

Exhibit R

Helen Kanel Deposition

Vargas

Kanel Helen

12/18/2019

Condensed Transcript

Prepared by:

Bill Ragen
CCSAO

Tuesday, August 31, 2021

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4</p> <p>5 LETICIA VARGAS,)</p> <p>6 Administrator of the)</p> <p>7 Estate of ANGEL CRUZ,)</p> <p>8 Plaintiff,)</p> <p>9 vs.) Case No. 18 CV 1865</p> <p>10 SHERIFF OF COOK COUNTY,)</p> <p>11 COUNTY OF COOK, AUGUSTUS)</p> <p>12 ALABI, AVIS CALHOUN,)</p> <p>13 LORRAINE CHATMAN, ANITA)</p> <p>14 JOHNSON, HELEN KANEL,)</p> <p>15 CHERRI KRZYZOWSKI,)</p> <p>16 ELIZABETH P. LASSEN,)</p> <p>17 MANUEL MANALASTAS,)</p> <p>18 DR. STEVE PASCHOS, JASON)</p> <p>19 SPRAGUE and JARUWAN)</p> <p>20 SUPASANGUAN,)</p> <p>21 Defendants.)</p> <p>22</p> <p>23 The video discovery deposition of HELEN</p> <p>24 KANEL, taken in the above-entitled cause, before</p> <p>Karen Fatigato, a notary public of Cook County,</p> <p>Illinois, on the 18th day of December, 2019,</p> <p>beginning at 12:25 p.m., and concluding at</p> <p>2:39 p.m., at 2650 South California Avenue,</p> <p>Chicago, Illinois.</p> <p>Reported By: Karen Fatigato, CSR</p> <p>License No.: 084-004072</p>	<p>1 I N D E X</p> <p>2 WITNESS EXAMINATION</p> <p>3 HELEN KANEL</p> <p>4 By Mr. Flaxman 5</p> <p>5 By Mr. Ragen 127</p> <p>6 By Ms. Haidari 130</p> <p>7 By Mr. Flaxman (Further) 131</p> <p>8</p> <p>9</p> <p>10</p> <p>11 E X H I B I T S</p> <p>12 NUMBER IDENTIFICATION</p> <p>13 Plaintiff's Deposition</p> <p>14 Exhibit No. 1 4</p> <p>15 Exhibit No. 2 4</p> <p>16 Exhibit No. 3 4</p> <p>17 Exhibit No. 4 4</p> <p>18 Exhibit No. 5 4</p> <p>19 Exhibit No. 6 4</p> <p>20 Exhibit No. 7 125</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 APPEARANCES:</p> <p>2 LAW OFFICE OF KENNETH N. FLAXMAN, by</p> <p>3 MR. JOEL FLAXMAN,</p> <p>4 MR. ANDREW SEGALL, (Paralegal)</p> <p>5 200 South Michigan Avenue</p> <p>6 Suite 201</p> <p>7 Chicago, Illinois 60604</p> <p>8 (312) 427-3200</p> <p>9 jaf@kenlaw.com</p> <p>10 Representing the Plaintiff;</p> <p>11</p> <p>12 COOK COUNTY STATE'S ATTORNEY, by</p> <p>13 MR. WILLIAM R. RAGEN,</p> <p>14 302 Richard J. Daley Center</p> <p>15 Chicago, Illinois 60602</p> <p>16 (312) 603-6317</p> <p>17 william.ragen@cookcountyil.gov</p> <p>18 Representing Augustus Alabi,</p> <p>19 Avis Calhoun, Lorraine Chatman,</p> <p>20 Anita Johnson, Helen Kanel, Cherri</p> <p>21 Krzyzowski, Elizabeth P. Lassen,</p> <p>22 Manuel Manalastas, Dr. Steve</p> <p>23 Paschos, Jason Sprague and Jaruwan</p> <p>24 Supasanguan;</p> <p>COOK COUNTY STATE'S ATTORNEY, by</p> <p>ASSISTANT STATE'S ATTORNEY, by</p> <p>MS. RAANA V. HAIDARI,</p> <p>50 West Washington Street</p> <p>Suite 2760</p> <p>Chicago, Illinois 60602</p> <p>(312) 603-1424</p> <p>raana.haidari@cookcountyil.gov</p> <p>Representing Sheriff of Cook County;</p> <p>ALSO PRESENT</p> <p>Ms. Kelly Woods, Videographer:</p>	<p>1 (Whereupon, Plaintiff's</p> <p>2 Deposition Exhibit Nos. 1-6</p> <p>3 were marked for</p> <p>4 identification.)</p> <p>5 VIDEOGRAPHER WOODS: My name is Kelly</p> <p>6 Woods, certified legal video specialist with</p> <p>7 McCorkle Litigation Services, 200 North LaSalle,</p> <p>8 Suite 2900, Chicago, Illinois, 60601. I am the</p> <p>9 videographer on December 18th, 2019 for the</p> <p>10 recording of the deposition of Helen Kanel being</p> <p>11 taken at 2650 South California Avenue, 11th</p> <p>12 Floor, Chicago, Illinois, at the time of 12:25</p> <p>13 p.m. in the matter of Leticia Vargas, et al.,</p> <p>14 Plaintiff, versus Sheriff of Cook County,</p> <p>15 et al., Defendants, filed in the United States</p> <p>16 District Court for the Northern District of</p> <p>17 Illinois, Eastern Division, Case No. 18 CV 1865.</p> <p>18 Will counsel please identify themselves</p> <p>19 for the record beginning with plaintiff's</p> <p>20 counsel?</p> <p>21 MR. FLAXMAN: Joel Flaxman for the</p> <p>22 plaintiff. And Andrew Segall, my paralegal, is</p> <p>23 also present.</p> <p>24 MR. RAGEN: Bill Ragen on behalf of</p>

<p style="text-align: right;">Page 5</p> <p>1 Cook County, Helen Kanel and a number of other 2 Cook County individually named defendants. 3 MS. HAIDARI: Raana Haidari on behalf 4 of the Sheriff. 5 VIDEOGRAPHER WOODS: Thank you. 6 Will the court reporter please identify 7 herself and swear in the witness? 8 MS. COURT REPORTER: Karen Fatigato 9 with McCorkle Litigation Services. 10 Please raise your right hand. 11 (Whereupon, the witness was 12 duly sworn.) 13 HELEN KANEL, 14 having been first duly sworn, was examined and 15 testified as follows: 16 EXAMINATION 17 BY MR. FLAXMAN: 18 Q. Can you please state and spell your 19 name? 20 A. Helen Kanel, H-e-l-e-n, K-a-n-e-l. 21 Q. My name is Joel Flaxman, I'm an 22 attorney that is going to ask you some questions 23 in a case called Vargas versus Sheriff. 24 A. Okay.</p>	<p style="text-align: right;">Page 7</p> <p>1 A. I'm a clinical nurse 1 at Cermak Health 2 Services of Cook County. 3 Q. And Cermak Health Services is at the 4 Cook County Jail? 5 A. That's at Cook County Jail. 6 Q. How long have you been a clinical nurse 7 1 at Cermak? 8 A. From July 1999. 9 Q. Have you had any other employment since 10 1999? 11 A. Be -- prior. 12 Q. But since then you haven't had -- 13 A. No. 14 Q. -- any outside employment? 15 A. No. No. 16 Q. Okay. Where did you go to nursing 17 school? 18 A. Loyola University, Chicago. 19 Q. Okay. And when did you get your 20 degree? 21 A. 1998. 22 MR. RAGEN: Go Ramblers. 23 THE WITNESS: Go Ramblers. 24</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Do you understand that? 2 A. Yes. 3 Q. Okay. And have you ever had your 4 deposition taken before? 5 A. First time. 6 Q. Okay. Well, the most important things 7 are for me to let you finish your answers before 8 I ask a question. 9 A. Okay. 10 Q. And for you to do the same to me, to 11 let me finish my question, is that okay? 12 A. Yes. 13 Q. Okay. And as you've been doing, give 14 verbal answers instead of shaking your head -- 15 A. Yes. 16 Q. Do you understand that? 17 A. Yes. 18 Q. Okay. Is there any reason that you 19 would not be able to truthfully and accurately 20 answer my questions -- 21 A. No. 22 Q. -- today? 23 Okay. What's your -- how are you 24 currently employed?</p>	<p style="text-align: right;">Page 8</p> <p>1 BY MR. FLAXMAN: 2 Q. What degree did you get? 3 A. Bachelor of Science in Nursing. 4 Q. And are you currently certified? 5 A. Yeah, registered nurse. Yes. 6 Q. Have you had any training since you 7 graduated from Loyola? 8 A. Additional training as in? 9 Q. Outside of any training for your job, 10 have you had any education since you 11 graduated -- 12 A. From there, no. 13 Q. -- from Loyola? 14 A. No. 15 Q. Okay. As a clinical nurse 1 at Cermak, 16 have you done training within the jail? 17 A. Yearly training. 18 Q. When was the last yearly training? 19 A. Various. Last year, 2018. 2018. 20 Q. Okay. So you haven't done any training 21 in 2019? 22 A. No. No. Not that I could recall. 23 Q. What's your current assignment within 24 the -- within Cermak?</p>

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1 A. I am on the Acute Psychiatric Unit. I
 2 work with the females mostly.
 3 Q. Is there a number/letter combination
 4 for that unit?
 5 A. PSCU they call it now, Psychiatric
 6 Specialty Care Unit.
 7 Q. Okay. What was it called before?
 8 A. ACU, Acute Care Unit.
 9 Q. Okay. And is that within Cermak?
 10 A. That is in Cermak.
 11 Q. And how long have you been assigned to
 12 that unit?
 13 A. Going on 21 years. I was hired for
 14 that unit.
 15 Q. And what is your -- what shift do you
 16 regularly work?
 17 A. 3 to 11.
 18 Q. The questions I want to ask you about
 19 are from March of 2016, and did you have the
 20 same assignment -- did you have the same regular
 21 assignment in March of 2016?
 22 A. I would have, yes.
 23 Q. And the questions I'm going to be
 24 asking you about are from I guess on that

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1 certain day you were assigned to 2 North, is
 2 that right?
 3 A. Yes.
 4 Q. And that was -- was that different than
 5 your regular assignment?
 6 A. That is different than my -- I work
 7 mostly with the females, so the RN was off
 8 apparently and I was over there.
 9 Q. Okay. Were you -- if you remember,
 10 were you getting overtime for that shift?
 11 A. No.
 12 Q. Do you know who assigned you to work in
 13 2N?
 14 A. No, I don't recall.
 15 Q. Who was your supervisor in March of
 16 2016?
 17 A. My manager or my shift supervisor or
 18 both?
 19 Q. Who was your manager?
 20 A. Madonna Mikaitis.
 21 Q. Do you know how to spell that?
 22 A. M-i-k-a-i-t-i-s. She was our nurse
 23 manager.
 24 Q. Is she still the nurse manager?

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1 A. No.
 2 Q. Who is the nurse manager currently?
 3 A. Ginah Haynes, G-i-n-a-h, H-a-y-n-e-s.
 4 Q. And the -- when I asked you about
 5 supervisor, you said one was your manager, and
 6 what was the other, I'm sorry?
 7 A. We have shift supervisors there for
 8 either day shift, 3 to 11 or 11 to 7. Shift
 9 supervisor that day I do not recall.
 10 Q. Okay. And that would have been the
 11 shift supervisor within 2N, right?
 12 A. The entire compound.
 13 Q. The entire compound?
 14 A. The entire compound.
 15 Q. And is the Acute Psychiatric Unit
 16 within the same building as 2N?
 17 A. It is. It's on the 2nd floor of
 18 Cermak, if that helps you.
 19 Q. Is 2N the 2nd floor?
 20 A. 2 North is the -- is on the 2nd floor.
 21 Q. Okay. And what floor is the Acute
 22 Psychiatric Unit?
 23 A. 2 North.
 24 Q. Okay. So what I'm mixed up about is

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1 that you normally were assigned to the females?
 2 A. 2 West, if that helps.
 3 Q. Do you know if in March of 2016 when
 4 you were covering in 2 North were you also
 5 assigned to 2 West?
 6 A. I -- I don't recall my assignments.
 7 Q. But so I understand, your normal
 8 assignment then and now --
 9 A. Is 2 West. Is 2 West.
 10 Q. Let me just -- let me finish the
 11 question so we get it clear.
 12 A. Sorry.
 13 Q. In March of 2016 and currently your
 14 normal assignment is to 2 West, correct?
 15 A. Yes. Correct.
 16 Q. Okay. And I'm going to ask you some
 17 questions about March 17th and 18th of 2016, on
 18 those days you were assigned to 2 North, right?
 19 A. Yeah.
 20 Q. Okay. We marked this as Exhibit No. 1.
 21 A. Thank you.
 22 Q. The top left this page is marked
 23 County 0191, do you recognize Exhibit 1?
 24 A. Yes, that's my note.

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1 Q. And this is a nursing note that you
2 entered on March 17th, 2016 at 19:06 hours?

3 MR. RAGEN: 19:03. It's not a big
4 difference. You said 19:06. Sorry for the
5 speaking objection.

6 THE WITNESS: Yes.

7 BY MR. FLAXMAN:

8 Q. Looking at this note, do you see what
9 time it states that it was entered on?

10 A. Entered on 19:06, but it was signed at
11 19:03.

12 Q. Do you know what that --

13 A. I don't know.

14 Q. -- difference means?

15 A. Computer. I don't know.

16 Q. And this is something that you entered
17 into a computer system at the jail, right?

18 A. Yes.

19 Q. Is that what people call Cerner?

20 A. Yes.

21 Q. C-e-r-n-e-r?

22 A. N-e-r, yes.

23 Q. And when you enter a note is there a
24 button or a box that you click to sign that

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1 note?

2 A. There is a checkmark that you check.

3 Q. Okay. And when do you check that?

4 A. When you're finished writing your note.

5 Q. And that's the -- is that the
6 equivalent of signing?

7 A. That's the equivalent of a signature, I
8 believe.

9 Q. Okay. And this note says that it's for
10 a service date of -- date time of 15:39, right?

11 A. Yes.

12 Q. Okay. Do you know why the -- why there
13 was the difference between 15:39 and 19:03?

14 A. That I don't know.

15 Q. Okay. I mean, is it common that you're
16 busy with other things and you don't make a note
17 until later?

18 A. I'm one nurse to the unit so probably
19 when it was feasible to sit down and do
20 charting.

21 Q. Okay. And when you would do that,
22 would you rely on your memory to create the
23 chart entry?

24 A. Yes.

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1 Q. Would you ever take notes that you
2 would then use to put into the chart entry?

3 A. Yes.

4 Q. And what would you do with your notes
5 after you made the entry?

6 A. We have a nursing report sheet which
7 has every patient listed on there and room for,
8 quote, unquote, notes or any patient care that
9 was given.

10 Q. And that's something that covers all
11 the patients in the --

12 A. Every patient in and out of the unit.

13 Q. Okay. And what do you -- after you've
14 used that sheet, what do you normally do with
15 it?

16 A. Fax it to the shift supervisor, that's
17 our, quote, unquote, report sheet.

18 Q. Is that something that you're faxing to
19 the shift supervisor at the end of every shift?

20 A. Before the end of every shift.

21 Q. Before the end.

22 Is there any other place that you would
23 have made notes before making a chart entry?

24 A. No.

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1 Q. Okay. You don't carry around a
2 notebook?

