

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

RICARDO RIDDICK, Individually, :
and RICARDO RIDDICK, by his :
mother, next friend and :
guardian, EVELYN ANDERSON, :
Plaintiffs, :
:

v. :

CASE NO.
CL08-2871-00

HENRY D. PATTERSON, MD, et al., :
Defendants. :
_____ :

DEPOSITION UPON ORAL EXAMINATION
EVELYN ANDERSON

March 8, 2010 -- 10:00 a.m.

Virginia Beach, Virginia

Old Dominion Reporting

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APPEARANCES: SHAPIRO, COOPER, LEWIS & APPLETON, P.C.
By: James C. Lewis, Esquire,
counsel for the Plaintiffs.

HANCOCK, DANIEL, JOHNSON & NAGLE, P.C.
By: John R. Redmond, Esquire,
counsel for Henry D. Patterson, MD,
Defendant.

KAUFMAN & CANOLES, P.C.
By: Megan Bradshaw, Esquire,
counsel for Chesapeake Regional Medical
Center, Defendant.

HUFF, POOLE & MAHONEY, P.C.
By: Todd M. Gerber, Esquire, counsel for
Deborah Challenger, RN, Defendant.

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EXAMINATION

EVELYN ANDERSON

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1 Deposition upon oral examination of Evelyn
2 Anderson, taken before Shannon A. Crittenden-Mann, a Notary
3 Public for the Commonwealth of Virginia at Large, pursuant
4 to Notice and Agreement, commencing at 10:00 a.m. on
5 March 8, 2010, at Law Offices of Shapiro, Cooper, Lewis &
6 Appleton, P.C., 1294 Diamond Springs Road, Virginia Beach,
7 Virginia, and these in accordance with the Rules of the
8 Supreme Court of Virginia, 1950, as Amended.

9
10 EVELYN ANDERSON, called as a witness on discovery,
11 after having been first duly sworn, was examined and
12 testified as follows:

13

14 BY MR. REDMOND:

15 Q Good morning, ma'am.

16 A How are you?

17 Q As I mentioned, my name is John Redmond.

18 A Yes.

19 Q I'm a lawyer for Dr. Patterson in this case.

20 A Okay.

21 Q And the other two lawyers here represent different
22 folks. I'm going to -- I've been elected to go first here.
23 I'm going to ask you a few questions and then they'll get to
24 ask you some questions after that.

25 A Okay.

1 Q Have you ever had your deposition taken before?
2 That's what we're doing here today.

3 A Not that I can recall.

4 Q Let me -- let me sort of tell you how it's going
5 to go. This is our chance to ask you questions with
6 Mr. Lewis present, and you're going to be here a little
7 while today, hopefully not too long. If I ask a question
8 that you don't understand for any reason please just ask me
9 to rephrase it. Will you do that for me?

10 A Yes.

11 Q And Shannon here is our court reporter. She's
12 taking down everything that we all say in the room. So it's
13 important to say answers and the words instead of nodding
14 your head. Okay?

15 A Will do.

16 Q Good. And although we're in a relatively informal
17 setting in Mr. Lewis's really nice conference room,
18 everything that you say is under oath just as it would be if
19 we were in a court of law. Okay, ma'am?

20 A Yes.

21 Q All right. If you would, please give me your full
22 name and your present address.

23 A Evelyn Anderson, 857 Drawbridge Drive.

24 Q And that's in Chesapeake?

25 A Chesapeake, Virginia.

1 Q And how long have you lived there, ma'am?

2 A Thirty-four years.

3 Q And who lives there with you?

4 A My two sons.

5 Q All right. And Ricardo was one of them?

6 A Ricardo.

7 Q Who was the other one?

8 A Sidney.

9 Q How old is Sidney?

10 A Fifty.

11 Q Fifty?

12 A Yes.

13 Q All right. And how long has Ricardo lived with
14 you?

15 A All his life.

16 Q How about Sidney?

17 A Well, Sidney's been back about five years.

18 Q We're going to be asking you a bunch of questions
19 about what happened when Ricardo had the surgery and then
20 some of the problems after that. Was Sidney living with you
21 then?

22 A No.

23 Q Anybody else living with you then other than
24 Ricardo?

25 A One son but he's deceased. He's deceased.
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1 Q I'm sorry to hear that. All right. Where is
2 Ricardo today?

3 A School.

4 Q And what school is that?

5 A He goes to a rehabilitation school.

6 Q What's that called, ma'am?

7 A Beg your pardon?

8 Q What's that called?

9 A Coastal Clubhouse.

10 Q And how long has he been going there?

11 A For the last five, six years.

12 Q If you don't know the answer to my question, just
13 to sort of review, it's okay to tell me you don't know or
14 don't remember.

15 A If I can't remember the years.

16 Q Yeah, and if you have an estimate like that that's
17 great too. We're just trying to find out what's going on
18 here. Okay?

19 A Sure.

20 Q All right. And what kind of -- what kind of
21 things did they teach or help your son with at Coastal
22 Clubhouse?

23 A Well, they have a -- I'm not quite sure of
24 everything. I know Ricardo said they mop floors. They
25 sweep and they -- I was there one morning. They have
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1 something like introducing themselves when they come in in
2 the morning time or something like that, and they takes them
3 out on trips and different things like that.

4 Q All right. Does he -- how many days a week does
5 he --

6 A Five.

7 Q And how long is his school day?

8 A He's there around 9:00. He get out at 4:00, get
9 home about 5:00.

10 Q All right. And how is it that he came to go into
11 this clubhouse school?

12 A Well, he got in to little mischievous and when he
13 got out they put him in that.

14 Q Is this a condition of him being incarcerated or
15 paroled or something like that?

16 A Yes.

17 Q Is it a condition of parole; do you know?

18 A Yes. It's for them to not to be in the street,
19 running the street, getting into trouble. It's a place for
20 them to go to have something to do all day besides walk the
21 street.

22 Q Keep them occupied basically?

23 A There you go.

24 Q All right. And do you know if he has a choice as
25 to whether he could go there or they made him go there as

1 part of his --

2 A Well, they suggested it, and he loves it.

3 Q Is there a specific year or time that you plan or
4 he plans that he's not going to go there, that he's going to
5 finish?

6 A No. No. Going every day.

7 Q Does Ricardo have a job of any kind?

8 A No, no more than around the clubhouse where they
9 have chores around there for them to do. He don't work on
10 the outside, no pay.

11 Q Got you. All right. Has he had a job before,
12 outside job?

13 A When he was very young being a bag boy in a
14 grocery store, stuff like that.

15 Q No job since then?

16 A No.

17 Q All right. Have you gone over and spoken with
18 anybody at the clubhouse as part of that educational process
19 he's undergoing over there?

20 A Well, I talked to his counselor all the time. She
21 tells me he's doing well and how nice he is and so forth and
22 so on, and if anything goes wrong they always notify me of
23 everything.

24 Q And who is his counselor?

25 A Ms. -- oh, Lord. What's that lady's name?
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1 Ms. Vann. Ms. Vann is his counselor.

2 Q Do you have to, as part of him being over there,
3 make contact with her any specific number of times a month,
4 anything like that?

5 A No. If everything -- as long as everything is
6 going well she don't call. Sometimes he does call and say,
7 "Evelyn, Ricardo is doing well." She's always calling,
8 giving me good information.

9 Q Does Ricardo have a driver's license?

10 A No.

11 Q How does he get over there every day?

12 A They furnish the bus. Picks him up in front of
13 the door, brings him back every evening. It's under the
14 City of Chesapeake.

15 Q You mentioned a few mentions ago that your son got
16 in to some mischief. I have some of the materials, but I
17 want to go ahead and ask you what kind of trouble had he
18 gotten into?

