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Case : Contractor v. Jones
Testimony Date : December 08, 2011
Expert Witness : Scott Melvin M.D.
Expert Type : Surgery - General
Court : State: Indiana County: Hamilton
Pages : 71

1	<p>STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT)) COUNTY OF HAMILTON) CAUSE NO. 29D01-0704-CT-412 Shamima Contractor and : Kaid Contractor, : :) Plaintiffs, : :) vs. : :) Rosemarie Jones, M.D., : :) Defendant. : :) ---) DEPOSITION OF W. SCOTT MELVIN, M.D. :) ---) Thursday, December 8, 2011 11:08 o'clock a.m. The Ohio State University Medical Center Doan Hall 410 West 10th Avenue Columbus, Ohio :) ---) SHAYNA M. GRIFFIN REGISTERED PROFESSIONAL REPORTER CERTIFIED REALTIME REPORTER :) ---) ANDERSON REPORTING SERVICES, INC. 3242 West Henderson Road, Suite A Columbus, Ohio 43220 (614) 326-0177 FAX (614) 326-0214</p>	3
2	<p style="text-align: center;">I N D E X</p> <p style="text-align: center;">---</p> <p>WITNESS PAGE</p> <p>W. SCOTT MELVIN, M.D.</p> <p>Cross-Examination (By Mr. Buckingham) 4</p> <p>Direct Examination (By Mr. Clayton) 63</p> <p style="text-align: center;">---</p>	4
2	<p>APPEARANCES:</p> <p>B. KENT BUCKINGHAM, Attorney at Law Buckingham Law Firm 1707 West Wall Street Midland, Texas 79701 432.570.1919 On behalf of the Plaintiffs. (Via telephone)</p> <p>BRETT CLAYTON, Attorney at Law Eichhorn & Eichhorn 9101 North Wesleyan Road, Suite 401 Indianapolis, Indiana 46268 317.228.9670 bclayton@eichhornlaw.com On behalf of the Defendant.</p> <p style="text-align: center;">---</p>	4
2	<p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">---</p> <p style="text-align: center;">W. SCOTT MELVIN, M.D.</p> <p style="text-align: center;">---</p> <p>being by me first duly sworn, as hereinafter certified, testifies and says as follows:</p> <p style="text-align: center;">CROSS-EXAMINATION</p> <p style="text-align: center;">---</p> <p>BY MR. BUCKINGHAM:</p> <p>Q. Doctor, would you please introduce yourself.</p> <p>A. Sure. My name is William Scott Melvin.</p> <p>Q. Dr. Melvin, my name is Kent Buckingham, and as you know, I'm representing the Contractor family; correct?</p> <p>A. Yes.</p> <p>Q. You are here presented as a testifying witness on behalf of Dr. Jones; correct?</p> <p>A. Yes.</p> <p>Q. You have been retained by Dr. Jones' attorney to present evidence on her behalf; correct?</p> <p>A. Yes.</p> <p>Q. You have been deposed many times in the past; correct?</p>	4

5	<p>1 A. Yes.</p> <p>2 Q. Can we have the agreement as we go through</p> <p>3 this that if I ask a question that you do not</p> <p>4 understand that you will ask me to rephrase it?</p> <p>5 A. Yes.</p> <p>6 Q. I'm kind of a slow-talking West Texas</p> <p>7 lawyer that's even slower thinking. You are going</p> <p>8 to know where I'm going with my question long before</p> <p>9 I get there, but if you wouldn't mind letting me get</p> <p>10 my question out before you provide your answer. Can</p> <p>11 we agree to that as well?</p> <p>12 A. I'll try.</p> <p>13 Q. Great.</p> <p>14 So at the end of the deposition here, if</p> <p>15 you have given us an answer to a question, it would</p> <p>16 be safe to assume that you understood that question;</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Thank you.</p> <p>20 Doctor, do you have your file before you?</p> <p>21 A. I do.</p> <p>22 Q. Great.</p> <p>23 Can you tell me what materials you have</p> <p>24 reviewed in formulating your opinions in this case.</p>	7
6	<p>1 A. Sure. I have the medical records here</p> <p>2 listed and supplied to me by the attorneys that are</p> <p>3 the medical records from the hospital stays dated --</p> <p>4 go by dates here -- March 7th and the second</p> <p>5 hospital stay dated March -- that involved the</p> <p>6 surgery of March 14th. So I believe that was</p> <p>7 admitted the day before. I have those.</p> <p>8 I also have records from -- a few of the</p> <p>9 records from Indiana University. I don't believe I</p> <p>10 have all -- every single detail of that. In</p> <p>11 addition to that, I have records of the patient's</p> <p>12 care from Methodist Hospital, some of the selected</p> <p>13 records and discharge summary from U.T. Southwestern</p> <p>14 from Dr. Michelle Sweet Albores -- I'm giving these</p> <p>15 to the recorder -- Harris Methodist Hospital, Andrew</p> <p>16 Shea, Lloyd Walton, and then U.T. Southwestern --</p> <p>17 this one, U.T. Southwestern. I've also looked at</p> <p>18 the depositions of -- what's the last one --</p> <p>19 Dr. Jones, and this is Dr. Maluccio, and I think</p> <p>20 that's it. And Dr. Barnes.</p> <p>21 Q. All right. So you reviewed the medical</p> <p>22 records that you detailed for us. And have you</p> <p>23 thoroughly read the depositions of Dr. Jones,</p> <p>24 Maluccio and Barnes?</p>	8
5	<p>1 A. I have reviewed those, yes. I may not be</p> <p>2 able to recall them 100 percent, so thoroughly, I</p> <p>3 don't know.</p> <p>4 Q. Okay. I gotcha.</p> <p>5 A. Yeah.</p> <p>6 Q. But you have read them?</p> <p>7 A. Yes, sir.</p> <p>8 Q. In their entirety?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Yes.</p> <p>12 Q. Do you feel the need to review any other</p> <p>13 materials before you render your final opinions in</p> <p>14 this case?</p> <p>15 A. Right now I don't see anything that's</p> <p>16 lacking to help me formulate those decisions, no.</p> <p>17 Q. So you are prepared today to render your</p> <p>18 final opinions in this case?</p> <p>19 A. Yes.</p> <p>20 Q. Will you agree that the opinions that you</p> <p>21 render today will be based upon reasonable medical</p> <p>22 probability?</p> <p>23 A. Yes.</p> <p>24 Q. And if your opinions change between now</p>	7
6	<p>1 and the time of trial, you will alert defense</p> <p>2 counsel so that he can let me know that you have</p> <p>3 changed your opinions? Can we agree to that?</p> <p>4 A. Yes.</p> <p>5 Q. Have you made any notes regarding any of</p> <p>6 your review?</p> <p>7 A. No.</p> <p>8 Q. No notes whatsoever?</p> <p>9 A. No, sir.</p> <p>10 Q. Have you highlighted anything in the</p> <p>11 depositions?</p> <p>12 A. No.</p> <p>13 Q. Have you written any e-mails in this case?</p> <p>14 A. Maybe I've written an e-mail to -- about</p> <p>15 scheduling, but only about scheduling.</p> <p>16 Q. Nothing as to the nature of your opinions</p> <p>17 or anything to that extent?</p> <p>18 A. No, sir.</p> <p>19 Q. So just us getting together and that was</p> <p>20 it?</p> <p>21 A. That was it, yes.</p> <p>22 Q. Any texts on your phone?</p> <p>23 A. No.</p> <p>24 Q. Have you worked with this defense</p>	8