

# EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JOHNNY JONES, )  
)  
)  
Plaintiff, )  
)  
vs. ) No. 17 CV 8218  
)  
WEXFORD HEALTH SOURCES, INC., )  
and MARSHALL JAMES, M.D., )  
)  
Defendants. )

The Deposition of JOHNNY JONES,  
called by the Defendant for examination, pursuant to  
Notice and pursuant to the Federal Rules of Civil  
Procedure for the United States District Courts,  
taken before Victoria D. Rocks, CSR, and Notary  
Public in and for the County of Cook, State of  
Illinois, at 200 S. Michigan Avenue, Suite 201,  
commencing at 10:00 o'clock a.m., on the 16th day of  
October 2018, A.D.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 KENNETH N. FLAXMAN, PC</p> <p>4 MR. JOEL FLAXMAN</p> <p>5 200 S. Michigan Avenue</p> <p>6 Suite 201</p> <p>7 Chicago, Illinois 60604</p> <p>8 (312) 427-3200</p> <p>9 jap@kenlaw.com</p> <p>10</p> <p>11 appeared on behalf of the Plaintiff;</p> <p>12</p> <p>13 CASSIDAY SCHADE, LLP</p> <p>14 MS. SANDRA L. BYRD</p> <p>15 222 W. Adams Street</p> <p>16 Suite 2900</p> <p>17 Chicago, Illinois 60606</p> <p>18 (312) 641-3100</p> <p>19 sbyrd@cassiday.com</p> <p>20 appeared on behalf of the Defendant.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 (Witness sworn.)</p> <p>2 MS. BYRD: Good morning, Mr. Jones. How are</p> <p>3 you. You're not feeling so well today, are you?</p> <p>4 THE WITNESS: No</p> <p>5 MS. BYRD: Are you okay to proceed with this?</p> <p>6 THE WITNESS: Yes.</p> <p>7 MS. BYRD: I know we introduced ourselves</p> <p>8 before, but we're on the record. So I will do that</p> <p>9 again.</p> <p>10 I am Sandy Byrd. I represent Wexford Health</p> <p>11 Sources, and I represent Dr. James. You're here</p> <p>12 with your attorney, correct?</p> <p>13 THE WITNESS: Yes.</p> <p>14 MS. BYRD: This is the case of Johnny Jones</p> <p>15 versus Wexford Health Sources, Inc. and Dr. Marshall</p> <p>16 James, case number 17 CV 8218 pending in the U.S.</p> <p>17 District Court For the Northern District of</p> <p>18 Illinois, Eastern Division.</p> <p>19 This is the deposition of the plaintiff in</p> <p>20 this matter, Mr. John Jones, and this deposition is</p> <p>21 being taken pursuant to notice and pursuant to</p> <p>22 Rule 30 of the Federal Rules of Civil Procedure and</p> <p>23 all applicable local rules.</p> <p>24 Mr. Jones, have you ever given a deposition</p>
<p style="text-align: right;">Page 3</p> <p>1 I-N-D-E-X</p> <p>2</p> <p>3 WITNESS: JOHNNY JONES</p> <p>4</p> <p>5 Direct Examination by MS. BYRD: 6 - 119</p> <p>6 Cross-Examination by MR. FLAXMAN: 119 - 120</p> <p>7 Redirect Examination by MS. BYRD: 120 - 122</p> <p>8</p> <p>9 EXHIBITS PAGE</p> <p>10 Exhibit 1 Plaintiff's Complaint 28</p> <p>11 Exhibit 2 grievance documents 28</p> <p>12 Exhibit 3 Plaintiff's Interrogatories 116</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 5</p> <p>1 before?</p> <p>2 THE WITNESS: No.</p> <p>3 MS. BYRD: So my guess is that your attorney</p> <p>4 explained some of the rules to you, but I will go</p> <p>5 over them to make sure we're on the same page.</p> <p>6 You understand that I am going to be asking</p> <p>7 you questions, and you are going to give me answers?</p> <p>8 THE WITNESS: Yes.</p> <p>9 MS. BYRD: And when you give your answers, they</p> <p>10 need to be in words. If you shake your head or nod</p> <p>11 your head or say uh-huh or uh-uh, the court reporter</p> <p>12 can't take that down, okay.</p> <p>13 She's writing down everything we're saying,</p> <p>14 so it's important that you answer in words. Is that</p> <p>15 fair?</p> <p>16 THE WITNESS: Yes.</p> <p>17 MS. BYRD: If I ask you a question and you</p> <p>18 don't understand it, I expect that you will tell me</p> <p>19 that. I could rephrase it. You could ask your</p> <p>20 attorney questions about it.</p> <p>21 But if I ask a question and you answer it,</p> <p>22 I'm going to assume that you understood my question.</p> <p>23 Okay?</p> <p>24 THE WITNESS: Yes.</p>

<p style="text-align: right;">Page 6</p> <p>1           JOHNNY JONES, 2 called as a witness herein, having been first duly 3 sworn, was examined upon oral interrogatories and 4 testified as follows: 5           DIRECT EXAMINATION 6           BY MS. BYRD: 7     Q. And you understand you have taken an oath 8 to tell the truth, right? 9     A. Yes. 10    Q. Is there anything affecting your ability 11 to tell the truth? 12    A. No. 13    Q. So you're not on any medications that 14 would affect your ability to understand what's going 15 on here today? 16    A. No. 17    Q. You did not take any medication that would 18 affect your ability to understand what's going on 19 here today? 20    A. No. 21    Q. There are going to be times when you can 22 figure out what the question I'm going to ask you 23 is. 24           I'm going to ask that you allow me to</p>	<p style="text-align: right;">Page 8</p> <p>1     Q. Where do you live? 2     A. 3041 West Cullerton. 3     Q. Is that Chicago? 4     A. Chicago, Illinois. 5     Q. Is there an apartment number with that? 6     A. Apartment 1R. 7     Q. And who do you live there with? 8     A. My sister. 9     Q. What is your sister's name? 10    A. My sister-in-law, Rhonda Washington. 11    Q. How long have you lived at that address? 12    A. Six months. 13    Q. Where did you live prior to this address? 14    A. Carol Stream. 15    Q. Do you remember the address? 16    A. 282 East St. Charles Road, Carol Stream, 17 Illinois. 18    Q. Who did you live with there? 19    A. My daughter. 20    Q. What's her name? 21    A. Porsche Davis. 22    Q. Porsche, like the car? 23    A. Yes. 24    Q. Are those the only two addresses you have</p>
<p style="text-align: right;">Page 7</p> <p>1 finish the question before you answer it even if you 2 think you know where I'm going. Is that fair? 3     A. Yes. 4     Q. I'm going to do my best not to interrupt 5 you, and you do your best not to interrupt me 6 because she can't write down what we're both saying 7 at the same time. 8     A. Yes. 9     Q. If you need a break, let me know. We 10 could take a break any time you need to. 11           My only request with that would be if 12 a question is pending, that you answer the question 13 before we take the break. Fair? 14    A. Yes. 15    Q. Any questions about any of those ground 16 rules? 17    A. No. 18    Q. Can you state your full name for the 19 record. 20    A. John Jones. 21    Q. Do you have a middle name or initial? 22    A. Johnny E. Jones. 23    Q. How old are you, Mr. Jones? 24    A. Forty-seven.</p>	<p style="text-align: right;">Page 9</p> <p>1 lived at since you were released from the Department 2 of Corrections? 3     A. No. There was one other address. I 4 forgot the address. I only lived there a short 5 period of time. 6     Q. Was that in between? 7     A. Yes, in between. 8     Q. And was that in Chicago? 9     A. In Chicago. 10    Q. Are you married? 11    A. Separated. 12    Q. Do you have any kids? 13    A. Yes. 14    Q. How many kids do you have? 15    A. Six. 16    Q. How old are they? 17    A. 28, 25, 18, 17. 18    Q. That is only four. Are there twins in 19 there? 20    A. No. 19 and 16. 21    Q. Do any of them live with you? 22    A. No. 23    Q. Where do they live, all in Chicago? 24    A. Yes, all in Chicago.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Do you have a driver's license?</p> <p>2 A. I have a restricted driver's permit.</p> <p>3 Q. Explain to me what you mean by that.</p> <p>4 A. A restricted driver's permit, I am</p> <p>5 permitted to drive certain places at certain times.</p> <p>6 Q. So you have a driver's license. It has</p> <p>7 some restrictions placed on it?</p> <p>8 A. Yes.</p> <p>9 Q. Why did you have restrictions placed on</p> <p>10 it, you don't know why?</p> <p>11 A. Can I confer with my lawyer?</p> <p>12 Q. You're going to need to answer the</p> <p>13 question.</p> <p>14 MR. FLAXMAN: You could explain why.</p> <p>15 THE WITNESS: I caught a DUI in 2001.</p> <p>16 MR. FLAXMAN: For the record, if you are</p> <p>17 concerned about something that might be privileged</p> <p>18 we could confer while a question is pending.</p> <p>19 MS. BYRD: But he will probably object if there</p> <p>20 is something privileged.</p> <p>21 MR. FLAXMAN: Probably.</p> <p>22 BY MS. BYRD:</p> <p>23 Q. Are you working?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1 State of Illinois.</p> <p>2 Q. Within Illinois, are there any</p> <p>3 restrictions?</p> <p>4 A. No.</p> <p>5 Q. Does a parole officer come visit you?</p> <p>6 A. Yes, once a month whenever I have one.</p> <p>7 Q. Is it a scheduled visit or do they just</p> <p>8 show up?</p> <p>9 A. Scheduled visits.</p> <p>10 Q. It's usually monthly?</p> <p>11 A. Yes.</p> <p>12 Q. Is that pretty consistent, they show up?</p> <p>13 A. No, it's not consistent.</p> <p>14 Q. What's the name of your parole officer?</p> <p>15 A. I haven't got one. Every three months,</p> <p>16 they switch over. I haven't got one yet.</p> <p>17 Q. So every three months they switch?</p> <p>18 A. They switch parole officers, and I haven't</p> <p>19 got a new one.</p> <p>20 Q. What was the name of your last parole</p> <p>21 officer?</p> <p>22 A. I can't remember.</p> <p>23 Q. I know you were in the Department of</p> <p>24 Corrections for the manufacture and delivery of a</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. I am going to back up. When were you</p> <p>2 released from the Department of Corrections?</p> <p>3 A. In 2016, June.</p> <p>4 Q. You've been out since. You haven't gone</p> <p>5 back for any reason, correct?</p> <p>6 A. No.</p> <p>7 Q. Since your release, have you worked?</p> <p>8 A. No.</p> <p>9 Q. You haven't worked at all since your</p> <p>10 release?</p> <p>11 A. No.</p> <p>12 Q. I am going to confirm that your IDOC</p> <p>13 number is B00208. Correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you're currently still on parole?</p> <p>16 A. Yes.</p> <p>17 Q. Are there rules that you have to comply</p> <p>18 with being on parole?</p> <p>19 A. Check in every week over the phone.</p> <p>20 Q. And that is it?</p> <p>21 A. Yes.</p> <p>22 Q. There's no other restrictions on where</p> <p>23 you can go, who you can be with?</p> <p>24 A. I can't go out of town. I can't leave the</p>	<p style="text-align: right;">Page 13</p> <p>1 controlled substance, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that was out of Cook County?</p> <p>4 A. Yes.</p> <p>5 Q. You got seven years for that sentence,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. How much of that time did you have to</p> <p>9 serve?</p> <p>10 A. In jail?</p> <p>11 Q. Yes?</p> <p>12 A. Three and a half years.</p> <p>13 Q. And what are your other criminal</p> <p>14 convictions?</p> <p>15 A. Attempted armed robbery and possession.</p> <p>16 Q. Possession of a controlled substance?</p> <p>17 A. Yes.</p> <p>18 Q. And you said earlier that your license is</p> <p>19 restricted because of a DUI, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Is it a DUI conviction?</p> <p>22 A. Yes.</p> <p>23 Q. Any other criminal convictions?</p> <p>24 A. No.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. I know we talked about medication a little 2 bit earlier. 3 Are you currently taking any 4 medications? 5 A. No. 6 Q. None at all? 7 A. None at all. 8 Q. Are there any that you have been 9 prescribed and that you are not taking? 10 A. No. 11 Q. When did you, with your conviction that 12 you are on parole for, when did you first arrive in 13 the Department of Corrections? 14 A. February 14, 2014 15 Q. When you first arrived at the Department 16 of Corrections, what facility did you go to? 17 A. Sheridan. 18 Q. You went straight from the Cook County 19 jail? 20 A. Stateville. 21 Q. Did you go into NRC in Stateville? 22 A. NRC. 23 Q. Did you go from Stateville NRC to 24 Sheridan?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. That handbook describes the grievance 2 procedure, correct? 3 A. Yes. 4 Q. And it also describes the sick call 5 procedure, correct? 6 A. Yes. 7 Q. And you were familiar with both of those 8 procedures, correct? 9 A. Yes. 10 Q. And you knew what to do if you needed to 11 file a grievance? 12 A. Yes. 13 Q. And you knew what to do if you needed to 14 go to sick call? 15 A. Yes. 16 Q. Describe the sick call procedure for me. 17 A. I think you put in a request, and they 18 will call you the next day. 19 Q. Where were the request slips located? 20 A. Front desk. 21 Q. And you had ready access to those, 22 correct? 23 A. Yes. 24 Q. Was there ever a time that you wanted a</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes. 2 Q. You served out the sentence at Sheridan? 3 A. Yes. 4 Q. You didn't get transferred back to a 5 different facility back and forth? 6 A. No. 7 Q. When you got to Sheridan, did you receive 8 an inmate handbook? 9 A. Yes. 10 Q. Did you read that handbook? 11 A. Yes. 12 Q. And was there any sort of orientation 13 describing what was in the handbook? 14 A. Yes. 15 Q. Do you still have that handbook? 16 A. No. 17 Q. You didn't want to keep that? 18 A. No. 19 Q. Is it fair to say you were familiar with 20 the contents of it? 21 A. Yes. 22 Q. So you knew how to follow the rules in the 23 Department of Corrections? 24 A. Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 sick call request slip, that you couldn't get a sick 2 call request slip? 3 A. Yes. 4 Q. When was that? 5 A. I can't recall the date, but it has been a 6 few times. 7 Q. And what did you do when that happened? 8 A. I used a blank sheet of paper and made me 9 one. 10 Q. So you came up with a solution? 11 A. Yes. 12 Q. And you were still able to request sick 13 call? 14 A. Yes. 15 Q. So the inability to get an official sick 16 call slip didn't prohibit you from doing what you 17 needed to do? 18 A. Exactly. 19 Q. Did you complete high school? 20 A. I have a GED. 21 Q. When did you get the GED? 22 A. In 1995. 23 Q. Have you done any college? 24 A. A little.</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 Q. Tell me about your college classes.</p> <p>2 A. I went to the College of Office</p> <p>3 Technology.</p> <p>4 Q. The College of what?</p> <p>5 A. Office Technology.</p> <p>6 Q. What is that?</p> <p>7 A. Medical office assistant.</p> <p>8 Q. When did you do that?</p> <p>9 A. In 2007.</p> <p>10 Q. What did the education consist of, what</p> <p>11 did you learn?</p> <p>12 A. Medical office.</p> <p>13 Q. Tell me what that means.</p> <p>14 A. File, look up insurance.</p> <p>15 Q. Did you get any medical training in terms</p> <p>16 of being able to diagnose something?</p> <p>17 A. No.</p> <p>18 Q. Being able to take X-rays or MRIs?</p> <p>19 A. No. Medical terminology, that's about it.</p> <p>20 Q. It is fair to say that you -- would you</p> <p>21 consider yourself a medical professional?</p> <p>22 A. No.</p> <p>23 Q. Would you consider yourself someone who is</p> <p>24 able to diagnose medical conditions?</p>	<p style="text-align: right;">Page 20</p> <p>1 assistant?</p> <p>2 A. No.</p> <p>3 Q. So you never worked in a medical office?</p> <p>4 A. No.</p> <p>5 Q. How much were you making prior to your</p> <p>6 incarceration?</p> <p>7 A. About \$300 a week.</p> <p>8 Q. When you were at Sheridan, did you have a</p> <p>9 job?</p> <p>10 A. I was going to school, and I worked in the</p> <p>11 kitchen.</p> <p>12 Q. What were you going to school for at</p> <p>13 Sheridan?</p> <p>14 A. Forklift driver.</p> <p>15 Q. Was that a certification program?</p> <p>16 A. Yes.</p> <p>17 Q. Did you complete that?</p> <p>18 A. Yes.</p> <p>19 Q. What did that job pay?</p> <p>20 MR. FLAXMAN: Do you mean the kitchen?</p> <p>21 MS. BYRD: Yes, because he didn't drive a</p> <p>22 forklift.</p> <p>23 THE WITNESS: I can't remember. Twenty-five</p> <p>24 cents.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. No.</p> <p>2 Q. Would you consider yourself someone who</p> <p>3 has above normal education regarding medical</p> <p>4 conditions?</p> <p>5 A. No.</p> <p>6 Q. It's fair to say -- this is going to sound</p> <p>7 like a stupid question, but you're not a licensed</p> <p>8 medical doctor, correct?</p> <p>9 A. Correct.</p> <p>10 Q. When you were in prison at Sheridan, did</p> <p>11 you ever receive any disciplinary tickets for</p> <p>12 anything?</p> <p>13 A. I can't remember.</p> <p>14 Q. Were you ever in segregation?</p> <p>15 A. No.</p> <p>16 Q. I know you said you're not working now.</p> <p>17 But prior to your incarceration, were you working?</p> <p>18 A. I was doing labor work.</p> <p>19 Q. What kind of labor work?</p> <p>20 A. Cleaning up, yard work.</p> <p>21 Q. Who were you working for?</p> <p>22 A. I can't remember.</p> <p>23 Q. Did you ever work at the education that</p> <p>24 you got at the medical office as a medical office</p>	<p style="text-align: right;">Page 21</p> <p>1 MR. FLAXMAN: You need to speak up for the</p> <p>2 reporter.</p> <p>3 BY MS. BYRD:</p> <p>4 Q. An hour or a day? I know they pay really</p> <p>5 well in the Department of Corrections.</p> <p>6 A. I think a day.</p> <p>7 Q. And do you remember what career tech one</p> <p>8 is?</p> <p>9 A. No.</p> <p>10 Q. Would that potentially be the forklift?</p> <p>11 A. It should be.</p> <p>12 Q. Do you remember anything called career</p> <p>13 tech one in the Department of Corrections?</p> <p>14 A. I can't remember.</p> <p>15 Q. Any other jobs that you had while you were</p> <p>16 at Sheridan other than in the kitchen?</p> <p>17 A. I can't remember.</p> <p>18 Q. When you were in the kitchen, what were</p> <p>19 you doing? What were your duties?</p> <p>20 A. On the line serving food.</p> <p>21 Q. So did that require that you stand at any</p> <p>22 given time?</p> <p>23 A. About two hours.</p> <p>24 Q. How long did you do that job?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. About three months.</p> <p>2 Q. How are you supporting yourself now if you</p> <p>3 are not working?</p> <p>4 A. My children are.</p> <p>5 Q. So they give you money or they pay your</p> <p>6 rent or tell me?</p> <p>7 A. They pay my rent and give me money.</p> <p>8 Q. I asked you before if you had ever given a</p> <p>9 deposition before, and you said no, correct?</p> <p>10 A. Yes.</p> <p>11 Q. I'm going to ask you some questions about</p> <p>12 your preparation for this deposition, but I don't</p> <p>13 want you to tell me anything that you discussed with</p> <p>14 your lawyer as part of those answers. Okay?</p> <p>15 A. Yes.</p> <p>16 Q. So did you review any documents in</p> <p>17 preparation for your deposition today?</p> <p>18 A. No.</p> <p>19 Q. What did you do to prepare for your</p> <p>20 deposition?</p> <p>21 A. I just came to see him.</p> <p>22 Q. And did you do that just today or was that</p> <p>23 on another day?</p> <p>24 A. Yesterday.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Go to Cook County Hospital.</p> <p>2 Q. And that is the only medical provider you</p> <p>3 used prior to your incarceration?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever been hospitalized?</p> <p>6 A. Yes.</p> <p>7 Q. When?</p> <p>8 A. In 1991 and 1993.</p> <p>9 Q. What were you hospitalized for in 1991?</p> <p>10 A. A gunshot wound.</p> <p>11 Q. Where was that gunshot wound in your body?</p> <p>12 A. On my left leg.</p> <p>13 Q. And what happened as a result of that</p> <p>14 gunshot wound?</p> <p>15 A. I got shot in a driveby.</p> <p>16 Q. Physically to your body, what was the</p> <p>17 effect of that gunshot wound?</p> <p>18 A. My leg was broken.</p> <p>19 Q. When you were hospitalized, what kind of</p> <p>20 treatment did they give you for that?</p> <p>21 A. Surgery.</p> <p>22 Q. What was the surgery? Did they just</p> <p>23 remove the bullet or was there something else?</p> <p>24 A. No, they had to give me a rod in my leg.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. So meeting with your lawyer yesterday was</p> <p>2 the extent of your preparation for your deposition?</p> <p>3 A. Yes.</p> <p>4 Q. You didn't take any other steps at all?</p> <p>5 A. No.</p> <p>6 Q. You didn't review any of your medical</p> <p>7 records?</p> <p>8 A. No.</p> <p>9 Q. Other than your attorneys, have you spoken</p> <p>10 with anyone else about this lawsuit?</p> <p>11 A. No.</p> <p>12 Q. So your kids don't know that it's pending?</p> <p>13 A. No.</p> <p>14 Q. Other than this lawsuit, have you filed</p> <p>15 any other lawsuits before?</p> <p>16 A. No.</p> <p>17 Q. Prior to your incarceration, did you have</p> <p>18 a primary care physician?</p> <p>19 A. Excuse me?</p> <p>20 Q. Did you have a primary care physician</p> <p>21 prior to your incarceration?</p> <p>22 A. No.</p> <p>23 Q. When you had to go to the doctor prior to</p> <p>24 your incarceration, what would you do?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Is that rod still there?</p> <p>2 A. Yes.</p> <p>3 Q. Is that the extent of what they did when</p> <p>4 you were in the hospital in 1991?</p> <p>5 A. Yes.</p> <p>6 Q. And in 1993, what were you there for?</p> <p>7 A. Gunshot wound.</p> <p>8 Q. So you've been shot twice?</p> <p>9 A. Yes.</p> <p>10 Q. So we're lucky you're here.</p> <p>11 A. Yes, thank God.</p> <p>12 Q. Where did you suffer that gunshot wound?</p> <p>13 A. In the chest.</p> <p>14 Q. Where in your chest?</p> <p>15 A. Left side.</p> <p>16 Q. And you were hospitalized again for that.</p> <p>17 What did they do when you were in the hospital?</p> <p>18 A. Just gave me a chest tube and got the</p> <p>19 blood off my lungs and that was it.</p> <p>20 Q. Did they do surgery?</p> <p>21 A. No.</p> <p>22 Q. Is the bullet still inside you?</p> <p>23 A. No, they removed it from the back.</p> <p>24 Q. How did they remove it without doing</p>