19 A Following behind different guys and all that crazy
20 stuff.

21 Q Did that get him in trouble with the law?

22 A Yeah, he got in trouble with the law following
23 behind. He's a good follower.

24 Q All right. And did he have to spend some time in
25 prison?

1 A Yes.

2 Q How many years overall did he spend actually in
3 prison before he was transferred?

4 A I can't remember. I know the last time he went he
5 stayed five years, about four-and-a-half, got out on good
6 behavior.

7 Q All right. And what was he in prison for then?

8 A With some guys at a store getting some beer,
9 taking some beer.

10 Q At a 7-Eleven, something like that?

11 A One of those stores on George Washington Highway.
12 I don't remember.

13 Q And any other things he's been in trouble for with
14 the law when he was an adult?

15 A No. This was mostly when he was young. He was
16 doing a lot of little stupid things.

17 Q All right. Well, he was in prison for the
18 convenience store thing?

19 A Yeah.

20 Q Did he go to prison for anything else over the
21 years, prison not juvenile or anything when he was younger?

22 A Uh-uh.

23 Q Is that a yes or a no?

24 A Not to my knowledge.

25 Q Okay.

1 A No. Okay. You want me to say yes or no?

2 Q As much as you can or at least use words. You
3 don't have to say yes or no all the time, but use words.
4 It's not like on TV where everything is yes or no.

5 A Okay.

6 Q Does Ricardo have any kind of learning
7 disabilities?

8 A Yes.

9 Q Tell me about that.

10 A Well, he's just slow and he doesn't comprehend
11 very well.

12 Q Do you know if he's had an IQ test?

13 A He's had a lot of tests. I can't recall all of
14 them.

15 Q Has anybody ever said he was mildly mentally
16 retarded or anything like that?

17 A Yes.

18 Q Mildly?

19 A Yes.

20 Q When was it that somebody -- when was it that you
21 found that out about him roughly?

22 A I can't --

23 Q Still a boy or was he an adult?

24 A I don't know right offhand.

25 Q Now, the records we've looked at tell us that he's
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1 schizophrenic?

2 A Yeah. That's what I was about to say.

3 Q How long have you known that?

4 A A long time, but I can't tell you really how long,
5 but a long time like right now.

6 Q The stuff we have tells us that he's been taking
7 the medicine called Abilify?

8 A He still does every day.

9 Q Twice a day or once a day?

10 A Once a day.

11 Q Do you help him to make sure -- remind him to do
12 that?

13 A Absolutely. That's the first thing I ask him in
14 the morning, "Don't forget your medicine." He was taking
15 ten. They pushed it up now to 15 milligrams.

16 Q Does he take any other medicine for schizophrenia?

17 A I know he takes four pills a day, blood pressure
18 pills. I don't really know the name of them. I know blood
19 pressure and Abilify.

20 Q Do you have a power of attorney or guardianship so
21 that you --

22 A I do.

23 Q And when did you get -- what is it, a power of
24 attorney or guardianship or both?

25 A I have both.

1 Q When was the guardianship established?

2 A That was established not too long ago, but I've
3 had power of attorney for three or four years, a long --
4 because I really didn't feel like I needed anything for a
5 while because he was my child and I was taking care of him.

6 Q Did you get the guardianship after talking to a
7 lawyer or was that your own decision?

8 A That was my own decision.

9 Q No lawyer involved? The lawyer put the papers
10 together for you I guess?

11 A Yeah, guess so.

12 Q Who was the lawyer?

13 A Lawyer Rabinowitz gave me my first papers.

14 Q Have you seen any other lawyers for the
15 guardianship papers?

16 A Beg your pardon?

17 Q I'm sorry. Just ask me to rephrase the question
18 if I get too quiet. Have you seen any other lawyers for the
19 guardianship papers?

20 A I mean, I don't understand have I seen any other
21 lawyer.

22 Q Let me do a better job with the question.

23 A Yeah.

24 Q You mentioned the one lawyer you'd seen about the
25 guardianship papers?

1 A Yeah. Lawyer Rabinowitz gave me another copy of
2 a -- for a power of attorney.

3 Q Has Mr. Lewis been involved in getting you either
4 a power of attorney or a guardianship?

5 A Yes.

6 Q And have any other lawyers?

7 A No.

8 MR. LEWIS: Ros Willis was the GAL. His
9 name probably appears on the pleadings.

10 MR. REDMOND: Yeah.

11 MR. LEWIS: Other than that, no.

12 MR. REDMOND: Thank you.

13

14 BY MR. LEWIS:

15 Q What was the reason you felt you needed to get a
16 guardianship?

17 A Because I didn't want any trouble if there was any
18 problem with me handling his situations. I wanted to be
19 properly able to handle all of his -- his affairs because I
20 knew he was not able to do so.

21 Q Let me ask a couple questions about that. Does
22 Ricardo understand who he is?

23 A He understands his name and who he is.

24 Q Does he understand he's your son?

25 A Yes, he does.

1 Q Does he understand Sidney is his brother?

2 A Yes, he does.

3 Q He knows where he lives?

4 A Yes, he does.

5 Q All right. And is he able to carry on
6 conversations with you normally?

7 A He can carry on a conversation but sometime it
8 might not sound too good. I mean, it's --

9 Q Confusing?

10 A Yes.

11 Q Well, the word that's been used is confabulated,
12 and I don't begin to understand what that means. It
13 confabulates me, but we'll go with confusing. Does that
14 sound like a fair word?

15 A Well, confused, you can use confused.

16 Q Is there a better word you'd use to describe?

17 A Yeah, because confabulate I don't even know what
18 that is, so I can't use that.

19 Q Mr. Lewis probably knows. Maybe he can tell us.

20 A I'm sure he does. I'm sure he does, but I don't.

21 Q Does Ricardo have any bank accounts?

22 A No.

23 Q Does he deal with money at all on his own?

24 A No. I handle everything for Ricardo, everything
25 but put the food in his mouth.

1 Q And how long has that been true?

2 A For the last five or six years, but when he was a
3 child, you know, I did everything anyway, but since he been
4 grown I still do everything.

5 Q Before that five or six years ago did he have his
6 own financial matters that he could take care of?

7 A Well, he was incarcerated so he wasn't -- didn't
8 have any financial matters to handle.

9 Q Nothing on the outside at all?

10 A No.

11 Q Have you ever talked to any of Ricardo's
12 doctors -- let me withdraw that question. Have you ever
13 talked to any of his mental health doctors?

14 A Yes, Dr. Pitsenbarger. I used to go with him all
15 the time to his appointments.

16 Q And has Dr. Pitsenbarger ever told you that
17 Ricardo is going to reach a point where he'll be able to
18 carry on all his affairs on his own?

19 A No.

20 Q Is the reverse true? Do you understand that he
21 will always need your help or somebody's help?

22 A Yes.

23 Q And that he will not be able to live
24 independently?

25 A No.

1 Q I'm going to go back to the surgery in this case,
2 which is sort of what some of the case is about. Do you
3 remember when Ricardo had gallbladder surgery?

4 A Yes.

5 Q All right. Now, I represent Dr. Patterson. He's
6 the doctor -- the surgeon involved, so I'm really going to
7 ask you questions that deal with his role, okay, and then
8 these other lawyers here may have other questions for you
9 about the nurses and folks. So do you remember
10 Dr. Patterson?

11 A Definitely.

12 Q What's he look like?

13 A He was sort of a little short man. That's all I
14 can remember.

15 Q Do you remember whether he had a mustache or a
16 beard or --

17 A No.

18 Q Didn't have a mustache or a beard?

19 A I don't remember that.

20 Q How is it that as best you can remember that
21 Dr. Patterson ended up being Ricardo's doctor for the
22 surgery?

23 A Well, when he got sick his -- the doctor sent me
24 to Chesapeake -- sent him -- sent me to take him to
25 Chesapeake General, and when he went to Chesapeake General

1 to have his gallbladder taken out that's when they told me
2 that Dr. Patterson would be the doctor.