3 A. No. No.

4 Q. Okay. Lawyers carry around these
5 notebooks.

6 A. Yes. No.

7 Q. All right. Let me just ask you about
8 the note here that's under Nursing Progress
9 Note, do you see that?

10 A. Yes.

11 Q. And this is a narrative that you
12 entered into the chart, right?

13 A. Yes.

14 Q. My questions are -- a lot of them are
15 just going to be about abbreviations.

16 The first thing on here is S/O, what
17 does that mean?

18 A. Subjective/objective.

19 Q. And can you tell us what that means?

20 A. Subjective is per what the patient
21 reports to you. Objective is what you see
22 objectively as a nurse.

23 Q. And so what did -- what did putting
24 that at the beginning of your note mean?

<p style="text-align: right;">Page 17</p> <p>1 A. That's just an abbreviation that 2 nursing used to combine if there is not, say, a 3 direct quote or a direct report from a patient. 4 Q. And so did you write after that S/O 5 were you writing -- 6 A. This is all my objective then. 7 Q. That's all objective? 8 A. That would be mostly objective, yes. 9 Q. Okay. And if there were subjective 10 information? 11 A. It would have been included before. 12 Q. Oh, I see. Okay. 13 A. I would have included that before. 14 Q. Okay. So nothing in here is 15 subjective? 16 A. Not at that time, no. 17 Q. Okay. Then let me just go through 18 this. PT means patient, right? 19 A. Patient, yes. 20 Q. And this is -- at the top it says 21 patient name, Cruz, Angel, that's who this is 22 about, right? 23 A. Yes. 24 Q. Okay. Do you remember Mr. Cruz?</p>	<p style="text-align: right;">Page 19</p> <p>1 first full sentence says very poor, and then it 2 has an abbreviation? 3 A. Insight, judgment, impulse control. 4 Q. So I stands for insight? 5 A. J is for judgment. IPC is impulse 6 control. 7 Q. Okay. And how did you determine that 8 his -- those things were very poor? 9 A. Due to his behavior and him being 10 unresponsive to verbal redirection from staff 11 and his behavior before. 12 Q. The next line says received orders for 13 emergency medications, do you see that? 14 A. Yes. 15 Q. Do you know who made those orders? 16 A. I do not offhand. 17 Q. Okay. But would it -- 18 A. That -- 19 Q. I'm sorry, go ahead. 20 A. That would be included in the orders. 21 Q. Okay. 22 A. Power orders. And that would be shown 23 on the MAR, the Medication Administration 24 Record.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Not much. 2 Q. Okay. What do you remember? 3 A. I remember from the day after so... 4 Q. Meaning you heard that he died? 5 A. When we put reason for putting him in 6 restraints. 7 Q. I'm sorry, I don't understand. 8 A. That's what -- that's what stands out 9 in my mind. 10 Q. Is the reason -- 11 A. Reason for putting him in restraints, 12 yes. 13 Q. And what do you remember about that 14 episode? 15 A. I remember him jumping off of a bed. 16 And I remember being covered in feces. And 17 those are what stand out to me -- 18 Q. Did you -- 19 A. -- memory-wise. 20 Q. I'm sorry. And did you learn later 21 that he died in the jail? 22 A. When I returned to work. 23 Q. Okay. All right. So let me ask you 24 about the next line -- the second line, the</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. This is -- 2 A. Okay. 3 Q. -- all the records. 4 A. Oh, my. Okay. 5 MR. RAGEN: I don't need them. I have 6 them memorized. 7 THE WITNESS: Are the orders in here 8 listed? 9 BY MR. FLAXMAN: 10 Q. I'm going to point you to the date. 11 A. Okay. Thank you. 12 Q. I'm not going to make you read the 13 whole thing. 14 The Medical Administration Records 15 start at Page 106. 16 A. Okay. Okay. 17 Q. And so if we match up the time from 18 your note to just something on here, I think 19 we're on the next page, 107. 20 A. 107, yes. 21 Q. And so the Chlorpromazine, is that one 22 of the orders? 23 A. Yes. Yes. 24 Q. And the next one, the Diphenhydramine?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. And then the next page, Page 108, also</p> <p>3 has medications that were -- well, the first one</p> <p>4 was also administered at 3/17/16 at 20:15,</p> <p>5 right?</p> <p>6 A. Not on Page 108.</p> <p>7 Q. Okay. I'm looking at the wrong</p> <p>8 exhibit, forgive me.</p> <p>9 On 107 there are three medications</p> <p>10 listed as being administered at the same time as</p> <p>11 the nursing note in Exhibit 1?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And are those the medications</p> <p>14 that --</p> <p>15 A. Yes.</p> <p>16 Q. -- you received the emergency orders</p> <p>17 for?</p> <p>18 A. Yes.</p> <p>19 Q. And having looked at this, does it</p> <p>20 refresh your recollection that Dr. Steve Paschos</p> <p>21 ordered those medications?</p> <p>22 A. Well, the documentation states it was</p> <p>23 Dr. Steve Paschos, yes.</p> <p>24 Q. Okay. But you don't independently</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. This interaction that it documents --</p> <p>2 I'm sorry.</p> <p>3 During this interaction that it</p> <p>4 documents you would have entered the cell,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And there's -- it also refers to staff</p> <p>8 who were exiting the cell, but as you said,</p> <p>9 which is very reasonably, you don't remember</p> <p>10 exactly who it was, right?</p> <p>11 A. I do not.</p> <p>12 Q. Okay. And do you recall if any other</p> <p>13 medical staff was in the cell during this</p> <p>14 interaction?</p> <p>15 A. I'm the only nurse.</p> <p>16 Q. Okay. But do you know if Dr. Paschos</p> <p>17 was in the cell?</p> <p>18 A. I do not remember.</p> <p>19 Q. Okay. And based on the documentation</p> <p>20 we see that Dr. Paschos was the one who ordered</p> <p>21 the medication, right?</p> <p>22 A. Yes.</p> <p>23 Q. And he could have done that by</p> <p>24 examining Mr. Cruz, correct?</p>
<p style="text-align: right;">Page 22</p> <p>1 recall that?</p> <p>2 A. Not that date, no, sir.</p> <p>3 Q. Okay. And you listed the medications</p> <p>4 also in the note as Thorazine, Benadryl and</p> <p>5 Ativan, right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And the next thing you wrote</p> <p>8 was, as staff was exiting cell, patient</p> <p>9 attempted to push past officers, do you see</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember what the patient did?</p> <p>13 A. I'm assuming he attempted to push past</p> <p>14 the officers.</p> <p>15 Q. Beyond what's written there?</p> <p>16 A. I'm assuming he was trying to exit</p> <p>17 cell.</p> <p>18 Q. Okay. Do you know who the officers</p> <p>19 were?</p> <p>20 A. I don't remember, no.</p> <p>21 Q. Okay. Just talking about this note</p> <p>22 about your -- with the service date time of</p> <p>23 3/17/16, 15:39.</p> <p>24 A. Uh-huh.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I don't remember.</p> <p>2 Q. Well, and I can understand that.</p> <p>3 A. Yeah.</p> <p>4 Q. And I just wanted to --</p> <p>5 A. I don't remember. I don't, yeah.</p> <p>6 Q. -- that he might have done that by</p> <p>7 being in the cell and examining him, right?</p> <p>8 A. Yes, he might have.</p> <p>9 Q. But he also could have relied on</p> <p>10 your -- you telling him what was happening to</p> <p>11 make that order, right?</p> <p>12 A. That is also a possibility, yes, per</p> <p>13 the nurse's assessment.</p> <p>14 Q. Right. And in general often you get</p> <p>15 orders from a doctor based on your assessment,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. And is that -- and sometimes you give</p> <p>19 information to a doctor in person?</p> <p>20 A. Yes.</p> <p>21 Q. And do you sometimes give information</p> <p>22 to the doctor over the phone?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>

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1 A. Yes.
 2 Q. That's all. I'm just asking in a very
 3 confusing way, but thank you for answering.
 4 Let me show you what --
 5 MR. RAGEN: No objection.
 6 MR. FLAXMAN: Okay. You want to move
 7 to strike that too.
 8 MR. RAGEN: I was -- what are you
 9 talking about?
 10 BY MR. FLAXMAN:
 11 Q. This is marked as Exhibit No. 2.
 12 MS. HAIDARI: Counsel, are you entering
 13 this?
 14 MR. FLAXMAN: I'm not going to do that.
 15 BY MR. FLAXMAN:
 16 Q. Do you recognize Exhibit No. 2 as your
 17 nursing note from 3/17/2016 with per the service
 18 date time of 20:15?
 19 A. Yes.
 20 Q. And this one has a signed time of
 21 21:51, do you see that?
 22 A. Yes.
 23 Q. And I suspect your answer is the same,
 24 but do you know why there's a difference between

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1 20:15 and 21:51?
 2 A. There would be a lag between patient
 3 care and documentation, especially one nurse on
 4 the unit.
 5 Q. Because you had other responsibilities?
 6 A. So that's not uncommon.
 7 Q. Okay. And this one again starts with
 8 S/O, right?
 9 A. Yes.
 10 Q. And is this the same as the last one
 11 where everything in here is subjective?
 12 A. Yes. It's a combination. If I can say
 13 it's a combination. The patient did give a
 14 quote.
 15 Q. Okay.
 16 A. The patient did report --
 17 Q. That's the --
 18 A. -- further in the note.
 19 Q. I didn't mean it. Is that it?
 20 A. Yes.
 21 Q. Okay. This note reports that Mr. Cruz
 22 was escorted to therapeutic isolation?
 23 A. Yes.
 24 Q. What is therapeutic isolation?

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1 A. Therapeutic isolation is also known as
 2 the quiet room. It is a room -- decreased
 3 stimuli, padded cells.
 4 Q. And are you -- is that -- does the jail
 5 have policies about using therapeutic isolation?
 6 A. Therapeutic seclusion -- yes.
 7 Q. Okay. Is seclusion another word used
 8 for this?
 9 A. It is another word, yes.
 10 Q. Is that something you received training
 11 on?
 12 A. Yes.
 13 Q. Does -- can a nurse order someone into
 14 seclusion?
 15 A. Yes.
 16 Q. And probably if we look at the orders
 17 in the medical record we would see that, right?
 18 A. Uh-huh.
 19 Q. So those are -- start at Page 117?
 20 A. 17?
 21 Q. 117, so a few pages after the
 22 medication records.
 23 A. Okay.
 24 Q. And on that Page 117 do you see the

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1 order for locked door seclusion?
 2 A. Yes, I do.
 3 Q. And that's the same time as the nursing
 4 note, Exhibit 2, that we've been looking at?
 5 A. Yes.
 6 Q. And that states that Dr. Steve Paschos
 7 was the ordering physician, right?
 8 A. Yes.
 9 Q. And it states that the order -- the
 10 order was entered by you, right?
 11 A. Uh-huh.
 12 Q. Is that yes?
 13 A. Yes. Yes. Sorry.
 14 Q. Does that mean that you conferred with
 15 Dr. Paschos before entering the order?
 16 A. Yes.
 17 Q. And do you know how you conferred with
 18 him?
 19 A. Telephone order.
 20 Q. How do you know it was a telephone
 21 order?
 22 A. I'm -- it was entered. The order was
 23 entered by me, not the actual doctor.
 24 Q. So if he had been on site, he would

<p style="text-align: right;">Page 29</p> <p>1 have entered it?</p> <p>2 A. It would be both him, yes.</p> <p>3 Q. Okay. I understand. And am I right</p> <p>4 that you don't recall your conversation with</p> <p>5 Dr. Paschos?</p> <p>6 A. I do not.</p> <p>7 Q. Okay. But you would have told him what</p> <p>8 you wrote in the note, right?</p> <p>9 A. What had happened, yes.</p> <p>10 Q. And when a patient is escorted to</p> <p>11 therapeutic isolation, is that something that</p> <p>12 the officers help with?</p> <p>13 A. The officers, yes.</p> <p>14 Q. And is -- on 2N do you always need an</p> <p>15 officer to open a cell door for you?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And that's for your safety,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. The last line of this note says A/P,</p> <p>21 can you tell us what that means?</p> <p>22 A. Assessment/plan.</p> <p>23 Q. Okay. And the first thing was monitor</p> <p>24 behavior closely?</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. And then this nursing note referred to</p> <p>2 other medications, do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. I'll just point you to the -- back to</p> <p>5 the Medication Administration Record at 107.</p> <p>6 A. Okay.</p> <p>7 Q. And those three medications are listed,</p> <p>8 the two at the bottom of 107 and the third at</p> <p>9 the top of 108?</p> <p>10 A. Yes.</p> <p>11 Q. And again the record reflects that</p> <p>12 those were ordered by Dr. Steve Paschos?</p> <p>13 A. Yes.</p> <p>14 Q. The next medication listed here is</p> <p>15 3/17/16 at 20:39, so --</p> <p>16 A. Okay.</p> <p>17 Q. -- 24 minutes later?</p> <p>18 A. Okay. Uh-huh.</p> <p>19 Q. Do you understand why this one says not</p> <p>20 given?</p> <p>21 A. Patient refused.</p> <p>22 Q. Okay. And so this --</p> <p>23 A. Patient refused the pill.</p> <p>24 Q. So this reflects --</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Closely.</p> <p>2 Q. Okay. And the next was provide patient</p> <p>3 with safety smock and safety blanket when</p> <p>4 patient returns to cell?</p> <p>5 A. Yes.</p> <p>6 Q. Did I read that right?</p> <p>7 A. Yes.</p> <p>8 Q. What's a safety smock?</p> <p>9 A. Safety smock and safety blanket, it is</p> <p>10 a -- for all intents purposes a very thick,</p> <p>11 heavy, dark green in color of material, a</p> <p>12 hospital gown with Velcro snaps that is very</p> <p>13 difficult to tear or try to place around</p> <p>14 someone's neck or self-injure with. And the</p> <p>15 blanket is the same material as the safety</p> <p>16 smock.</p> <p>17 Q. When a patient is in therapeutic</p> <p>18 isolation --</p> <p>19 A. Yes.</p> <p>20 Q. -- do they have any kind of blanket?</p> <p>21 A. Depends on the incident they're usually</p> <p>22 in.</p> <p>23 Q. Okay.</p> <p>24 A. Yeah, depends on the incident.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes.</p> <p>2 Q. -- that you had attempted to give him</p> <p>3 this and he refused?</p> <p>4 A. Yes.</p> <p>5 MR. RAGEN: And by this, just, sorry.</p> <p>6 Risperidone, is that correct?</p> <p>7 THE WITNESS: Risperidone, 1 milligram.</p> <p>8 BY MR. FLAXMAN:</p> <p>9 Q. Okay. Did you say that's a pill?</p> <p>10 A. That's a pill.</p> <p>11 Q. Okay. And do you have any recollection</p> <p>12 of Mr. Cruz refusing that medication?</p> <p>13 A. I do not.</p> <p>14 Q. Okay. When a patient refuses</p> <p>15 medication --</p> <p>16 A. Yes.</p> <p>17 Q. -- is there any other record that</p> <p>18 you're required to --</p> <p>19 A. Refusal form.</p> <p>20 Q. Okay. And that gets -- goes -- is that</p> <p>21 a form that you fill out by hand?</p> <p>22 A. Fill out by hand, yes.</p> <p>23 Q. Okay. And then gets scanned into the</p> <p>24 medical record?</p>

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1 A. Yes.
 2 Q. Okay. Just going back to Exhibit 2,
 3 the note, you mentioned --
 4 A. Back to the note.
 5 Q. Oh, I'm sorry. Yeah, try to keep the
 6 pages straight. This may be a challenge.
 7 A. Sorry.
 8 Q. The subjective observation here was the
 9 quote from Mr. Cruz of I didn't mean it?
 10 A. Yes.
 11 Q. Do you know what he was referring to?
 12 A. I do not, not at this time, no.
 13 Q. Okay. And then the last line about the
 14 analysis, I'm sorry -- was it -- assessment --
 15 A. Assessment/plan.
 16 Q. Was that -- did that come from the
 17 doctor or did that come from you?
 18 A. Monitor behavior closely. Provide with
 19 smock and safety blanket. That was the order.
 20 Q. That was the order from Dr. Paschos?
 21 A. That was Dr. Paschos, yeah.
 22 Q. All right. Let me show you what we
 23 marked as Exhibit No. 3.
 24 A. Okay.