<p style="text-align: right;">Page 26</p> <p>1 surgery?</p> <p>2 A. It was lodged in my back for a few months,</p> <p>3 and they pierced it and popped it out.</p> <p>4 Q. So it was there or a couple of months and</p> <p>5 it kind of worked its way out, and they were able to</p> <p>6 remove it by cutting your skin?</p> <p>7 A. Yes.</p> <p>8 Q. And that's the extent of your</p> <p>9 hospitalizations?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever been to see any specialists</p> <p>12 instead of just a primary care doctor, someone who</p> <p>13 specializes in any kind of medicine?</p> <p>14 MR. FLAXMAN: Before he was locked up?</p> <p>15 MS. BYRD: Sure.</p> <p>16 THE WITNESS: I can't remember.</p> <p>17 BY MS. BYRD:</p> <p>18 Q. You don't remember ever seeing a</p> <p>19 specialist before your incarceration?</p> <p>20 A. No.</p> <p>21 Q. Were you ever injured at work?</p> <p>22 A. No.</p> <p>23 Q. Were you ever injured in a car accident?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 28</p> <p>1 MS. BYRD: We're back on the record.</p> <p>2 BY MS. BYRD:</p> <p>3 Q. Mr. Jones, it's my understanding that</p> <p>4 during the break you remembered another surgery that</p> <p>5 you had?</p> <p>6 A. Yes.</p> <p>7 Q. When was that surgery?</p> <p>8 A. 2007.</p> <p>9 Q. What was that for?</p> <p>10 A. A ruptured Achilles.</p> <p>11 Q. How did you rupture your Achilles?</p> <p>12 A. Playing basketball.</p> <p>13 Q. Where was that surgery done?</p> <p>14 A. John Stroger Hospital.</p> <p>15 Q. Which leg was that?</p> <p>16 A. The left leg.</p> <p>17 Q. Anything else you remember during the</p> <p>18 break?</p> <p>19 A. No, that's it.</p> <p>20 (Deposition Exhibits 1 and 2 were</p> <p>21 marked for identification.)</p> <p>22 Q. I am going to show you what I have marked</p> <p>23 as Defendant's Exhibit 1. That is a copy of your</p> <p>24 complaint in this case, correct?</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And the two gunshot wounds that you just</p> <p>2 described, those are the only two gunshot wounds you</p> <p>3 had?</p> <p>4 A. Yes.</p> <p>5 Q. Do you currently have health insurance?</p> <p>6 A. Yes.</p> <p>7 Q. Who is your health insurance?</p> <p>8 A. County Care.</p> <p>9 Q. County Care?</p> <p>10 A. Yes.</p> <p>11 Q. What is County Care?</p> <p>12 A. Medicaid. Obamacare.</p> <p>13 Q. Does that cost anything or is that</p> <p>14 something that you get cost free?</p> <p>15 A. Yes.</p> <p>16 Q. It's cost free?</p> <p>17 A. Yes.</p> <p>18 Q. Prior to your incarceration, did you ever</p> <p>19 undergo any imaging studies, x-rays, MRIs, CT scans</p> <p>20 or anything?</p> <p>21 A. No.</p> <p>22 Q. Have you ever had any head injuries?</p> <p>23 A. No.</p> <p>24 (Recess.)</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes.</p> <p>2 Q. And your allegations against the</p> <p>3 defendants are contained in that complaint.</p> <p>4 Correct?</p> <p>5 A. Yes.</p> <p>6 MR. FLAXMAN: I object to the foundation. Why</p> <p>7 don't you ask him if he ever saw this before.</p> <p>8 BY MS. BYRD:</p> <p>9 Q. Have you ever seen this complaint?</p> <p>10 A. No.</p> <p>11 Q. So you have never seen the allegations</p> <p>12 that you are making against the defendants in</p> <p>13 writing?</p> <p>14 A. No.</p> <p>15 Q. So you don't know what your lawyer has</p> <p>16 alleged in court?</p> <p>17 A. No.</p> <p>18 Q. So what is your reason for bringing this</p> <p>19 lawsuit? Tell me in your words what your reason for</p> <p>20 bringing this lawsuit is.</p> <p>21 MR. FLAXMAN: You could tell without looking at</p> <p>22 the document.</p> <p>23 THE WITNESS: Could you repeat the question.</p> <p>24</p>