3 Q You didn't know anything about Dr. Patterson
4 before that?

5 A No. Uh-uh.

6 Q And before the surgery with your son did you have
7 a chance to talk to Dr. Patterson at all?

8 A I can't quite remember. I can't remember. I --
9 the only thing I can remember is seeing him when we went in
10 the room for them to give him the anesthesia to put him to
11 sleep. After that I came out and was waiting until after
12 the surgery was over.

13 Q Let me just ask a couple questions, see if they
14 kind of refresh your memory. Do you remember whether
15 Dr. Patterson asked any questions before the surgery about
16 how much it hurt, where it hurt, anything like that?

17 A I don't recall any of that.

18 Q Do you remember being in -- speaking with
19 Dr. Patterson at all before the anesthesia was being given
20 when you told me a second ago?

21 A No.

22 Q What did you understand the surgery was going to
23 be for?

24 A Gallstone operation, and I was pretty satisfied
25 with that because I had just had one.

1 Q Did they have to open you up to do the --

2 A No. I got mines arthroscopic.

3 Q They did the scope on you?

4 A Uh-huh.

5 Q Did Dr. Patterson tell you when he saw you in that
6 anesthesia room that he was going to do a scope but he might
7 have to open if he --

8 A He didn't elaborate on it or anything to me. He
9 just said he was going to be the surgeon, and that's it.

10 Q Well, let me ask you that general question then
11 we'll be done with that part. Tell me everything you
12 remember that Dr. Patterson told you that one time when you
13 were in the anesthesia area.

14 A The only thing that he said when he came in that
15 he was going to be the surgeon, and they was putting the
16 medicine in his arm for him to go to sleep.

17 Q All right. What was the next thing you heard
18 about how the surgery went? Were you at the hospital?

19 A Oh, definitely.

20 Q Tell me what you heard about the surgery.

21 A They said it went fine.

22 Q Did you talk to Dr. Patterson after the surgery at
23 the hospital?

24 A He was the one that said everything went fine, and
25 I said, "Thank you."

1 Q What else did he say when he saw you at the
2 hospital after the surgery?

3 A He didn't see me after the surgery anymore until I
4 went to his office for him to discharge him.

5 Q That's what I was getting to. Did you see him at
6 all in the hospital at any time after the surgery?

7 A Uh-uh.

8 Q Is that yes or no?

9 A No.

10 Q So the first time you saw him after you saw him in
11 the anesthesia room was when you saw him at his own office?

12 A At his office, right. Yes.

13 Q And looking at my records that says July 13th, mid
14 July. That sound about right?

15 A Uh-huh.

16 Q Is that yes?

17 A Yes.

18 Q And obviously Ricardo was there, of course; right?

19 A Yes.

20 Q All right. Did Dr. Patterson take a look at
21 the -- the scar from the surgery?

22 A Yes.

23 Q All right. And he examined him?

24 A Yes.

25 Q And what did he say during that office
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1 appointment?

2 A Well, when he came out with Ricardo he said, "He's
3 doing fine." I said, "Well, thank you." I said, "Do I need
4 to come back to you again?" He said, "No."

5 Q That was about it?

6 A Huh?

7 Q Did he say anything else?

8 A No. He didn't say anything else.

9 Q Now, after the surgery had Ricardo had any
10 problems at all?

11 A After the surgery that's when we discovered that
12 he was hurting so bad and vomiting a lot.

13 Q All right. After the surgery and before you went
14 back in July to see Dr. Patterson, so that's about a month I
15 think?

16 A Yeah.

17 Q How was Ricardo then?

18 A He seemed to be doing pretty good.

19 Q Seemed to you like the surgery had taken care of
20 things?

21 A Yes. That's what I thought.

22 Q As far as you could tell anyway?

23 A Yeah.

24 Q What kind of problems was he having before the
25 surgery that meant he had to go to the hospital?

1 A He started vomiting.

2 Q Anything else?

3 A And laying around.

4 Q Lying around?

5 A (Witness nods head affirmatively.)

6 Q Did he have a fever?

7 A No. He just said he hurt. He's not a complainer,
8 you know. Peoples I guess when their nerves and things is
9 bad I guess you have to watch them, you know. So I just
10 kept paying attention to him.

11 Q So he had some pain, was lying around, had some
12 vomiting and you kept an eye on him; right?

13 A And then he -- yes, and he -- one morning he said,
14 "Mama, feel right here." He said, "It feels like something
15 is sticking in me." I said, "Well, let's go to the doctor."

16 Q And that's when you went to Chesapeake General;
17 right?

18 A Went to Chesapeake General, yes.

19 Q And then Dr. Patterson did the surgery? He was
20 called in, did the surgery after that; right?

21 A Dr. Patterson?

22 Q Right.

23 A Dr. Patterson had did the surgery.

24 Q So you're telling me after the surgery?

25 A I'm telling you -- I thought that's what you asked
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1 me.

2 Q See, we got a little confused there.

3 A Oh, okay.

4 Q All right. Let's back up because I did kind of
5 skip forward and then go back. Let's go back to how Ricardo
6 felt before the surgery.

7 MR. LEWIS: Which surgery?

8

9 BY MR. REDMOND:

10 Q Before the surgery. I'm sorry. That's the
11 problem. Before the gallbladder surgery.

12 A Before the gallbladder surgery he said he was
13 feeling better. We assumed he was feeling better, and then
14 one day he said that he was hurting and this is before
15 the --

16 Q Yeah. Let's go way back before the gallbladder
17 surgery by Dr. Patterson.

18 A Well, Dr. Patterson did the gallbladder surgery.

19 Q I know. Let's go before then.

20 A Okay. Well, before Dr. Patterson did the
21 gallbladder surgery he was hurting and vomiting, and that's
22 why I took him to his doctor.

23 Q Right. That's what I was sort of getting to.

24 A Okay.

25 Q All right. Then he had the surgery?

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1 A Then he had the surgery.

2 Q Okay.

3 A Dr. Patterson released him.

4 Q You went to his office?

5 A From his office, and about four, five months he
6 started back hurting again.

7 Q And that's what you were telling me about when you
8 said that he started vomiting, lying around again; right?

9 A Right.

10 Q Yeah, I got a little out of order. That's my
11 fault. That was about four or five months after
12 Dr. Patterson's office visit where he released him?

13 A Right. Then he had -- that's when he had to go
14 back to the hospital.

15 Q Right.

16 A That's when they found out that some kind of
17 object was in him.

18 Q And do you remember who the surgeon was that did
19 that operation?

20 A Which operation? The one after Dr. Patterson?

21 Q Right. Where we are now, the one where they found
22 something in him?

23 A Dr. Rahman.

24 Q Dr. Rahman?

25 A Yes. I don't know why I call him Dr. Rahman.
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1 Q That's okay. That's good enough. Did you talk to
2 Dr. Rahman after the surgery to see what he'd found?

3 A Yes.

4 Q What did he tell you?

5 A He said he found a sponge in Ricardo.

6 Q Did he say where?

7 A Right at the right side where it was protruding in
8 the side.

9 Q Did he say how it got there?

10 A He said it was left in there from the surgery.

11 Q From the gallbladder surgery?

12 A Yes.

13 Q Did Dr. Rahman say that either Dr. Patterson or
14 any of the nurses involved did anything wrong?

15 A He told me that a sponge was left in Ricardo, and
16 that's the reason why he was so sick.

17 Q Okay. That's about --

18 A He didn't tell me whether the doctor did it or
19 nurse did it or who did it.

20 Q Did Dr. Rahman ever explain to you how they count
21 sponges or decide whether all the sponges are out of a
22 patient after a surgery?

23 A No. I guess I was crying and carrying on so bad,
24 you know, I didn't ask him. Only thing I asked him did he
25 get it.