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1 Q. Exhibit 3 is the Page County 193, do
 2 you recognize this as your note about Mr. Cruz
 3 from 3/17/16 at 22:15 hours?
 4 A. Yes.
 5 Q. Okay. And the signed time for this one
 6 is 22:56, do you see that?
 7 A. Yes.
 8 Q. And --
 9 A. 59, 22:59. Oh, yeah, there's --
 10 Q. I mean, there's a signed information
 11 time and then there's a note entered on -- and
 12 you're probably not the right person to ask what
 13 that means?
 14 A. I don't know. Cerner.
 15 Q. Well, let me ask you about your note --
 16 A. Yes.
 17 Q. -- which I think you are probably the
 18 right person to ask.
 19 You wrote that the patient was removed
 20 from therapeutic seclusion?
 21 A. Uh-huh -- yes.
 22 Q. And that's something that would have
 23 been done by you and by officers?
 24 A. And the officers, yeah.

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1 Q. Okay. And placed into cell 2241, is
 2 that right?
 3 A. Yes.
 4 Q. And is 2241 on 2N?
 5 A. 2 North, yes.
 6 Q. 2 North. And is the seclusion room
 7 also part of 2 North?
 8 A. Yes.
 9 Q. And then you wrote patient is calm and
 10 quiet?
 11 A. Yes.
 12 Q. Do you know why he was removed from
 13 therapeutic seclusion?
 14 A. Calm and quiet.
 15 Q. Okay. When a patient is in therapeutic
 16 seclusion, do you as the nurse have to monitor
 17 him?
 18 A. Yes.
 19 Q. And how do you monitor somebody when
 20 they're in seclusion?
 21 A. Physically. And there is a specific
 22 monitor set on therapeutic seclusion or the
 23 quiet room at the nursing station.
 24 Q. And I think I understand what you mean,

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1 but you mean there's a video camera?
 2 A. There's a video camera on that cell.
 3 Q. And you can see --
 4 A. And its own monitor.
 5 Q. And when you're sitting at the nurse's
 6 station --
 7 A. Yes.
 8 Q. -- you have a --
 9 A. Visual.
 10 Q. -- video and you can see that?
 11 A. Yes.
 12 Q. Okay. You wrote voices no concerns for
 13 nursing, correct?
 14 A. Yes.
 15 MS. COURT REPORTER: Could you repeat
 16 that?
 17 MR. FLAXMAN: I'm sorry.
 18 BY MR. FLAXMAN:
 19 Q. You wrote voices no concerns for
 20 nursing, right?
 21 A. Yes.
 22 Q. And then you wrote patient placed in
 23 safety smock and safety blanket?
 24 A. Yes.

<p style="text-align: right;">Page 37</p> <p>1 Q. And then the assessment/plan was to 2 monitor behavior closely and medicate as needed, 3 right? 4 A. Yes. 5 Q. Do you know if at around the time of 6 this interaction you were in contact with 7 Dr. Paschos? 8 A. I don't remember. 9 Q. Okay. Would you have documented that 10 in the nursing note? 11 A. I would have. 12 Q. You said there's a special monitor for 13 the seclusion room, is that right? 14 A. Yes. 15 Q. Are there also monitors at the nursing 16 station for the other cells -- 17 A. Every cell. 18 Q. And -- 19 A. Audio as well. 20 Q. Okay. And does each -- does each cell 21 have its own screen or are there multiple video 22 feeds per screen? 23 A. Both. 24 Q. How does that work?</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Yes, I understand now. 2 A. Okay. 3 Q. And that's something that you use to 4 monitor patients? 5 A. Always, yeah. 6 Q. Okay. 7 A. To listen to them too, yes. 8 MR. RAGEN: Maybe we should build a 9 fire in here. 10 THE WITNESS: It's so cold. 11 MR. FLAXMAN: We can run around. 12 MR. RAGEN: Let the record reflect 13 Mr. Flaxman has purposely had the temperature 14 lowered in here. 15 THE WITNESS: Turned the heat down. 16 MR. RAGEN: That was a joke. 17 MR. FLAXMAN: That's your office. 18 MR. RAGEN: Joke. Joke. 19 THE WITNESS: And my coffee is cold 20 too. 21 Yes, sir. 22 BY MR. FLAXMAN: 23 Q. For that system where you can see into 24 the --</p>
<p style="text-align: right;">Page 38</p> <p>1 A. We change it out behind the nursing 2 station. I can watch cell 41. I can watch cell 3 35. I can watch cell 67. I can also listen and 4 talk to them. 5 Q. Oh, okay. Oh, you can speak to them? 6 A. Yes. 7 Q. Okay. And do you -- would you normally 8 watch more than one cell on a single screen? 9 A. Can I speak on an average day? 10 Q. Well, I'm sorry, I'll back up. 11 Is it possible -- 12 A. On an average day you would have it 13 with all the cells. 14 Q. Okay. Meaning -- 15 A. If you had anyone in specific, you 16 could change it out to watch them. 17 Q. Okay. Meaning that the -- there's a 18 screen that can show video from multiple cells? 19 A. Yes. Yes. 20 Q. And you can select -- 21 A. Which cell you want to see 22 specifically. 23 Q. Okay. 24 A. Does that help?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Cells. 2 Q. -- cells, is there more than one 3 computer setup like that at the nursing station? 4 A. One. 5 Q. Okay. 6 A. And one separate for the quiet room has 7 its own monitor. 8 Q. That has its own monitor? 9 A. So there's two monitors. 10 Q. Okay. And did you say it's possible to 11 change the seclusion room one to a different -- 12 A. The seclusion room you cannot change. 13 Q. Okay. 14 A. The one that monitors the cells on the 15 unit you can change -- 16 Q. Okay. 17 A. -- to individual cells, group cells, 18 four cells at a time. And you can listen to 19 them and you can talk to them, it has a speaker. 20 Q. And there's like a microphone -- 21 A. Yep. 22 Q. -- with a computer? 23 A. Yes. 24 Q. And on this -- I'm talking about March</p>

<p style="text-align: right;">Page 41</p> <p>1 17, 2016 --</p> <p>2 A. Yes. Which note?</p> <p>3 Q. Well, the --</p> <p>4 A. Or --</p> <p>5 Q. I want to ask you about your assignment</p> <p>6 that day.</p> <p>7 A. Okay.</p> <p>8 Q. Do you know if you were assigned to</p> <p>9 cover anything other than 2 North?</p> <p>10 A. That is possible. I don't recall.</p> <p>11 Q. Okay. Okay.</p> <p>12 A. It -- yeah.</p> <p>13 Q. I mean, would there be a roster</p> <p>14 somewhere that showed your assignment?</p> <p>15 A. If I was charge nurse I'm responsible</p> <p>16 for the entire 2nd floor. So if any other</p> <p>17 problems arise on other units, then yes, I would</p> <p>18 have to go and help those nurses.</p> <p>19 Q. Okay.</p> <p>20 A. Or get orders for them or do</p> <p>21 assessments for them. That's possible. I don't</p> <p>22 recall.</p> <p>23 Q. Okay. And so there were -- in March of</p> <p>24 2016 you could have been assigned as a charge</p>	<p style="text-align: right;">Page 43</p> <p>1 A. We rotate who is in charge.</p> <p>2 Q. I understand.</p> <p>3 A. To be fair we rotate who is in charge.</p> <p>4 Q. Let me -- this is Exhibit No. 4.</p> <p>5 A. Just keep these all going?</p> <p>6 Q. Why don't you just keep them in a stack</p> <p>7 and we'll attach them to the transcript?</p> <p>8 A. Okay.</p> <p>9 Q. Exhibit No. 4 at the top is numbered</p> <p>10 County 197, do you recognize Exhibit 4 as your</p> <p>11 nursing note about Mr. Cruz from March 18th,</p> <p>12 2016 at 18:00 hours?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And the previous three notes we</p> <p>15 looked at were from the day before, right, March</p> <p>16 17th?</p> <p>17 A. Yes.</p> <p>18 Q. And so based on this you were assigned</p> <p>19 to 2 North again on March 18th?</p> <p>20 A. Yes.</p> <p>21 Q. And am I right that you also don't</p> <p>22 remember your exact assignment on that day?</p> <p>23 A. I do not.</p> <p>24 Q. Okay. This note has a signed</p>
<p style="text-align: right;">Page 42</p> <p>1 nurse --</p> <p>2 A. I could have been.</p> <p>3 Q. -- but you don't know if you were on</p> <p>4 this day?</p> <p>5 A. I don't remember, no. No.</p> <p>6 Q. Do you serve as a charge nurse now?</p> <p>7 A. Yes.</p> <p>8 Q. Are you sometimes assigned to something</p> <p>9 different?</p> <p>10 A. Your assignment is to be, quote,</p> <p>11 unquote, in charge of the whole 2nd floor. So</p> <p>12 you are given a full assignment assigned to a</p> <p>13 unit. And then the other units, either be it</p> <p>14 2 West or 2 South or 2 Southeast or 2 East,</p> <p>15 there's a total of five units, if problems arise</p> <p>16 there, you need to go there as well and assist</p> <p>17 those nurses, who are most likely LPNs, Licensed</p> <p>18 Practical Nurses.</p> <p>19 Q. Okay. And I just -- I'm sorry, if I</p> <p>20 misunderstood.</p> <p>21 A. That gives you a little how to see it,</p> <p>22 yeah.</p> <p>23 Q. Yeah. I mean, are you -- do you always</p> <p>24 have that assignment as charge nurse?</p>	<p style="text-align: right;">Page 44</p> <p>1 information time of 18:38, and the next line</p> <p>2 says it was entered on -- at 18:50, do you see</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And again you don't --</p> <p>6 A. Un-uhn.</p> <p>7 Q. You're not the one to explain that,</p> <p>8 right?</p> <p>9 A. No.</p> <p>10 Q. Okay. So then let me ask you about the</p> <p>11 note. I think this is what you were referring</p> <p>12 to that you had a recollection of, is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Yes.</p> <p>17 Q. And you -- so you do remember Mr. Cruz</p> <p>18 standing on his bunk naked and covered in feces?</p> <p>19 A. And jumping off the bed.</p> <p>20 Q. Okay. And do you remember that he was</p> <p>21 a large man?</p> <p>22 A. I don't remember what Mr. Cruz really</p> <p>23 looked like.</p> <p>24 Q. Okay.</p>

<p style="text-align: right;">Page 45</p> <p>1 A. I don't.</p> <p>2 Q. I need to ask you about the sentence</p> <p>3 that says patient is unresponsive to any and all</p> <p>4 verbal redirection from staff.</p> <p>5 A. Yes.</p> <p>6 Q. Do you know what verbal redirection</p> <p>7 staff would have been trying?</p> <p>8 A. To deescalate the patient and to</p> <p>9 getting him to cease his self-injurious</p> <p>10 behavior.</p> <p>11 Q. When you say deescalate, what do you</p> <p>12 mean?</p> <p>13 A. Mental health, officers, nursing would</p> <p>14 be attempting to talk to the patient to calm him</p> <p>15 down, get him to stop this behavior.</p> <p>16 Q. Okay.</p> <p>17 A. He was a harm to himself.</p> <p>18 Q. Right. You wrote the line below that</p> <p>19 he was evaluated by Dr. Paschos?</p> <p>20 A. Yes.</p> <p>21 Q. Meaning that Dr. Paschos had met</p> <p>22 with --</p> <p>23 A. Yes.</p> <p>24 Q. -- Mr. Cruz?</p>	<p style="text-align: right;">Page 47</p> <p>1 A. At Cermak yearly training was given.</p> <p>2 Training was given during orientation when I</p> <p>3 started working the 2nd floor. You learn by --</p> <p>4 case-by-case, by experience alone, the more and</p> <p>5 more you do it, unfortunately, the more you</p> <p>6 become familiar with it, I should say.</p> <p>7 Q. Okay. Is there something called a</p> <p>8 restraint trained nurse at the jail?</p> <p>9 A. Everyone on that 2nd floor is trained</p> <p>10 for restraints.</p> <p>11 Q. Okay. And that included you?</p> <p>12 A. Yes. Yes.</p> <p>13 Q. I'm just going down in this note where</p> <p>14 you wrote restraints applied securely, do you</p> <p>15 see that?</p> <p>16 A. Give me one second. Okay, yes. Yes.</p> <p>17 Q. Restraints applied securely and</p> <p>18 non-constricting to chest and B/L ankles/wrists,</p> <p>19 did I read that right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What is B/L?</p> <p>22 A. Bilateral.</p> <p>23 Q. And what does that mean?</p> <p>24 A. Both sides.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes.</p> <p>2 Q. And then the next sentence says,</p> <p>3 patient to be placed in 5-point FLRs for his</p> <p>4 protection?</p> <p>5 A. Yes.</p> <p>6 Q. What is FLR?</p> <p>7 A. Full leather restraints.</p> <p>8 Q. And what does that mean?</p> <p>9 A. There are leather and/or hard plastic</p> <p>10 straps, look like belt straps, that attach to</p> <p>11 the bunks and that secures the patient to the</p> <p>12 bed so they're not a harm to themselves and</p> <p>13 others.</p> <p>14 Q. And that's what it says here, it was</p> <p>15 for his protection, right?</p> <p>16 A. Yes. Yes.</p> <p>17 Q. Okay. And is using restraints</p> <p>18 something that you received training in?</p> <p>19 A. Yes.</p> <p>20 Q. And do you remember what your training</p> <p>21 was about restraints?</p> <p>22 A. At Cermak? In nursing school? In</p> <p>23 which?</p> <p>24 Q. At Cermak.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. Meaning --</p> <p>2 A. Right and left.</p> <p>3 Q. Meaning his right and left ankle?</p> <p>4 A. Yes.</p> <p>5 Q. And his right and left wrist?</p> <p>6 A. And his wrist, yes.</p> <p>7 Q. And the fifth point was his chest?</p> <p>8 A. Chest, yes.</p> <p>9 Q. And who applied the restraints?</p> <p>10 A. Me.</p> <p>11 Q. What do you assist -- I'm sorry.</p> <p>12 A. Me and the officers are in there</p> <p>13 assisting you.</p> <p>14 Q. Okay. Do you know what assistance the</p> <p>15 officers gave you?</p> <p>16 A. I assume they would help secure the</p> <p>17 patient to the bunk so there's no injury, so --</p> <p>18 but I don't know who.</p> <p>19 Q. Okay. Next you wrote that the patient</p> <p>20 is tearful, stating I want to masturbate, also</p> <p>21 asking for his family to visit him?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Offered patient PRNs?</p> <p>24 A. Uh-huh.</p>