<p style="text-align: right;">Page 30</p> <p>1 BY MS. BYRD:</p> <p>2 Q. What is your reason for bringing this</p> <p>3 lawsuit?</p> <p>4 A. Because if I had proper care, I wouldn't</p> <p>5 have this limp or still be in pain.</p> <p>6 Q. If you had proper care, what?</p> <p>7 A. I wouldn't have this limp or I wouldn't</p> <p>8 still have pain.</p> <p>9 Q. Who do you understand that you are suing?</p> <p>10 A. Wexford Health and Dr. James.</p> <p>11 Q. Who is Dr. James?</p> <p>12 A. The physician at Sheridan Correctional</p> <p>13 facility.</p> <p>14 Q. And who is Wexford Health?</p> <p>15 A. His employer.</p> <p>16 Q. And when you said that if you had gotten</p> <p>17 proper care you wouldn't have a limp or be in pain,</p> <p>18 why do you have a limp and why are you in pain?</p> <p>19 What was your injury that caused that?</p> <p>20 A. It was a torn patellar tendon.</p> <p>21 Q. How did you tear your patellar tendon?</p> <p>22 A. Playing basketball.</p> <p>23 Q. And that is while you were in prison,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Do you remember the name of the nurse?</p> <p>2 A. No, I don't.</p> <p>3 Q. What did that nurse do?</p> <p>4 A. She called Dr. James.</p> <p>5 Q. So on November 16, 2015, you saw</p> <p>6 Dr. James?</p> <p>7 A. No.</p> <p>8 Q. When you say she called him, tell me what</p> <p>9 that means?</p> <p>10 A. She called him over the telephone.</p> <p>11 Q. And so what treatment did you receive that</p> <p>12 day?</p> <p>13 A. I received a pair of crutches.</p> <p>14 Q. Were you then sent back to your cell?</p> <p>15 Tell me what happened.</p> <p>16 A. Yes, I was sent back to my cell.</p> <p>17 Q. Any other testing done that day?</p> <p>18 A. No.</p> <p>19 Q. So you saw the nurse. How long were you</p> <p>20 in with the nurse?</p> <p>21 A. About an hour.</p> <p>22 Q. During that time she called Dr. James on</p> <p>23 the telephone?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yes.</p> <p>2 Q. Tell me what happened, how that injury</p> <p>3 occurred?</p> <p>4 A. I was playing basketball. When I went for</p> <p>5 a rebound, I felt something snap, and I heard</p> <p>6 something snap.</p> <p>7 Q. When you went up in the air?</p> <p>8 A. Yes.</p> <p>9 Q. Not when you landed?</p> <p>10 A. Not when I landed.</p> <p>11 Q. What did you do in response to that?</p> <p>12 A. Prison guard. The prison guard came and</p> <p>13 helped me off the ground. A couple of them loaded</p> <p>14 me up and took me to the health care unit.</p> <p>15 Q. So you went straight from the basketball</p> <p>16 court to the health care unit?</p> <p>17 A. Yes.</p> <p>18 Q. When you were in the healthcare unit did</p> <p>19 you see Dr. James?</p> <p>20 A. No.</p> <p>21 Q. Who did you see?</p> <p>22 A. I saw a nurse.</p> <p>23 Q. Do you remember what day this happened?</p> <p>24 A. November 16, 2015.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. After she talked to Dr. James on the</p> <p>2 telephone, did she do anything?</p> <p>3 A. She gave me pain medication.</p> <p>4 Q. What kind of pain medication?</p> <p>5 A. Ibuprofen.</p> <p>6 Q. Did she diagnose you with anything?</p> <p>7 A. No.</p> <p>8 Q. Was it the nurse that sent you back to</p> <p>9 your cell?</p> <p>10 A. Yes.</p> <p>11 Q. What was next in the medical treatment you</p> <p>12 received related to your knee?</p> <p>13 A. About a week later I got an x-ray.</p> <p>14 Q. Who ordered that x-ray?</p> <p>15 A. Dr. James.</p> <p>16 Q. How do you know that Dr. James ordered it?</p> <p>17 A. I was there when he ordered the x-ray.</p> <p>18 Q. So was that the first time that you went</p> <p>19 back to the health care unit after November 16?</p> <p>20 A. No.</p> <p>21 Q. When did you go back to the health care</p> <p>22 unit next after November 16?</p> <p>23 A. I think it was that next Monday. It was</p> <p>24 two days later.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Are you saying that it's your belief that</p> <p>2 you injured yourself on a Saturday?</p> <p>3 A. I think it was Saturday.</p> <p>4 Q. Then you went back to the healthcare unit</p> <p>5 on Monday?</p> <p>6 A. Monday.</p> <p>7 Q. Who did you see when you went back on</p> <p>8 Monday?</p> <p>9 A. Dr. James.</p> <p>10 Q. That would have been on the 18th?</p> <p>11 A. Yes.</p> <p>12 Q. What did Dr. James do on the 18th?</p> <p>13 A. I can't remember. I can't remember if he</p> <p>14 gave me a brace to put on my leg. I can't remember.</p> <p>15 Q. But he examined you, correct?</p> <p>16 A. Yes.</p> <p>17 Q. How much time do you think you spent with</p> <p>18 him that day?</p> <p>19 A. About 20 minutes.</p> <p>20 Q. Is that when he ordered the x-ray that you</p> <p>21 had?</p> <p>22 A. Yes.</p> <p>23 Q. What else do you remember him doing on</p> <p>24 that day?</p>	<p style="text-align: right;">Page 36</p> <p>1 myself and what I felt.</p> <p>2 Q. And then what approximately three or four</p> <p>3 days later that you had the x-ray?</p> <p>4 A. It was probably a week later because the</p> <p>5 x-ray technician had to come to the facility.</p> <p>6 Q. Between seeing Dr. James on the 18th and</p> <p>7 getting the x-ray, did you get any other health</p> <p>8 care?</p> <p>9 A. No.</p> <p>10 Q. And when you had the x-ray they took the</p> <p>11 x-ray of your knee, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Then after the x-ray was taken, when did</p> <p>14 you get the results of the x-ray?</p> <p>15 A. Probably a week later.</p> <p>16 Q. Who gave you the results of the x-ray?</p> <p>17 A. They called it into the health care.</p> <p>18 Q. When you got to health care, who told you</p> <p>19 what the x-ray showed?</p> <p>20 A. Dr. James.</p> <p>21 Q. What did he tell you?</p> <p>22 A. I can't remember.</p> <p>23 Q. What did he do on that day?</p> <p>24 A. Nothing.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I don't remember nothing else.</p> <p>2 Q. Is it fair to say that just because you</p> <p>3 don't remember him doing anything else on that day,</p> <p>4 it doesn't mean he didn't do anything else on that</p> <p>5 day?</p> <p>6 A. He didn't do nothing else because he had a</p> <p>7 whole healthcare unit. A lot of people were waiting</p> <p>8 to be seen.</p> <p>9 Q. But he spent 20 minutes with you?</p> <p>10 A. Yes.</p> <p>11 Q. He ordered an x-ray. He examined your</p> <p>12 body?</p> <p>13 A. Yes.</p> <p>14 Q. And then you said you can't remember if he</p> <p>15 did anything else?</p> <p>16 A. He didn't do nothing else to me.</p> <p>17 Q. So in that 20 minutes, he examined your</p> <p>18 body, ordered an x-ray?</p> <p>19 A. Yes.</p> <p>20 Q. When he was examining your body, did he</p> <p>21 have a conversation with you?</p> <p>22 Were you able to tell him how you were</p> <p>23 able to tell me how you injured yourself?</p> <p>24 A. I was able to tell him how I injured</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. So it's your memory that he called you</p> <p>2 into the health care unit, told you what the x-ray</p> <p>3 showed and then did nothing else?</p> <p>4 A. Exactly.</p> <p>5 Q. So between the date that you saw Dr. James</p> <p>6 on the 18th of November and the date that you got</p> <p>7 the results of your x-ray, how much time do you</p> <p>8 think passed? Was it a week? More than or less</p> <p>9 than a week?</p> <p>10 A. I can't remember.</p> <p>11 Q. During that time frame that you can't</p> <p>12 remember, between the date when you saw Dr. James on</p> <p>13 the 18th of November and the date you got the</p> <p>14 results of your x-ray, did you request any health</p> <p>15 care visits in that time?</p> <p>16 You said you knew how to get to the</p> <p>17 health care unit, correct?</p> <p>18 A. Yes.</p> <p>19 Q. How many times did you request to go to</p> <p>20 the health care unit in that time?</p> <p>21 A. I can't remember.</p> <p>22 Q. Did you ask to go to the health care you</p> <p>23 unit during that time?</p> <p>24 A. Yes. I can't remember how many times.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. And what was the results of you asking to 2 go to the health care unit?</p> <p>3 A. The pain mainly.</p> <p>4 Q. You said to get to the health care unit 5 you had to fill out a form?</p> <p>6 A. Correct.</p> <p>7 Q. When you filled out the form on those 8 dates between November 18 and the day that you got 9 the results of your x-ray, what happened?</p> <p>10 Were you taken to the health care unit 11 or were you not taken to the health care unit?</p> <p>12 A. Could you repeat that.</p> <p>13 Q. You said that you didn't receive any 14 health care between November 18, 2015, and the day 15 you got the results of your x-rays you said that you 16 requested health care in between that time.</p> <p>17 My question to you is what happened when 18 you requested health care?</p> <p>19 A. I think I went for pain, and they gave me 20 pain medication.</p> <p>21 Q. So when you requested health care, you 22 received it?</p> <p>23 A. Yes.</p> <p>24 Q. Now, you said you can't remember what</p>	<p style="text-align: right;">Page 40</p> <p>1 was it before you saw Dr. James?</p> <p>2 A. The next day.</p> <p>3 Q. And did he order the MRI that you were 4 asking for?</p> <p>5 A. No.</p> <p>6 Q. Eventually you got the MRI, correct?</p> <p>7 A. Yes.</p> <p>8 Q. When you say he didn't order the MRI, did 9 he tell you why he wasn't going to order the MRI?</p> <p>10 A. No, he didn't.</p> <p>11 Q. Did you ask why?</p> <p>12 A. No.</p> <p>13 Q. How long after you requested the MRI did 14 you get the MRI?</p> <p>15 A. Three months later.</p> <p>16 Q. Three months later?</p> <p>17 A. Yes.</p> <p>18 Q. That is three months from the time you put 19 in a written request for an MRI, you finally got it 20 three months later?</p> <p>21 A. Yes.</p> <p>22 Q. And who ordered the MRI when it was 23 ordered three months later?</p> <p>24 A. Dr. James.</p>
<p style="text-align: right;">Page 39</p> <p>1 Dr. James told you when he gave you the results of 2 your x-ray?</p> <p>3 A. I can't remember.</p> <p>4 Q. After he gave you the results of your 5 x-ray, when was the next time you got health care?</p> <p>6 A. I can't remember.</p> <p>7 Q. Were you ever refused health care in that 8 period of time?</p> <p>9 A. No.</p> <p>10 Q. What is the next event that you remember 11 from a health care standpoint after you got the 12 results of your x-ray?</p> <p>13 A. Putting in a request for pain medication, 14 and a request to get an MRI. Yes, an MRI.</p> <p>15 Q. So you put in a request for an MRI?</p> <p>16 A. I put in a request to see Dr. James to ask 17 him for an MRI.</p> <p>18 Q. In relation to when you got the x-ray 19 results back, when did you put that request in?</p> <p>20 A. I can't remember.</p> <p>21 Q. Was it the next day? Was it a week? A 22 month?</p> <p>23 A. I don't remember.</p> <p>24 Q. After you put in that request, how long</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Was that at an appointment that you had 2 with him?</p> <p>3 A. Yes, I think. I can't remember.</p> <p>4 Q. Were you present when the MRI was ordered?</p> <p>5 A. No.</p> <p>6 Q. Do you know the process that was involved 7 in getting the MRI ordered?</p> <p>8 A. No.</p> <p>9 Q. Did you know you were going to have an MRI 10 before you appeared in the imaging unit to have it 11 done?</p> <p>12 A. No.</p> <p>13 Q. Was it done at Sheridan or did you have to 14 go offsite to have it done?</p> <p>15 A. Offsite.</p> <p>16 Q. Where did you go to have the MRI done?</p> <p>17 A. Midwest Orthopedics in Sandwich, 18 Illinois.</p> <p>19 Q. When did that occur?</p> <p>20 A. I think February of 2016.</p> <p>21 Q. Did they give you the results while you 22 were there or did you get those later?</p> <p>23 A. I don't remember.</p> <p>24 Q. Do you remember if they gave you the</p>

<p style="text-align: right;">Page 42</p> <p>1 results or if someone at Sheridan gave you the 2 results?</p> <p>3 A. I can't remember.</p> <p>4 MR. FLAXMAN: Do you need to stand up?</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. BYRD:</p> <p>7 Q. Do you need a break?</p> <p>8 A. No, just to stand.</p> <p>9 Q. So what steps between the day you injured 10 your knee and the day you got your MRI, tell me all 11 the steps you took to get medical treatment for your 12 knee?</p> <p>13 A. Put in a medical request.</p> <p>14 Q. How many?</p> <p>15 A. I can't remember.</p> <p>16 Q. Was it one?</p> <p>17 A. It was more than one.</p> <p>18 Q. Was it more than ten?</p> <p>19 A. No.</p> <p>20 Q. So was it more than five?</p> <p>21 A. Yes, I think.</p> <p>22 Q. So somewhere between five and ten 23 requests?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 February of 2015. And I had the MRI I think earlier 2 that month.</p> <p>3 Q. When you just said 2015 you meant 2016?</p> <p>4 You said February of '15.</p> <p>5 A. 2016.</p> <p>6 Q. So the MRI and the surgery were done in 7 the same month?</p> <p>8 A. I think so.</p> <p>9 Q. Between the date of your injury and the 10 date of your surgery, describe what the limitations 11 on your activities were.</p> <p>12 A. I couldn't do nothing but stay in my cell. 13 I ate in my cell. No activity, nothing.</p> <p>14 Q. So between November when you injured 15 yourself and February when you had your surgery, you 16 never left your cell?</p> <p>17 A. Never left my cell. Only to take a shower 18 and use the phone and go to sick call.</p> <p>19 Q. Prior to November of 2015, what was a 20 typical day like in prison for you?</p> <p>21 A. I would go to all of the activities.</p> <p>22 Q. You have to tell me what that means 23 because I have never gone to them.</p> <p>24 A. I go to breakfast, lunch, dinner, group.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And how many times were you seen in the 2 medical unit based on those five to ten requests?</p> <p>3 A. I can't remember.</p> <p>4 Q. Did you ever refuse medical treatment in 5 that time?</p> <p>6 A. No.</p> <p>7 Q. So every time you were offered sick call 8 you went, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you were not present when your MRI was 11 scheduled, correct?</p> <p>12 A. Excuse me?</p> <p>13 Q. You were not present when your MRI was 14 scheduled, correct?</p> <p>15 A. No, I don't think so.</p> <p>16 Q. Did you ever fill out any form regarding 17 scheduling the MRI?</p> <p>18 A. I can't remember.</p> <p>19 Q. And the first time you went to Midwest 20 Orthopedics was in February of 2016?</p> <p>21 A. I can't remember.</p> <p>22 Q. That was your testimony, though, right 23 that you had the MRI in February of 2016, correct?</p> <p>24 A. To my knowledge, I had my surgery in</p>	<p style="text-align: right;">Page 45</p> <p>1 And gym, to the yard. And to church.</p> <p>2 Q. So when you say group, what was group?</p> <p>3 A. Group is AA meetings.</p> <p>4 Q. And what would you do in the gym?</p> <p>5 A. Jog. Lift a few weights and play ball.</p> <p>6 Q. What would you do in the yard?</p> <p>7 A. The same thing.</p> <p>8 Q. The same thing as?</p> <p>9 A. Playing ball, jogging and lifting weights.</p> <p>10 Q. Would you do each of these things every 11 day?</p> <p>12 A. No, not every day.</p> <p>13 Q. How often did you go to group?</p> <p>14 A. I went to group every day.</p> <p>15 Q. How often would you go to the gym?</p> <p>16 A. Three times a week.</p> <p>17 Q. And the yard?</p> <p>18 A. Three times a week.</p> <p>19 Q. Where were the group meetings located in 20 relation to your cell?</p> <p>21 A. Inside the unit where we were housed at.</p> <p>22 Q. How big is that unit?</p> <p>23 A. It's as big as two conference rooms.</p> <p>24 Q. You're using this conference room as an</p>

<p style="text-align: right;">Page 46</p> <p>1 example?</p> <p>2 A. Yes.</p> <p>3 Q. So twice the size of this conference room?</p> <p>4 A. Yes.</p> <p>5 MS. BYRD: Mr. Flaxman, any chance you know the</p> <p>6 dimensions of this conference room off the top of</p> <p>7 your head?</p> <p>8 MR. FLAXMAN: No, I would be guessing.</p> <p>9 BY MS. BYRD:</p> <p>10 Q. So from your cell, I'm going to guess. I</p> <p>11 am going to guess that it's 20 feet wide, 15 by 20.</p> <p>12 Does that sound reasonable?</p> <p>13 MR. FLAXMAN: Sure. It's not a perfect</p> <p>14 rectangle.</p> <p>15 BY MS. BYRD:</p> <p>16 Q. Like a good guestimate. We could all</p> <p>17 agree on that?</p> <p>18 A. Sure.</p> <p>19 Q. So the size of your unit was roughly 40</p> <p>20 by 30?</p> <p>21 A. Yes.</p> <p>22 Q. And your cell was located in that area?</p> <p>23 A. Yes.</p> <p>24 Q. And your group was located in that same</p>	<p style="text-align: right;">Page 48</p> <p>1 your surgery?</p> <p>2 A. No.</p> <p>3 Q. So from the day of your injury until the</p> <p>4 day of your surgery, your pain level was a constant</p> <p>5 ten?</p> <p>6 A. Yes.</p> <p>7 Q. And if you had to use the same scale</p> <p>8 today, what is your pain level today?</p> <p>9 A. About a five and a half every day.</p> <p>10 Q. So in February of 2016, you had your</p> <p>11 surgery, correct, and your testimony is that it was</p> <p>12 about a week after you had your MRI, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it was Dr. James who ordered your</p> <p>15 surgery, correct?</p> <p>16 MR. FLAXMAN: Object to foundation. You can</p> <p>17 answer if you know.</p> <p>18 THE WITNESS: I don't know if he ordered it.</p> <p>19 BY MS. BYRD:</p> <p>20 Q. What is your knowledge of how you went</p> <p>21 from getting an MRI to getting surgery?</p> <p>22 A. I don't know.</p> <p>23 Q. No one told you that that is what was</p> <p>24 going to happen?</p>
<p style="text-align: right;">Page 47</p> <p>1 area?</p> <p>2 A. Yes.</p> <p>3 Q. And where in relation to your cell was</p> <p>4 where the telephone is located?</p> <p>5 A. Where we hold our meetings, where the</p> <p>6 meeting was held at.</p> <p>7 Q. So you were able to leave your cell to</p> <p>8 make it to the telephone, but you were not able to</p> <p>9 leave your cell to go to your group meeting?</p> <p>10 A. I did go to group.</p> <p>11 Q. You just testified you never left your</p> <p>12 cell between November of 2015 and February of 2016</p> <p>13 except to take a shower and use the telephone and go</p> <p>14 to sick call.</p> <p>15 A. Sorry.</p> <p>16 Q. So the only things that you didn't do</p> <p>17 after your injury in November that you did do prior</p> <p>18 to your injury is go to the gym and go to the yard?</p> <p>19 A. Exactly.</p> <p>20 Q. And if you had to give me a scale of one</p> <p>21 to ten in November of 2015, what was the level of</p> <p>22 pain from the injury to your knee?</p> <p>23 A. Like off the scale. Like a ten.</p> <p>24 Q. Did it ever reduce from a ten prior to</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Yes. I think Dr. Behl told me.</p> <p>2 Q. Who is Dr. Behl?</p> <p>3 A. Dr. Behl is the surgeon who performed</p> <p>4 surgery on my leg.</p> <p>5 Q. When did you first meet Dr. Behl?</p> <p>6 A. When I got my MRI.</p> <p>7 Q. So it's your testimony that no one at</p> <p>8 Sheridan in the medical staff had a conversation</p> <p>9 with you about getting surgery on your knee?</p> <p>10 A. Yes, Dr. James. Dr. James told me that</p> <p>11 I'm going to have surgery.</p> <p>12 Q. And he told you you were going to have</p> <p>13 surgery or did he talk to you about what the surgery</p> <p>14 meant?</p> <p>15 A. I can't remember.</p> <p>16 Q. Was that before or after your MRI?</p> <p>17 A. That was after.</p> <p>18 Q. How many times between the date that you</p> <p>19 injured your knee and the date of your surgery did</p> <p>20 you see Dr. James?</p> <p>21 A. Quite a few. I can't remember the exact</p> <p>22 number.</p> <p>23 Q. After your surgery did you still have</p> <p>24 physical limitations on what you could do?</p>



