19 discussions with Ms. Richardson as to your motive 20 for pursuing this? 21 A. I don't want this to happen to other 22 people. 23 Q. Did your husband, Joe, accompany you to 24 any visits with Ms. Richardson? 25 A. Yes.</p>	<p style="text-align: right;">Page 168</p> <p>1 drinking wine at night and she turned it into 2 self-medicating? 3 A. She said are you drinking more than you 4 used to. I'm like, well, I was just pregnant for 5 a year so maybe that's your baseline. 6 Q. That's fine. There was an issue about 7 you running and having an anxiety -- I don't want 8 to downplay it -- attack running past Somers 9 Manor? 10 A. Yes. 11 Q. When did that happen? 12 A. In the fall, I think. I don't 13 remember. 14 Q. Do you usually run by Somers Manor and 15 something just triggered you that day? 16 A. They are on the bike path, so I run on 17 the bike path. 18 Q. So in response to my question, that's 19 something you normally run past them? 20 A. I think that might have been the first 21 time since I started running after my son was 22 born. But I'm not trying to be evasive. I do all 23 different routes, so this might have been the 24 first time since I started running again after 25 Cole was born that I ran passed that practice.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. How many, approximately? 2 A. I don't know. 3 Q. And were they joint counseling 4 sessions? 5 A. No. It was just mostly focused on me. 6 It was a pretty informal setup. 7 Q. I think Ms. Richardson's note had the 8 note of meeting at Shore Memorial Hospital to make 9 maternity care better; is that something you would 10 have mentioned to her? 11 A. It was something that -- when I was 12 trying to figure out a way to move on, that was 13 something I was explaining. 14 Q. I apologize for this, but it was in the 15 record. There was a note in Ms. Richardson's 16 record about self-medicating with alcohol. Do you 17 remember discussing that with her? 18 A. Yeah, I do. 19 Q. Can you tell me the circumstances of 20 that? 21 A. We like to drink wine at night. I 22 wouldn't call it self-medicating. 23 Q. Those were her words, not yours? 24 A. Those were her words, not mine. 25 Q. Fair. You mentioned something about</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Have you avoided that route since then? 2 A. I don't really run as much -- that 3 much. 4 Q. When you run, do you avoid it? 5 A. Yes, I avoid it. 6 Q. There is a note from Ms. Richardson in 7 the fall of 2014 about potentially you and your 8 husband living apart; do you recall that? 9 A. Oh, that was really recent. Yeah. 10 Q. Tell me about that. 11 A. Joe tore his ACL wrestling. And we 12 were going from having our own schedules and doing 13 our own things a lot. And it was hard for me to 14 take -- he had to have ACL surgery, so I was 15 taking care of two little kids and he couldn't 16 even drive for a while. So I said if he -- and he 17 knows this. I said, If you go back and get hurt 18 like this again, you are going to have to go find 19 someplace else to live until you are healed 20 because I can't handle all three of you. Like, he 21 couldn't even drive. 22 Q. So the reference about living apart was 23 in relation to the injury, not any marital discord 24 or anything? 25 A. No. It was stressful because of the</p>

<p style="text-align: right;">Page 170</p> <p>1 injury, because he was out of work. He couldn't 2 go to work. 3 Q. Were you upset about that, that he 4 couldn't work because of the injury? 5 A. I wasn't upset that he couldn't work. 6 Having a stay-at-home spouse was great eventually, 7 once he could walk. 8 Q. But when he was incapacitated it was 9 stressful? 10 A. It was stressful. 11 Q. Tell me about the EMDR therapy. Do you 12 still get that? 13 A. Yeah, it's kind of weird. 14 Q. Visual? 15 A. Are you familiar with it? Are you 16 asking me to explain it? 17 Q. Yeah. If you can in a short way. I 18 read a little bit about it. 19 A. I can do it in a short way. The way it 20 was explained to me by my counselors was that 21 trauma gets stuck in your brain and it is stuck 22 there. And the eye movement of going like this 23 while you are thinking about it helps it get 24 unstuck. So there's a light that you follow and 25 that kind of helps you process it.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Do you recall what that log was or do 2 you still have? 3 A. I don't think I ever did it. 4 Q. There is some talk in some of the 5 correspondence in the papers about -- strike that. 6 Did Dr. -- 7 MR. PFEFFER: Let me stop you because 8 this may be a good point for you to break. 9 You are doing him by video too? 10 MR. TALVACCHIA: Yeah, probably. I'm 11 really almost done. I'm sorry. 12 THE WITNESS: That's okay. 13 MR. PFEFFER: I'm sorry. I don't want 14 to rush you. 15 MR. TALVACCHIA: I am literally on -- 16 when lawyers say one more question, I'm on a 17 page and a half. 18 MR. PFEFFER: And I don't know how long 19 her answers are. And I don't want to -- I 20 don't want to keep Judge Littlefield waiting 21 on me and the motions. And I think I cut it 22 about as close as I can cut it, so I 23 apologize. We are going to be back here for 24 him. 25 MR. TALVACCHIA: I'm sorry, I know you</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. When did you start doing that? How 2 often do you get -- 3 A. That's what I do once a week with 4 Joann. 5 Q. So when you see Ms. Kurek you have EMDR 6 therapy, and then do you have like a counseling 7 session? 8 A. They are the same. 9 Q. So when you are doing that you are, 10 kind of, talking to her? 11 A. Sometimes, yeah. 12 Q. Do you find that helpful? 13 A. Yes. 14 Q. Does your insurance company cover that? 15 A. I think so, yeah. I have just been 16 paying the co-pay. 17 Q. If I were to ask you what out-of-pocket 18 medicals you have that you relate to this claim, 19 I'm not asking for an exact number, but is it 20 under a thousand dollars? 21 A. With all the co-pays, probably, yeah. 22 Q. There was a note, I believe, from Ms. 23 Richardson's records of you keeping a log about 24 different images and feelings; do you recall that? 25 A. I recall the note, yeah.</p>	<p style="text-align: right;">Page 173</p> <p>1 wanted to get this done. 2 THE WITNESS: That's okay. 3 MR. TALVACCHIA: Off the record. 4 (Discussion off the record.) 5 THE VIDEOGRAPHER: The time is now 6 1:15. This concludes the video deposition. 7 (Time noted: 1:15 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 CERTIFICATE

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4 I, Kathleen Swenor, do hereby certify
5 that prior to the commencement of the examination,
6 LINDSAY SWITZER, was duly sworn by me to tell the
7 truth, whole truth, and nothing but the truth.

8 I do further certify that the foregoing
9 is a true and accurate transcript of the testimony
10 as taken stenographically by and before me at this
11 time, place and date hereinbefore set forth.

12 I do further certify that I am neither
13 a relative nor employee nor attorney nor counsel
14 of any of the parties to this action, and that I
15 am neither a relative nor employee of such
16 attorney or counsel, and that I am not financially
17 interested in the action.

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Kathleen Swenor, RPR, CCR

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New Jersey Rules Governing Civil Practice

Part IV, Rule 4:14

Depositions Upon Oral Examination

4:14-5. Submission to Witness; Changes; Signing

If the officer at the taking of the deposition is a certified shorthand reporter, the witness shall not sign the deposition. If the officer is not a certified shorthand reporter, then unless reading and signing of the deposition are waived by stipulation of the parties, the officer shall request the deponent to appear at a stated time for the purpose of reading and signing it. At that time or at such later time as the officer and witness agree upon, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, and any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness. If the witness fails to appear at the time stated or if the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the witness' failure or

refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under R. 4:16-4(d) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.