<p style="text-align: right;">Page 49</p> <p>1 Q. What is PRNs?</p> <p>2 A. PRNs are medications that are ordered</p> <p>3 by the doctor for the patient to have when they</p> <p>4 have anxiety or agitation. The patient can ask</p> <p>5 for them at any time or they can be offered any</p> <p>6 time. PRN is pro re nata as the patient</p> <p>7 requests.</p> <p>8 Q. Okay. And according to your note he</p> <p>9 was able to agree to take the medication?</p> <p>10 A. Yes.</p> <p>11 Q. And is that the Thorazine and --</p> <p>12 A. Ativan.</p> <p>13 Q. -- Ativan and Benadryl?</p> <p>14 A. Yes. Here.</p> <p>15 Q. We may as well match it up, what page</p> <p>16 are you on?</p> <p>17 A. Bottom 109.</p> <p>18 Q. Okay.</p> <p>19 A. These are so confusing to read, I'm</p> <p>20 sorry.</p> <p>21 Q. And this is not -- you don't see them</p> <p>22 in this format, right?</p> <p>23 A. Not at all.</p> <p>24 Q. -- you see it on a computer?</p>	<p style="text-align: right;">Page 51</p> <p>1 through, the next sentence says, patient given</p> <p>2 240 cc of juice?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Is that -- did I read that right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What does -- what does cc mean?</p> <p>7 A. Cc is milliliters. That's equivalent</p> <p>8 to 8 ounces or a cup worth maybe.</p> <p>9 Q. And how do you give juice to --</p> <p>10 A. I have paper cups. I have paper cups</p> <p>11 or cups, have them hold their head up, have an</p> <p>12 officer assist me to hold their head up or hold</p> <p>13 their head up myself and help them.</p> <p>14 Q. Okay. Because his hands were</p> <p>15 restrained, right?</p> <p>16 A. Exactly.</p> <p>17 Q. Okay. And then the next sentence says,</p> <p>18 cleaned hands, legs and face of patient --</p> <p>19 A. Yes.</p> <p>20 Q. -- light purple bruising noted to upper</p> <p>21 right arm, inner left arm and B/L is bilateral?</p> <p>22 A. Bilateral again, yes, sir.</p> <p>23 Q. Bilateral thighs. Did I read that all</p> <p>24 right?</p>
<p style="text-align: right;">Page 50</p> <p>1 A. No.</p> <p>2 Q. Okay. But those three medications are</p> <p>3 the last two on 109 and the first one on 110, do</p> <p>4 I have that right?</p> <p>5 A. The last -- last one on 109, the</p> <p>6 Diphenhydramine. 110 it would be the first</p> <p>7 one -- oh, no, excuse me, you're right, it is</p> <p>8 the last two.</p> <p>9 Q. Okay.</p> <p>10 A. Yes.</p> <p>11 Q. So it's the --</p> <p>12 A. I was looking at the date they</p> <p>13 re-ordered. I'm sorry. I'm sorry.</p> <p>14 Q. No, it's fine. Thank you. I'm glad</p> <p>15 we're getting it right. It's the last --</p> <p>16 A. It's the last two and the first one on</p> <p>17 110.</p> <p>18 Q. Okay. So the three medications</p> <p>19 referred to in the note that's Exhibit 4 are</p> <p>20 listed as the last two orders on 109 --</p> <p>21 A. And the first one.</p> <p>22 Q. -- and the first one on 110?</p> <p>23 A. Yes. Yes.</p> <p>24 Q. All right. Let me just keep going</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And does this mean that you were</p> <p>3 the one who cleaned his hands, legs and face?</p> <p>4 A. Yes, I'm the only nurse, so yes.</p> <p>5 Q. Right. Do you know where that bruising</p> <p>6 came from?</p> <p>7 A. I do not know. I do not know.</p> <p>8 Q. And then the next thing in here is VS,</p> <p>9 what does VS mean?</p> <p>10 A. Vital signs.</p> <p>11 Q. And so what do those vital signs refer</p> <p>12 to?</p> <p>13 A. Temperature, heart rate, respiration,</p> <p>14 blood pressures.</p> <p>15 Q. So his temperature was 98.1?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Is that a yes?</p> <p>18 A. Yes.</p> <p>19 Q. His heart rate was 90?</p> <p>20 A. Yes.</p> <p>21 Q. And I don't -- what is respiration?</p> <p>22 A. 18.</p> <p>23 Q. And what is that?</p> <p>24 A. His breathing rate.</p>

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1 Q. Breathing rate?
 2 A. Breathing rate.
 3 Q. And then his blood pressure was 130
 4 over 80?
 5 A. Over 80, yes.
 6 Q. And is there -- is there a machine that
 7 you use to take those vitals?
 8 A. We have of a machine. I have manual.
 9 There's a variety, so yes.
 10 Q. Okay. But -- so that's -- and that's
 11 something that you do with the patient?
 12 A. Yes.
 13 Q. I mean, there's no way to remotely get
 14 his blood pressure, right?
 15 A. Yes.
 16 Q. Okay. The next is the assessment/plan,
 17 and it says, monitor Q 15 minutes, does that
 18 mean every 15 minutes?
 19 A. Every 15 minutes.
 20 Q. And is that always required when
 21 someone is in restraints?
 22 A. Yes.
 23 Q. And is that your responsibility as the
 24 nurse?

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1 A. Yes.
 2 Q. The next one is medicate as ordered,
 3 right?
 4 A. Yes.
 5 Q. Increase fluid intake?
 6 A. Yes.
 7 Q. Monitor VS?
 8 A. Vital signs.
 9 Q. And Q 2 hours means every 2 hours?
 10 A. Yes.
 11 Q. And then encourage verbalization --
 12 A. Yes.
 13 Q. And what did you mean by encourage
 14 verbalization --
 15 A. Whenever I have a patient in
 16 restraints, I encourage them to try to speak
 17 with them. So that's how I put that in there.
 18 Q. And do you remember if he --
 19 A. Do I remember, no.
 20 Q. I understand.
 21 A. No. No.
 22 Q. So there's medical records I want to
 23 ask you some questions starting at Page 18.
 24 A. 18 now?

Page 55

1 Q. Yes.
 2 A. Okay. Is this 18?
 3 Q. That's 18, yes.
 4 A. Okay.
 5 Q. In the top left it says County 0018?
 6 A. Yes.
 7 Q. Okay. Do you recognize what this page
 8 is?
 9 A. Yes, Door Sheet.
 10 Q. And what's a Door Sheet?
 11 A. Door Sheet is posted outside of the
 12 patient's cell to let people know that that
 13 person in there is either, A, on close
 14 observation or in restraints.
 15 Q. And did you complete this Door Sheet?
 16 A. Yes.
 17 Q. And what is -- this says close
 18 observation, requires 15 minute staggered
 19 checks --
 20 A. Yes.
 21 Q. -- slash nursing? What does that mean?
 22 A. Your 15-minute checks are staggered
 23 with the officer. So nursing goes, officer
 24 goes. So you're monitoring them with the

Page 56

1 officer.
 2 Q. I understand. And that's -- you're
 3 always working --
 4 A. That's monitoring with the officer,
 5 yes.
 6 Q. Okay. I understand. And this is your
 7 handwriting under special instructions?
 8 A. Yes, 5-point --
 9 Q. Yes.
 10 A. -- FLR, yes. And that's the time --
 11 date and time.
 12 Q. Okay. And under items allowed you
 13 checked out of cell alone?
 14 A. Oh, yes, out of cell alone.
 15 Q. Am I right that you checked that?
 16 A. That the -- these print up from the
 17 power orders, so that's how those print up. And
 18 anything in addition I handwrite here.
 19 Q. Okay. And what does it mean out of
 20 cell alone?
 21 A. He would have been out of cell house
 22 alone, out alone.
 23 Q. Can you tell me --
 24 A. He's housed alone in a single cell.

<p style="text-align: right;">Page 57</p> <p>1 And if he were to be out in the day room he 2 would have to be out alone by himself. 3 Q. So he shouldn't be around others? 4 A. Should not be around others. 5 Q. Okay. 6 A. That's what out alone, house alone 7 means. 8 Q. I understand. Okay. Let me -- the 9 next page is County 0019, and can you tell me 10 what this document is? 11 A. That is our notification to the 12 director that a patient was placed in 13 restraints. 14 Q. Okay. And is this your signature? 15 A. Yes. 16 Q. In two places, I guess? 17 A. Yes. 18 Q. And what did you do with this document 19 after you completed it? 20 A. These go to medical records and faxed 21 to the director at that time. 22 Q. And so was that your responsibility to 23 fax it to the director? 24 A. Yeah. Yes. Yes.</p>	<p style="text-align: right;">Page 59</p> <p>1 A. My nursing manager. 2 Q. I understand. 3 So we talked before about the video 4 monitor that you can see at the nursing station? 5 A. Yes. 6 Q. The fax machine is behind that? 7 A. Yes. 8 Q. And where are the -- go ahead. 9 A. Before you enter the unit. 10 Q. Okay. And where are the computers 11 where you can enter -- 12 A. On the unit. 13 Q. -- the big entries? 14 A. On the unit. 15 Q. Okay. And there's more than one of 16 those? 17 A. I'm trying to picture 2 North. 2 North 18 I believe has four computers. 19 Q. Is there one at the nursing station? 20 A. Four computers. Yeah, they're all 21 behind the nursing station. Nursing, mental 22 health and the doctors are all behind the 23 nursing station. 24 Q. Okay.</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. And who was the director at that time? 2 A. 2016 I'm assuming Dr. Kelner. 3 Dr. Kelner has been here a while. I'm assuming 4 Dr. Kelner. I'm not 100 percent. 5 Q. Sure, that answers that. That's fine. 6 How would you have known the fax number 7 for who to send it to? 8 A. They have their names already inputted 9 on the fax machine. 10 Q. I see. And is that something that -- 11 A. Dr. Kelner or whoever. 12 Q. Okay. And the fax machine is at the 13 nurse's station? 14 A. In the hallway. 15 Q. In the hallway? 16 A. Behind the nursing station you could 17 say. 18 Q. Oh, okay. 19 A. Yeah. 20 Q. So that's a different place? 21 A. And the -- not to interrupt you, and 22 the nursing manager would have been faxed as 23 well. 24 Q. Okay.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. It's about the size of this room. 2 Q. Okay. It's crowded like this room. 3 All right. Let me go to the next page 4 after this is County 0020. 5 A. Okay. 6 Q. It looks like there's a sticker on 7 here -- 8 A. Yes. 9 Q. -- that's covering up the page -- the 10 title? 11 A. The name. 12 Q. But it's a notice something of rights 13 of an individual, right? 14 A. Yes. 15 Q. Do you know what it says under that? 16 A. Notice of Restriction of Rights of an 17 Individual. 18 Q. Okay. And is this another form that 19 you completed? 20 A. Yes. 21 Q. And is this a form that you always have 22 to complete when somebody is put into 23 restraints? 24 A. When someone is put into restraints,</p>

<p style="text-align: right;">Page 61</p> <p>1 yes.</p> <p>2 Q. Okay. And you checked restraint device</p> <p>3 applied, right?</p> <p>4 A. Yes.</p> <p>5 Q. And next to that you wrote 5-point FLR?</p> <p>6 A. Yeah.</p> <p>7 Q. And then you wrote something after D2,</p> <p>8 can you read that for us?</p> <p>9 A. Oh, boy. When you write in a hurry</p> <p>10 attempting to self -- to harm self, I don't</p> <p>11 know, by jumping off bed, unpredictable,</p> <p>12 smearing feces.</p> <p>13 Q. Okay. And then that's your signature</p> <p>14 under the certifications?</p> <p>15 A. The date and the time, yes.</p> <p>16 Q. And then again at the bottom signature</p> <p>17 and title --</p> <p>18 A. Yes.</p> <p>19 Q. -- that's your signature?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Let me ask you about the next</p> <p>22 page, No. 21?</p> <p>23 A. This one? Okay.</p> <p>24 Q. This is the page marked County 0021.</p>	<p style="text-align: right;">Page 63</p> <p>1 reduction, verbal limits, expression of</p> <p>2 feelings.</p> <p>3 Q. And then what did you write under --</p> <p>4 for results of above --</p> <p>5 A. Were non effective.</p> <p>6 Q. And then the next line?</p> <p>7 A. Patient no longer harmful to self and</p> <p>8 others.</p> <p>9 Q. And that -- that was -- that's the</p> <p>10 criteria to terminate use of restraint, is that</p> <p>11 right?</p> <p>12 A. Yes. Yes.</p> <p>13 Q. The next section is the physical</p> <p>14 assessment by registered nurse, do you see that?</p> <p>15 A. Okay.</p> <p>16 Q. Do you know why you checked history</p> <p>17 unknown?</p> <p>18 A. I'm assuming I didn't know the history.</p> <p>19 History was unknown to me.</p> <p>20 Q. And then you entered the vitals that we</p> <p>21 had --</p> <p>22 A. Uh-huh.</p> <p>23 Q. And these are -- these are the same as</p> <p>24 what we saw in Exhibit 4 --</p>
<p style="text-align: right;">Page 62</p> <p>1 A. Okay.</p> <p>2 Q. I think that this is something</p> <p>3 protocol, do you know what it says?</p> <p>4 A. Restraint protocol.</p> <p>5 Q. Okay. And this is -- again, this is a</p> <p>6 form that you fill out whenever somebody is put</p> <p>7 into restraints?</p> <p>8 A. Yes.</p> <p>9 Q. And this says that the order was</p> <p>10 obtained from Dr. Paschos?</p> <p>11 A. Yes.</p> <p>12 Q. And --</p> <p>13 A. Date and time.</p> <p>14 Q. And you filled out this form, right?</p> <p>15 A. Yes.</p> <p>16 Q. And this is your signature at the</p> <p>17 bottom?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Can you just read under</p> <p>20 behaviors leading up to use of restraints?</p> <p>21 A. Smearing feces on himself in cell,</p> <p>22 punching walls, jumping off of bunk onto floor.</p> <p>23 Q. And you checked interventions, right?</p> <p>24 A. Yes, one-on-one contact, stimuli</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And then what did you write after</p> <p>5 circulation?</p> <p>6 A. Good times four.</p> <p>7 Q. And what does that mean?</p> <p>8 A. Circulation to both arms, both legs.</p> <p>9 Q. Okay. Those are the four things,</p> <p>10 right?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Is that a yes?</p> <p>13 A. Yes, I'm sorry.</p> <p>14 Q. And how did you tell that circulation</p> <p>15 to both arms and both legs was good?</p> <p>16 A. After you restrain a patient with the</p> <p>17 belts you make sure you could fit two fingers in</p> <p>18 and make sure they wiggle their fingers, wiggle</p> <p>19 their toes, nothing looks red or swelling.</p> <p>20 Q. And the next thing here is ROM?</p> <p>21 A. Yes.</p> <p>22 Q. What is that?</p> <p>23 A. Range of motion.</p> <p>24 Q. And what does that mean?</p>

<p style="text-align: right;">Page 65</p> <p>1 A. Good times four, that's how long a 2 patient is able to move about. 3 Q. Meaning you were able to see him -- 4 A. Yes. 5 Q. -- move those limbs? 6 A. Yes. 7 Q. Okay. The next line says, based upon 8 MD and/or RN consultation the -- 9 MS. COURT REPORTER: Could you slow 10 down? 11 THE WITNESS: MD. 12 MR. FLAXMAN: I'm sorry, I'll read it 13 more slowly for you. 14 BY MR. FLAXMAN: 15 Q. Based upon M.D. and/or RN consultation, 16 the determination is as follows: And you 17 checked restraint seclusion does not pose an 18 undue risk, may continue restraints, is that 19 right? 20 A. Yes. 21 Q. Okay. Why did you check that one? 22 A. Because there was no risk to the 23 patient. 24 Q. And what were --</p>	<p style="text-align: right;">Page 67</p> <p>1 search the person. 2 Q. Okay. Patient placed in gown? 3 A. Yeah. 4 Q. I don't think I need that explained. 5 Director of Psychiatric Services 6 notified, was that the fax -- 7 A. That's that fax form, yes. 8 Q. Okay. And then the documentation sheet 9 started, what is that? 10 A. 15-minute check sheets. 11 Q. Okay. Let's move to Page 141, which I 12 think is the 15-minute check sheets. 13 A. 1? 14 Q. 141. 15 A. Okay. 16 Q. The first page we're looking at is 17 county 0141, do you recognize this as a 18 15-minute observation form? 19 A. Yeah. 20 Q. And is that the -- are these the forms 21 that you were referring to when you checked 22 documentation sheet started on Page 21? 23 A. Yes. 24 Q. Okay. At the top there's some writing</p>
<p style="text-align: right;">Page 66</p> <p>1 A. So you could continue with FLRs. 2 Q. And what kind of risk would there be to 3 the patient? 4 A. What type of risk? Injury. Can I use 5 that as an example? 6 Q. Okay. 7 A. Patient could have injured themselves. 8 It could have been some kind of distress or 9 something. At that point you would not 10 restrain. 11 Q. I understand. 12 And for the name of physician consulted 13 it was Dr. Paschos? 14 A. Dr. Paschos. 15 Q. And then there's a restraint checklist? 16 A. Yes. 17 Q. And the first one is search done -- 18 A. Yes. 19 Q. What does that mean? 20 A. Search is done usually per the 21 correctional officer, they make sure they search 22 the patient. 23 Q. Oh, search the person? 24 A. For any items, yes. Search cell. They</p>	<p style="text-align: right;">Page 68</p> <p>1 all the way at the top, it says, 2243 FLR, do 2 you see that? 3 A. The cell number. 4 Q. 2243 was his cell number? 5 A. Yes. 6 Q. Okay. And then -- and did you fill 7 out -- 8 A. No. 9 Q. What portion of this -- 10 A. No. 11 Q. -- did you fill out, if any? 12 A. This is not filled out by me. 13 Q. Okay. Do you know who filled this out? 14 A. I can't make out the signatures here, 15 no. 16 Q. Okay. And are any of the letters or 17 notes created by you? 18 A. These on this one, no. 19 Q. Okay. Is the 15-minute observation 20 form a document that you have used -- 21 A. Yes. 22 Q. -- at the jail? 23 A. Daily almost. 24 Q. Okay. Because there's almost always</p>