<p style="text-align: right;">Page 50</p> <p>1 A. Yes.</p> <p>2 Q. What were those? I'm going to rephrase</p> <p>3 that and put that between the time of your surgery</p> <p>4 and the time you were released from the department</p> <p>5 of corrections for now.</p> <p>6 During that time frame, what could you</p> <p>7 not do?</p> <p>8 A. I couldn't bend my knee. I couldn't walk</p> <p>9 without a cane, with crutches.</p> <p>10 Q. Is that the extent?</p> <p>11 A. I couldn't kneel.</p> <p>12 Q. Anything else?</p> <p>13 A. I couldn't run.</p> <p>14 Q. Anything else?</p> <p>15 A. That's it.</p> <p>16 Q. Did any of those conditions improve in the</p> <p>17 time that you were in the Department of Corrections</p> <p>18 after your surgery before your release?</p> <p>19 A. No.</p> <p>20 Q. So they were the same from the day you</p> <p>21 came out of surgery until the day you were released</p> <p>22 from the Department of Corrections?</p> <p>23 A. Yes.</p> <p>24 Q. After your surgery, when is the first time</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. During the time you were in the infirmary,</p> <p>2 was there ever a time that you requested medical</p> <p>3 care that you were denied medical care?</p> <p>4 A. No.</p> <p>5 Q. You had follow-up appointments with your</p> <p>6 surgeons at Midwest Orthopedics, correct?</p> <p>7 A. Yes.</p> <p>8 Q. You made all of those appointments,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. There was never a time that your surgeon</p> <p>12 at Midwest said we want to see you, and the</p> <p>13 Department of Corrections said or Wexford or</p> <p>14 Dr. James or anyone said we're not going to send</p> <p>15 you. Correct?</p> <p>16 A. Correct.</p> <p>17 Q. What did your surgeons at Midwest</p> <p>18 Orthopedics tell you about your injury?</p> <p>19 A. That I would need physical therapy, which</p> <p>20 I didn't receive.</p> <p>21 Q. Tell me what they told you about physical</p> <p>22 therapy.</p> <p>23 A. A nurse is supposed to come and help me</p> <p>24 get motion back in my leg.</p>
<p style="text-align: right;">Page 51</p> <p>1 you saw Dr. James?</p> <p>2 A. The next day.</p> <p>3 Q. Between the date of your surgery and the</p> <p>4 date of your release, how many times did you see</p> <p>5 Dr. James?</p> <p>6 A. Three times a week.</p> <p>7 Q. Following your surgery you were housed in</p> <p>8 the infirmary?</p> <p>9 A. Correct.</p> <p>10 Q. And that is a separate facility from where</p> <p>11 you were housed previously?</p> <p>12 A. Yes.</p> <p>13 Q. It's completely separate in a different</p> <p>14 part of the prison, is that fair?</p> <p>15 A. Yes.</p> <p>16 Q. You were housed there from the time you</p> <p>17 had the surgery until you were released?</p> <p>18 A. Exactly.</p> <p>19 Q. When you were in the infirmary, you had 24</p> <p>20 hour access to medical care, correct?</p> <p>21 A. Exactly.</p> <p>22 Q. It was staffed by medical providers at all</p> <p>23 times, correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Did they give you exercises to do on your</p> <p>2 own?</p> <p>3 A. They gave me exercises to do with that</p> <p>4 nurse.</p> <p>5 Q. But they didn't give you any exercises to</p> <p>6 do on your own?</p> <p>7 A. Not that I can remember.</p> <p>8 Q. You said you had physical therapy at</p> <p>9 Midwest Orthopedics, right?</p> <p>10 A. Yes.</p> <p>11 Q. How many times did you see that physical</p> <p>12 therapist?</p> <p>13 A. At least twice.</p> <p>14 Q. When you saw that physical therapist, did</p> <p>15 you do exercises with that physical therapist?</p> <p>16 A. Yes.</p> <p>17 Q. And it's your testimony that that physical</p> <p>18 therapist did not give you exercises to do on your</p> <p>19 own?</p> <p>20 A. I can't remember.</p> <p>21 Q. What exercises did you do on your own when</p> <p>22 you were in the infirmary on Sheridan?</p> <p>23 A. I took a towel, and I put it on the tip of</p> <p>24 my feet and put pressure on my feet and push my feet</p>

<p style="text-align: right;">Page 54</p> <p>1 down.</p> <p>2 Q. How often would you do that?</p> <p>3 A. Probably once every three days.</p> <p>4 Q. What other exercises did you do on your</p> <p>5 own?</p> <p>6 A. That was it.</p> <p>7 Q. And who told you to do that exercise?</p> <p>8 A. I saw it on TV or something. I saw it on</p> <p>9 TV.</p> <p>10 Q. So no one gave you instructions to do that</p> <p>11 exercise?</p> <p>12 A. Not that I recall.</p> <p>13 Q. And no one gave you instructions to do any</p> <p>14 exercises at all?</p> <p>15 A. They gave nurses instructions to help me</p> <p>16 with the bending of my leg.</p> <p>17 Q. Who gave the nurses instructions?</p> <p>18 A. Midwest.</p> <p>19 Q. How did Midwest doctors or physical</p> <p>20 therapists give that instruction to the nurses?</p> <p>21 A. It was in writing.</p> <p>22 Q. Did you ever see that writing?</p> <p>23 A. Yes.</p> <p>24 Q. Where did you see it?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. No.</p> <p>2 Q. But they would have been able to hear</p> <p>3 anything that you discussed with them, correct?</p> <p>4 A. Yes.</p> <p>5 Q. What do you remember seeing on the</p> <p>6 paperwork that the people at Midwest gave you that</p> <p>7 you gave to the guards that they gave to the nurses?</p> <p>8 A. Assist patient with physical therapy.</p> <p>9 Q. And did it give specific exercises?</p> <p>10 A. Yes, the bending of the leg.</p> <p>11 Q. And that is what it said?</p> <p>12 A. Yes.</p> <p>13 Q. And how did the nurse help you bend your</p> <p>14 leg?</p> <p>15 A. They never did.</p> <p>16 Q. How often did you ask the nurses to bend</p> <p>17 your leg?</p> <p>18 A. About five times.</p> <p>19 Q. Five times between the day of your surgery</p> <p>20 and the day you were released from the Department of</p> <p>21 Corrections?</p> <p>22 A. Yes.</p> <p>23 Q. Who did you ask?</p> <p>24 A. I can't recall.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. When I gave the nurses the paperwork.</p> <p>2 Q. So Midwest would give you the paperwork</p> <p>3 and then you would give it to the nurses?</p> <p>4 A. No. They gave me paperwork, and I gave it</p> <p>5 to the guard, and the guard gave it to the nurse.</p> <p>6 Q. But you had the paperwork in your</p> <p>7 possession?</p> <p>8 A. Yes.</p> <p>9 Q. During the time you were being transported</p> <p>10 or when?</p> <p>11 A. Not being transported.</p> <p>12 Q. I didn't hear you.</p> <p>13 A. Not at the time of being transported, at</p> <p>14 Midwest Orthopedics.</p> <p>15 Q. While you were still at Midwest</p> <p>16 Orthopedics, they would give you paperwork and would</p> <p>17 you look at what it said and then you would give it</p> <p>18 to the guard?</p> <p>19 A. Yes.</p> <p>20 Q. When you were meeting with the surgeon or</p> <p>21 any of the health care professionals at Midwest were</p> <p>22 the guards in the room with you?</p> <p>23 A. They were there.</p> <p>24 Q. Do you remember any of those guards?</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Do you recall the names of any of the</p> <p>2 nurses there?</p> <p>3 A. No.</p> <p>4 Q. I'm going to back up. When you went on</p> <p>5 your follow-up visits to Midwest, did you tell them</p> <p>6 that no one was helping you do your physical</p> <p>7 therapy?</p> <p>8 A. No, because I didn't -- no, I didn't.</p> <p>9 Q. And you weren't restricted in your</p> <p>10 communication with the doctors or physical</p> <p>11 therapists at Midwest, correct?</p> <p>12 A. Yes.</p> <p>13 Q. When you were there and visiting them --</p> <p>14 maybe that was a bad question.</p> <p>15 When you were in the exam room with</p> <p>16 whoever, physical therapy, medical treatment</p> <p>17 providers at Midwest, you were able to tell them</p> <p>18 anything you needed to tell them?</p> <p>19 A. Yes.</p> <p>20 Q. The guards that were in the room with you,</p> <p>21 no one threatened you and said you couldn't talk to</p> <p>22 the health care providers?</p> <p>23 A. No.</p> <p>24 Q. You were free to tell them anything you</p>



<p style="text-align: right;">Page 58</p> <p>1 needed to tell them, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you didn't tell anyone at Midwest at</p> <p>4 any point that you weren't getting your physical</p> <p>5 therapy at Sheridan?</p> <p>6 A. No.</p> <p>7 Q. At some point did they give you a brace</p> <p>8 for your knee?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know when you got the brace?</p> <p>11 A. About two weeks after they took the cast</p> <p>12 off my leg.</p> <p>13 Q. How long after your surgery did they take</p> <p>14 the cast off?</p> <p>15 A. About two weeks.</p> <p>16 Q. So roughly two weeks?</p> <p>17 A. Roughly two weeks.</p> <p>18 Q. So the brace was maybe about a month after</p> <p>19 your surgery, if you said you got that about two</p> <p>20 weeks after your cast?</p> <p>21 A. I got the brace two weeks after the</p> <p>22 surgery.</p> <p>23 Q. Two weeks after surgery you got the brace?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No, they didn't prohibit me. No.</p> <p>2 Q. Did anyone in the Department of</p> <p>3 Corrections tell you when you had to have it on and</p> <p>4 when you could take it off?</p> <p>5 A. No.</p> <p>6 Q. If you had it on or took it off, that was</p> <p>7 entirely your decision?</p> <p>8 A. Yes. I couldn't go to general population</p> <p>9 because of the brace. I had to stay in the</p> <p>10 infirmary.</p> <p>11 Q. So you had 24 hour access to your brace,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it was no one's decision whether you</p> <p>15 had it on or didn't have it on?</p> <p>16 A. Yes.</p> <p>17 Q. And what restrictions on activity did your</p> <p>18 doctors place on you, the doctors from Midwest?</p> <p>19 A. I couldn't do no activities anyway. My</p> <p>20 leg was messed up.</p> <p>21 Q. What would they tell you what you could or</p> <p>22 couldn't do?</p> <p>23 A. I couldn't play ball.</p> <p>24 Q. They specifically said Mr. Jones, don't</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Could you describe the brace for me? Did</p> <p>2 it have a hinge on it? Was it something that</p> <p>3 wrapped around your leg?</p> <p>4 A. It wrapped around my leg with straps.</p> <p>5 Q. Did you have any sort of hinge on it?</p> <p>6 A. Yes, hinged on the side for my mobility to</p> <p>7 see how far I could stretch and bend.</p> <p>8 Q. And it was the doctors at Midwest that</p> <p>9 gave you that brace?</p> <p>10 A. Yes.</p> <p>11 Q. And what did they tell you the purpose of</p> <p>12 that brace was?</p> <p>13 A. I can't recall what they said the purpose</p> <p>14 was.</p> <p>15 Q. What directions did they give you related</p> <p>16 to that brace?</p> <p>17 A. Keep it on when I am out of the bed and</p> <p>18 moving around. Keep it on at all times.</p> <p>19 Q. So keep it on at all times when you are</p> <p>20 not in bed or keep it on at all times, which one?</p> <p>21 A. When I'm not in bed.</p> <p>22 Q. Did anyone from the Department of</p> <p>23 Corrections prohibit you from having that brace when</p> <p>24 you were at Sheridan?</p>	<p style="text-align: right;">Page 61</p> <p>1 play basketball? What did they tell you that you</p> <p>2 can't do?</p> <p>3 A. They didn't tell me nothing.</p> <p>4 Q. And did you ever refuse any treatment that</p> <p>5 they offered you?</p> <p>6 A. At Midwest?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. Did you ever refuse treatment that the</p> <p>10 Department of Corrections tried to give you?</p> <p>11 A. Yes, once.</p> <p>12 Q. What was that?</p> <p>13 A. Tramadol.</p> <p>14 Q. And that's a medication?</p> <p>15 A. That's a medication.</p> <p>16 Q. What does it do?</p> <p>17 A. It was for pain, but it made me</p> <p>18 hallucinate.</p> <p>19 Q. When did you refuse that?</p> <p>20 A. I think it's two days out of surgery.</p> <p>21 Q. You did that one time?</p> <p>22 A. I did it one time. I couldn't handle it.</p> <p>23 Q. That was a bad question. You refused it</p> <p>24 one time?</p>