1 Q Got you. Has any medical person ever told you up
2 until today, over the whole period of time sort of what the
3 doctor does and what the nurses do to make sure all the
4 sponges come out?

5 A Well, you know, I hear people talking, but I don't
6 know, you know. Like somebody said maybe the nurse should
7 have caught it or the doctor should have saw it before he
8 left. I don't know. I guess during that time I was just so
9 crazy confused. I couldn't understand that it happened to
10 my child, and I was just confused and happy that his life
11 was saved at that time.

12 Q How about since that time, has anybody told you
13 what the doctor does and what the nurses do, what their
14 roles are with the sponges?

15 A No.

16 Q You said just a second ago you were happy your son
17 was saved. Has any doctor, either back then or since then,
18 told you that your son might have died?

19 A Yeah. They said if that sponge had stayed in him
20 any time longer he probably would have been dead.

21 Q Who said that to you?

22 A One of the doctors there because I saw about a
23 plenty different types of doctors during the time he was in
24 the hospital, and I was talking back and forth to a lot of
25 them. I can't remember all their names and everything.

1 Q Let me take a crack at it. Was it Dr. Rahman that
2 told you that?

3 A Well, Dr. Rahman said it was good that he got it
4 out of him, of course.

5 Q Right. But my question is, did Dr. Rahman tell
6 you that if it had stayed in, if the sponge had stayed in
7 your son might have died from it?

8 A Dr. Rahman said -- he didn't have to tell me that
9 because I knew as sick as my child was if the sponge hadn't
10 got out he would have been dead.

11 Q Well, that's what I'm trying to figure out. You
12 might have -- you might have come to that conclusion
13 yourself.

14 A Yeah.

15 Q But I'm trying to figure out if any doctor or
16 nurse or other health care provider actually told you that?

17 A No.

18 Q Have you ever heard of something called a sponge
19 count?

20 A Yeah. I heard them talk about that.

21 Q Who have you heard talk about that, other than
22 your lawyer?

23 A Well, I retired from a hospital myself for 20
24 years.

25 Q So you remember something about that going way
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1 back?

2 A I -- I remember -- I don't remember anything about
3 an operating room, but I worked at the Naval Hospital for 20
4 years myself and I've heard talk of a lot of different
5 things happening around there and a lot of different things
6 occurred, but far as my son's concerned I never talked --
7 discussed with anybody what happened at Chesapeake General.

8 Q Well, what is it you heard about sponge count just
9 in general that --

10 A That everything is supposed to be counted for when
11 they finish doing the operation.

12 Q This is something you just sort of remember from
13 being a nurse back then?

14 A From being back then that everything is supposed
15 to be accounted for, and I don't know who is responsible for
16 everything being accounted for after surgery but they say
17 that everything is supposed to be accounted for plus I have
18 friends that's RNs and everything so --

19 Q Have you ever looked at Ricardo's medical records?

20 A Not really look at it.

21 Q There's a medical -- there's a sheet in the
22 medical record called a sponge count sheet. Have you ever
23 seen anything that you understood that's what that was?

24 A No.

25 Q How about there's another piece of the record
Old Dominion Reporting

1 called an operation report. It's what the doctor dictates
2 when he's done. You ever see that?

3 A No.

4 Q What was your job back when you worked at
5 Portsmouth Naval?

6 A Well, I worked in the post office. I worked in
7 medical records. I worked at the OD office, and when I
8 retired I retired from x-ray.

9 Q What do you do now, ma'am? What kind of job you
10 got now?

11 A Sit down and rub these arthritis legs. I'm not
12 working.

13 Q That might be good except rubbing your arthritic
14 legs isn't good.

15 A Rubbing arthritic legs is not good. I'm getting
16 ready to have surgery.

17 Q I hope it goes well.

18 A I do too.

19 Q Have you -- when was the last time that you did
20 work?

21 A I retired in 1996.

22 Q And what job was that from?

23 A Naval Hospital.

24 Q That was the Naval Hospital job?

25 A Uh-huh. I did some private duty work since then.
Old Dominion Reporting

1 Q What kind of private duty work?

2 A Taking care of sick peoples.

3 Q In their homes sort of?

4 A Yes.

5 Q Do you have any nursing degrees or assistant --

6 A CNA license.

7 Q CNA license?

8 A Uh-huh.

9 Q Do you have that as a business now?

10 A Well, if I was able I probably would.

11 Q But you've given up on that because you just hurt
12 too much from your arthritis?

13 A Yeah.

14 Q Did you have a company that went by a name when
15 you were doing that?

16 A No. We do private duty, different ones, you know,
17 need someone to do things and you recommend me, I recommend
18 you, and that's the way we get those private duty jobs.

19 Q Can Ricardo read?

20 A Not that well.

21 Q Can you give me an example of the kind of thing he
22 read? Does he read the newspaper?

23 A If he's not reading it to me I could not tell you
24 how well he could read it, but he can read because I've seen
25 him read -- heard him read some things to me.

1 Q What kind of --

2 A But I can't tell you -- it's nothing specific, you
3 know. Maybe one time, you know, we were looking at the
4 paper and he read something. I said, "Ricardo, that's
5 good," you know, like that, but nothing just sit down and
6 take a book, some paper, something and read it.

7 Q Give me an example of something he's read to you
8 in the past.

9 A Well, he just read to me yesterday his birthday
10 card he just got, because he is beginning to get birthday
11 cards. So he read a couple of them yesterday. I said, "Oh,
12 that's nice."

13 Q Does he read any books for, you know --

14 A Not around me. I don't know what he does at the
15 school.

16 Q What kind of things does Ricardo do when he's not
17 at school just when he's around the house and so forth?

18 A Well, I make sure he keep his room clean. He
19 washes up the dishes, and he vacuums, and he looks at TV,
20 and loves to play the radio.

21 Q What kind of -- would that -- well, strike that.
22 What does he enjoy? What does he do for fun when he's at
23 home? Listen to the radio?

24 A He loves the radio.

25 Q Watch TV maybe?

1 A He watches TV, like games and stuff like that.

2 Q Anything else come to mind?

3 A Not really. Oh, he loves to play cards.

4 Q Does he have access to a computer anywhere that
5 you know about?

6 A No. I got rid of that.

7 Q When you had it did he use it at all?

8 A I got rid of it before he came back home. I let
9 my daughter have it.

10 Q Tell me a little bit about your education, ma'am.
11 Did you grow up in Chesapeake?

12 A Norfolk.

13 Q Norfolk, okay. Did you go to school in Norfolk?

14 A Yes.

15 Q What school did you go to?

16 A Booker T. Washington High School.

17 Q Did you graduate?

18 A Yes.

19 Q Do you have any education after that?

20 A Well, I did a little grammar like through the
21 government just to be doing something.

22 Q Anything else?

23 A And I went to that nursing place, school to get my
24 CNA license.

25 Q Does Ricardo have any friends that he socializes
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1 with?

2 A Well, he socializes with the mens and womens at
3 the clubhouse.

4 Q Do you know of anybody by name?

5 A No.

6 Q How about outside the clubhouse?

7 A I don't allow people to come and hang around my
8 house, so he don't have company coming to the house.

9 Q Does he have any friends outside of the clubhouse
10 that you know about?

11 A Not that I know of.

12 Q Has he mentioned anybody by name as a friend
13 inside the clubhouse?

14 A He'd be calling a lot of the different ones name
15 in the clubhouse, but I don't know who they are.

16 Q Does he ever talk to people on the phone that are
17 friends of his from the clubhouse?

18 A I think maybe one time some young man might have
19 called there, but I don't think it was over one -- one time.

20 Q No names come to your mind anyway?

21 A No.

22 Q Does Ricardo go to church?

23 A Every Sunday. He loves it.

24 Q Does he do any -- does he go to any other social
25 events like clubs -- not the clubhouse but any --

1 A No. No.

2 Q Does Ricardo have any medical problems now other
3 than the medicine he takes for schizophrenia?

4 A And his high blood pressure.

5 Q High blood pressure, right.

6 A And he -- they're working on -- about his kidneys,
7 some kind of way that his kidneys got all screwed up with
8 his --

9 Q Got screwed up with --

10 A I guess when he had the surgery I assume, because
11 Dr. Williams, neurosurgeon -- neurosurgeon -- I can't
12 remember what he is but he had seen him quite a few times
13 when he was in Chesapeake General Hospital. So that's who
14 he goes to for his liver.