<p style="text-align: right;">Page 69</p> <p>1 somebody on observation, is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And you said that there's</p> <p>4 staggered checks?</p> <p>5 A. Yes.</p> <p>6 Q. Is this a form that --</p> <p>7 A. So you would do a check, the officer</p> <p>8 would do a check, you would do a check, the</p> <p>9 officers would do a check.</p> <p>10 Q. And would you both -- both you and the</p> <p>11 officer use this form?</p> <p>12 A. You can both use the form or the</p> <p>13 officers can have their own form, depending</p> <p>14 on --</p> <p>15 Q. Okay.</p> <p>16 A. -- dependent.</p> <p>17 Q. Okay. So the first 15-minute</p> <p>18 observation form is County 141, and then after</p> <p>19 that there are one, two, three, four more?</p> <p>20 A. Yes.</p> <p>21 Q. Did you write anything on any of these</p> <p>22 five pages?</p> <p>23 A. Yes, on 0143.</p> <p>24 Q. Is that the only one that you</p>	<p style="text-align: right;">Page 71</p> <p>1 up arrow is for release, release of restraint.</p> <p>2 Q. Okay. And then -- so for each of these</p> <p>3 starting at 15:00 and going through 23:45, you</p> <p>4 put a letter in each box --</p> <p>5 A. Yes.</p> <p>6 Q. -- to --</p> <p>7 A. What was happening then.</p> <p>8 Q. You put a letter to explain what was</p> <p>9 happening with Mr. Cruz at that time?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And it was based on these codes</p> <p>12 at the bottom of the page?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. How did you observe Mr. Cruz</p> <p>15 during this time period?</p> <p>16 A. Through the cell door or on camera or</p> <p>17 up at the -- on the unit.</p> <p>18 Q. Does up on the unit mean something</p> <p>19 different --</p> <p>20 A. Walking around the unit, I should say.</p> <p>21 Q. Okay. But that would be you would look</p> <p>22 through the cell door?</p> <p>23 A. Yeah.</p> <p>24 Q. So each time you either looked through</p>
<p style="text-align: right;">Page 70</p> <p>1 contributed to?</p> <p>2 A. That I see. Oh, no, no, 0144, turn the</p> <p>3 page.</p> <p>4 Q. Oh, okay.</p> <p>5 A. So, yeah.</p> <p>6 Q. All right. Well, let's start with 143,</p> <p>7 what did you -- what's your writing on this</p> <p>8 page?</p> <p>9 A. To the corner to the left of the page</p> <p>10 5-point FLR. Do you see that where it says</p> <p>11 3/18/16, down at 6 p.m., up at 10 p.m.?</p> <p>12 Q. Okay.</p> <p>13 A. And then I have 5-point FLR renewed,</p> <p>14 left center equal to four hours, 10 p.m. to come</p> <p>15 up at 2 a.m. 3/19 or expires at 2 a.m. 3/19.</p> <p>16 And then from 15:00, which is 3:00 on.</p> <p>17 Q. Those are your notes?</p> <p>18 A. Yeah.</p> <p>19 Q. And each 15 minute one is yours?</p> <p>20 A. Yeah. I think so, yeah.</p> <p>21 Q. Okay. And the -- you used a notation</p> <p>22 with down arrows and up arrows, what does that</p> <p>23 mean?</p> <p>24 A. Placed in restraints is down. And the</p>	<p style="text-align: right;">Page 72</p> <p>1 the cell door or observed him on video?</p> <p>2 A. On camera.</p> <p>3 Q. Okay. And the first are starting at</p> <p>4 15:00, H for walking?</p> <p>5 A. Yes.</p> <p>6 Q. That's before he was in restraints,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And the next at 15:30, is that -- what</p> <p>10 letter is that?</p> <p>11 A. That is he was sitting and he was -- I,</p> <p>12 J, lying down or sitting. J is quiet. So he</p> <p>13 was quiet at that time.</p> <p>14 Q. Okay. And then the 15:45, can you tell</p> <p>15 us?</p> <p>16 A. Was the same, lying down or sitting,</p> <p>17 quiet.</p> <p>18 Q. Okay. And then the next three are B</p> <p>19 for crying?</p> <p>20 A. B, B, crying, crying, crying.</p> <p>21 Q. Okay. And then G for standing still?</p> <p>22 A. Standing still.</p> <p>23 Q. Okay. And then are the next two T?</p> <p>24 A. T, which is moving about in cell.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. And then starting at 18:00 what's that, 2 what letter is there? 3 A. That would be when restraints were 4 placed. 5 Q. And can you just tell me what letters 6 are in that box? 7 A. Crying, threatening. 8 Q. B and N? 9 A. Uh-huh. 10 Q. Oh, and a down arrow? 11 A. Uh-huh, and a down arrow before the B, 12 yes. 13 Q. Okay, thank you. And then what is 14 18:15, what letters are those? 15 A. Lying and medication. And V, which is 16 restless, CMS good times four. 17 Q. Okay. So V means other? 18 A. Other. It means other. 19 Q. And next to other you wrote -- what did 20 you write? 21 A. Restless. 22 Q. And then what is CMS? 23 A. Circulation motion sensation, good 24 times four.</p>	<p style="text-align: right;">Page 75</p> <p>1 you -- 2 THE WITNESS: Yeah, I would either give 3 fluids or if he ate at that time he would have 4 had fluids. I don't -- I don't remember. Yeah. 5 BY MR. FLAXMAN: 6 Q. Right. I understand. Okay. 7 A. The officers could have gave him a milk 8 with dinner. I don't remember. Yeah. 9 Q. And I can read everything until I get 10 to 23:00, can you tell us -- 11 A. That's 11 to 7 shift. 12 Q. So starting at 23:00 that's somebody 13 else's -- 14 A. That's somebody else's. 15 Q. Okay. But the notes from 15:00 to 16 22 -- 17 A. 45. 18 Q. -- 45 -- 19 A. Yeah, is my shift. That's my shift. 20 Q. Let me just ask the whole question for 21 the record. 22 For the notes in the boxes from 15:00 23 through 22:45, you were the one who made those 24 notes, correct?</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. Meaning circulation was good? 2 A. And restraints weren't constricting. 3 Q. I see. Okay. And the next ones are I 4 for lying down or sitting? 5 A. Yes, quiet. 6 Q. A for yelling and screaming? 7 A. Yes. 8 Q. Okay. And then what's the 20:00? 9 A. I, lying. And then yelling. 10 Q. You're at 20:00? 11 A. Lying, yeah. 12 Q. No, I'm sorry, which number are you at? 13 A. At 19:00. 14 Q. Okay, 19:00. I for lying. 15 Let's just go to the next line starting 16 at 20:00, what's that? 17 A. 20:00, fluids, medications. 18 Q. And? 19 A. Then yelling. 20 Q. And would you -- for fluids, meaning 21 that you gave fluids to Mr. Cruz? 22 A. Fluids. 23 Q. Is that a yes? 24 MR. RAGEN: He's just asking you if</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yes. 2 Q. Okay. And did you say there's 3 something on the next page, number 144, that's 4 your notes? 5 A. Yes. 6 Q. And where are your notes on this page? 7 A. 15:00. 8 Q. Okay. And then the 15:00 and 15:15 are 9 both A, right? 10 A. Yes. 11 Q. And what's the -- what's 15:30? 12 A. Crying. Medication. 13 Q. You can just tell me the letters. 14 A. Oh, just tell you the letters? 15 Q. Yeah. 16 A. I, J. 17 Q. I, J -- so 15:45 is I, J? 18 A. 15:45. 16:00 I, J. 16:15, I, J. 19 16:30, I, J. 16:45, I, J. 17:00, I, J. 17:15 20 is R. 17:30 I, J. 17:45, I, J. 18:00, I, J 21 18:15, I, J. 18:30, I, J. 18:45, I, J. 19:00, 22 B. 19:15, B. 19:30, B. 19:45, B. 20:00, B. 23 20:15, S. 20:30, I, J. 20:45, I, J. 21:00, I, 24 J. 21:15, I, J. 21:30 is a G. 21:15, G.</p>

<p style="text-align: right;">Page 77</p> <p>1 22:00, G. 22:15, G. 22:30, I, J. 22:45, I, J. 2 MR. RAGEN: The one thing is when she 3 said 20 -- you said 21:15 twice. 4 THE WITNESS: Oh, did I? 5 MR. RAGEN: And then were you paying 6 attention? 7 MR. SEGALL: She said A, G. 8 MR. RAGEN: Yeah, the second 21:15 9 probably should have been 21:45, which she said 10 G. You got that too? 11 THE WITNESS: I'm sorry. 12 MR. SEGALL: She said A, G. 13 MR. RAGEN: Right. 14 BY MR. FLAXMAN: 15 Q. So 21:15 was I, J? 16 A. 21:15 was I, J. 17 Q. 21:30 through 22:15 are G? 18 A. G. 19 Q. 22:30 and 22:45 are I, J? 20 A. I, J. I, J. 21 Q. And that's it for your notes? 22 A. That's it for me. 23 Q. So on Page 144 your notes span from 24 15:00 to 22:45, correct?</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. The FLR day? 2 A. Yes. 3 Q. And what day was that? 4 A. 3/18. 5 Q. Okay. 6 A. 3/18? 3/18, yes. It's very confusing. 7 Q. Yes. 8 A. I'm confused myself. 9 Q. I think we've cleared it up. 10 And the other pages about 15-minute 11 checks were all created by people other than 12 you? 13 A. Other staff, yes. Other staff. 14 Q. And then on 144 -- 15 A. 144? Yeah. 16 Q. The notes that you were looking at 17 about the safety smock, is that your 18 handwriting? 19 A. That was my handwriting up there, yes, 20 because I initiated it, yes. 21 Q. Can you just read to us what that says? 22 A. Close observation Q 15 for 23 unpredictable behavior with safety smock, safety 24 blanket. And was started at 3/17/16 at 8.</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Yes. And this is 3/17. 2 Q. Right. No. No. This is -- 3 A. This is 3/17. The date of this is 4 3/17. 5 Q. Well, I see 3/16 at the top of this? 6 A. It continues on. There's one close 7 observation shift that goes through the day. 8 This is when he was placed in the smock. 9 Q. Okay. 10 A. On 3/17. It was right here above it. 11 If you go to right here where you see all the 12 scribbling here, it says, close observation for 13 unpredictable behavior with safety smock, safety 14 blanket started 3/17/16 at 8 p.m. 15 Q. I understand. Okay. So you're -- 16 A. And that was good until the next day -- 17 Q. Okay. So you're note -- 18 A. -- 8 p.m. 19 Q. So your notes on Page 144 are from 20 3/17? 21 A. This is 3/17. This is the safety smock 22 quiet room day. 23 Q. And the previous page was the -- 24 A. The FLR.</p>	<p style="text-align: right;">Page 80</p> <p>1 Order was good until 3/18/16, 8 p.m. I'm sorry 2 for the abbreviations. 3 Q. I understand. 4 And that's what's around where it says 5 officer, Cermak staff? 6 A. Yes, that's where we all -- 7 Q. I understand. 8 A. -- put our notes in. I'm sorry, it's 9 confusing. 10 Q. Do you know whose signature is at the 11 bottom of 144 for the officer slash Cermak staff 12 signature? 13 A. I see mine. The one above I don't 14 recognize. 15 Q. Okay. Yours is the one below? 16 A. Yeah. I don't recognize that one. 17 Q. And same question on 143? 18 A. Yeah, I don't know who that is. 19 Q. Yours is the one below? 20 A. Below. Mine is on the bottom. 21 Q. Okay. 22 A. Yeah. 23 Q. Let me show you this is Exhibit No. 5. 24 Exhibit 5 has a label at the top of County 0198,</p>

<p style="text-align: right;">Page 81</p> <p>1 do you recognize this as a nursing note created 2 by you -- 3 A. Yes. 4 Q. -- with a service time of 3/18/16, 5 19:27? 6 A. Yes. 7 Q. Okay. And the sign information here is 8 for 23:01, do you see that? 9 A. Yes. 10 Q. Is that the end of your shift at 11 11 p.m.? 12 A. Yes. 13 Q. Okay. So you didn't have time to 14 complete this until the end of your shift, 15 right? 16 A. Yes. Apparently I was there past my 17 shift, yes. 18 MR. RAGEN: It says 23:03 so we'll put 19 in for overtime. Just kidding. 20 THE WITNESS: Right. 21 MR. RAGEN: Another bad deposition 22 joke, probably the worst one I made today. 23 BY MR. FLAXMAN: 24 Q. So then let me ask you about what you</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. And screaming? 2 A. Yes. 3 Q. Do you remember what he was screaming? 4 A. I do not remember. I don't remember 5 him screaming. 6 Q. I understand. 7 And then you wrote Dr. Paschos ordered 8 emergency medications, do you see that? 9 A. Yes. 10 Q. So this is at a service time of 19:27, 11 so 7:27 p.m.? 12 A. Yes. 13 Q. Would you have talked to Dr. Paschos 14 over the phone at that time? 15 A. Dr. Paschos may or may not have been 16 there. 17 Q. Oh, okay. 18 A. Dr. Paschos I'd -- that could have been 19 a telephone order or it could have been 20 Dr. Paschos there. I don't know. 21 Q. I see. And those are the medications 22 that Dr. Paschos ordered? 23 A. Yes. 24 Q. What does IM stat mean?</p>
<p style="text-align: right;">Page 82</p> <p>1 wrote in nursing progress note. Again, the S/O, 2 this is all your objective? 3 A. Subjective/Objective, yes. 4 Q. And is the note all your objective 5 observation? 6 A. Yes. 7 Q. Okay. You wrote that the patient was 8 seen in 5-point FLRs? 9 A. Uh-huh. 10 Q. Is that right? 11 A. Yes. 12 Q. And when you say seen, does that mean 13 that you went into the cell and interacted with 14 him? 15 A. Either/or or I had my screen at the 16 time. 17 Q. Okay. And you wrote that he remains 18 agitated? 19 A. Uh-huh. 20 Q. Is that yes? 21 A. Yes. 22 Q. And is thrashing about in bed, is that 23 right? 24 A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Intramuscular stat, right now. 2 Q. Meaning a shot? 3 A. Shot. 4 Q. Okay. And remind me what CMS means? 5 A. Circulation motion sensation. 6 Q. And the last sentence says restraints 7 are secure? 8 A. Secure and non-constricting. 9 Q. And so based on having given him 10 shots -- 11 A. Yes. 12 Q. -- and checking his circulation? 13 A. Yes. 14 Q. -- you must have done this inside the 15 cell, right? 16 A. Yes. 17 Q. Okay. 18 A. Yes. 19 Q. And given that you completed this note 20 at 11:01 p.m., how did you know the service date 21 time of 19:27? 22 A. I would have referred to my nursing 23 report sheet. 24 Q. Oh, I see.</p>