<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. That is the only treatment you refused</p> <p>3 from the time you had your surgery until the time</p> <p>4 you were released from the Department of</p> <p>5 Corrections?</p> <p>6 A. No. I refused the Norco a few times</p> <p>7 because I wasn't feeling too well taking it.</p> <p>8 Q. That was in the Department of Corrections</p> <p>9 as well?</p> <p>10 A. Yes.</p> <p>11 Q. How many times did you refuse Norco?</p> <p>12 A. About five.</p> <p>13 Q. Was there ever anytime in the Department</p> <p>14 of Corrections that you asked for treatment from the</p> <p>15 time you had your surgery until the time you were</p> <p>16 released, was there anytime that you asked for</p> <p>17 treatment that you didn't receive?</p> <p>18 A. No.</p> <p>19 Q. Prior to your release from the Department</p> <p>20 of Corrections, you had a follow-up appointment</p> <p>21 scheduled with Midwest Orthopedics, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And that appointment fell after the time</p> <p>24 you were released from the Department of</p>	<p style="text-align: right;">Page 64</p> <p>1 doing?</p> <p>2 A. None.</p> <p>3 Q. Did you see any other doctors in that</p> <p>4 period of time?</p> <p>5 A. No.</p> <p>6 Q. Midwest referred you to a doctor at Rush,</p> <p>7 is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. So between the time you were released and</p> <p>10 the time you saw that doctor at Rush, did you see</p> <p>11 any other doctors?</p> <p>12 A. No.</p> <p>13 Q. Did you do any physical therapy?</p> <p>14 A. No.</p> <p>15 Q. When you were released from the Department</p> <p>16 of Corrections, were you released with your brace?</p> <p>17 A. Yes.</p> <p>18 Q. And were you released with crutches?</p> <p>19 A. Yes.</p> <p>20 Q. Were you released with your cane?</p> <p>21 A. Yes.</p> <p>22 Q. So you had all three of those when you</p> <p>23 were released?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 63</p> <p>1 Corrections?</p> <p>2 A. Yes.</p> <p>3 Q. And you did not go to that appointment,</p> <p>4 correct?</p> <p>5 A. Yes, I couldn't make it.</p> <p>6 Q. So you did not go to that appointment,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. And why did you not go to that</p> <p>10 appointment?</p> <p>11 A. I didn't have transportation at the time.</p> <p>12 Q. And that appointment was scheduled in June</p> <p>13 of 2016, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And then in July of 2016, you contacted</p> <p>16 Midwest Orthopedics to ask them for a referral in</p> <p>17 Chicago?</p> <p>18 A. Yes.</p> <p>19 Q. Between the date of your release in June</p> <p>20 of 2016 and you called Midwest Orthopedics in July,</p> <p>21 did you have any other contact with them?</p> <p>22 A. No.</p> <p>23 Q. Between the date of your release and July</p> <p>24 of 2016, what kind of physical therapy were you</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. And you were able to take those home with</p> <p>2 you, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you were able to use those at home,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. How often were you wearing your brace in</p> <p>8 that period of time?</p> <p>9 A. Every day.</p> <p>10 Q. And who saw you wear your brace that</p> <p>11 period of time?</p> <p>12 A. Excuse me?</p> <p>13 Q. Who saw you wearing your brace?</p> <p>14 A. Everyone.</p> <p>15 Q. Tell me who that is.</p> <p>16 A. My kids, my mom. My brothers.</p> <p>17 Q. And what steps did you take after your</p> <p>18 release to get physical therapy?</p> <p>19 A. I asked for the referral from Midwest.</p> <p>20 Q. In that July phone call?</p> <p>21 A. Yes.</p> <p>22 Q. So between the date you were released in</p> <p>23 June and that July phone call to Midwest, what steps</p> <p>24 did you take to get physical therapy?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I didn't take no steps to get physical 2 therapy. 3 (Recess.) 4 Q. Mr. Jones, before we took the break you 5 indicated that while you were in the Department of 6 Corrections, you refused Norco approximately five 7 times, is that correct? 8 A. Yes. 9 Q. Why did you refuse it? 10 A. Because it was too strong for me. 11 Q. What did you mean by that? 12 A. It had me real drowsy and nauseous. 13 Q. How often did you take it? If you refused 14 it five times, were there times that you did take 15 it? 16 A. Yes. 17 Q. How often would you take it? 18 A. At least three times a week. 19 Q. So after your release we established that 20 in July you called Midwest Orthopedics, and they 21 gave you a referral to a doctor at Rush, correct? 22 A. Yes. 23 Q. Do you remember who that doctor was? 24 A. I can't remember the doctor's name.</p>	<p style="text-align: right;">Page 68</p> <p>1 tissue on my knee. 2 Q. Did he tell you what that scar tissue was 3 from? 4 A. I can't recall. 5 Q. Did he tell you it was from the surgery? 6 A. He said it was from not moving my knee or 7 having therapy. 8 Q. What did that doctor recommend? 9 A. Another surgery. 10 Q. And this is in your first meeting with 11 that doctor? 12 A. Yes. 13 Q. How did he know you had scar tissue on 14 your knee? Did he do an x-ray or MRI? 15 A. An x-ray. 16 Q. Did he do that on the same day as your 17 first appointment? 18 A. I can't remember. No, not on the first 19 date of my appointment. No. 20 Q. On the first day of your appointment he 21 told you you had scar tissue on your knee and 22 recommended surgery? 23 A. I can't remember if it was the first date 24 or the second.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. When did you first see that doctor? 2 A. I can't remember. 3 Q. Is it a male doctor or female doctor? 4 A. Male doctor. 5 Q. When you first saw that doctor, why did 6 you go to the doctor? What was the reason you 7 wanted to go see a doctor? 8 A. Because I was trying to see if there are 9 any alternatives to getting my leg back to mobility. 10 Q. So the first time you saw that doctor is 11 obviously after you were given the referral, 12 correct? 13 A. Yes. 14 Q. Do you remember how long after the 15 referral? Was it a month? 16 A. I can't remember. 17 Q. In the period of time between when you 18 were given the referral and when you actually went 19 to see the doctor, what steps did you take to do any 20 physical therapy or exercises for your knee? 21 A. None. 22 Q. When you went to see that doctor, what did 23 that doctor tell you? 24 A. That I had a significant amount of scar</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Ultimately he did surgery on you, correct? 2 A. Yes. 3 Q. How many appointments did you have with 4 him between your first appointment and your surgery? 5 A. I can't remember. 6 Q. At what point during that time did he 7 recommend surgery? 8 A. It was between one of those visits. 9 Q. And the only diagnostic test he did was an 10 x-ray? 11 A. I am not quite sure. It could have been a 12 a MRI or an x-ray. 13 Q. But was it only one diagnostic test, and 14 you can't remember? 15 A. I can't remember. 16 Q. What did he tell you about the surgery 17 that he wanted to do? 18 A. Go in and get rid of the scar tissue. 19 Q. How did he say he was going to do that? 20 A. Put holes in my leg. Incisions in my leg 21 and cut the scar tissue out. 22 Q. What did he say he hoped to accomplish by 23 doing that? 24 A. Mobility in my leg.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. When did you do that surgery?</p> <p>2 A. Sometime in October of 2016.</p> <p>3 Q. Do you remember that doctor ever saying</p> <p>4 that your knee had been neglected?</p> <p>5 A. The doctor at Midwest explained to me what</p> <p>6 happened.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. With proper care, they could have repaired</p> <p>9 my patellar tendon instead of reconstructing it.</p> <p>10 Q. And what do you mean by proper care?</p> <p>11 A. Medical care.</p> <p>12 Q. And what doctor told you that?</p> <p>13 A. Dr. Behl.</p> <p>14 Q. When did Dr. Behl tell you that?</p> <p>15 A. When I went to Midwest Orthopedics.</p> <p>16 Q. Which time?</p> <p>17 A. The first time.</p> <p>18 Q. But your doctor at Rush never told you</p> <p>19 that your knee had been neglected, correct?</p> <p>20 A. Yes, from the scar tissue. I was supposed</p> <p>21 to have physical therapy.</p> <p>22 Q. But did he ever tell you that your knee</p> <p>23 had been neglected?</p> <p>24 A. I can't recall.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. To lay down and use this machine that he</p> <p>2 sent to me.</p> <p>3 Q. What kind of machine?</p> <p>4 A. To help my leg regain its mobility.</p> <p>5 Q. So what did the machine do?</p> <p>6 A. It is like electronic. It will go between</p> <p>7 my knee, the back of my knee, and it help, it raises</p> <p>8 up.</p> <p>9 Q. So it would help to bend your knee?</p> <p>10 A. It helped to try to bend my knee, yes.</p> <p>11 Q. When did you get that machine?</p> <p>12 A. I got that the next day after surgery.</p> <p>13 Q. Do you remember that being called a CPM</p> <p>14 machine?</p> <p>15 A. I guess. I don't know.</p> <p>16 Q. Did you only receive one machine?</p> <p>17 A. Yes.</p> <p>18 Q. And how often were you supposed to use</p> <p>19 that?</p> <p>20 A. Every day.</p> <p>21 Q. And how often each day?</p> <p>22 A. Three or four times a day.</p> <p>23 Q. For how long?</p> <p>24 A. I think like two weeks.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. His only comments to you about it was that</p> <p>2 you should have had physical therapy?</p> <p>3 A. Yes.</p> <p>4 Q. And did he say that without physical</p> <p>5 therapy you wouldn't have had the scar tissue?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if the doctor at Rush obtained</p> <p>8 your medical records from Midwest Orthopedics?</p> <p>9 A. Yes.</p> <p>10 Q. They did?</p> <p>11 A. Yes.</p> <p>12 Q. Did they obtain your medical records from</p> <p>13 the Department of Corrections?</p> <p>14 A. Yes.</p> <p>15 Q. So your second surgery was arthroscopic</p> <p>16 surgery, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you were released home the same day</p> <p>19 that you had the surgery?</p> <p>20 A. Yes.</p> <p>21 Q. What were your instructions from your</p> <p>22 doctor?</p> <p>23 What were your instructions from your</p> <p>24 doctor following your second surgery?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. And how long each time? With each of the</p> <p>2 three to four times, was it for one minute or one</p> <p>3 hour?</p> <p>4 A. Thirty minutes.</p> <p>5 Q. I'm sorry?</p> <p>6 A. Thirty minutes.</p> <p>7 Q. I couldn't tell if you said 30 or three.</p> <p>8 Did you do that? Did you follow those instructions?</p> <p>9 A. Yes.</p> <p>10 Q. So you did it three to four times every</p> <p>11 day for two weeks?</p> <p>12 A. Yes.</p> <p>13 Q. Did that doctor eventually give you a knee</p> <p>14 brace as well?</p> <p>15 A. Yes.</p> <p>16 Q. When did that doctor give you a knee</p> <p>17 brace?</p> <p>18 A. After my follow-up appointment.</p> <p>19 Q. Which was how long after your surgery?</p> <p>20 A. Two weeks.</p> <p>21 Q. At your first follow-up appointment he</p> <p>22 gave you the knee brace?</p> <p>23 A. Yes.</p> <p>24 Q. What were your instructions from this</p>

<p style="text-align: right;">Page 74</p> <p>1 doctor regarding the knee brace?</p> <p>2 A. Keep it moving, walking.</p> <p>3 Q. So you could weight bear on your leg after</p> <p>4 the surgery?</p> <p>5 A. No, I had to have crutches.</p> <p>6 Q. How long did you have crutches, a month</p> <p>7 after the surgery?</p> <p>8 A. About a month after the surgery.</p> <p>9 Q. The knee brace that this doctor gave you,</p> <p>10 was it a hinged brace like the one you got from the</p> <p>11 Department of Corrections?</p> <p>12 A. No. It was half a brace.</p> <p>13 Q. What do you mean by that?</p> <p>14 A. It wasn't as long as the one I got from</p> <p>15 the Department of Corrections. It wasn't a full</p> <p>16 length knee brace.</p> <p>17 Q. So the one you got at the Department of</p> <p>18 Corrections covered more of your leg?</p> <p>19 A. Yes, from knee to thigh.</p> <p>20 Q. The Department of Corrections one?</p> <p>21 A. Yes.</p> <p>22 Q. Then the one you got from the doctor at</p> <p>23 Rush covered what?</p> <p>24 A. The knee.</p>	<p style="text-align: right;">Page 76</p> <p>1 therapy?</p> <p>2 A. Yes.</p> <p>3 Q. Where did you do physical therapy?</p> <p>4 A. At Rush and Schwab Rehabilitation.</p> <p>5 Q. You did it at Rush first and then at</p> <p>6 Schwab?</p> <p>7 A. Yes, and back at Rush.</p> <p>8 Q. Then you went back to Rush after Schwab?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember how many visits you were</p> <p>11 ordered to have at Rush immediately after your</p> <p>12 surgery?</p> <p>13 A. No, I don't remember.</p> <p>14 Q. Do you remember if you attended all of</p> <p>15 them that you were supposed to attend?</p> <p>16 A. Yes.</p> <p>17 Q. You did attend all of them?</p> <p>18 A. Yes, I did.</p> <p>19 Q. And what directions did they give you</p> <p>20 regarding doing exercises at home?</p> <p>21 A. She gave me a rubberband, a long</p> <p>22 rubberband. They put it on the ends of my toes and</p> <p>23 pushed down.</p> <p>24 Q. Anything else?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Just the knee?</p> <p>2 A. Just the knee.</p> <p>3 Q. Was it hinged?</p> <p>4 A. Could you explain to me?</p> <p>5 Q. Did it have any device in it that folded?</p> <p>6 A. Yes.</p> <p>7 Q. So there was some sort of -- I never had</p> <p>8 to describe a hinge before, some sort of hardware in</p> <p>9 it?</p> <p>10 A. Yes.</p> <p>11 Q. That bent?</p> <p>12 A. Yes.</p> <p>13 Q. And how long were you supposed to wear</p> <p>14 that?</p> <p>15 A. Forever.</p> <p>16 Q. And have you worn it forever since then?</p> <p>17 A. Yes.</p> <p>18 Q. So every day since you had your surgery in</p> <p>19 October of 2016, ever since it was given to you</p> <p>20 following your surgery you have worn it?</p> <p>21 A. Yes.</p> <p>22 Q. And it's your understanding you are going</p> <p>23 to have to do that for the rest of your life, and</p> <p>24 the Rush doctor also ordered you to do physical</p>	<p style="text-align: right;">Page 77</p> <p>1 A. That's it. And to stand on my tippy toes.</p> <p>2 Q. Anything else?</p> <p>3 A. That's it.</p> <p>4 Q. How often were you supposed to do those</p> <p>5 two exercises?</p> <p>6 A. At least once a day.</p> <p>7 Q. And you understood what you were supposed</p> <p>8 to do. You didn't have any problems understanding</p> <p>9 the instructions on that?</p> <p>10 A. Yes.</p> <p>11 Q. How often did you do that?</p> <p>12 A. Once a day three times a week.</p> <p>13 Q. There's a difference in those two things.</p> <p>14 Did you do them once day or do it three times a</p> <p>15 week?</p> <p>16 A. I did them three times a week for 20</p> <p>17 minutes.</p> <p>18 Q. And you did that every single week? You</p> <p>19 did them three times a week for 20 minutes?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. What other recommendations did the</p> <p>22 physical therapist make -- and this is the physical</p> <p>23 therapist at Rush?</p> <p>24 A. I can't remember.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. You transferred from Rush physical therapy 2 to Schwab physical therapy, correct? 3 A. Yes. 4 Q. When did you do that? 5 A. I can't remember. 6 Q. Why did you do that? 7 A. Because my insurance. 8 Q. Was there a gap in time between when you 9 went from one to the other or did you transition? 10 A. Yes, there was a gap. 11 Q. How long? 12 A. About two months. 13 Q. In that two months where there was a gap, 14 what were you doing for physical therapy? 15 A. What the physical therapist at Rush had me 16 do. 17 Q. The exercises, rubberbands and standing on 18 your toes? 19 A. Yes. 20 Q. No other exercises? 21 A. No. 22 Q. Is it fair to say the physical therapist 23 at Rush did more exercises than the rubberbands 24 therapy and standing on your toes when you were</p>	<p style="text-align: right;">Page 80</p> <p>1 is because your insurance was now transferred back 2 to Rush? 3 A. Yes. 4 Q. How much time elapsed between when you 5 left physical therapy at Schwab and when you went 6 back to Rush? 7 A. About three months. 8 Q. So you went three months without getting 9 physical therapy? 10 A. Right. 11 Q. What exercises and physical therapy did 12 you do in that three month period? 13 A. The same as the first physical therapy at 14 Rush. 15 Q. The rubberbands and standing on your tippy 16 toes? 17 A. Yes. 18 Q. No other exercises? 19 A. No. 20 Q. And when you went back to Rush the second 21 time, how many physical therapy appointments did you 22 do? 23 A. I think I did one. 24 Q. Was that the recommended number?</p>
<p style="text-align: right;">Page 79</p> <p>1 there? 2 A. Yes. 3 Q. You didn't do anything to try to replicate 4 those exercises in that two month period between 5 your two physical therapies? 6 A. No. 7 Q. How long did you go to physical therapy at 8 Schwab? 9 A. I think I had at least seven sessions. 10 Q. Over what period of time? 11 A. Over a month. 12 Q. Is that the number of sessions that was 13 recommended? 14 A. Yes. 15 Q. Did you attend all of the sessions that 16 you were supposed to attend? 17 A. Yes. 18 Q. You didn't miss any? 19 A. No. 20 Q. Why did you leave physical therapy at 21 Schwab? 22 A. Because I got my insurance transferred 23 back to come back to Rush. 24 Q. So that is the only reason you left Schwab</p>	<p style="text-align: right;">Page 81</p> <p>1 A. Yes. 2 Q. You went in for one appointment, and they 3 said you're good. You don't need to do anything 4 else? 5 A. Just keep doing what I was doing. 6 Q. Is it fair to say then that the physical 7 therapist at Rush said that your knee was back to 8 normal? 9 A. No. 10 Q. What did the physical therapist tell you 11 about your knee? 12 A. I can't recall. 13 Q. Did you see your doctor at Rush at the 14 same time? 15 A. No. 16 Q. When is the last time you saw your doctor 17 at Rush about your knee? 18 A. I can't recall. 19 Q. Has it been since the follow-up visit when 20 he gave you the brace? 21 A. I can't recall. The last time I saw him 22 was for pain, and he gave me a referral to the pain 23 specialist at Rush. 24 Q. How many times after he did your surgery</p>