15 Q Your son has hepatitis?

16 A Yeah.

17 Q Was it ever figured out how he got it; do you
18 know?

19 A They didn't explain it to me.

20 Q Does he have ongoing treatment for that yet?

21 A Yes. He's still having treatment for it.

22 Q What's your understanding of what that does to his
23 liver; do you know? Did anybody explain to you?

24 A No. Dr. Williams have -- haven't really -- you
25 know, he just said it wasn't a real good thing because he

1 saw him when he was in Chesapeake General during the time
2 they was trying to get him well from his surgery.

3 Q Does your son have any problem with drugs, illegal
4 drugs?

5 A No.

6 Q Your son I notice has a skin graft on his right
7 forearm from a burn?

8 A Yeah. That happened when he was in jail. They
9 apparently did something to his arm for some apparent
10 reason. I can't tell you because I don't know.

11 Q Does that hurt him at all on a daily basis?

12 A He never complains about it.

13 Q Does he have any other pains on a daily basis at
14 all these days?

15 A He's not a complainer. I have to watch him and
16 see him not functioning like he usually do to find out if
17 anything is wrong with him.

18 Q Let me just ask it this way, has -- did he recover
19 from having the sponge taken out? Did he seem better to you
20 after that?

21 A Well, I thought he was for a while before we had
22 to go back and have another operation.

23 Q Okay. How about after that other operation?

24 A He's getting along fairly well.

25 Q You said that five months before the operation,
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1 the sponge-out operation, he had had vomiting and some pain
2 and so forth. Has he had any vomiting since the last of the
3 operations?

4 A He hasn't had any -- he had vomiting after the
5 first operation until they -- then he had vomiting again.
6 They had to do -- go back in. Dr. Rahman had to go back in
7 and do another surgery on him.

8 Q Right. How about after that, any vomiting?

9 A After that you're talking about right now?

10 Q Yeah.

11 A He's doing pretty good.

12 Q No vomiting?

13 A No vomiting.

14 Q How about pain in his belly area now?

15 A He hasn't said anything.

16 Q Any problems in his belly area at all that you can
17 tell since that last surgery?

18 A No, not that I can tell.

19 MR. REDMOND: I think probably I'll turn
20 this over to one of these other fine lawyers now.
21 Thank you, ma'am, very much for your time.

22 THE WITNESS: You're quite welcome.

23

24 BY MS. BRADSHAW:

25 Q Good morning, Ms. Anderson. I'm Megan Bradshaw
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Telephone: (757) 620-6836 Facsimile: (757) 255-4397

1 again. I represent Chesapeake Regional Medical Center. I
2 have a couple questions for you. Does Ricardo have any sort
3 of relationship with his father?

4 A No.

5 Q When's the last time he would have seen his
6 father?

7 A I don't know. It's been a lot of years.

8 Q When you say a lot, can you give me a rough
9 estimate?

10 A Ten or 15 years.

11 Q What's his relationship like with his brother,
12 Sidney? Is that his -- are they full brothers?

13 A Fine.

14 Q Are they -- are they close?

15 A Yes.

16 Q What's Sidney's last name?

17 A Riddick.

18 Q And he, Sidney, lives with you?

19 A Yes.

20 Q Does he have any plans or is he living with you
21 for the foreseeable future?

22 A He's planning to move as soon as he finds
23 somewhere to go.

24 Q What church do y'all go to?

25 A I go to -- Ricardo goes to St. Mark Missionary
 Old Dominion Reporting

1 Delivery Church.

2 Q St. Mark Missionary?

3 A St. Mark, uh-huh.

4 Q Where is that?

5 A On Turnpike.

6 Q Is that in Chesapeake?

7 A No. I think that -- they call that Portsmouth on
8 Turnpike Road. I think they call that Portsmouth.

9 Q Who is Joyce Foster?

10 A That's my preacher lady. That's my friend at my
11 church. She's a very dear friend of mine.

12 Q So you --

13 A A good mentor.

14 Q So you and Ricardo go to different churches?

15 A Yes.

16 Q Which church do you go?

17 A I belong to New Hope Baptist Church on Gust Lane,
18 1317 Gust Lane, Chesapeake, Virginia, been there 20 years.

19 Q Does Ricardo go by himself to church on Sundays or
20 does he go with somebody?

21 A One of the members of the church picks him up and
22 takes him every Sunday.

23 Q Who is that?

24 A What in the world is what you call it name? I
25 didn't know I had to remember that, Ms. Power. I can't

1 think of what Ms. Power's first name is. Her husband was
2 doing it before. He died about a year ago. His name was
3 Ollie Power, but her name is Ms. Power. I can't think of
4 what Ms. Power's first name is right now, but she lives
5 around the corner from me.

6 Q She lives near where you live?

7 A Uh-huh.

8 Q The mental health problems you've described that
9 Ricardo deals with, when -- about when did those start? Did
10 you become aware of those?

11 A I really can't say when.

12 Q Was it before he became an adult? Was it when he
13 was a minor child?

14 A Well, things were happening when he was young but
15 I didn't take it as being mental at that time. I was
16 thinking it was him just wanting to be bad.

17 Q Just behavioral issues when he was young?

18 A Yeah. Uh-huh. That's what I was thinking.

19 Q Would you -- and if you can't that's fine as well,
20 but can you give me an approximate maybe decade of his life,
21 his twenties, his thirties, forties, etc., when you first
22 became aware that he had some mental health problems?

23 A Not really. Not -- not really. I can't say, you
24 know, exactly how old he was.

25 Q Well, I'm not asking you exactly how old he was.
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1 I'm just asking for if you have an approximate, you know,
2 decade of his life?

3 A You know, I would say I was thinking that maybe
4 something was wrong for him to be so mischievous and, you
5 know, maybe do things that I think why would, you know, you
6 want to do that or something like that, but I wouldn't come
7 right out and say, well, oh, when he was ten years old I
8 knew something was going to happen to him because, you know,
9 I can't say that because I don't recall.

10 Q When was there -- was there ever a time when you
11 did not help Ricardo with every aspect of his life?

12 A No, because any time he needs help or any time he
13 needed me I've always been there for my children, you know,
14 not only him, all of them.

15 Q I guess I'm trying to ask a slightly different
16 question not to imply that you're not there when he needs
17 you. I guess to handle his day-to-day affairs that you
18 described he can't handle, when did you start handling his
19 day-to-day affairs?

20 A Well, after he got older that's when I found out
21 he couldn't, you know, do maybe a lot of things that I do or
22 the other kids do, you know, like they would do it, you
23 know.

24 Q And I'm just trying to get a sense for when that
25 was. You said when he got older?

1 A Well, I can't come right out and say when that was
2 because I been helping him along the way with a lot of
3 things all his life, you know. So I can't pinpoint a
4 special time that maybe --

5 Q And I'm not asking you to pinpoint a special time.
6 I was just trying to see if you had a general idea of when
7 that was. The last time that Ricardo was incarcerated you
8 said that was for stealing beer?