<p style="text-align: right;">Page 85</p> <p>1 A. I write down what times.</p> <p>2 Q. And that's the form that you fax to the</p> <p>3 manager every day?</p> <p>4 A. And also the medication --</p> <p>5 Q. Oh, the medication --</p> <p>6 A. -- record tells you what time you</p> <p>7 signed your medications out.</p> <p>8 Q. I see. Okay.</p> <p>9 A. To get a time.</p> <p>10 Q. Got it. All right. Let me show you</p> <p>11 Exhibit No. 6.</p> <p>12 A. Okay.</p> <p>13 Q. Exhibit No. 6 is labeled at the top</p> <p>14 County 0199, do you recognize Exhibit 6 as your</p> <p>15 nursing note from 3/18/2016 at 22:29?</p> <p>16 A. Yes.</p> <p>17 Q. And this one has the same time for the</p> <p>18 service date and for the sign information,</p> <p>19 right?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Meaning that you would have made this</p> <p>24 note right after you did the service?</p>	<p style="text-align: right;">Page 87</p> <p>1 about this note, you wrote that the patient</p> <p>2 remains in 5-point FLRs, right?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Is that a yes?</p> <p>5 A. Yes.</p> <p>6 Q. And remains disorganized and confused?</p> <p>7 A. Yes.</p> <p>8 Q. And is yelling I'm in a movie, right?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember if you heard that in</p> <p>11 the cell or if you heard that over the monitor?</p> <p>12 A. I don't remember.</p> <p>13 Q. Okay. The next -- can you read the</p> <p>14 next sentence for me?</p> <p>15 A. Alert, oriented times one.</p> <p>16 Q. And what does that mean?</p> <p>17 A. Meaning he was alert, oriented times</p> <p>18 one, which means his person, that he knew who he</p> <p>19 was, most likely not alert to exactly where he</p> <p>20 was or exactly what the date was.</p> <p>21 Q. Okay. And if he was aware to those</p> <p>22 things, it would have been times --</p> <p>23 A. Three. I would have put times three.</p> <p>24 MR. RAGEN: Can you get four ever?</p>
<p style="text-align: right;">Page 86</p> <p>1 A. End of shift, yes.</p> <p>2 Q. I don't mean end of shift.</p> <p>3 A. I mean, yeah, towards the end.</p> <p>4 Q. Let me ask the question again.</p> <p>5 My question is that -- this is towards</p> <p>6 the end of your shift, which ended at 11 p.m.,</p> <p>7 right?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Is that a yes?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. But I'm just asking because this</p> <p>12 has the same service date and the same sign</p> <p>13 information time, that means that you would have</p> <p>14 completed it right after doing the service,</p> <p>15 right?</p> <p>16 A. I would assume so.</p> <p>17 Q. Okay.</p> <p>18 A. I don't know.</p> <p>19 Q. I understand --</p> <p>20 A. I would assume so.</p> <p>21 Q. I understand you don't remember sitting</p> <p>22 down at the computer.</p> <p>23 A. Yes, but I assume so.</p> <p>24 Q. Okay. And then let me just ask you</p>	<p style="text-align: right;">Page 88</p> <p>1 THE WITNESS: You can get --</p> <p>2 MR. RAGEN: Sorry, another joke. I'll</p> <p>3 stop.</p> <p>4 THE WITNESS: We ask who the president</p> <p>5 is, and that would be four.</p> <p>6 BY MR. FLAXMAN:</p> <p>7 Q. To determine if he was oriented times</p> <p>8 one, would you have had to speak to him in</p> <p>9 person?</p> <p>10 A. Yeah, in person or through the --</p> <p>11 Q. Or it could have been through the</p> <p>12 intercom?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Okay. The next line is very poor --</p> <p>15 A. Insight judgment, impulse control.</p> <p>16 Q. And the next line is unable to respond</p> <p>17 appropriately to staff's questions, is that</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember what the questions</p> <p>21 were?</p> <p>22 A. I would not.</p> <p>23 Q. Okay. The next line is that the</p> <p>24 5-point restraints are secure and</p>

<p style="text-align: right;">Page 89</p> <p>1 non-constricting times five, do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And that's something you would have had</p> <p>4 to do inside the cell to check, right?</p> <p>5 A. Yes.</p> <p>6 Q. And then you wrote, skin, warm, dry?</p> <p>7 A. Warm, dry, yes.</p> <p>8 Q. Again, that's an observation you had to</p> <p>9 make inside the cell, right, you would have to</p> <p>10 touch his body to tell that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What was the significance of</p> <p>13 writing down that his skin was warm and dry?</p> <p>14 A. If he was diaphoretic. If he was</p> <p>15 sweating.</p> <p>16 Q. And what does diaphoretic mean?</p> <p>17 A. That could show something. That could</p> <p>18 show maybe an increased heart rate or blood</p> <p>19 pressure or something going on. Your skin</p> <p>20 should be, you know, warm, dry, you're not</p> <p>21 sweaty.</p> <p>22 Q. It should be warm, dry?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 91</p> <p>1 urinate and/or defecate.</p> <p>2 Q. Okay. And then CMS?</p> <p>3 A. Circulation motion sensation again</p> <p>4 that's good times four.</p> <p>5 Q. Okay. And that's another one -- another</p> <p>6 measurement you'd have to take in person in the</p> <p>7 cell?</p> <p>8 A. For all limbs, yes.</p> <p>9 Q. Okay. And then the assessment/plan is</p> <p>10 to continue to monitor every 15 minutes?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And then to continue with the 5-point</p> <p>15 FLRs as per Dr. Paschos?</p> <p>16 A. Yes.</p> <p>17 Q. And that -- meaning that you conferred</p> <p>18 with Dr. Paschos to continue the order?</p> <p>19 A. I would assume that, yes. When I write</p> <p>20 as per that's usually I telephone or something.</p> <p>21 Q. Okay. Do you remember what you told</p> <p>22 Dr. Paschos?</p> <p>23 A. I do not.</p> <p>24 Q. Okay. Would you have told him the same</p>
<p style="text-align: right;">Page 90</p> <p>1 A. Yeah, that's normal. That's a normal</p> <p>2 determination.</p> <p>3 Q. Thank you.</p> <p>4 A. Okay. I'm sorry.</p> <p>5 Q. No.</p> <p>6 And then the next is -- what does VS</p> <p>7 means?</p> <p>8 A. Vital signs within normal limits,</p> <p>9 that's what WNL means.</p> <p>10 Q. Okay. And again those are -- you would</p> <p>11 have taken those in person in the cell?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Is that a yes?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Can you tell me the next</p> <p>16 sentence?</p> <p>17 A. Patient tolerating PO fluids well.</p> <p>18 Q. And what's PO?</p> <p>19 A. By mouth.</p> <p>20 Q. And the next sentence is?</p> <p>21 A. Denies need to void.</p> <p>22 Q. Meaning he doesn't have to go to the</p> <p>23 bathroom?</p> <p>24 A. Doesn't have to go to the bathroom,</p>	<p style="text-align: right;">Page 92</p> <p>1 information that you put in the note?</p> <p>2 A. Yes.</p> <p>3 Q. And to continue a patient in</p> <p>4 restraints, do you as the nurse have to get the</p> <p>5 doctor's approval?</p> <p>6 A. Yes.</p> <p>7 Q. Would you ever enter a continuation</p> <p>8 order before getting a doctor's approval?</p> <p>9 A. Your initial restraint order a</p> <p>10 registered nurse can put an order in for an hour</p> <p>11 that then has to be signed by a physician, has</p> <p>12 to be assessed by a physician. But this would</p> <p>13 have been a telephone order to continue or to</p> <p>14 renew FLRs.</p> <p>15 Q. And as the nurse could you continue an</p> <p>16 order without first conferring with the doctor?</p> <p>17 A. I would not. I would confer with the</p> <p>18 doctor.</p> <p>19 Q. Do you know if that's required by the</p> <p>20 jail's policy?</p> <p>21 A. Yes, you have to confer with the doctor</p> <p>22 within an hour.</p> <p>23 Q. Well --</p> <p>24 A. If you as an RN -- this is more of</p>

<p style="text-align: right;">Page 93</p> <p>1 initiating restraints, you can give an order for 2 up to an hour before a doctor has time to sign 3 an order, give you an order from a physician. 4 As a renewal you would go directly to 5 your physician as a telephone order or if the 6 doctor is on unit or on compound. 7 Q. Okay. So there's a difference between 8 the first order and the renewal? 9 A. There's a difference, yes. 10 Q. Okay. 11 MR. FLAXMAN: I need to take a quick 12 break. 13 VIDEOGRAPHER WOODS: Okay. We are 14 going off the record at 1:52. 15 (Whereupon, a short break was 16 taken.) 17 VIDEOGRAPHER WOODS: We are going back 18 on the record at 1:59. This is the beginning of 19 media number two. 20 BY MR. FLAXMAN: 21 Q. The last exhibit was Exhibit 6, and I 22 want to -- 23 A. Okay. 24 Q. -- stick with that time period but go</p>	<p style="text-align: right;">Page 95</p> <p>1 note that we looked at, Exhibit 6, which said 2 continue with 5-point FLRs? 3 A. Yes. 4 Q. Do you know why the time for this order 5 is 21:55 but the nursing note time is 22:29? 6 A. I do not. Like I said, there's always 7 a lag between actual care and the documentation. 8 Q. Okay. Well, would you have done the -- 9 entered the order close in time to when 10 Dr. Paschos gave you that order? 11 A. The orders, yes. 12 Q. Okay. And it's the nursing note that 13 you would have possibly made later? 14 A. I would have done my charting later. 15 Q. Okay. 16 A. Yes. 17 Q. And the order is at 21:55, correct? 18 A. Yes. 19 Q. And would you have assessed Mr. Cruz 20 before that? 21 A. Yes. 22 Q. And it would have been sometime close 23 in time to 21:55? 24 A. Yes, that's why you call for the</p>
<p style="text-align: right;">Page 94</p> <p>1 to the orders and the medical records. 2 A. Okay. 3 Q. I'm specifically looking at -- 4 somewhere around 117. I'll tell you the exact 5 page number. 6 A. 117? 7 Q. Okay. So 118 -- well, let's just start 8 with the first. Are you on 118? 9 A. 118, yes. 10 Q. So at the bottom of 118 do you see an 11 order for psychiatric slash violent restraints? 12 A. Yes. 13 Q. Okay. And that order says that it 14 was -- the ordering physician is Dr. Paschos and 15 it was entered by Dr. Paschos, correct? 16 A. Yes. 17 Q. The next page, Page 119, at the bottom 18 has an order for psychiatric slash violent 19 restraints? 20 A. Yes. 21 Q. And this one was entered by you, 22 correct? 23 A. Yes. 24 Q. And this corresponds to the nursing</p>	<p style="text-align: right;">Page 96</p> <p>1 renewal. Yes. 2 Q. Okay. Would it be within 15 minutes 3 before then? 4 A. I'm not sure of the exact time. 5 Q. Okay. But it wouldn't have been two 6 hours before? 7 A. I don't think so, no. 8 Q. Would it have been something like 30 9 minutes or less before? 10 A. I'm not sure. 11 Q. Okay. 12 A. I'm not sure exactly. I'm assuming 13 around the time. 14 Q. It would be close in time -- 15 A. Close to the time, yes. Sometime 16 before 10:00, yes. 17 Q. And when we say it, what I think -- let 18 me start -- let me just ask the question and get 19 it clear on the record. 20 A. Yes. 21 Q. Based on the entry of the order to 22 renew restraints at 21:55 -- 23 A. Yes. 24 Q. -- you would have done a face-to-face</p>

1 assessment before that time --
 2 A. Yes.
 3 Q. -- correct?
 4 And you would have done that assessment
 5 close in time to 21:55?
 6 A. Yes.
 7 Q. Okay. And in addition to the
 8 face-to-face assessment, you also would have
 9 conferred with Dr. Paschos, correct?
 10 A. Yes.
 11 Q. And you would have done that before
 12 entering the order on -- at 21:55?
 13 A. Yes.
 14 Q. You would have done it close in time to
 15 21:55?
 16 A. Yes.
 17 Q. The -- there's another set of materials
 18 in the medical records called assessments which
 19 start at 163.
 20 A. 163?
 21 Q. Yes.
 22 Do you recognize starting about a third
 23 of the way down there's information about
 24 Mr. Cruz that was -- says recorded by Helen --

1 A. Yes.
 2 Q. -- Kanel, RN?
 3 A. Yes.
 4 Q. And is this a list of information you
 5 enter into the system about somebody in
 6 restraints?
 7 A. Yes.
 8 Q. Does the computer run through these
 9 questions in order, how does that work?
 10 A. I'm trying to see how it -- this looks
 11 different than it does to the computer.
 12 Q. I understand.
 13 A. It prints out different. But the
 14 questions appear all to be the same, just a
 15 little bit different.
 16 Q. And do the questions all appear on one
 17 screen?
 18 A. The restraint proto -- the restraint
 19 assessment does. It is an iView (phonetic) --
 20 it is called iView. And through iView you can
 21 access the restraint assessments. And it opens
 22 up as check-boxes and drop-boxes, if that helps
 23 you out. You right click to choose your options
 24 in the drop-boxes.

1 Q. Okay. And are the different fields
 2 shown with other fields at the same time?
 3 A. Your options are.
 4 Q. Okay. So it's not that you enter one
 5 piece of information, click and then enter
 6 another piece of information?
 7 A. You do, you enter one, then you go to
 8 the next box.
 9 Q. Okay.
 10 A. Then you go to -- consecutive.
 11 MR. RAGEN: Just to clarify, you can
 12 tell me to stop, but he wants to know is it all
 13 on the same screen at once or do you have to
 14 like --
 15 THE WITNESS: It is all on the same
 16 screen at once, yes. Yes, sir.
 17 MR. FLAXMAN: Thank you.
 18 BY MR. FLAXMAN:
 19 Q. Okay. And then from that screen you
 20 entered this information at 18:20 that we're
 21 looking at starting on 163 going on to 164?
 22 A. Yes. Yes, 18:20.
 23 Q. Do you know -- so the first thing in
 24 here is Mr. Cruz's blood pressure, right?