<p style="text-align: right;">Page 82</p> <p>1 did you see that doctor?</p> <p>2 A. At least seven times.</p> <p>3 Q. And you don't remember when the last time</p> <p>4 was?</p> <p>5 A. I can't recall.</p> <p>6 Q. And that was seven times after your</p> <p>7 surgery?</p> <p>8 A. Yes.</p> <p>9 Q. Is it fair to say that you weren't very</p> <p>10 self motivated in doing your home exercises?</p> <p>11 A. I was motivated.</p> <p>12 Q. You were motivated?</p> <p>13 A. Yes.</p> <p>14 Q. So my statement is not a fair statement?</p> <p>15 A. It's not.</p> <p>16 Q. And if your physical therapist wrote in</p> <p>17 your notes that you were not self motivated, that</p> <p>18 would be an untrue statement?</p> <p>19 A. Yes, that is an untrue statement.</p> <p>20 Q. You claim that you're permanently</p> <p>21 disabled, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Describe for me what your disability is.</p> <p>24 A. I can't bend. I can't sit down too long.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes.</p> <p>2 Q. What exactly did Dr. James do that</p> <p>3 resulted in you becoming disabled?</p> <p>4 A. He didn't move swift enough to give me the</p> <p>5 medical care I needed.</p> <p>6 Q. What was it that he didn't do swift</p> <p>7 enough?</p> <p>8 A. Order the MRI.</p> <p>9 Q. What else?</p> <p>10 A. To get the care I really needed.</p> <p>11 Q. Which is what?</p> <p>12 A. Not order the MRI quick enough.</p> <p>13 Q. So that is what Dr. James did that you</p> <p>14 believe resulted in you being permanently disabled?</p> <p>15 A. Yes.</p> <p>16 Q. Nothing else?</p> <p>17 A. That's it.</p> <p>18 Q. This is your chance to tell me. If there</p> <p>19 is something else he did, now is when you need to</p> <p>20 tell me.</p> <p>21 A. If Dr. James had gotten me the MRI, my leg</p> <p>22 would have been repaired instead of being</p> <p>23 reconstructed.</p> <p>24 Q. According to whom?</p>
<p style="text-align: right;">Page 83</p> <p>1 I can't stand too long.</p> <p>2 Q. Have you been declared disabled by Social</p> <p>3 Security or anyone else?</p> <p>4 A. No, not yet.</p> <p>5 Q. Not yet?</p> <p>6 A. I'm in the process of doing it.</p> <p>7 Q. Of doing the Social Security?</p> <p>8 A. Yes.</p> <p>9 Q. What stage are you at with that?</p> <p>10 A. I have been denied once for it. So I will</p> <p>11 apply again.</p> <p>12 Q. When were you denied?</p> <p>13 A. I can't recall.</p> <p>14 Q. Was it after your second surgery?</p> <p>15 A. Yes.</p> <p>16 Q. So that was October of 2016, and we are</p> <p>17 now in October of 2018, so in that time frame?</p> <p>18 A. 2017.</p> <p>19 Q. Did they give you a reason that you were</p> <p>20 denied?</p> <p>21 A. No.</p> <p>22 Q. And it's your contention that it was</p> <p>23 Dr. James' medical care that led you to being</p> <p>24 disabled?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. According to Dr. Behl.</p> <p>2 Q. When did Dr. Behl tell you that?</p> <p>3 A. When I had an appointment down in Midwest</p> <p>4 Orthopedics.</p> <p>5 Q. Before your surgery or after your surgery?</p> <p>6 A. Before my surgery.</p> <p>7 Q. Those were Dr. Behl's specific words?</p> <p>8 A. Yes.</p> <p>9 Q. And you have also alleged that your</p> <p>10 allegations are also against Wexford?</p> <p>11 A. Yes.</p> <p>12 Q. What did Wexford do that resulted in you</p> <p>13 becoming disabled?</p> <p>14 A. Wexford employed Dr. James.</p> <p>15 Q. There was never a time that you are aware</p> <p>16 of that Wexford denied you getting any treatment,</p> <p>17 correct?</p> <p>18 MR. FLAXMAN: Objection, foundation.</p> <p>19 MS. BYRD: I said if he's aware of.</p> <p>20 MR. FLAXMAN: Tell her what you know about</p> <p>21 Wexford's actions.</p> <p>22 THE WITNESS: Wexford should have had Dr. James</p> <p>23 go through the proper procedures to give me the MRI</p> <p>24 as soon as he could.</p>

<p style="text-align: right;">Page 86</p> <p>1 BY MS. BYRD:</p> <p>2 Q. What are you aware of that Wexford did to</p> <p>3 prohibit that from happening?</p> <p>4 A. Repeat that again.</p> <p>5 Q. What are you aware of that Wexford did</p> <p>6 that prohibited Dr. James from taking the correct</p> <p>7 steps?</p> <p>8 I think your words were go through the</p> <p>9 proper procedures.</p> <p>10 A. They should have trained him properly to</p> <p>11 deal with situations like this.</p> <p>12 Q. And what did Wexford do to not properly</p> <p>13 train Dr. James?</p> <p>14 A. They didn't give him the right training to</p> <p>15 deal with injuries like mine in a timely manner.</p> <p>16 Q. On what do you base that statement?</p> <p>17 A. Because of the surgeon at Midwest</p> <p>18 Orthopedics.</p> <p>19 Q. Because the surgeon at Midwest Orthopedics</p> <p>20 told you that Wexford improperly trained Dr. James?</p> <p>21 A. No.</p> <p>22 Q. On what do you base your statement that</p> <p>23 Wexford improperly trained Dr. James?</p> <p>24 A. Because Dr. Behl and Midwest Orthopedics</p>	<p style="text-align: right;">Page 88</p> <p>1 authority to go ahead with the ordering of the MRI.</p> <p>2 Q. When did they not give Dr. James</p> <p>3 authority?</p> <p>4 A. I don't know.</p> <p>5 Q. Have you seen any documents that say that</p> <p>6 Wexford did not give Dr. James authority?</p> <p>7 A. No.</p> <p>8 Q. Have you had any conversations with anyone</p> <p>9 who told you that Wexford did not give Dr. James</p> <p>10 authority?</p> <p>11 A. No.</p> <p>12 Q. Has anyone specifically told you that</p> <p>13 Wexford did not give Dr. James authority?</p> <p>14 A. No.</p> <p>15 Q. So on what do you base your opinion that</p> <p>16 Wexford should have --</p> <p>17 A. That is just my opinion.</p> <p>18 Q. And you don't have anything to base that</p> <p>19 on?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of Dr. James or any other</p> <p>22 doctor requesting approval from Wexford to provide</p> <p>23 you with medical treatment that was denied?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 87</p> <p>1 informed me that the injury like mine should have</p> <p>2 been taken care of in between two to four weeks.</p> <p>3 Q. So on what do you base your statement that</p> <p>4 Wexford did not properly train Dr. James?</p> <p>5 A. I really don't understand the question.</p> <p>6 Q. You said to me that Wexford did not</p> <p>7 properly train Dr. James, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Those were your words, correct? I am</p> <p>10 asking you what it is that you know that allows you</p> <p>11 to have that opinion that Wexford did not properly</p> <p>12 train Dr. James.</p> <p>13 What is it that you think Wexford should</p> <p>14 have done differently?</p> <p>15 A. They should have moved more faster and</p> <p>16 swifter.</p> <p>17 Q. Wexford should have?</p> <p>18 A. Yes.</p> <p>19 Q. What do you base that statement on?</p> <p>20 A. That's my opinion.</p> <p>21 Q. So in your opinion and your knowledge,</p> <p>22 what did Wexford do in relation to your injury that</p> <p>23 they should have done more quickly?</p> <p>24 A. They should have gave Dr. James the</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Tell me what you know about Wexford's</p> <p>2 policies and procedures.</p> <p>3 A. I don't know anything about Wexford's</p> <p>4 policies and procedures.</p> <p>5 Q. Tell me what training it is that you</p> <p>6 believe that Wexford gave to Dr. James?</p> <p>7 A. I don't know what the training process is.</p> <p>8 Q. Do you know anything about the training</p> <p>9 process that Wexford gave to Dr. James?</p> <p>10 A. No, I don't.</p> <p>11 Q. Have you ever seen any Wexford policies?</p> <p>12 A. No.</p> <p>13 Q. I know I asked this before. So why is it</p> <p>14 that you were suing Wexford in this case?</p> <p>15 MR. FLAXMAN: Objection, asked and answered.</p> <p>16 BY MS. BYRD:</p> <p>17 Q. Are you suing Wexford simply because</p> <p>18 Dr. James is their employee?</p> <p>19 MR. FLAXMAN: Objection, asking for a legal</p> <p>20 conclusion.</p> <p>21 MS. BYRD: I'm asking. He's suing someone.</p> <p>22 I'm asking for his reasoning.</p> <p>23 MR. FLAXMAN: You're asking him for a legal</p> <p>24 conclusion and asking him about attorney work</p>



<p style="text-align: right;">Page 90</p> <p>1 product.</p> <p>2 MS. BYRD: I am asking him why he is suing</p> <p>3 Wexford. Are you instructing him not to answer?</p> <p>4 MR. FLAXMAN: No. He could give the best</p> <p>5 answer he can. I am putting my objections on the</p> <p>6 record.</p> <p>7 MS. BYRD: Okay.</p> <p>8 THE WITNESS: I can't answer that.</p> <p>9 BY MS. BYRD:</p> <p>10 Q. So your opinion, why are you suing</p> <p>11 Wexford?</p> <p>12 MR. FLAXMAN: I want to restate the objections</p> <p>13 of asked and answered and asking for attorney-client</p> <p>14 work product. Go ahead.</p> <p>15 THE WITNESS: Because Dr. James is their</p> <p>16 employee.</p> <p>17 BY MS. BYRD:</p> <p>18 Q. And that is the only reason you're suing</p> <p>19 Wexford?</p> <p>20 MR. FLAXMAN: The same objection to</p> <p>21 attorney-client work product and asking him for a</p> <p>22 legal conclusion.</p> <p>23 BY MS. BYRD:</p> <p>24 Q. You could still answer the question.</p>	<p style="text-align: right;">Page 92</p> <p>1 MR. FLAXMAN: I object to it as being a vague</p> <p>2 question.</p> <p>3 THE WITNESS: If the nurses work for Wexford,</p> <p>4 and they didn't give me my proper physical therapy</p> <p>5 at the time I was incarcerated.</p> <p>6 BY MS. BYRD:</p> <p>7 Q. And which nurses are those?</p> <p>8 A. It was so many, I can't recall.</p> <p>9 Q. Which nurses did you ask for physical</p> <p>10 therapy?</p> <p>11 A. It's been so long I can't recall.</p> <p>12 Q. But you asked nurses for physical therapy?</p> <p>13 A. Yes.</p> <p>14 Q. You specifically asked the nurses?</p> <p>15 MR. FLAXMAN: Give a yes or no.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. BYRD:</p> <p>18 Q. How many times?</p> <p>19 A. I can't recall.</p> <p>20 Q. More than once?</p> <p>21 A. Yes.</p> <p>22 Q. More than 20 times?</p> <p>23 A. I can't recall.</p> <p>24 Q. Less than 20 times?</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Because Dr. James is their employee.</p> <p>2 Q. So my question after that was and that's</p> <p>3 the only reason you're suing Wexford, correct?</p> <p>4 MR. FLAXMAN: The same objections. Answer the</p> <p>5 question.</p> <p>6 THE WITNESS: Dr. James is their employee.</p> <p>7 BY MS. BYRD:</p> <p>8 Q. But my question is that is the only reason</p> <p>9 you are suing Wexford, correct? That's a yes or no.</p> <p>10 A. Because --</p> <p>11 Q. It calls for a yes or no answer.</p> <p>12 MR. FLAXMAN: There are no other reasons that</p> <p>13 you know of?</p> <p>14 THE WITNESS: No other reasons.</p> <p>15 BY MS. BYRD:</p> <p>16 Q. So that is the only reason?</p> <p>17 A. Yes.</p> <p>18 Q. And there are no other Wexford employees</p> <p>19 whose conduct you have an issue with, correct?</p> <p>20 A. No.</p> <p>21 Q. So you do not have an issue with any other</p> <p>22 Wexford employees' conduct?</p> <p>23 I want to make sure that your answer</p> <p>24 to my question was what I understood it to be.</p>	<p style="text-align: right;">Page 93</p> <p>1 A. From the time I had my surgery to the</p> <p>2 time I left, I asked.</p> <p>3 Q. Every day?</p> <p>4 A. I can't recall if it was every day.</p> <p>5 Q. Well, if you did something every day you</p> <p>6 would recall that, correct?</p> <p>7 A. Right.</p> <p>8 Q. So it's fair to say you didn't do it every</p> <p>9 day?</p> <p>10 A. Right.</p> <p>11 Q. So did you do it once a week?</p> <p>12 A. I can't recall that.</p> <p>13 Q. Did you do it once every other day?</p> <p>14 A. I can't recall.</p> <p>15 Q. But you know for a fact that you asked</p> <p>16 nurses?</p> <p>17 A. Yes.</p> <p>18 Q. And if they didn't put that in your chart,</p> <p>19 then they didn't chart it properly?</p> <p>20 A. Exactly.</p> <p>21 MR. FLAXMAN: Objection, foundation.</p> <p>22 BY MS. BYRD:</p> <p>23 Q. From the date of your first surgery at</p> <p>24 Midwest Orthopedics through today, tell me all of</p>