9 A Yes.

10 Q Do you know if there were any weapons involved in
11 that?

12 A No. He's never had any -- no violent. It's
13 always been dumb stuff, no violent.

14 Q You mentioned that Ricardo was going to the
15 Coastal Clubhouse I believe as a condition of his parole?

16 A That could be it but -- that could possibly be it.

17 Q Is her currently on parole?

18 A Oh, he's off now. He's been off. I never told
19 him, but he's off.

20 Q Well, I won't -- I won't let the cat out of the
21 bag.

22 A I don't tell him he's off, and when he bring it up
23 I said, "Not yet, buddy."

24 Q Tell me what Joyce Foster knows about this case.

25 A She was with me by my side from the beginning up
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1 until today. She has always been at my side like a mentor
2 like to help me and praying with me, helping me out when I
3 was laying at the hospital all those days, hours. She
4 just -- because we belong to the same church. We been
5 knowing each other over 50 years and she's like a mentor to
6 me although I am the oldest.

7 Q Does she ever talk with Ricardo?

8 A Oh, yes, and pray with him, and he loves her too.

9 "All right, Ms. Joyce. I'm going to be good."

10 Q You mentioned that Ricardo has a problem currently
11 with his kidneys?

12 A Yes.

13 Q What's your understanding of that?

14 A I was trying to figure out, you know, when did it
15 happen, and that seems to be a problem finding out.
16 Dr. Williams says, you know -- well, you know, doctors just
17 don't talk things about different doctors or anything.
18 He'll just say, "We're handling it and everything seems to
19 be doing pretty good." That's all. He doesn't tell me too
20 much, but he just keeps him in check because he has a big
21 test he has to take next month, and I got to get Joyce to
22 take him.

23 Q What test?

24 A I don't know the name of it. I couldn't tell the
25 name to Lawyer Lewis. I forgot. All I knew is a test that

1 he has to take concerning his liver at Chesapeake General.

2 Q Is Dr. Williams still treating him for his
3 kidneys?

4 A Yeah, Dr. Williams.

5 Q Is there anything currently that Ricardo would
6 like to do that he has trouble doing because of what
7 happened with the gallbladder surgery?

8 A I -- by me not being him it would be hard for me
9 to answer that question.

10 Q That's a good, fair point. So to the best of your
11 knowledge, is there anything you know of that Ricardo would
12 like to do that he is unable or has trouble doing because of
13 his gallbladder surgery?

14 A Not that I know of, but I do know one thing he has
15 trouble with. Every time he rubs his stomach he said,
16 "Those people really cut me up, didn't they, mama," because
17 he had all those scars because he had three surgeries. His
18 stomach is all chopped up, and every time he takes a shower
19 and he looks at that sometimes he'll say, "Mama, look at my
20 stomach. They really chopped me up." He be concerned about
21 his stomach all chopped up, but I'll say, "Oh, that will
22 heal." He'll say, "That will heal but all these scars, you
23 know." I'll say, "Ain't nothing mama can do about that. We
24 can't do nothing about that." He do talk about his scars.

25 Q You mentioned, I believe, that Ricardo had
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1 three -- the three surgeries?

2 A Yes.

3 Q What was the -- your understanding of the third
4 surgery?

5 A The third one was the -- he had scar tissue that
6 was wrapping around his intestines from the operation, and
7 Dr. Rahman had to go back in there and remove scar tissue.
8 I did ask Dr. Rahman would that have to be done again. He
9 said he really didn't know.

10 Q When you say that the scar tissue had wrapped
11 around his intestines from the other surgery, are you
12 talking about the second surgery or the first surgery?

13 A It was -- see, he -- once -- one surgery where
14 Dr. Patterson did it. The second surgery when --
15 Dr. Patterson did the first one, then Dr. Rahman went back
16 in and took out the sponge and everything and then
17 Dr. Rahman found out that he had a hole in his gallbladder.
18 That had -- then he had to go back and patch that up, then
19 he had that scar tissue around his -- his intestines.
20 Seemed like to me it was four times, but everybody keeps
21 saying three but seems like to me he had four surgeries
22 because his gallbladder had to be patched after the sponge
23 came out.

24 Q And do you think that all those four surgeries
25 were related to the initial gallbladder surgery?

1 A I really think so because he hadn't had no problem
2 before.

3 Q Is there any other reason you think those are all
4 related or just because he hadn't had any problems before?

5 A I think it all was related.

6 Q Is there any reason you think they're all related?

7 A Because I just feel like they all were related
8 because if the sponge -- after they took out the sponge
9 wherever that sponge was it must been near his gallbladder
10 for to make a hole in it. I don't even -- I don't even want
11 to think about all the things that I think that could have
12 really, really happened if we hadn't really got that sponge
13 out.

14 Q Other than Mr. Lewis, your attorney, has anyone
15 ever told you that all those surgeries were related -- the
16 subsequent surgeries were related to the initial gallbladder
17 surgery?

18 A Well, Dr. Rahman told me himself when he went back
19 in to patch up his gallbladder that it came from the sponge
20 and stuff in it.

21 Q How about the next surgery after he --

22 A The next surgery came from the -- they said that
23 normally happens when you have operations, that scar tissue
24 gets around it.

25 Q Who said that?

1 A Dr. Rahman because I took him back.

2 Q And you think there might have been a fourth
3 related surgery?

4 A A who?

5 Q A fourth related surgery?

6 A Well, I told you --

7 Q Or you're not sure?

8 A I told you all the ones that happened, so you can
9 count them up and see what you think about that.

10 Q And did anyone tell you that the fourth surgery
11 you mentioned was related to the initial gallbladder
12 surgery?

13 A Everything that they had to go in there and do was
14 related to the gallbladder surgery.

15 Q Who told you that? I'm asking you specifically
16 about the fourth surgery, and my specific question is, did
17 anyone tell you that the fourth surgery was related?

18 A Dr. Rahman that saved my son's live told me that a
19 hole was in his intestine.

20 Q Okay.

21 A And that's the reason why he had to have surgery
22 to patch it up.

23 Q That's what I'm trying to figure out is exactly
24 what Dr. Rahman told you. I'm going to go back to June of
25 2005, back to the time of the initial gallbladder surgery.

1 Do you remember speaking with any nurses before --

2 A No nurses.

3 MR. LEWIS: Let her finish her question
4 before you start your answer.

5 THE WITNESS: Huh?

6 MR. LEWIS: Let her finish her question
7 before you start answering.

8

9 BY MS. BRADSHAW:

10 Q I might be slow with my questions. Sorry. Do you
11 remember speaking with any nurses before Ricardo went in for
12 his gallbladder surgery?

13 A No, ma'am.

14 Q How about anybody at the hospital? Did you
15 remember speaking with anybody at the hospital before
16 Ricardo went into the surgery?

17 A No.

18 Q Now, when you say you don't remember, is it that
19 you just don't remember or you don't think you spoke with
20 anybody?

21 A I don't recall speaking to anyone before he had
22 the gallbladder surgery. Is that what you're asking me?

23 Q Yes. Other than Dr. Patterson, did you meet
24 anybody that you understood was going to be involved in
25 Ricardo's gallbladder surgery?

1 A No, I did not.

2 Q After the gallbladder surgery did you speak with
3 anybody at the hospital about anything involving Ricardo's
4 care?

5 A Bring that by me again.

6 Q After Ricardo came out of the operating room, at
7 any time after that did you speak with anybody at the
8 hospital about his care?

9 A I think one time when Dr. Patterson came in there
10 I asked him how was he doing and he told me that everything
11 went fine. That's all I can remember.

12 Q So no nurses or nursing assistants, anybody other
13 than Dr. Patterson?

14 A Never spoke to any nurses at all.

15 Q When Ricardo came back to Chesapeake Hospital and
16 Dr. Rahman removed the object that you called a sponge,
17 during that admission do you remember speaking with anybody
18 other than Dr. Rahman at the hospital?

