

ENCINO-TARZANA REGIONAL MEDICAL CENTER
JUDICIAL REVIEW HEARING

CERTIFIED COPY

In the Matter of)
)
GIL N. MILEIKOWSKY, M.D.)
)
_____)

VOLUME XIV
(Pages 1649 - 1811)

Encino-Tarzana Regional Medical Center
18321 Clark Street
Tarzana, California 91356

Monday, November 12, 2001

REPORTED BY:
Theresa A. Crowley
CSR No. 5513, RPR

File No. 11-4-010



Crowley Reporting

Certified Shorthand Reporters
2420 West Carson Street • Suite 210
Torrance, California 90501
(310) 787-4096

I N D E X

(Procedural Matters contained in
separate Confidential Volume.)

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
FOR THE MEC				
Dori DiNapoli, R.N.	1655	1686	1766	1795
			1803	1807

Examination by Dr. Fleisher - pages 1774, 1791

Examination by Dr. Brooks - pages 1777, 1793

Examination by Dr. Miyashita - pages 1782, 1791

Examination by Dr. Nassoura - pages 1784, 1792

Examination by Dr. Fleet - pages 1785, 1794

Examination by Dr. Persky - page 1787

Examination by Dr. Ballin - page 1789

1 DR. WULSFBERG: I believe you're going to ask
2 the questions, Dr. Mileikowsky.

3 THE HEARING OFFICER: It's your choice.
4

5 CROSS-EXAMINATION

6 BY DR. MILEIKOWSKY:

7 Q Good evening. How are you this evening?

8 A Good, thanks.

9 Q How long do we know each other?

10 A Many years.

11 Q Many years.

12 And, to the best of your perception, are you
13 one of my favorites or one of my less favorites?

14 A I don't know. I don't know. I can't
15 speculate.

16 Q Over the years have I solicited your input
17 regarding patient care when I was at home and I needed
18 some --

19 A Yes, you have.

20 Q So if another nurse was giving me a pelvic exam
21 or other status of a patient of mine and I knew you were
22 there, I would ask you to confirm or to have your own
23 input; is that correct?

24 A I don't remember incidences. But, yes,
25 probably.

1 Q So over the years we have learned to sort of,
2 in a medical point of view at least, to trust each
3 other's knowledge and experience; is that right?

4 A Yes.

5 Q So you were not too surprised that night on
6 October 24 that I was not too happy with the nurse that
7 was with me in the room; correct?

8 A Correct.

9 Q Do you recall if this patient was, prior to her
10 delivery, set for a potential Cesarean section?

11 A I don't recall.

12 Q Why don't you look at the chart.

13 A What reference?

14 Q Not the exhibit book, the chart. Look under
15 consent forms. Was she consented for a Cesarean
16 section?

17 A That would be under record of operations or --

18 Q I guess wherever they put the consent.

19 A The consent here is vaginal delivery. I don't
20 see -- I see a vaginal delivery consent. That's the
21 only consent I see.

22 THE HEARING OFFICER: Do you want to look at
23 the chart, Dr. Mileikowsky?

24 THE WITNESS: I only see a vaginal delivery
25 consent.

1 Come on.

2 THE HEARING OFFICER: Let's not argue.

3 DR. MILEIKOWSKY: I'm not arguing. I'm trying
4 to --

5 (Simultaneous colloquy.)

6 DR. WULSFBERG: He's arguing with the witness
7 and trying to extract the answer to a question that she
8 does not have.

9 THE HEARING OFFICER: Sustained.

10 Next question.

11 BY DR. MILEIKOWSKY:

12 Q Can you explain to us the structure that is
13 above you when you are in labor and delivery, please.

14 DR. WULSFBERG: I object.

15 BY DR. MILEIKOWSKY:

16 Q Are you a charge nurse?

17 DR. WULFSBERG: We're going down the same --

18 THE WITNESS: Yes.

19 (Simultaneous colloquy.)

20 BY DR. MILEIKOWSKY:

21 Q How long have you been a charge nurse?

22 A Between 12 and 13 years.

23 Q What is the name of whoever is above you when
24 you are a charge nurse?

25 A My nurse manager.

1 Q And that nurse manager covers only labor and
2 delivery or other territory in the hospital?

3 A Depends on -- depends on what's going on with
4 the hospital administration. Sometimes they have all of
5 maternal child health; sometimes they have pediatrics as
6 well. Sometimes they have -- it depends. It has
7 changed. It changes with administration.

8 Q But that's not the whole hospital, so there's a
9 supervisor nurse above the manager nurse; correct?

10 A I guess the director of nurses is.

11 Q Director of nurses. Okay.

12 Is there a difference between supervisor and
13 director?

14 A I believe so.

15 Q Can you educate us.

16 DR. WULSFBERG: I'm going to object to this
17 line of questioning. Again, this is going nowhere,
18 leading us in no direction at all.

19 THE HEARING OFFICER: Sustained. Let's get
20 through this. You've spent a great deal of time on the
21 issue of the allegations regarding the vacuum. You
22 haven't gotten to the issue regarding the allegations
23 about the nighttime visit. I assume you want to do so.

24 I'm not going to hold the witness over beyond
25 this evening. I'm just alerting you to that. And at

1 first impression.

2 Q What were you told was the reason for the
3 notice -- there were two different ones, but the first
4 one was placed in June of last year by the directives of
5 Mr. Surowitz, among other places, on the bulletin board
6 in labor and delivery. Were you told why you had to
7 call security whenever I would come?

8 A I only saw one notice, and it's the same one
9 that's up now. If there was another one prior to that,
10 I did not see it.

11 And I was never told why.

12 Q Did you ever ask anyone?

13 A No, I did not. I just felt it wasn't my
14 business.

15 Q Did you ever hearsay -- or hear people talk
16 about what the reason for that was?

17 A The speculation that there was a problem
18 between you and administration, but I don't think
19 anybody really knew.

20 Q Did you feel comfortable seeing security coming
21 to labor and delivery?

22 A They come to labor and delivery all the time.
23 They make rounds, so yes.

24 Q Earlier you said that you have never felt
25 threatened by me; is that correct?

1 A Correct.

2 Q I'm sorry?

3 A Yes, that's correct.

4 Q Are you a member of the union here in this
5 hospital?

6 A Yes, I am.

7 Q Are you aware at all whether anything was
8 discussed regarding myself by your union?

9 A No.

10 Q Were you ever consulted by your union regarding
11 any steps to be taken regarding myself?

12 A No.

13 Q Was there any meeting that you attended where
14 you had union members discuss any issues of security in
15 the hospital --

16 A No.

17 Q -- regarding myself?

18 What is your rapport with Ms. McDaniels?

19 A She's a coworker.

20 Q Is she the representative of the union?

21 A She's the president of the union.

22 Q She's the president of the union for the whole
23 hospital or just labor and delivery?

24 A For the whole hospital.

25 Q How did you react when you found in your