1 A. Uh-huh.
 2 Q. Is that a yes?
 3 A. Yes.
 4 Q. And the next thing is direct
 5 observation, no?
 6 A. No.
 7 Q. Do you know why it says direct
 8 observation, no?
 9 A. Apparently he was not on direct
 10 observation.
 11 Q. Do you know why?
 12 A. Direct -- I do not know why, but no.
 13 Q. Should he have been under direct
 14 observation?
 15 A. I don't believe so. I don't believe
 16 so. Direct observation, no.
 17 Q. What does it mean to be under direct
 18 observation?
 19 A. Officer is assigned one-on-one to the
 20 door.
 21 Q. Okay.
 22 A. That's direct observation.
 23 Q. Okay. The next box is restraint
 24 alternatives attempted, and it says see below

<p style="text-align: right;">Page 101</p> <p>1 T12?</p> <p>2 A. Okay.</p> <p>3 Q. And then there's some information on</p> <p>4 the next page at T12?</p> <p>5 A. Okay.</p> <p>6 Q. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And that's information that you put</p> <p>9 into the system?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. The next box is restraint</p> <p>12 patient behavior, and that says see below T15,</p> <p>13 and then on the next page there's some</p> <p>14 information at T15?</p> <p>15 A. Yes.</p> <p>16 Q. And that's also information that you</p> <p>17 entered?</p> <p>18 A. Yes.</p> <p>19 Q. When your filling out these -- these</p> <p>20 informations that have the T letter and number,</p> <p>21 are you creating that information or is it from</p> <p>22 check-boxes?</p> <p>23 A. It has check-boxes and then you can</p> <p>24 check other for certain things.</p>	<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 Q. What does that mean?</p> <p>3 A. Making sure those restraints aren't too</p> <p>4 tight.</p> <p>5 Q. Circulatory status intact is the next</p> <p>6 one, what does that mean?</p> <p>7 A. He has good circulation, good mobility.</p> <p>8 He's able to feel me. Good capillary refill you</p> <p>9 can check.</p> <p>10 Q. How can you tell he can feel you?</p> <p>11 A. The nail bed, see if the blood refills.</p> <p>12 Q. Can you explain that in more detail?</p> <p>13 A. You would press down on the nail bed</p> <p>14 and see how fast it takes for it to become pink</p> <p>15 again, that means you got good blood flow.</p> <p>16 Q. Okay.</p> <p>17 A. One of the things we check in</p> <p>18 restraints.</p> <p>19 Q. These are concerns about the patient's</p> <p>20 circulation?</p> <p>21 A. Yeah, especially -- yes.</p> <p>22 Q. The next page starts with patient</p> <p>23 reposition and you wrote no?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. Okay.</p> <p>2 A. So as in how it says other, I have</p> <p>3 feces smeared on body in cell, so that would be</p> <p>4 an example of the other.</p> <p>5 Q. I understand.</p> <p>6 MR. RAGEN: For the other that's</p> <p>7 something you would type in?</p> <p>8 THE WITNESS: You can type -- you can</p> <p>9 free type, yes.</p> <p>10 BY MR. FLAXMAN:</p> <p>11 Q. So for each of these rows where it says</p> <p>12 see below and there's a T, you then put that</p> <p>13 information in after the T?</p> <p>14 A. Yes.</p> <p>15 Q. The bottom -- getting to the bottom on</p> <p>16 this page of 163, the third from the bottom is</p> <p>17 skin under restraints?</p> <p>18 A. Yes.</p> <p>19 Q. And you've entered intact?</p> <p>20 A. Yes.</p> <p>21 Q. What does that mean?</p> <p>22 A. No breakage in the skin.</p> <p>23 Q. The next is preventive -- preventative</p> <p>24 skin care measures?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Is that because he was just being put</p> <p>2 into restraints for the first time?</p> <p>3 A. That was initiated at that time FLR,</p> <p>4 so, yeah, that would be no.</p> <p>5 Q. Okay. And the next four are all about</p> <p>6 limbs being released and those are also no?</p> <p>7 A. No.</p> <p>8 Q. And is that because he was starting --</p> <p>9 A. Yes.</p> <p>10 Q. Toileted, toilet offered is no?</p> <p>11 A. I checked no, okay.</p> <p>12 Q. And why is that no?</p> <p>13 A. It was not seen for that time. This</p> <p>14 was again FLR initiation.</p> <p>15 Q. The next is hygiene measures provided,</p> <p>16 what is that? And that one is yes, correct?</p> <p>17 A. That would be a yes.</p> <p>18 Q. Why is that yes?</p> <p>19 A. I believe in my documentation.</p> <p>20 Q. Oh, this is where you referred to</p> <p>21 cleaning his arms?</p> <p>22 A. I cleaned him, yes.</p> <p>23 Q. Okay. The next line is ROM exercises</p> <p>24 done, what's that?</p>

<p style="text-align: right;">Page 105</p> <p>1 A. Range of motion.</p> <p>2 Q. And why weren't those exercises --</p> <p>3 A. FLRs were just initiated then.</p> <p>4 Q. And what are range of motion exercises?</p> <p>5 A. Range of motion is -- range of motion</p> <p>6 is the mobility of the patient while they're in</p> <p>7 restraints. Range of motion exercises you do in</p> <p>8 the hospitals for bedridden patients. So any</p> <p>9 time you have a patient who is going to be</p> <p>10 sedentary or to the bed for a prolonged period</p> <p>11 of time, you want to do range of motion. You</p> <p>12 want to make sure that blood flow is going. You</p> <p>13 want to make sure there's nothing injured. You</p> <p>14 want to make sure that they're feeling and</p> <p>15 they're able to move their extremities if they</p> <p>16 have any pain or discomfort anywhere.</p> <p>17 Q. And I understand that you wouldn't do</p> <p>18 that when you're first putting somebody into</p> <p>19 restraints?</p> <p>20 A. Right.</p> <p>21 Q. But if he remained in restraints you</p> <p>22 would offer range of motion exercises?</p> <p>23 A. Yes.</p> <p>24 Q. And what would those exercises be?</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. And how often --</p> <p>2 A. When they're doing dorsiflexion of the</p> <p>3 foot, if they would have pain they would let you</p> <p>4 know. So...</p> <p>5 Q. And the reason to give range of motion</p> <p>6 exercises is to maintain blood circulation?</p> <p>7 A. Maintain blood circulation.</p> <p>8 Q. And how long does that -- the exercise</p> <p>9 process take?</p> <p>10 A. Every patient is different, depending</p> <p>11 on how cooperative the patient is or if you can</p> <p>12 do it at that time, depending on the patient. I</p> <p>13 say, my experience, 2-and-a-half minutes, 3</p> <p>14 minutes maybe each limb, minimum of maybe 10</p> <p>15 minutes for range of motion, 8 to 10 minutes, 12</p> <p>16 minutes range of motion.</p> <p>17 Q. Okay.</p> <p>18 A. I try to do about 2-and-a-half -- 2</p> <p>19 minutes at least per limb.</p> <p>20 Q. And that's something that you do</p> <p>21 regularly for a patient who is in restraints?</p> <p>22 A. Who is in restraints, who you are able</p> <p>23 to do it with, yes.</p> <p>24 Q. Okay. The next row here is fluid</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Oh, you want me to go down the --</p> <p>2 Q. Sure.</p> <p>3 A. -- list? I start from the top, I have</p> <p>4 my patient move their necks -- move their neck</p> <p>5 around, any pain with the head. If it is safe</p> <p>6 to do so at that time you release a limb at that</p> <p>7 time and you work with one limb at a time. You</p> <p>8 would rotate your limbs one at a time, you're</p> <p>9 not going to release all restraints at one time</p> <p>10 for safety reasons, especially if you have a</p> <p>11 patient who is self-injurious.</p> <p>12 You would work the shoulder. I would</p> <p>13 rotate the shoulder. I would do abduction. I</p> <p>14 would do adduction, moving the arm out and in.</p> <p>15 I have them bend at their elbow. I have them</p> <p>16 move their wrist. I have them squeeze my hand.</p> <p>17 Then we move down to the hips. You</p> <p>18 bend at the knee, push the leg up, bring the leg</p> <p>19 out, abduction, adduction. I rotate -- have</p> <p>20 them rotate their ankles, move their ankles. I</p> <p>21 tell them to move their foot like they're</p> <p>22 working a car, driving the pedal. I have them</p> <p>23 bend the knee and I check their calf, see if</p> <p>24 they have any pain there. So...</p>	<p style="text-align: right;">Page 108</p> <p>1 offered, and you said yes.</p> <p>2 What is the responsible learner present</p> <p>3 restraints?</p> <p>4 A. Responsible learner is basically saying</p> <p>5 who is responsible learning of the reasons for</p> <p>6 FLRs, things that would help get the patient up</p> <p>7 from FLRs, and that is always the patient. So</p> <p>8 that would be the patient.</p> <p>9 Q. For the next two you also -- you</p> <p>10 entered extra information that's below, right?</p> <p>11 A. Yes.</p> <p>12 Q. Tools, resources used, restraints, what</p> <p>13 does that mean?</p> <p>14 A. Tools -- the education.</p> <p>15 Q. There's a box that says tools slash</p> <p>16 resources used, restraints?</p> <p>17 A. You discuss the patient -- you</p> <p>18 verbalize with the patient.</p> <p>19 Q. Okay.</p> <p>20 A. Why they were placed in restraints.</p> <p>21 Q. And the next --</p> <p>22 A. How long an order is.</p> <p>23 Q. The next row is educational outcome</p> <p>24 restraints?</p>

<p style="text-align: right;">Page 109</p> <p>1 A. Uh-huh.</p> <p>2 Q. Is that a yes?</p> <p>3 A. And that would be initiated. That's a</p> <p>4 yes.</p> <p>5 Q. Well, I think you have initiated for</p> <p>6 education status restraints?</p> <p>7 A. Per status restraints, yes.</p> <p>8 Q. For the previous row it was educational</p> <p>9 outcome restraints, and it states unable to</p> <p>10 verbalize slash demonstrate?</p> <p>11 A. Unable to verbalize/demonstrate.</p> <p>12 Q. Did I read --</p> <p>13 A. Patient did not do it at that time.</p> <p>14 Q. Meaning what did the patient not do?</p> <p>15 A. The patient was not able to verbalize</p> <p>16 his understanding of why he was placed in</p> <p>17 restraints or verbalize his understanding of</p> <p>18 things that may assist in getting restraints</p> <p>19 released.</p> <p>20 Q. And then the last one is ED dash unable</p> <p>21 to educate dash restraints, what does that mean?</p> <p>22 A. Unable to educate restraints, that</p> <p>23 would be I believe a yes or a no, either you did</p> <p>24 it or you didn't.</p>	<p style="text-align: right;">Page 111</p> <p>1 THE WITNESS: I'll slow it down.</p> <p>2 BY MR. FLAXMAN:</p> <p>3 Q. So again you took Mr. Cruz's blood</p> <p>4 pressure, right?</p> <p>5 A. Yes.</p> <p>6 Q. And that -- you would have done that in</p> <p>7 his cell close in time to 20:34, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And there's -- for the information here</p> <p>10 that says see below, do you know if it would</p> <p>11 have copied over from the previous assessment or</p> <p>12 if you retyped everything?</p> <p>13 A. Has to be retyped at that time.</p> <p>14 Q. Okay. And would you look back at what</p> <p>15 you had written the previous assessment?</p> <p>16 A. Most likely. I may or may not.</p> <p>17 Q. Okay.</p> <p>18 A. You go on what is there at the time.</p> <p>19 Q. Sure.</p> <p>20 This one again has the preventative</p> <p>21 skin care measures, yes? Right?</p> <p>22 A. Yes.</p> <p>23 Q. And again you checked Mr. Cruz's</p> <p>24 circulatory status?</p>
<p style="text-align: right;">Page 110</p> <p>1 Q. Oh, and you were -- because of his</p> <p>2 communication he was unable to --</p> <p>3 A. Unable to do it at that time.</p> <p>4 Q. Okay. The next page, which is County</p> <p>5 165 --</p> <p>6 A. Okay.</p> <p>7 Q. -- has the same set of information for</p> <p>8 recorded time -- well, it's 3/18/2016, and the</p> <p>9 recorded time is 20:34, do you --</p> <p>10 A. Yes.</p> <p>11 Q. Is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And the purpose of this was to assess</p> <p>14 Mr. Cruz about two after -- two hours after --</p> <p>15 A. Yeah.</p> <p>16 Q. -- he went into restraints?</p> <p>17 A. Two hours, every two hours you need to</p> <p>18 do the assessment.</p> <p>19 Q. Please try to let me finish my question</p> <p>20 so that we can make --</p> <p>21 A. I'm sorry.</p> <p>22 Q. -- the cleanest record we can.</p> <p>23 MR. RAGEN: Like while he's doing it</p> <p>24 you still got to wait. It's just like --</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes.</p> <p>2 Q. The next -- or the patient</p> <p>3 repositioned, and it says no?</p> <p>4 A. No.</p> <p>5 Q. And for all the limbs released you have</p> <p>6 no --</p> <p>7 A. No.</p> <p>8 Q. And do you know why his limbs were not</p> <p>9 released?</p> <p>10 A. According to T16 he was agitated,</p> <p>11 confused, disoriented, restless, thrashing,</p> <p>12 threatening to hurt self, so that would be</p> <p>13 contraindicated at that time --</p> <p>14 Q. Sure.</p> <p>15 A. -- to release a limb.</p> <p>16 Q. And lower down it says ROM exercises</p> <p>17 done, and it says yes?</p> <p>18 A. Just what I could do, yes.</p> <p>19 Q. So you were able to do some --</p> <p>20 A. So not a prolonged period of time they</p> <p>21 would not be released.</p> <p>22 MR. RAGEN: Let him finish the</p> <p>23 question. A lot of times the conversation you</p> <p>24 know where it's going to go, but just let him</p>

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1 finish the question.
 2 BY MR. FLAXMAN:
 3 Q. You marked on here that ROM exercises
 4 were done, correct?
 5 A. Yes.
 6 Q. And because you were unable to release
 7 Mr. Cruz's limbs, you weren't able to do the
 8 full range of ROM exercises?
 9 A. I don't know.
 10 Q. Well --
 11 A. I don't know. I don't know.
 12 Q. Well, you wouldn't have marked that all
 13 the limbs were not released if you were able to
 14 do all of the range of motion exercises, is that
 15 right?
 16 A. I mark myself when certain limbs are
 17 released if I'm able to do the full gamut of the
 18 range of motion.
 19 If I'm doing a quick repositioning or a
 20 quick check, I usually don't put released
 21 because I'm not releasing that limb for an
 22 extended period of time. That's how I document
 23 on the iView.
 24 Q. And based on this document, we can tell

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1 that you weren't able to do the full --
 2 A. I wasn't able to do the full --
 3 Q. Let me -- let me -- let me just --
 4 A. I'm sorry.
 5 Q. Based on this document --
 6 A. Yes.
 7 Q. -- you can tell that you were not able
 8 to do the full range of range of motion
 9 exercises, right?
 10 A. Yes.
 11 Q. Okay. Let me go to the next page,
 12 which is County 166, and it looks like there's a
 13 separate box for 3/18/2016 at 22:13 recording
 14 only blood pressure, do you see that?
 15 A. Yes.
 16 Q. And under that there's the box with the
 17 iView information about the restraints, and
 18 that's at 3/18/16, 22:14, do you see that?
 19 A. Yes.
 20 Q. Do you know -- have any idea why
 21 they're separated here but not in the previous
 22 ones?
 23 A. I don't -- I don't know.
 24 Q. Well, based on this record you took

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1 Mr. Cruz's blood pressure shortly before 22:13,
 2 right?
 3 A. Yes.
 4 Q. Okay. And then you also assessed him
 5 about the restraints shortly before 22:14?
 6 A. Yes.
 7 Q. And it looks like this time the patient
 8 was repositioned, do you see that?
 9 A. Yes.
 10 Q. Okay. Do you recall how he was
 11 repositioned?
 12 A. No, I don't.
 13 Q. Okay. And again his limbs were not
 14 released, correct?
 15 A. Patient arm released says no.
 16 Q. And -- now, when a patient is
 17 repositioned, is that something that you
 18 physically do?
 19 A. With assistance of the officers in
 20 there.
 21 Q. But you and the officers would be in
 22 the cell to do that repositioning?
 23 A. Yes.
 24 Q. The next page at 170 -- 167 continues

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1 this list, and ROM exercises done has a yes for
 2 this one, right?
 3 A. Yes. Yes.
 4 Q. And is it correct that because you were
 5 unable to release Mr. Cruz's limbs, you weren't
 6 able to do the full range of ROM exercises?
 7 A. Yes. I don't know. I don't know, but
 8 according to this documentation I put yes so...
 9 Q. The -- I'm sorry, what are you looking
 10 at?
 11 A. No, I'm just looking at the numbers.
 12 Q. You said that you would do the
 13 repositioning and correctional officers might
 14 assist you?
 15 A. Yeah.
 16 Q. What about range of motion exercises,
 17 do correctional officers assist you?
 18 A. No.
 19 Q. And they would never do that by
 20 themselves?
 21 A. No, they would be there with me.
 22 Q. Would correctional officers ever
 23 reposition a patient?
 24 A. Not without the nurse there.