19 A No.

20 Q Did you ask any questions of anybody other than
21 Dr. Rahman at the hospital?

22 A Not to my knowledge.

23 Q What doctors does Ricardo see now?

24 A Dr. Sonia Kapoor, K-A-P-O-O-R.

25 Q Anybody else?

1 A No, other than Dr. Williams for the liver and his
2 psychiatrist. That's all.

3 Q Remind me his psychiatrist's name.

4 A Dr. Pitsenbarger.

5 Q You mentioned that Ricardo has some type of test
6 scheduled next month for his kidney or kidneys. Does he
7 have any other upcoming doctor's appointments scheduled that
8 you know of?

9 A No.

10 Q Do you take him to all of his doctor's
11 appointments?

12 A Yes, I do.

13 Q Earlier you were talking about things that Ricardo
14 likes to do, listen to the radio, etc. Does he ever go
15 anywhere? Does he have any places he likes to go other than
16 church?

17 A Yes. The clubhouse takes him to different places
18 every Saturday. They go to the beach. They go to the
19 museum, Dollar Tree. They go to different places. They
20 takes them on Saturdays.

21 Q And they go as a group?

22 A As a group.

23 Q Is this a regular occurrence? Do they go every
24 Saturday?

25 A Every Saturday they go somewhere.

1 Q Where did they go this past Saturday?

2 A They went out to Southland, the cigarette place
3 and the Dollar Tree.

4 Q And do you know where they're going next -- this
5 coming Saturday?

6 A Not really. I really don't know, and I have a
7 schedule where they go every week. In fact, I have a
8 schedule for the whole week what they do.

9 Q When they go on these outings, does his counselor,
10 Ms. Vann, go as well?

11 A They have other counselors for Saturday trips.
12 Each one -- lady has a route that she picks up different
13 ones, and his lady that picks him up is Ms. Grace. She's
14 one of the counselors there at the clubhouse, Ms. Grace.

15 Q How about church, does Ricardo ever go to church
16 any times other than Sunday? Does he go during the week
17 or --

18 A No. We've been trying to get there, but take one
19 step at a time, but we do have him ushering now so that's a
20 plus.

21 Q Does Ricardo have any other siblings?

22 A Beg your pardon?

23 Q Does he have any other siblings, brothers or
24 sisters?

25 A Yes. I have three children dead, deceased.
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1 Q Ricardo's never been married; has he?

2 A No.

3 Q Have you kept any type of journal or diary or a
4 calendar with notes in it, something along those lines since
5 Ricardo's gallbladder surgery or you've recorded things
6 about how he's doing or what he's had to go through?

7 A I haven't had that on paper, but I have it all in
8 my mind.

9 Q Have you -- how about on the -- I guess you
10 haven't put it on a computer or --

11 A No. I don't have a computer in my home.

12 Q Other than Ms. Foster, is there anybody else who
13 knows any of the details or facts about this case?

14 A Other -- other than not -- no.

15 Q Other than you and Ricardo obviously and
16 Ms. Foster, is there anybody else?

17 A And my sister's children, nieces and nephews, they
18 all know all about it.

19 Q Where does your sister -- is your sister --

20 A She just deceased a couple years ago.

21 Q She has children who live locally?

22 A Yes.

23 Q So that would be Ricardo's nieces and nephews?

24 A Right.

25 Q And is he close with any of them?

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1 A Oh, yes.

2 Q What are their names?

3 A One name is Sharon Clayton and --

4 Q Does she live in Chesapeake?

5 A Yes.

6 Q Do you happen to know her address?

7 A I don't know Sharon's. I think it's 1221. I'm
8 not positive.

9 Q Other than Sharon who is there?

10 A Kimberly Britton. These are my nephew and nieces.

11 Q All right. Other than Sharon and Kimberly, is
12 there -- are there any other --

13 A Timothy Johnson. That's --

14 Q Are those the only three?

15 A 914 -- yeah, they're the only three.

16 Q 914?

17 A Abbott Avenue, Norfolk. He's the principal at
18 Woodrow Wilson High School. He is who I have designated
19 upon my death to make sure Ricardo is taken care of, him and
20 Joyce. They are my two designated people on my will.

21 Q Do you know if Ricardo has ever been convicted of
22 a felony?

23 A Who?

24 Q Ricardo?

25 A I believe so, but I don't know when and what it
Old Dominion Reporting

1 was.

2 MS. BRADSHAW: I think those are all the
3 questions I have for you. Thank you.

4 THE WITNESS: Okay. Thank you.

5

6 BY MR. GERBER:

7 Q Hi, Ms. Anderson. My name is Todd Gerber, and I'm
8 representing Nurse Challenger, who you've also filed a
9 lawsuit in this case. We've been going now for about an
10 hour-and-a-half. Do you need to take a few minutes or are
11 you okay to keep going?

12 A I'm okay to keep going.

13 Q One of the disadvantages of being last is that I
14 jump around an awful lot. So for any reason I ask you
15 questions that are confusing because of the chronology
16 please stop me and ask me to clarify. Okay?

17 A Okay.

18 MR. REDMOND: You didn't ask any of us if we
19 wanted to take a couple minutes?

20

21 (There was a short break, after which, testimony
22 continues as follows:)

23

24 BY MR. GERBER:

25 Q Ms. Anderson, when we went off the record I was
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1 explaining to you that if for whatever reason any of my
2 questions were confusing please ask me to repeat them.

3 One of the other disadvantages of being
4 relatively new to this case is that I may not know as much
5 as these other two attorneys, so forgive me if some of the
6 questions that I've asked have already been asked of you in
7 some other format. Do you know why it was that
8 Dr. Patterson didn't participate in the removal of the
9 sponge?

10 A I don't know.

11 Q How was it that Dr. Rahman became involved in your
12 son's care?

13 A That's who they referred to him -- referred to do
14 it.

15 Q So when you took him --

16 A Chesapeake General.

17 Q When you took him back to the hospital that second
18 time they again suggested to you that he would be the one
19 that would be performing the surgery?

20 A Yes.

21 Q Did you ever make a request that Dr. Patterson not
22 be involved?

23 A No.

24 Q I thought I had heard you to say that after the
25 sponge was discovered that Dr. Patterson -- that Dr. Rahman

1 was the only one that talked to you about its presence or
2 how it was that it got there; is that right?

3 A Yes.

4 Q You didn't have a conversation with anybody from
5 the hospital about how or why that may have happened?

6 A No.

7 Q Does your son have any symptoms associated with
8 his schizophrenia?

9 A No.

10 Q Does he have any sort of personality disorders or
11 any kind of anxiety disorders that accompany that?

12 A Well --

13 MR. LEWIS: He confabulates.

14

15 BY MR. GERBER:

16 Q Other than confabulation?

17 A Well, I don't know. He -- I feel like sometimes
18 he's moody because he's born in March. They say they're
19 wishy-washy people, so I'm using some of the wishy-washiness
20 on March.

21 Q When before the gallbladder surgery that
22 Dr. Patterson performed was your son last in jail or in
23 prison?

24 A That was the first surgery he had since he came
25 out.

1 Q Right. And how long had he been out before he had
2 the surgery?

3 A Oh, that's about five -- five years.

4 Q And you may have already been asked this question
5 and I apologize if you have, but how many total years over
6 your son's lifetime has he spent in jail or in prison?

7 A In and out I would say about ten years.

8 Q And how old is he now?

9 A He'll be 56 next week, next Wednesday.

10 Q And based on what you said before I take it that
11 any time he was not in jail or in prison that he was living
12 with you?

13 A Absolutely, yes.

14 Q What was his highest grade level that he completed
15 in school?

16 A Between the sixth and the seventh. I don't know
17 exactly which one, but in that line.

18 Q Did he ever get what's called a GED or a high
19 school equivalency diploma?

20 A No.

21 Q Has he ever tried?

22 A I was trying to get him into that at the clubhouse
23 but he said he didn't want to do it, and you can't make a
24 56-year-old man do nothing if he don't want to do it.

