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Case : ETHEL RISNER vs. Mercy Hospital
Testimony Date : March 26, 2003
Expert Witness : GAYLE GALAN M.D.
Expert Type : Emergency Medicine / Trauma
Court : State: Ohio County: CUYAHOGA
Pages : 78

Deposition of Gayle Galan, M.D., taken on March 26, 2003

State Of Ohio,)
County of Summit.) SS:

IN THE COURT OF COMMON PLEAS

ETHEL RISNER, etc.,)
)
Plaintiff,)
)
vs.) Case No. CV-2001-04-1699
) Judge Cosgrove
Mercy Hospital,)
Willard, et al.,)
)
Defendants.)

THE DEPOSITION OF GAYLE A. GALAN, M.D.
WEDNESDAY, MARCH 26, 2003

The deposition of GAYLE A. GALAN, M.D., called by the Plaintiff for examination pursuant to the Ohio Rules of Civil Procedure, taken before me, the undersigned, Darlene Vance, a Registered Professional Reporter and Notary Public within and for the State of Ohio, taken at the offices of Weston, Hurd, Fallon, Paisley & Howley, 2500 Terminal Tower, Cleveland, Ohio, commencing at 9:22 a.m. the day and date above set forth.

1 GAYLE A. GALAN, M.D.
2 of lawful age, called by the Plaintiffs for
3 examination pursuant to the Ohio Rules of Civil
4 Procedure, having been first duly sworn, as
5 hereinafter certified, was examined and
6 testified as follows:

7 EXAMINATION OF GAYLE A. GALAN, M.D.
8 BY MR. MARX:

9 Q Good morning, Doctor. We were introduced. My
10 name is Jim Marx. As I'm sure you've been told,
11 I represent the estate of Vernon Risner in a
12 medical malpractice action that has been filed
13 against Willard Hospital and Drs. Secor and
14 Ross.

15 So at this point in time, I'm here to ask
16 you some questions because you've been
17 identified as an expert by the defense in this
18 case. Correct?

19 A Yes.

20 Q And if I ask you any questions today that aren't
21 clear, that you don't understand, please let me
22 know that.

23 A Yes.

24 Q I'll try not to do that, but it may happen. If
25 you need to take a break, that's fine, just let

APPEARANCES:

On behalf of the Plaintiff:

James A. Marx, Esq.
Traci & Marx
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On behalf of Defendant Jeffrey B. Romig, M.D.:

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On behalf of Defendants Dr. Rosso and
Dr. Secor:

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On behalf of Defendant Mercy Hospital
of Willard:

Julia Smith Wiley, Esq.
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Ninth Floor - Four Seagate
Toledo, Ohio 43604

1 me know. I would only ask that you don't take a
2 break in the middle of a pending question --

3 A Yes.

4 Q -- and you answer unless some privileged
5 objection is being raised by counsel.

6 A Yes.

7 Q Could you tell me your professional address,
8 please?

9 A I am employed by Emergency Professional
10 Services, which is in Middleburg Heights. I
11 work at St. Vincent Charity Hospital which is on
12 East 22 Street in Cleveland, Ohio.

13 -----
14 (Plaintiff's Exhibit No. 1 was marked.)
15 -----

16 Q I'm handing you what I've had marked as Exhibit
17 1. This was provided to me and appears to be a
18 CV of yours. Is that correct, Doctor?

19 A Correct.

20 Q Is there anything that should be added or
21 deleted from that?

22 A There are several things. I have been
23 recertified in family practice within the last
24 year and a half. I now am an advanced hazardous
25 life support instructor. That's the pertinent

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1 updates.

2 Q Okay. Looking at this briefly, I didn't notice

3 any articles listed. Have you published any

4 articles?

5 A Yes. In fact, I have published three articles.

6 Maybe that's not included in there. They're all

7 on asthma.

8 Q And your teaching positions or faculty

9 positions, is that listed on here?

10 A Yes.

11 Q Are those current or were those positions that

12 you held in the past?

13 A They are current. I continue to teach both with

14 Case Western Reserve and Northeastern Ohio

15 College of Medicine. My ongoing hands-on

16 teaching experiences are that we have residents

17 in internal medicine at St. Vincent Charity, and

18 I both lecture and also do clinical supervision

19 of residents.

20 Q What does that supervision involve? Is there an

21 area of practice? Is it emergency medicine?

22 A Yes, in emergency medicine. The residents

23 actually do rotations in the emergency

24 department and so they will assess patients,

25 either with me or just prior to my seeing the

1 breakdown on plaintiff versus defendants there?

2 A I testified once on behalf of the plaintiff and

3 the others were defense.

4 Q Did any of those previous cases involve issues

5 related or similar to those presented in this

6 case?

7 A No.

8 Q Did any of those previous cases involve doctors

9 or nurses who are involved in this case?

10 A No.

11 Q When were you first contacted concerning the

12 case we're here about today, the Risner case?

13 A A few months before I wrote my expert report.

14 So the report was January 2, '02, so it was the

15 end of 2001. So probably October, November.

16 Q Who contacted you?

17 A It was Ms. Harris' assistant.

18 Q And was that by telephone?

19 A Yes.

20 Q And what, if anything, were you told at that

21 point in time by Ms. Harris' assistant

22 concerning this case?

23 A She informed me that this was a patient in

24 Willard, Ohio, gave me the name of the physician

25 involved, stated that this was involving a

6

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1 patient, we discuss the patient, I evaluate the

2 patient, compound.

3 Q Do you have a private practice as well?

4 A No. That is my practice, emergency medicine.

5 Q All right. Have you been deposed or testified

6 in medical malpractice cases before?

7 A Yes.

8 Q And starting with depositions, how often or how

9 many times previous to today have you given

10 depositions in these kinds of cases?

11 A I believe I've now been in about 10 to 12

12 depositions.

13 Q And have you testified in court in a malpractice

14 case?

15 A Yes. I've testified, I believe, five times.

16 Q And of those 10 to 12 times when you've given

17 depositions, can you tell me what the breakdown

18 is between plaintiff and defendant doctors?

19 A For plaintiff, as far as depositions, it's about

20 -- a little less than a third of those

21 depositions. As far as overall cases, I've

22 probably reviewed about a third plaintiff and

23 two-thirds defense.

24 Q With respect to the five times you actually

25 testified in court, can you give me the

1 patient with a stroke and would I be -- would I

2 have a conflict in reviewing that and I said no.

3 Q Was there any follow-up communication, then,

4 either in writing or by telephone from

5 Ms. Harris?

6 A After that time, the assistant told me that she

7 would forward me the records and that she would

8 appreciate my calling back and saying whether I

9 felt that this case was defensible or not.

10 That's, in fact, what I did, is that I called

11 back and said that I felt the case was

12 defensible and she requested an expert report.

13 Q Do you recall the name of the assistant that you

14 were dealing with?

15 A Joellen Leach.

16 MS. HARRIS: She's a paralegal,

17 just so you know.

18 Q Have you been retained by Weston, Hurd, the law

19 firm that Ms. Harris works for, on previous

20 cases?

21 A Yes. I believe two.

22 Q And what lawyer here at Weston, Hurd retained

23 you? Was it Ms. Harris or other lawyers?

24 A The -- I believe this is the first time with

25 Ms. Harris being here at Weston, Hurd. I