<p style="text-align: right;">Page 94</p> <p>1 the doctors that have prescribed you medication.</p> <p>2 A. Dr. Behl and the doctor at Rush. I can't</p> <p>3 recall his name.</p> <p>4 MR. FLAXMAN: For the record, B-e-h-l.</p> <p>5 BY MS. BYRD:</p> <p>6 Q. And no other doctors that prescribed you</p> <p>7 medication since February of 2016, correct?</p> <p>8 A. Dr. Behl, Dr. James, and the doctor at</p> <p>9 Rush.</p> <p>10 Q. And what did the doctor at Rush prescribe</p> <p>11 you?</p> <p>12 A. Norcos.</p> <p>13 Q. And that is the same drug that you were</p> <p>14 getting while you were in the Department of</p> <p>15 Corrections?</p> <p>16 A. Yes.</p> <p>17 Q. And did you refuse that drug from the</p> <p>18 doctor at Rush?</p> <p>19 A. No.</p> <p>20 Q. Why didn't you refuse it from that doctor?</p> <p>21 A. Because I was moving around a lot, and it</p> <p>22 stopped my pain.</p> <p>23 Q. Where did you get that prescription</p> <p>24 filled?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. No.</p> <p>2 Q. So what have you done for pain since then?</p> <p>3 A. I was getting cortisone shots in my knee.</p> <p>4 Q. Who was giving you cortisone shots?</p> <p>5 A. The pain manager at Rush.</p> <p>6 Q. Do you know that doctor's name?</p> <p>7 A. No.</p> <p>8 Q. Are you still seeing that doctor?</p> <p>9 A. No.</p> <p>10 Q. What date did you see that doctor, not a</p> <p>11 specific day, but kind of post surgery until today,</p> <p>12 when did it fall?</p> <p>13 A. I can't recall. It's all in my medical</p> <p>14 records. I can't recall.</p> <p>15 Q. When was the last time you were there?</p> <p>16 A. Probably March of 2017.</p> <p>17 Q. So what are you doing for pain now?</p> <p>18 A. I am scheduled. I'm dealing with it until</p> <p>19 I go for my appointment in November to pain</p> <p>20 management at Stroger.</p> <p>21 Q. How many times have you been to the pain</p> <p>22 management at Stroger?</p> <p>23 A. This is going to be my first time.</p> <p>24 Q. So what made you schedule an appointment</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Wal-Mart.</p> <p>2 Q. Wal-Mart?</p> <p>3 A. Yes.</p> <p>4 Q. Where is that Wal-Mart located?</p> <p>5 A. Cermak and Rockwell.</p> <p>6 Q. Since February of 2016 when you had your</p> <p>7 first surgery through today, is there any doctor</p> <p>8 that has refused to prescribe you medication for</p> <p>9 anything?</p> <p>10 A. Just the doctor at Rush.</p> <p>11 Q. What did he refuse to prescribe you?</p> <p>12 A. Norco.</p> <p>13 Q. And why did he refuse to prescribe that?</p> <p>14 A. Because I think it's their policy. You</p> <p>15 can't for so long prescribe a narcotic to patients.</p> <p>16 Q. When did he refuse to prescribe that to</p> <p>17 you?</p> <p>18 A. I can't recall that.</p> <p>19 Q. In relation to your second surgery, when</p> <p>20 did he refuse to prescribe it?</p> <p>21 A. About February of 2017.</p> <p>22 Q. So four months after maybe?</p> <p>23 A. Yes.</p> <p>24 Q. Have you taken Norco since then?</p>	<p style="text-align: right;">Page 97</p> <p>1 at Stroger when the last visit at Rush was in March</p> <p>2 of 2017?</p> <p>3 A. Because I've been trying to get to the</p> <p>4 pain manager at Rush, and they kept giving me the</p> <p>5 runaround.</p> <p>6 Things weren't going right. So I</p> <p>7 switched it over to Stroger.</p> <p>8 Q. So you have received no treatment for pain</p> <p>9 between March of 2017 and this upcoming appointment</p> <p>10 at Stroger in November?</p> <p>11 A. Yes. I'm just dealing with it.</p> <p>12 Q. And what steps have you taken to get pain</p> <p>13 medication in that period of time?</p> <p>14 A. I am trying.</p> <p>15 Q. But what have you done since March of 2017</p> <p>16 to get treatment for your pain?</p> <p>17 A. I am going to my primary doctor.</p> <p>18 Q. Who is your primary doctor?</p> <p>19 A. Dr. Orzinga.</p> <p>20 Q. Can you spell that?</p> <p>21 A. No.</p> <p>22 Q. Can you say it again?</p> <p>23 A. Orzinga. Daniel Orzinga.</p> <p>24 Q. Where is he?</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 A. Lawndale and Christianson.</p> <p>2 Q. Is he prescribing you pain medication?</p> <p>3 A. No.</p> <p>4 Q. So what is he doing for your pain?</p> <p>5 A. He gave me a referral. He told me to deal</p> <p>6 with it until we go to the pain manager.</p> <p>7 Q. When did he tell you to just deal with it?</p> <p>8 A. I can't recall, but he told me to.</p> <p>9 Q. Was that in March of 2017 or after?</p> <p>10 A. After.</p> <p>11 Q. How long after?</p> <p>12 A. About three months after.</p> <p>13 Q. So since June of 2017?</p> <p>14 A. Yes.</p> <p>15 Q. So in June, approximately June of 2017</p> <p>16 Dr. Orzinga told you to deal with your pain until</p> <p>17 you could get to the pain management clinic.</p> <p>18 And the first time you're getting to the</p> <p>19 pain management clinic is November of 2018, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Is that the only plans you have to see a</p> <p>22 doctor in the future?</p> <p>23 A. Yes.</p> <p>24 Q. I'm sorry?</p>	<p style="text-align: right;">Page 100</p> <p>1 a week later you had surgery, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And those were your words, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And your surgeon that did the first</p> <p>6 surgery never told you that the period of time that</p> <p>7 elapsed between when you got your MRI and when you</p> <p>8 had surgery, that that was an unreasonable period of</p> <p>9 time, correct?</p> <p>10 A. Can you repeat that.</p> <p>11 Q. The surgeon, Dr. Behl, that did your first</p> <p>12 surgery, he never said that the period of time that</p> <p>13 elapsed between when you got the MRI and when you</p> <p>14 had the surgery was an unreasonable period of time,</p> <p>15 correct?</p> <p>16 A. The reasonable time was from my injury to</p> <p>17 the MRI.</p> <p>18 Q. But my question is the time between the</p> <p>19 MRI and the surgery, he never told you that was an</p> <p>20 unreasonable period of time, correct?</p> <p>21 A. We didn't discuss that.</p> <p>22 Q. But he never told you that that was an</p> <p>23 unreasonable period of time?</p> <p>24 A. We didn't discuss it. He never said it.</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Yes.</p> <p>2 Q. So you don't have any other scheduled</p> <p>3 appointments with anyone?</p> <p>4 A. Not for my leg, no.</p> <p>5 Q. For anything else?</p> <p>6 A. Yes, I got scheduled appointments.</p> <p>7 Q. For what?</p> <p>8 A. Colonoscopy and vasectomy.</p> <p>9 Q. Anything else?</p> <p>10 A. That's it.</p> <p>11 Q. The last time you saw the surgeon at Rush,</p> <p>12 what were the recommendations that the surgeon made</p> <p>13 for you regarding your leg?</p> <p>14 A. I can't remember.</p> <p>15 Q. When Dr. James got the results of your MRI</p> <p>16 he made arrangements for you to see the surgeon</p> <p>17 right away, correct?</p> <p>18 A. I guess.</p> <p>19 Q. How much time passed between when you got</p> <p>20 the results of your MRI and when you saw the</p> <p>21 surgeon?</p> <p>22 A. About a month. I don't know. I can't</p> <p>23 recall.</p> <p>24 Q. And you said that you had the MRI. About</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. So he never said it?</p> <p>2 A. He never said it to me.</p> <p>3 Q. He never recommended that you come for</p> <p>4 surgery following the MRI sooner than you did,</p> <p>5 correct?</p> <p>6 A. No, he didn't. No.</p> <p>7 Q. What is a normal day like for you right</p> <p>8 now? Let's say you weren't here today.</p> <p>9 If you weren't here today what would</p> <p>10 you have done?</p> <p>11 A. Sit in the house and watch TV.</p> <p>12 Q. What time do you get up in the morning?</p> <p>13 A. About 5:30.</p> <p>14 Q. And then you just stay in the house all</p> <p>15 day?</p> <p>16 A. Drink coffee until one of my kids come</p> <p>17 pick me up when he get off work.</p> <p>18 Q. What time do they get off work?</p> <p>19 A. About 4:30.</p> <p>20 Q. P.M.?</p> <p>21 A. Yes.</p> <p>22 Q. And one of your kids comes every day about</p> <p>23 4:30?</p> <p>24 A. Not every day. Maybe a friend.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. How often?</p> <p>2 A. Maybe like twice a week.</p> <p>3 Q. On the day that your kids don't come?</p> <p>4 A. Yes.</p> <p>5 Q. And then you leave every day roughly 4:30?</p> <p>6 A. Not every day.</p> <p>7 Q. How often?</p> <p>8 A. Probably four days out of the week.</p> <p>9 Q. What do you do when you leave home at</p> <p>10 4:30?</p> <p>11 A. I probably get dropped off at an AA</p> <p>12 meeting.</p> <p>13 Q. How often do you go to AA meetings?</p> <p>14 A. Probably twice a week.</p> <p>15 Q. Where do you go to AA meetings?</p> <p>16 A. At Dear Rehabilitation.</p> <p>17 Q. D-e-a-r?</p> <p>18 A. Yes?</p> <p>19 Q. Where is that located?</p> <p>20 A. Roosevelt and Pulaski. I go to NA</p> <p>21 meetings too.</p> <p>22 Q. How often do you go to NA meetings?</p> <p>23 A. Probably once a week.</p> <p>24 Q. Is that also Dear Rehabilitation?</p>	<p style="text-align: right;">Page 104</p> <p>1 A. That's a no.</p> <p>2 Q. And when you were just telling me that you</p> <p>3 get up at 5:30 and would drink coffee until 4:30</p> <p>4 when someone picks you up, is that seven days a week</p> <p>5 or are the weekends different?</p> <p>6 A. The weekend is different.</p> <p>7 Q. What do you do on the weekends?</p> <p>8 A. Sunday, I go to church.</p> <p>9 Q. Where do you go to church?</p> <p>10 A. The Upper Room on Washtenaw.</p> <p>11 Q. That is where?</p> <p>12 A. Roosevelt and Washtenaw.</p> <p>13 Q. What time do you go to church?</p> <p>14 A. 11:30 a.m.</p> <p>15 Q. How long is church?</p> <p>16 A. Until about 2:30 p.m.</p> <p>17 Q. And then you go home after church?</p> <p>18 A. I go watch the game.</p> <p>19 Q. Where do you usually go watch the game?</p> <p>20 A. A friend's house.</p> <p>21 Q. What about on Saturdays, what do you do?</p> <p>22 A. Laundry.</p> <p>23 Q. You do that at home or go somewhere else?</p> <p>24 A. Go to a laundry facility.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No, EU House on Madison and right off</p> <p>2 Ashland.</p> <p>3 Q. And that's the same thing. Someone picks</p> <p>4 you up around 4:30 and takes you to one of those two</p> <p>5 places?</p> <p>6 A. I use my sister's car sometimes.</p> <p>7 Q. I am assuming the fact that you attend AA</p> <p>8 meetings and NA meetings is because you're an</p> <p>9 addict?</p> <p>10 A. Yes.</p> <p>11 Q. And are you currently clean?</p> <p>12 A. Yes.</p> <p>13 Q. How long have you been clean?</p> <p>14 A. Since 2012.</p> <p>15 Q. Congratulations. So since your release</p> <p>16 from prison you haven't used substances at all?</p> <p>17 A. Except for the Norco.</p> <p>18 Q. And did your doctor know that you're an</p> <p>19 addict?</p> <p>20 A. Yes. That's why he stopped it.</p> <p>21 Q. Other than the Norco, you have used no</p> <p>22 alcohol, no drugs since your release from prison?</p> <p>23 A. No.</p> <p>24 Q. That's a no?</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. What laundry facility do you go to?</p> <p>2 A. Roosevelt and Kedzie.</p> <p>3 Q. Anything else that you do on the weekends?</p> <p>4 A. No.</p> <p>5 Q. When you were incarcerated at Sheridan,</p> <p>6 you said you knew the process for filling out</p> <p>7 grievances, correct?</p> <p>8 And am I correct that you only filled</p> <p>9 out one grievance in relation to the injury that you</p> <p>10 suffered?</p> <p>11 A. I can't recall. I think it was one, but</p> <p>12 I'm not sure.</p> <p>13 Q. I am showing you what I marked as</p> <p>14 Defendant's Exhibit 2, and it's a three page</p> <p>15 document.</p> <p>16 And if you look at the third page, is</p> <p>17 that your grievance?</p> <p>18 A. Yes.</p> <p>19 Q. And it's dated December 29, 2015, correct?</p> <p>20 A. Where is it?</p> <p>21 Q. If you look on the upper left hand corner</p> <p>22 of the grievance itself. I know they're printed the</p> <p>23 wrong way on the paper.</p> <p>24 It says December 29, 2015?</p>

<p style="text-align: right;">Page 106</p> <p>1 A. Yes.</p> <p>2 Q. And that's your handwriting?</p> <p>3 A. Yes.</p> <p>4 Q. Where were you when you filled out this</p> <p>5 grievance?</p> <p>6 A. In the general population.</p> <p>7 Q. So in that cell block area that you</p> <p>8 described earlier?</p> <p>9 A. Yes.</p> <p>10 Q. That is correct?</p> <p>11 A. Yes.</p> <p>12 Q. And when you filled out this grievance,</p> <p>13 you were able to sit down and write out what you</p> <p>14 wanted to in the grievance, correct? No one told</p> <p>15 you what to write?</p> <p>16 A. Correct.</p> <p>17 Q. You got to use your own words?</p> <p>18 A. Correct.</p> <p>19 Q. You got to write down as much or as little</p> <p>20 as you wanted to, correct?</p> <p>21 A. Yes.</p> <p>22 Q. No one told you that you couldn't write</p> <p>23 something down that you wanted to write down,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Yes.</p> <p>2 Q. One of the things you wrote in that</p> <p>3 grievance is that you said you know it takes time to</p> <p>4 get things done around here. Correct?</p> <p>5 A. Yes.</p> <p>6 Q. And what did you mean when you wrote that?</p> <p>7 A. I meant that it takes time for a person to</p> <p>8 be seen by the medical staff because there's so many</p> <p>9 inmates in there.</p> <p>10 Q. You also wrote twice in this grievance</p> <p>11 that you are going to be released in 156 days,</p> <p>12 right?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Is that yes?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And you wanted to make sure you got</p> <p>17 surgery before you got released, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Why were you so concerned about getting</p> <p>20 surgery before you were released?</p> <p>21 A. Because I wanted to be mobile so I could</p> <p>22 work when I got home.</p> <p>23 Q. Did you have a job lined up?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Yes.</p> <p>2 Q. You got to write down all of your concerns</p> <p>3 on this grievance, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And if it didn't fit in the area that they</p> <p>6 gave you, you could write on the back, correct?</p> <p>7 A. Correct.</p> <p>8 Q. What is your understanding of how the</p> <p>9 grievance procedure works at Sheridan?</p> <p>10 A. You write the grievance, and it gets</p> <p>11 looked over by the shift commander or committee.</p> <p>12 And then they find a decision and send it back to</p> <p>13 you.</p> <p>14 Q. And if you didn't like what they wrote</p> <p>15 when they sent it back to you was there anything you</p> <p>16 could do about that?</p> <p>17 A. I think you could appeal it, appeal the</p> <p>18 grievance.</p> <p>19 Q. How do you appeal a grievance?</p> <p>20 A. By rewriting a grievance. I can't recall</p> <p>21 what was the process of appealing a grievance.</p> <p>22 Q. But you're the one that wrote this</p> <p>23 grievance that is in front of you as Defendant's</p> <p>24 Exhibit 2?</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. What were you going to be doing?</p> <p>2 A. Labor.</p> <p>3 Q. What kind of labor?</p> <p>4 A. Physical labor.</p> <p>5 Q. For whom?</p> <p>6 A. For a few friends that's got properties.</p> <p>7 Q. What are those friends' names?</p> <p>8 A. Henry Shelton</p> <p>9 Q. S-h-e-l-t-o-n?</p> <p>10 A. Yes.</p> <p>11 Q. Who else?</p> <p>12 A. Darren McCule.</p> <p>13 Q. Spell Darren's last name.</p> <p>14 A. M-c-C-u-l-e.</p> <p>15 Q. And do they own businesses?</p> <p>16 A. No, they just subcontract.</p> <p>17 Q. Subcontract doing what?</p> <p>18 A. Buildings. Landscaping. Tuck pointing.</p> <p>19 Q. And you would talk to them while you were</p> <p>20 in the Department of Corrections?</p> <p>21 A. Yes, I talk to them. I talk to Darren,</p> <p>22 not Henry.</p> <p>23 Q. How did you know you had work lined up</p> <p>24 with Henry?</p>