25 MR. LEWIS: Sure you can.

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1 THE WITNESS: You can? Well --

2

3 BY MR. GERBER:

4 Q We had talked a little bit about the fact that you
5 had a guardianship and maybe a power of attorney.

6 A Yes.

7 Q The guardianship was very recently granted; was it
8 not?

9 A Yes.

10 Q And that was something that you went out to or you
11 got an order from the court in Chesapeake?

12 A Right. Yes.

13 Q Prior to that order that you got from the
14 Chesapeake court, did you have any other order from any
15 other court that said you could handle your son's affairs?

16 A No.

17 Q That was the first time you had ever gotten
18 something like that from the court?

19 A Yes.

20 Q Prior to getting that order from the court, had
21 you had any document that your son had signed for you saying
22 that you were to handle his affairs?

23 A Yes, power of attorney.

24 Q And you may have answered this as well, but when
25 do you think you first got that power of attorney? Was it

1 before or after his gallbladder surgery?

2 A Before.

3 Q How long before his gallbladder surgery?

4 A A long time. I can't quite remember how long, but
5 it was -- it was quite a -- quite a while because when he
6 started drawing his social security I had to have it -- I
7 got it -- he signed for me to be power of attorney over that
8 and that's --

9 Q Do you know when he first started drawing his
10 social security?

11 A Not right offhand.

12 Q What does he receive social security income for?

13 A Disability.

14 Q Because of his mental disability?

15 A Yeah. Yes.

16 Q Did he begin receiving social security before he
17 got out of prison or after he got out of prison most
18 recently?

19 A After.

20 Q And so did you get the power of attorney while he
21 was still in prison or after he was out of prison?

22 A After.

23 Q Do you have a copy of that power of attorney
24 somewhere?

25 A At home.

1 MR. LEWIS: I do.

2 MR. GERBER: You do?

3 MR. LEWIS: I've produced it to these two
4 fine lawyers before you emerged from your cave.

5 MR. GERBER: And it may be in my file. I
6 just haven't had a chance to go through all of
7 the documents yet so --

8 MR. LEWIS: If you remind me I'll give you
9 one before you leave.

10

11 BY MR. GERBER:

12 Q Does Ricardo know that a lawsuit's been filed?

13 A No.

14 Q You haven't told him?

15 A Because he doesn't understand it.

16 Q What wouldn't he understand about the fact that a
17 lawsuit was filed?

18 A He doesn't even understand about what has happened
19 to him.

20 Q Does -- have you explained to him or has anybody
21 explained to him that what happened was that he had
22 something left behind during his gallbladder surgery?

23 A I did.

24 Q And did he understand that?

25 A He said, "Oh." That's all.
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1 Q Has he participated in any discussion with you
2 about the fact that this lawsuit is pending or has been
3 filed?

4 A No.

5 Q I take it based upon what you've said that when
6 he -- when it was first realized that he needed to have this
7 gallbladder surgery he was able to understand that he was
8 having surgery; correct?

9 A Yes.

10 Q And did he -- did you get the sense that he
11 understood what that meant?

12 A Yes, but he didn't understand about the
13 gallbladder itself. He knew he was having an operation,
14 because I told him.

15 Q Okay. If a doctor or a nurse were to give him
16 instructions would he be able to understand and follow the
17 instructions that he was given?

18 A He would try to because he tries to be more alert
19 than he really is. He would try it.

20 Q We had touched on briefly his abilities to express
21 to you what might be wrong with him, and you said that he's
22 not a real complainer. Does he have the ability to
23 understand and know when something is wrong with him and to
24 be able to tell you?

25 A He knows when he hurts, but he just won't come
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1 right out and say, "Mama, this hurt right here." I have to
2 go to him. I'll say, "Is something wrong with you?" He'll
3 say, "Yes," and that's when I'll say, "Well, what is it,"
4 and then he'll tell me. I say, "Well, we're going to the
5 doctor." He doesn't have the ability on his own to say, "My
6 side hurts," or, "My stomach hurts. You got to get me out
7 of here to the doctor." He's not going to say anything like
8 that. I have to be the one to push that issue.

9 Q In between the time that he got out of prison and
10 his gallbladder surgery had he had any other surgeries?

11 A No, other than the ones he -- the last three or
12 four he had at Chesapeake General.

13 Q Right. And I'm talking about now before his
14 gallbladder surgery, between the time he gets out of prison
15 and his --

16 A He had never had -- he had never --

17 MR. LEWIS: Let him finish.

18

19 BY MR. GERBER:

20 Q Go ahead. I think you understood my question.

21 A He had never had any surgery before.

22 Q And I take it that he hasn't had any surgeries
23 other than those that took place at Chesapeake General
24 Hospital after his gallbladder surgery?

25 A No.

1 Q Have you ever filed any lawsuits on behalf of
2 Ricardo other than this one?

3 A No.

4 Q Do you know if he had any complaints related to
5 his health that were filed while he was in prison, for
6 example?

7 A No.

8 Q Does he have any problems that are currently
9 related to this sponge that you're aware of?

10 A I don't know.

11 Q Has the pain in his side resolved?

12 A Yes.

13 Q And so you're not aware then of any other problems
14 that may be related to this sponge?

15 A No.

16 MR. GERBER: I don't have any other
17 questions. Thank you, ma'am.

18

19 BY MS. BRADSHAW:

20 Q I just have one quick question. When did Ricardo
21 start receiving the social security?

22 A I don't quite remember, ma'am.

23 Q Was it before his gallbladder surgery?

24 A Oh, yeah. He had it before he had the surgery.

25 Q Was it before he went to prison the last time?

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1 A Yes.

2 Q Did you help him apply for that?

3 A Yes.

4 Q And who was his physician at the time, his doctor?

5 A Beg your pardon?

6 Q Who was his doctor at the time?

7 A Now?

8 Q At the time you helped him apply for the social
9 security?

10 A I can't remember. I can't remember.

11 Q Is it somebody before Dr. Kapoor?

12 A Well, he had -- Dr. Reid was his doctor before
13 Dr. Kapoor.

14 Q Did he have another doctor before Dr. Reid?

15 A I think Dr. Reid was the only one that we had been
16 going to, and then she left and we had Dr. Kapoor.

17 Q Do you think Dr. Reid might have been involved in
18 getting him the social security or the other disability?

19 A I -- I can't --

20 Q If you don't remember that's fine.

21 A I can't remember. All I know, I know his
22 counselor that he had when he was away she had everything
23 fixed up when he got discharged for everything to be -- his
24 disability, his doctor card, all that stuff was already in
25 progress when he came out of jail.

1 Q Do you remember who that was, that counselor?

2 A I don't remember that lady. I should have
3 remembered her name because she was a very nice lady, but I
4 done forgot.

5 MS. BRADSHAW: Thank you.

6 MR. LEWIS: Everybody done? She'll waive.

7

8 (The witness was excused.)

9

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1 COMMONWEALTH OF VIRGINIA AT LARGE, To-Wit:

2

3

4

5 I, Shannon A. Crittenden-Mann, a Notary Public in

6 and for the Commonwealth of Virginia at

7 Large, whose commission expires May 31, 2012, certify

8 that the foregoing deposition of EVELYN ANDERSON

9 was duly taken and sworn to before me at

10 the time and place for the purpose in the caption

11 mentioned, and that the foregoing is a true and

12 correct transcript to the best of my ability of the

13 testimony given by the witness.

14 I further certify that I am not a relative or

15 employee of attorney or counsel of any of the parties

16 or financially interested in the action.

17 Given under my hand this _____ day of

18 _____, _____.

19

20

21

22

23

Notary Public

24

Registration No. 217036

25