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Case : AMY BURKE vs. TIMOTHY NIC
Testimony Date : February 05, 2002
Expert Witness : JOHN DAVIS M.D
Expert Type : Orthopedic Surgery
Court : State: Ohio County: Cuyahoga
Pages : 102

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

IN THE COURT OF COMMON PLEAS

AMY BURKE, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 401962
) Judge Gaul
TIMOTHY NICE, M.D.,)
et al.,)
)
Defendants.)

THE VIDEOTAPED DEPOSITION OF JOHN DAVIS, JR., M.D.
TUESDAY, FEBRUARY 5, 2002

The deposition of JOHN DAVIS, JR., M.D., called by the Plaintiffs 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 MetroHealth Medical Center, 2500 MetroHealth Drive, Cleveland, Ohio, commencing at 10:18 a.m., the day and date above set forth.

1 JOHN DAVIS, JR., 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 JOHN DAVIS, JR., M.D.

8 BY MR. TRACI:

9 Q Doctor, you would you be kind enough to state
10 your full name and professional address?

11 A John Alan Davis, Jr., 2500 MetroHealth Drive,
12 Cleveland, Ohio, 44109.

13 Q And that address is the MetroHealth Medical
14 Center?

15 A Yes.

16 Q What is your date of birth, Doctor?

17 A 10-06-57.

18 Q And do you have any other professional
19 addresses, other than the one you gave us?

20 A No.

21 Q Okay. In front of you marked, I think it's
22 Exhibit 1 -- is that correct?

23 A Yes.

24 Q -- is your CV; is that correct?

25 A Yes.

APPEARANCES:

On behalf of the Plaintiffs:

Robert Traci, Esq.
Traci & Marx
1370 West 6th Street, Suite 350
Cleveland, Ohio 44113

On behalf of Defendant Meridia Hillcrest Hospital:

Christine Reid, Esq.
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On behalf of Defendant Timothy Nice, M.D.:

Stephen Walters, Esq.
Reminger & Reminger
The 113 St. Clair Building
Cleveland, Ohio 44114

(Plaintiff's Exhibit Nos. 1-3 were marked.)

1 Q Have you had a chance to review that before the
2 deposition today?

3 A Yes.

4 Q Okay. Is that a current copy of your CV?

5 A Yes.

6 Q Is there anything you'd like to add to that in
7 terms of any other positions -- rarely are they
8 completely current. I want to know if there's
9 anything you want to add, publications,
10 positions, anything like that? Rather than have
11 me walk through everything that's on there.

12 A No.

13 Q Okay. Could I see that for a moment, please,
14 Doctor? Thank you.

15 It says currently you're on the active
16 staff and an assistant professor; is that
17 correct?

18 A Yes.

19 Q And you're on the active staff of what hospital?
20 A MetroHealth Medical Center.

21 Q Is that the only one?

22 A No.

23 Q And where else are you on the active staff?

24 A Well, currently at St. Elizabeth's in Youngstown
25 in that I see patients there one day a month.

5

7

1 Q Okay. Are you on the active staff of University
2 Hospital in Cleveland?

3 A I don't believe I am any longer. I think --
4 recently, they have decided that since we
5 receive monies from MetroHealth Medical Center,
6 that we are no longer active staff members
7 there. I probably still have the ability to
8 admit patients there, though.

9 Q Okay. It says you're an assistant professor.
10 Assistant professor of what and where?

11 A Of orthopedics.

12 Q Where?

13 A Through Case Western Reserve University.

14 Q At the medical school?

15 A Yes.

16 Q And the medical school, is that connected with
17 or part of University Hospitals?

18 A Yes. For now.

19 Q You refer to now, are you talking about what I
20 was reading in the paper that they're going
21 through all that stuff with the medical schools?

22 A There is some debate.

23 Q Okay. It also indicates from July of '94 to the
24 present that you're a member of University
25 Orthopaedics Associates, Inc.?

1 fellowship after residency?

2 A Yes.

3 Q How many years of residency did you have?

4 A Five.

5 Q And how many years of fellowship?

6 A One.

7 Q And when did you complete your fellowship year
8 at University Hospitals?

9 A In June of 1994.

10 Q Okay. And who was -- did you specialize in any
11 area of orthopedics in your fellowship?

12 A Yes.

13 Q What area is that?

14 A Spine.

15 Q Who is the chief of the spinal area at the time
16 you were training as a fellow?

17 A Dr. Henry Bohlman.

18 Q And do you still have professional contact with
19 Dr. Bohlman?

20 A Yes.

21 Q How frequently? On what basis do you have
22 professional interaction with Dr. Bohlman
23 currently?

24 A Well, he and I share fellowship training.

25 Q So you both would have the same fellow that you

6

8

1 A Yes.

2 Q What is that group?

3 A That is an academic orthopedic group through
4 Case Western Reserve University and University
5 Hospital.

6 Q What does it mean it's an academic group?

7 A It is an orthopedic group that's responsible for
8 training residents in orthopedic surgery.

9 Q Do you train residents here?

10 A Yes.

11 Q Do you train residents over at University
12 Hospitals?

13 A Yes.

14 Q And where it says Case Western Reserve
15 University, you have that on your CV because
16 you're an assistant professor there?

17 A Yes.

18 Q We already covered that. Do you have any other
19 affiliation with the university, other than what
20 we've already discussed?

21 A No.

22 Q You received your residency training at
23 University Hospitals?

24 A No. My fellowship training.

25 Q Your fellowship training. What is -- is

1 would be training -- fellow or fellows?

2 A Correct. We take three a year, and each one
3 rotates four months with me at MetroHealth
4 Medical Center.

5 Q Okay. Who else shares in that training besides
6 you and Dr. Bohlman?

7 A Dr. Sandy Emery and Dr. Juang Yu and Dr. Chris
8 Fury all located at University Hospital and some
9 affiliation with the V.A. Hospital here in
10 Cleveland.

11 Q Okay. They're all members of -- or principals
12 in University Orthopedic Associates, Inc.?

13 A Yes.

14 Q You're a principal in that group?

15 A Academically.

16 Q As opposed to clinically?

17 A As opposed to financially.

18 Q As opposed to financially.

19 A In other words, I do not get paid through
20 University Orthopedics as they do.

21 Q Okay. Now, Doctor, you have in front of you a
22 stack of documents that are not in the black
23 binders there that has a sticker, Plaintiff's
24 Exhibit 2 on it, correct?

25 A Yes.