<p style="text-align: right;">Page 110</p> <p>1 A. Because that was my wife's cousin, and she 2 was relaying a message to me. 3 Q. Who else did you have work lined up with? 4 A. Cesar Brock. 5 Q. Cesar? 6 A. Brock. 7 Q. Who is Cesar Brock? 8 A. He's a friend of mine. 9 Q. Anybody else that you had work lined up 10 with? 11 A. That was it. 12 Q. But once you got released you didn't work 13 with any of them? 14 A. No, I couldn't. 15 Q. Why couldn't you? 16 A. Because of my leg. I couldn't do physical 17 things they needed me to do. 18 Q. It takes four to six months to recover 19 from surgery, correct? 20 A. Yes. 21 Q. And where did you come up with that 22 number? 23 A. Off the top of my head. 24 Q. And you wrote that you needed to be at</p>	<p style="text-align: right;">Page 112</p> <p>1 were in pain, and you were suffering? 2 A. I did this when I put in my request for 3 sick call. 4 Q. Where in your grievance did you write 5 that? 6 A. I didn't put it in there. 7 Q. And where in your grievance did you say 8 that your pain was a ten out of ten? 9 A. I told the nurse and the doctor that. 10 Q. But where in your grievance did you write 11 that? 12 A. It's not on there. 13 Q. Where in your grievance did you write that 14 you weren't getting medical care? 15 A. It's not on there. 16 Q. But you could have written all those 17 things in there, correct? 18 A. Yes. 19 Q. No one stopped you from writing those 20 things in there? 21 A. No. 22 Q. But in December of 2015, you chose not to 23 write those things? 24 MR. FLAXMAN: Objection, asked and answered.</p>
<p style="text-align: right;">Page 111</p> <p>1 75 percent when you were released, correct? 2 A. Yes. 3 Q. Where did you come up with that number? 4 A. Off the top of my head. 5 Q. So you just kind of made those two things 6 up? 7 A. Yes. 8 Q. And there's a place on the grievance for 9 you to request relief, right? 10 A. Okay. 11 Q. And what you wrote in there is that you 12 need for the process to speed up to get your leg 13 fixed, correct? 14 A. Right. 15 Q. And again, no one told you what you had to 16 write in that space either, correct? 17 A. Yes. 18 Q. And you could have written anything you 19 needed in that space, correct? 20 A. Correct. 21 Q. What you chose to write is that you need 22 the process to speed up, correct? 23 A. Correct. 24 Q. Where in your grievance did you write you</p>	<p style="text-align: right;">Page 113</p> <p>1 BY MS. BYRD: 2 Q. You could answer unless he's directing you 3 not to. 4 MR. FLAXMAN: Answer her question again. 5 BY MS. BYRD: 6 Q. You chose not to write those things in 7 there in December of 2015? 8 A. Correct. 9 Q. And after you wrote this grievance on 10 December 29, 2015, what steps did you take to follow 11 up on it? 12 A. There were no other steps to follow up on 13 it. 14 Q. Did you get a response? 15 A. Yes, I got a response. The response was-- 16 Q. The response was on January 6, 2016, 17 right? And it says forwarded to HCU administrator 18 for response? 19 A. That's when they received it. 20 Q. Right. You wrote it on December 29th, 21 right? 22 A. Right. 23 Q. And on January 6, they wrote forwarded to 24 HCU administrator for response. Correct?</p>



<p style="text-align: right;">Page 114</p> <p>1 A. Right.</p> <p>2 Q. And that is returned to you so that you</p> <p>3 could see that, correct?</p> <p>4 A. It didn't return to me.</p> <p>5 Q. They didn't return it to you?</p> <p>6 A. No. I can't remember when. Right here --</p> <p>7 I can't remember. I can't remember.</p> <p>8 Q. Well, I guess there are two options,</p> <p>9 right? You either got it back from them or you</p> <p>10 didn't?</p> <p>11 A. I can't remember. I got it back from</p> <p>12 them, but I don't remember when.</p> <p>13 Q. So between the time you wrote it and the</p> <p>14 time you got it back, what steps did you take?</p> <p>15 A. Steps to take?</p> <p>16 Q. To follow up on your complaint in there?</p> <p>17 A. I couldn't do nothing, but just wait until</p> <p>18 the grievance come back to me. That's the only</p> <p>19 steps I could take.</p> <p>20 Q. You couldn't do anything else?</p> <p>21 A. No.</p> <p>22 Q. After you received it back, what steps did</p> <p>23 you take?</p> <p>24 A. I was in the hospital by the time I got it</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. What are garden variety emotional damages?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you remember answering some questions</p> <p>4 in writing?</p> <p>5 A. When?</p> <p>6 Q. March, maybe.</p> <p>7 A. With who?</p> <p>8 Q. In relation to this lawsuit. They were</p> <p>9 questions that I or my law firm would have sent you</p> <p>10 to answer through your attorney.</p> <p>11 A. I remember.</p> <p>12 Q. Those are called interrogatories. Does</p> <p>13 that sound right?</p> <p>14 A. Yes.</p> <p>15 Q. And you answered those questions, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you answered them under oath, correct?</p> <p>18 A. Yes.</p> <p>19 (Deposition Exhibit 3 was</p> <p>20 marked for identification.)</p> <p>21 Q. I am going to give you a copy of what I am</p> <p>22 marking as Defendant's Exhibit number 3.</p> <p>23 Are those your answers to</p> <p>24 interrogatories?</p>
<p style="text-align: right;">Page 115</p> <p>1 back. I can't remember all this stuff.</p> <p>2 Q. When you were in the hospital or when you</p> <p>3 were in the infirmary and no one was giving you</p> <p>4 physical therapy, how many grievances did you write</p> <p>5 then?</p> <p>6 A. I didn't write none.</p> <p>7 Q. Why not?</p> <p>8 A. I can't recall why I didn't.</p> <p>9 Q. And do you have any memory of writing any</p> <p>10 grievances other than the ones I just showed you?</p> <p>11 A. No.</p> <p>12 Q. What damages are you claiming as a result</p> <p>13 of your knee injury?</p> <p>14 A. Pain and suffering.</p> <p>15 Q. And tell me what you mean by that.</p> <p>16 A. I am in pain constantly, and I suffered</p> <p>17 for four months until my leg got fixed.</p> <p>18 Q. Four months between your injury and your</p> <p>19 first surgery?</p> <p>20 A. Yes.</p> <p>21 Q. Are you claiming any economic losses?</p> <p>22 A. No.</p> <p>23 Q. What are garden variety emotional damages?</p> <p>24 A. Say that again.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Yes.</p> <p>2 Q. And in those interrogatories you answered</p> <p>3 those fully and correctly. Correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you gave me all of the information</p> <p>6 that was asked for in those, correct?</p> <p>7 A. Yes.</p> <p>8 Q. There are none of those answers that you</p> <p>9 want to change, correct?</p> <p>10 A. No. Everything is okay.</p> <p>11 Q. So I'm going to direct you to question</p> <p>12 number 11, to which you answered, your entire answer</p> <p>13 is garden variety emotional damages only.</p> <p>14 So when I just asked you what garden</p> <p>15 variety emotional damages are, you told me you do</p> <p>16 not know?</p> <p>17 A. I know what it is.</p> <p>18 Q. What is it?</p> <p>19 A. It's an emotional injury.</p> <p>20 Q. What are the emotional injuries that you</p> <p>21 have suffered?</p> <p>22 A. That I can't do what I used to do. I</p> <p>23 can't run. I can't work out. I have to sit and</p> <p>24 stand a little.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. I'm sorry?</p> <p>2 A. I have to sit for a little while, stand</p> <p>3 for a little while, sit for a little while.</p> <p>4 Q. Have you been to see a psychologist or</p> <p>5 psychiatrist about this?</p> <p>6 A. No.</p> <p>7 Q. Do you take any medication to help deal</p> <p>8 with them?</p> <p>9 A. No.</p> <p>10 Q. So what are you doing to deal with these</p> <p>11 emotional injuries that you have suffered or</p> <p>12 continue to suffer?</p> <p>13 A. Nothing right now.</p> <p>14 Q. Are there any other injuries that you are</p> <p>15 claiming that we have not discussed today?</p> <p>16 A. No.</p> <p>17 Q. Have you received any medical bills for</p> <p>18 any of the treatment that you received?</p> <p>19 A. No.</p> <p>20 Q. Everything has been paid for by your</p> <p>21 insurance?</p> <p>22 A. Yes.</p> <p>23 Q. Is there anything else that you think is</p> <p>24 relevant to your allegations that we haven't</p>	<p style="text-align: right;">Page 120</p> <p>1 referral?</p> <p>2 A. Because I told him I need something for</p> <p>3 pain.</p> <p>4 Q. Where was the pain that you were talking</p> <p>5 about?</p> <p>6 A. In my knee.</p> <p>7 Q. The knee that we have been talking about</p> <p>8 today?</p> <p>9 A. Right.</p> <p>10 Q. You told us you go to church on Sundays?</p> <p>11 A. Yes.</p> <p>12 Q. Do you sit still through the church</p> <p>13 service?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. I can't.</p> <p>17 Q. So what do you do during the service?</p> <p>18 A. I stand up. Then I sit down, stand up,</p> <p>19 sit down.</p> <p>20 MR. FLAXMAN: I don't have any other questions.</p> <p>21 REDIRECT EXAMINATION</p> <p>22 BY MS. BYRD:</p> <p>23 Q. You said that Dr. Ozinga first referred</p> <p>24 you about six months ago for the pain clinic?</p>
<p style="text-align: right;">Page 119</p> <p>1 discussed today?</p> <p>2 A. Not that I could think of right now.</p> <p>3 MS. BYRD: That is all I have.</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. FLAXMAN:</p> <p>6 Q. Mr. Jones, you mentioned your primary care</p> <p>7 doctor, Dr. Ozinga?</p> <p>8 A. Yes.</p> <p>9 Q. When was the last time you saw Dr. Ozinga?</p> <p>10 A. Two weeks ago.</p> <p>11 Q. And Dr. Ozinga is the one who gave you the</p> <p>12 referral to the Stroger pain clinic?</p> <p>13 A. Yes.</p> <p>14 Q. When did he first give you that referral?</p> <p>15 A. I put the referral in, I can't recall. It</p> <p>16 was a while back, but I didn't get the referral. So</p> <p>17 I had to go again and ask him for it twice. I put</p> <p>18 in for it twice.</p> <p>19 Q. Do you know what the problem was?</p> <p>20 A. I don't.</p> <p>21 Q. Can you recall when Dr. Ozinga first tried</p> <p>22 to get you a referral to Stroger?</p> <p>23 A. About six months ago.</p> <p>24 Q. And why was he giving the Stroger pain</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Yes.</p> <p>2 Q. Something happened, and the referral</p> <p>3 didn't go through?</p> <p>4 A. Right. And then I had to ask him to do it</p> <p>5 again.</p> <p>6 Q. So you had to ask him multiple times to</p> <p>7 get it done?</p> <p>8 A. Yes.</p> <p>9 Q. And that process started at least six</p> <p>10 months ago?</p> <p>11 A. Yes.</p> <p>12 Q. So are you suing Dr. Ozinga for taking too</p> <p>13 long to get you medical care?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. Why should I?</p> <p>17 Q. You are suing Dr. James for taking too</p> <p>18 long, correct?</p> <p>19 MR. FLAXMAN: Just say yes or no, did you file</p> <p>20 a lawsuit against Dr. Ozinga?</p> <p>21 THE WITNESS: No, I didn't.</p> <p>22 BY MS. BYRD:</p> <p>23 Q. This just occurred to me when you asked</p> <p>24 your questions. I know it's not technically in</p>



<p style="text-align: right;">Page 122</p> <p>1 response.</p> <p>2 We're talking about your left knee is</p> <p>3 what we've been talking about?</p> <p>4 A. Yes.</p> <p>5 MS. BYRD: That is all the questions I have.</p> <p>6 MR. FLAXMAN: We'll reserve signature.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 124</p> <p>1 such attorney or counsel for any of the parties</p> <p>2 hereto, nor interested directly or indirectly in the</p> <p>3 outcome of this action.</p> <p>4 IN WITNESS WHEREOF, I do hereunto set</p> <p>5 my hand and affix my seal of office at Chicago,</p> <p>6 Illinois this 30th day of October, 2018.</p> <p>7</p> <p>8 </p> <p>9 VICTORIA D. ROCKS, C.S.R.</p> <p>License No. 084-002692</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 123</p> <p>1 STATE OF ILLINOIS )</p> <p>2 ) ss:</p> <p>3 COUNTY OF C O O K )</p> <p>4</p> <p>5 I, VICTORIA D. ROCKS, C.S.R., Notary</p> <p>6 Public, within and for the County of Cook, State of</p> <p>7 Illinois, a Certified Shorthand Reporter of said</p> <p>8 state, do hereby certify:</p> <p>9 That previous the commencement of the</p> <p>10 examination of the witness, JOHNNY JONES, was first</p> <p>11 duly sworn to testify to the whole truth concerning</p> <p>12 the matters herein;</p> <p>13 That the foregoing deposition</p> <p>14 transcript was reported stenographically by me and</p> <p>15 was thereafter reduced to typewriting via</p> <p>16 computer-aided transcription under my personal</p> <p>17 direction, and constitutes a true record of the</p> <p>18 testimony given and the proceedings had;</p> <p>19 That the said deposition was taken</p> <p>20 before me at the time and place specified;</p> <p>21 That the reading and signing by the</p> <p>22 witness of the deposition transcript was not waived;</p> <p>23 That I am not a relative or employee of</p> <p>24 attorney or counsel, nor a relative or employee of</p>	<p style="text-align: right;">Page 125</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6 November 1, 2018</p> <p>7 To: Joel A. Flaxman</p> <p>8 Case Name: Jones, Johnny v. Wexford Health Sources, Inc., et al.</p> <p>9 Veritext Reference Number: 3064600</p> <p>10 Witness: Johnny Jones Deposition Date: 10/16/2018</p> <p>11 Dear Sir/Madam:</p> <p>12 Enclosed please find a deposition transcript. Please have the witness</p> <p>13 review the transcript and note any changes or corrections on the</p> <p>14 included errata sheet, indicating the page, line number, change, and</p> <p>15 the reason for the change. Have the witness' signature notarized and</p> <p>16 forward the completed page(s) back to us at the Production address</p> <p>17 shown</p> <p>18 above, or email to production-midwest@veritext.com.</p> <p>19 If the errata is not returned within thirty days of your receipt of</p> <p>20 this letter, the reading and signing will be deemed waived.</p> <p>21 Sincerely,</p> <p>22 Production Department</p> <p>23</p> <p>24 NO NOTARY REQUIRED IN CA</p>

<p style="text-align: right;">Page 126</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 3064600</p> <p>4 CASE NAME: Jones, Johnny v. Wexford Health Sources, et al.</p> <p>5 DATE OF DEPOSITION: 10/16/2018</p> <p>6 WITNESS' NAME: Johnny Jones</p> <p>7 In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.</p> <p>8 I have made no changes to the testimony as transcribed by the court reporter.</p> <p>9 _____</p> <p>10 Date Johnny Jones</p> <p>11 Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:</p> <p>12 They have read the transcript;</p> <p>13 They signed the foregoing Sworn Statement; and</p> <p>14 Their execution of this Statement is of their free act and deed.</p> <p>15 I have affixed my name and official seal</p> <p>16 this _____ day of _____, 20____.</p> <p>17 _____</p> <p>18 Notary Public</p> <p>19 _____</p> <p>20 Commission Expiration Date</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	<p style="text-align: right;">Page 128</p> <p>1 ERRATA SHEET VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>2 ASSIGNMENT NO: 10/16/2018</p> <p>3 PAGE/LINE(S) / CHANGE /REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 Date Johnny Jones</p> <p>22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____</p> <p>23 DAY OF _____, 20____.</p> <p>24 _____</p> <p>25 Notary Public</p> <p>_____</p> <p>Commission Expiration Date</p>
<p style="text-align: right;">Page 127</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 3064600</p> <p>4 CASE NAME: Jones, Johnny v. Wexford Health Sources, et al.</p> <p>5 DATE OF DEPOSITION: 10/16/2018</p> <p>6 WITNESS' NAME: Johnny Jones</p> <p>7 In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.</p> <p>8 I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).</p> <p>9 I request that these changes be entered as part of the record of my testimony.</p> <p>10</p> <p>11 I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.</p> <p>12</p> <p>13 _____</p> <p>14 Date Johnny Jones</p> <p>15 Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:</p> <p>16 They have read the transcript;</p> <p>17 They have listed all of their corrections in the appended Errata Sheet;</p> <p>18 They signed the foregoing Sworn Statement; and</p> <p>19 Their execution of this Statement is of their free act and deed.</p> <p>20 I have affixed my name and official seal</p> <p>21 this _____ day of _____, 20____.</p> <p>22 _____</p> <p>23 Notary Public</p> <p>24 _____</p> <p>25 Commission Expiration Date</p>	

[084-002692 - answer]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



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