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1 Q. Just a couple other things in the
 2 record. I want to go to Page 182. At the
 3 bottom there's something called intake and
 4 output, do you see that?
 5 A. Yes.
 6 MR. FLAXMAN: Do you need a second to
 7 get there?
 8 BY MR. FLAXMAN:
 9 Q. And as the nurse on the tier would you
 10 record the fluid intake and fluid output of a
 11 patient?
 12 A. Yes.
 13 Q. And this doesn't say -- this doesn't
 14 say who made each record, but this would be
 15 based on your recording and other nurses'
 16 recordings, right?
 17 A. Of the day, yes.
 18 Q. Okay. And let's go to Page 223 -- you
 19 know, actually, I'm sorry, on 183 -- I'm sorry
 20 about that. Are you still looking at the intake
 21 and output?
 22 A. Yes.
 23 Q. Where do you record that information?
 24 A. IView has an intake and output, but

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1 there's also an intake and output sheet that is
 2 included in the FLR package so that's usually --
 3 Q. Oh, okay.
 4 A. -- done.
 5 Q. Is that something that we looked at
 6 earlier?
 7 A. I don't think so.
 8 Q. Okay. Is it something that you would
 9 do by hand?
 10 A. Yeah.
 11 Q. And it's a separate sheet than the
 12 15-minute check?
 13 A. It's a separate -- yeah, it's a
 14 separate intake and output that has boxes.
 15 Q. Okay. This intake/output list has in
 16 two of the squares -- I'm sorry, two of the
 17 rectangles no documented output results for this
 18 date range, do you see that? Do you know why it
 19 says that?
 20 A. Could be one of many reasons, either,
 21 A, the patient is up and using the bathroom on
 22 his own accord.
 23 Q. Okay.
 24 A. Or if the patient is urinating on

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1 themselves, there's no way that you can record
 2 an amount.
 3 Q. So the output amounts would only be
 4 recorded when a patient is using a bedpan?
 5 A. Using the bedpan.
 6 Q. Okay. And the intake and output form
 7 that you mentioned, does that form have a name?
 8 A. Intake and output on it, right on the
 9 top, yes.
 10 Q. Okay.
 11 A. And it looks like a graph.
 12 Q. And when you enter an order to put
 13 somebody into restraints, how do you get all
 14 those forms?
 15 A. We have -- back then, not anymore, all
 16 our things are computers now.
 17 Q. Okay.
 18 A. FLR packages already made that include
 19 the paperwork that you have to use.
 20 Q. Okay. And that -- so there was a few
 21 of the papers we looked at?
 22 A. Uh-huh.
 23 Q. Some other papers that you completed
 24 when the order was entered, correct?

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1 A. Right. Yes.
 2 Q. All right. Let me go to 223 of this
 3 record. At the bottom of 223 --
 4 A. Yes. Yes.
 5 Q. -- and then on the top of 224 there are
 6 some vital signs for Mr. Cruz that you entered,
 7 correct?
 8 A. Yes.
 9 Q. There's one set from 3/18/16 at 20:34
 10 and one set at 22:13, do you see that?
 11 A. Yes.
 12 Q. Oh, and above that there's also one
 13 from the same day from 18:20, correct?
 14 A. Yes.
 15 Q. And these are all vital signs that you
 16 got from a face-to-face interaction with
 17 Mr. Cruz, right?
 18 A. Yes.
 19 Q. And that would have been shortly before
 20 the time that's listed here, correct?
 21 A. Yes.
 22 Q. Okay. Is there a machine that measures
 23 pulse rate or do you do that manually?
 24 A. We have manual. We have a machine.

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1 Q. Okay. And you can't tell from the
2 record what you used?
3 A. No.
4 Q. Okay. Same question for the
5 respiratory rate?
6 A. You do that yourself. That you do
7 yourself. You count how many breaths it is in a
8 minute, rise and fall of the chest.
9 Q. And the blood pressure is -- I think
10 you told me before there's a machine or you can
11 do it --
12 A. Or you can do it manual.
13 Q. I just wanted to -- there was the
14 notification to the -- there was a notification
15 form, we don't need to look at it, but that was
16 something you said that you would fax to two
17 different people, right?
18 A. To the -- notification of the
19 restriction of rights to the director?
20 Q. Yes.
21 A. And to the nurse manager?
22 Q. Right.
23 A. Yes.
24 Q. Were there any other forms that you --

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1 from that FLR packet that you needed to fax to
2 anyone?
3 A. No.
4 Q. Okay. And --
5 A. No. Today's date, yes. A few years
6 ago, no.
7 Q. What's the new forms that you need to
8 fax?
9 A. We fax it to the manager and to the
10 guardianship, Patient Advocacy Commission, we
11 fax it to them too now.
12 Q. Do you know when that started?
13 A. Maybe the past year or so, year, year
14 and a half maybe.
15 Q. And is there a separate form for them
16 or is it the same notification?
17 A. Those are all from the computer. All
18 our forms are on the computer now so we would
19 print it up from the computer and then fax it
20 and the copy goes to medical records.
21 Q. And is the form that goes --
22 A. That's now, that's today.
23 Q. Right. As of today --
24 A. Yes.

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1 Q. -- the form that you fax to the
2 manager, is it the same form that you would fax
3 to the guardian?
4 A. Yes. Yes.
5 Q. Okay. And you told me the fax machine
6 is behind the nurse's station, right?
7 A. Yes, in the hallway.
8 Q. Okay. And at the nurse's station there
9 are computers that you can use to enter -- make
10 entries in the medical chart?
11 A. Yes.
12 Q. There are also computers that you can
13 use to see into cells?
14 A. Yes.
15 Q. Are there any other computers available
16 at the nurse's station?
17 A. If you want to include our medication
18 cart, which is computerized, our Pixus
19 (phonetic).
20 Q. That's a separate computer for
21 information?
22 A. Yeah, that's a comp -- that's an
23 automated medication dispensing.
24 Q. And there also are -- are there also

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1 phones at the nursing station?
2 A. Yes.
3 Q. And is that where you would call the
4 physician on duty?
5 A. Yes.
6 Q. Was there any other place you could
7 make a phone call to the physician on duty?
8 A. No.
9 Q. No, the phones are at the nursing
10 station?
11 A. The phones are at the nursing station.
12 Two phones.
13 Q. There are two phones at the nursing
14 station?
15 A. Two phones.
16 Q. And how would you know who the
17 physician on duty was?
18 A. We have a preprinted on-call --
19 Q. And that's --
20 A. -- list.
21 Q. Okay. Is there a name for that list?
22 A. The on-call psychiatrist list.
23 Q. Would that have the psychiatrist's home
24 phone number?

<p style="text-align: right;">Page 125</p> <p>1 A. Yes.</p> <p>2 Q. And when you needed to renew a</p> <p>3 restraint order, were you ever concerned about</p> <p>4 calling the on-call psychiatrist in the middle</p> <p>5 of the night?</p> <p>6 A. Was I ever concerned about calling a</p> <p>7 psychiatrist did you ask?</p> <p>8 Q. That's the question.</p> <p>9 A. Oh, no. No. No.</p> <p>10 Q. There's something called a restraint</p> <p>11 log book?</p> <p>12 A. Yes.</p> <p>13 Q. Is that something that you've ever put</p> <p>14 information into?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Well, let me mark one exhibit as</p> <p>17 No. 7. I promised only 6, sorry.</p> <p>18 (Whereupon, Plaintiff's</p> <p>19 Deposition Exhibit No. 7 was</p> <p>20 marked for identification.)</p> <p>21 MR. RAGEN: You're almost done, right?</p> <p>22 MR. FLAXMAN: Oh, yes. Sorry.</p> <p>23 MR. RAGEN: No one is perfect.</p> <p>24</p>	<p style="text-align: right;">Page 127</p> <p>1 THE WITNESS: Thank you.</p> <p>2 EXAMINATION</p> <p>3 BY MR. RAGEN:</p> <p>4 Q. Going to Page 197, which I think is</p> <p>5 Exhibit 1 or 2, so it would be one of the loose</p> <p>6 ones in the stack.</p> <p>7 A. These?</p> <p>8 Q. Yes. Keep them together.</p> <p>9 A. 197, yes.</p> <p>10 Q. Do you see where --</p> <p>11 MR. FLAXMAN: That's Exhibit 4 if you</p> <p>12 want to put that on the record.</p> <p>13 MR. RAGEN: Thank you. Appreciate it.</p> <p>14 BY MR. RAGEN:</p> <p>15 Q. Turning to Exhibit 4, Page 197, do you</p> <p>16 see where you wrote clean hands, legs and face</p> <p>17 of patient, leg purple bruising noted to upper</p> <p>18 right arm, inner left arm and bilateral thighs?</p> <p>19 A. Yes.</p> <p>20 Q. The -- you noticed that the bruising</p> <p>21 was of light purple color?</p> <p>22 A. Yes.</p> <p>23 Q. And this was done on or around 6 p.m.</p> <p>24 on March 18, 2016?</p>
<p style="text-align: right;">Page 126</p> <p>1 BY MR. FLAXMAN:</p> <p>2 Q. Looking at what we marked as Exhibit</p> <p>3 No. 7, do you recognize this as a portion of the</p> <p>4 restraint log book?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Is any of the handwriting on</p> <p>7 this page in front of you your handwriting?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you know if you made an entry</p> <p>10 in the restraint log book about Mr. Cruz?</p> <p>11 A. I'm pretty sure.</p> <p>12 Q. As the --</p> <p>13 A. I would always, yeah, my restraint,</p> <p>14 yes, in the book, yes.</p> <p>15 Q. As the nurse who entered the order, it</p> <p>16 would have been your responsibility to make that</p> <p>17 entry?</p> <p>18 A. To put in the entry, yes.</p> <p>19 MR. RAGEN: I don't have them either,</p> <p>20 Segall. For the record Bill Ragen is saying the</p> <p>21 name Segall, for the record Andrew might have</p> <p>22 pointed in a way, maybe not.</p> <p>23 MR. FLAXMAN: I don't have anything</p> <p>24 else. Thank you for your time today.</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes.</p> <p>2 Q. And what does the color light purple</p> <p>3 signify to you in terms of timing of bruises?</p> <p>4 A. Well, timeline of -- I've got a few</p> <p>5 myself from my dog. First day, two, they're</p> <p>6 usually pink and red. Then day three to seven</p> <p>7 they could be purplish in color.</p> <p>8 Q. And so --</p> <p>9 A. And then after that they go to a green</p> <p>10 or yellow up to about day 14. You could have a</p> <p>11 bruise about 14 days.</p> <p>12 Q. So in any event, that bruising that you</p> <p>13 noted would not be -- have any relation to</p> <p>14 restraints placed on Mr. Cruz, is that fair?</p> <p>15 A. Correct. Correct.</p> <p>16 Q. You talked about how you used an</p> <p>17 indication CMS when you were talking about a</p> <p>18 patient's circulation when they're in</p> <p>19 restraints?</p> <p>20 A. Yes.</p> <p>21 Q. Would you have also checked their pulse</p> <p>22 when you do that?</p> <p>23 A. Yes.</p> <p>24 Q. And how would you do that?</p>

<p style="text-align: right;">Page 129</p> <p>1 A. Radial, pedals, pedal pulses. You 2 check at the inner ankle, you check at the 3 inside of the wrist. You're checking to see 4 mostly for strength too. 5 Q. Okay. And when we were looking at the 6 Q 15 pages which were in the medical record. 7 MR. SEGALL: 141 -- 143. 8 BY MR. RAGEN: 9 Q. On Page 143 do you see where you wrote 10 in handwriting on -- kind of the middle to the 11 left? 12 A. Yes. 13 Q. And you explained to counsel what that 14 handwriting meant, right? 15 A. Yes. 16 Q. And part of it meant that at 10 p.m. 17 you would have -- you know, the restraints would 18 have been continued? 19 A. The order was good -- your orders are 20 good for four hours, that's why it's written 21 from 6 to 10 p.m. And then when you renew it, 22 it was good from 10 to 2, so that's why those 23 times are there. 24 Q. And so you wrote it that it was renewed</p>	<p style="text-align: right;">Page 131</p> <p>1 A. No. 2 MS. HAIDARI: Thank you. 3 VIDEOGRAPHER WOODS: Anyone else? 4 FURTHER EXAMINATION 5 BY MR. FLAXMAN: 6 Q. The order for restraints was carried 7 out in part by you, correct? 8 A. Yes, I placed the restraints. 9 Q. And Sheriff's staff assisted you in 10 carrying out the order, correct? 11 A. In holding the patient, yes, and the 12 nurse applies the restraints. 13 MR. FLAXMAN: Okay. Thank you. 14 VIDEOGRAPHER WOODS: Anyone else. 15 MR. RAGEN: Yeah, a bunch. No, I'm 16 just killing, I don't. More deposition humor. 17 VIDEOGRAPHER WOODS: Okay. We are 18 going off the record at 2:39. This is the end 19 of media number two and the conclusion of 20 today's deposition. 21 (FURTHER DEPONENT SAITH NAUGHT.) 22 23 24</p>
<p style="text-align: right;">Page 130</p> <p>1 from 10 to 2, so you would have talked to 2 Dr. Paschos to get those orders renewed, is that 3 fair? 4 A. Correct. 5 Q. And do you as a registered nurse 6 understand the standard of care to be what a 7 reasonably careful nurse would do under the same 8 and similar circumstances? 9 MR. FLAXMAN: Objection, foundation. 10 THE WITNESS: Yes. 11 BY MR. RAGEN: 12 Q. And did you comply with the standard of 13 care when you treated Mr. Cruz? 14 MR. FLAXMAN: Objection, foundation. 15 THE WITNESS: Yes. 16 MR. RAGEN: That's all I have. 17 VIDEOGRAPHER WOODS: Anyone else? 18 MS. HAIDARI: Yeah, I just have a 19 couple. 20 EXAMINATION 21 BY MS. HAIDARI: 22 Q. The restraints applied to Mr. Cruz on 23 March 18th and 19th, 2016, were those ever 24 ordered by Sheriff staff?</p>	<p style="text-align: right;">Page 132</p> <p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 I, Karen Fatigato, a notary public within 5 and for the County of Cook County and State of 6 Illinois, do hereby certify that heretofore, 7 to-wit, on the 18th day of December, 2019, 8 personally appeared before me, at 2650 South 9 California Avenue, Chicago, Illinois, HELEN 10 KANEL, in a cause now pending and undetermined 11 in the United States District Court for the 12 Northern District of Illinois, Eastern Division, 13 wherein LETICIA VARGAS, Administrator of the 14 Estate of ANGEL CRUZ, is the Plaintiff, and 15 SHERIFF OF COOK COUNTY, COUNTY OF COOK, AUGUSTUS 16 ALABI, AVIS CALHOUN, LORRAINE CHATMAN, ANITA 17 JOHNSON, HELEN KANEL, CHERRI KRZYZOWSKI, 18 ELIZABETH P. LASSEN, MANUEL MANALASTAS, 19 DR. STEVE PASCHOS, JASON SPRAGUE and JARUWAN 20 SUPASANGUAN, are the Defendants. 21 I further certify that the said HELEN 22 KANEL was first duly sworn to testify the truth, 23 the whole truth and nothing but the truth in the 24 cause aforesaid; that the testimony then given</p>

1 by said witness was reported stenographically by
2 me in the presence of the said witness, and
3 afterwards reduced to typewriting by
4 Computer-Aided Transcription, and the foregoing
5 is a true and correct transcript of the
6 testimony so given by said witness as aforesaid.

7 I further certify that the signature to
8 the foregoing deposition was waived by counsel
9 for the respective parties.

10 I further certify that I am not counsel
11 for nor in any way related to the parties to
12 this suit, nor am I in any way interested in the
13 outcome thereof.

14 IN TESTIMONY WHEREOF: I have hereunto
15 set my hand and affixed my notarial seal this
16 24th day of January, 2020.

17

18

19

20

21

22 _____
23 NOTARY PUBLIC, COOK COUNTY, ILLINOIS
24 LIC. NO. 084-004072

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