

Exhibit U

Augustus Alabi Deposition

Vargas

Alibi Augustus

1/3/2020

Condensed Transcript

Prepared by:

Bill Ragen
CCSAO

Tuesday, August 31, 2021

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 LETICIA VARGAS,) Administrator of the) 5 Estate of ANGEL CRUZ,))) 6 Plaintiff,) vs.) No. 18 CV 1865 7)) 8 SHERIFF OF COOK COUNTY,) COUNTY OF COOK, AUGUSTUS) ALABI, AVIS CALHOUN,) 9 LORRAINE CHATMAN, ANITA) JOHNSON, HELEN KANEL,) 10 CHERRI KRZYZOWSKI,) ELIZABETH P. LASSEN,) 11 MANUEL MANALASTAS,) DR. STEVE PASCHOS,) 12 JASON SPRAGUE and) JARUWAN SUPASANGUAN,) 13) Defendants.) 14 15 The video-recorded discovery deposition of 16 AUGUSTUS ALABI, R.N., taken in the above-entitled 17 cause, before Frances S. Lucente, Certified 18 Shorthand Reporter on January 3, 2020, at the hour 19 of 1:26 p.m. at 2650 S. California, 11th Floor, 20 Chicago, Illinois, pursuant to notice. 21 22 23 Reported by: Frances S. Lucente, CSR 24 License No.: 084-004005</p>	<p style="text-align: right;">Page 3</p> <p>1 I N D E X 2 WITNESS EXAMINATION 3 AUGUSTUS ALABI, R.N. 4 By Mr. Flaxman 5, 69 5 By Mr. Ragen 65, 72 6 7 8 9 10 E X H I B I T S 11 NUMBER MARKED FOR ID 12 Alabi Deposition 13 Exhibit No. 1 13 14 Exhibit No. 2 21 15 Exhibit No. 3 30 16 Exhibit No. 4 33 17 Exhibit No. 5 39 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 LAW OFFICES OF KENNETH N. FLAXMAN, P.C. BY: MR. JOEL FLAXMAN 3 MR. ANDREW SEGALL, Paralegal 200 South Michigan Avenue, Suite 201 4 Chicago, Illinois 60604 (312) 427-3200 5 jaf@kenlaw.com 6 Representing the Plaintiff; 7 8 COOK COUNTY STATE'S ATTORNEY, BY: MR. WILLIAM R. RAGEN 302 Richard J. Daley Center 9 Chicago, Illinois 60602 (312) 603-6317 10 william.ragen@cookcountyil.gov 11 Representing Defendants. Augustus Alabi, Avis Calhoun, 12 Lorraine Chatman, Anita Johnson, Helen Kanel, Cheri Krzyzowski, 13 Elizabeth P. Lassen, Manuel Manalastas, Dr. Steve Paschos, 14 Jason Sprague and Jaruan Supasanguan; 15 16 COOK COUNTY STATE'S ATTORNEY ASSISTANT STATE'S ATTORNEY 17 BY: MS. RAANA V. HAIDARI 50 West Washington Street, Suite 2760 18 Chicago, Illinois 60602 (312) 603-1424 19 raana.haidari@cookcountyil.gov 20 Representing the Sheriff of Cook County and County of Cook. 21 22 ALSO PRESENT: Mr. Thomas Scheckel Videographer 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: My name is Tom Scheckel, 2 Legal Video Specialist with McCorkle Litigation 3 Services, located at 200 North LaSalle, Suite 2900, 4 Chicago, Illinois. I'm the videographer on 5 January 3rd, 2020 for the recording of the 6 deposition of Augustus Alabi, being taken at 7 2650 South California, Chicago, Illinois, at the 8 time of 1:26 p.m. in the matter of Leticia Vargas, 9 plaintiff, versus Sheriff of Cook County, et al, 10 defendants, filed in the U.S. District Court for 11 the Northern District of Illinois, Case No. 12 18 CV 1865. 13 Will counsel please identify themselves 14 for the record beginning with plaintiff's counsel. 15 MR. FLAXMAN: Joel Flaxman for the plaintiff, 16 and my paralegal Andrew Segall is also present. 17 MR. RAGEN: William Ragen for Cook County and 18 a number of Cook County individual defendants, 19 including Augustus Alabi. 20 MS. HAIDARI: Raana Haidari on behalf of the 21 Sheriff. 22 THE VIDEOGRAPHER: Will the reporter please 23 identify herself and swear in the witness. 24</p>

<p style="text-align: right;">Page 5</p> <p>1 (Witness sworn.)</p> <p>2 AUGUSTUS ALABI, R.N.,</p> <p>3 called as a witness herein, having been first duly</p> <p>4 sworn, was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. FLAXMAN:</p> <p>7 Q. Sir, could you please state and spell your</p> <p>8 name for the record.</p> <p>9 A. My name is Augustus Alabi, spelled</p> <p>10 A-u-g-u-s-t-u-s, last name A as in apple, L Larry,</p> <p>11 A apple, B boy, I Indiana.</p> <p>12 Q. My name is Joel Flaxman. I represent the</p> <p>13 plaintiff in a lawsuit that's captioned Vargus</p> <p>14 versus Sheriff. You understand that you're a</p> <p>15 defendant in that lawsuit?</p> <p>16 A. Yes.</p> <p>17 Q. Are you prepared to answer some questions</p> <p>18 about the case?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever given a deposition before?</p> <p>21 A. Yeah.</p> <p>22 Q. When was the last time?</p> <p>23 A. A couple of years ago.</p> <p>24 Q. Was that about your employment at the</p>	<p style="text-align: right;">Page 7</p> <p>1 something. All I know is that he was overweight.</p> <p>2 Q. Do you remember anything else about</p> <p>3 Mr. Cruz?</p> <p>4 A. No. I remember that he was very</p> <p>5 psychotic.</p> <p>6 Q. Do you remember what he did that you think</p> <p>7 he was psychotic?</p> <p>8 A. Mr. Cruz have psychotic episodes I think</p> <p>9 like maybe two times while I was there. He</p> <p>10 requires antipsychotic or antianxiety medications.</p> <p>11 Q. Well, in 2016, in March of 2016, how were</p> <p>12 you employed?</p> <p>13 A. Pardon me?</p> <p>14 Q. In March of 2016, how were you employed?</p> <p>15 A. I've been working -- I've been employed</p> <p>16 there for more than 21 years.</p> <p>17 Q. How are you currently employed?</p> <p>18 A. I'm CN1.</p> <p>19 Q. What does CN mean?</p> <p>20 A. CN mean Certified Nursing 1.</p> <p>21 Q. You're employed as a Certified Nurse 1 at</p> <p>22 Cermak?</p> <p>23 A. Yes.</p> <p>24 Q. That's within the Cook County Jail?</p>
<p style="text-align: right;">Page 6</p> <p>1 Cook County Jail?</p> <p>2 A. Yeah, pretty much.</p> <p>3 Q. Well, we'll ask you -- as you've been</p> <p>4 doing -- to keep your voice up as you've been</p> <p>5 doing --</p> <p>6 A. Actually, I'm loud, believe it.</p> <p>7 Q. You are. I will also ask you to wait</p> <p>8 until I finish asking a question before you answer.</p> <p>9 Do you understand that?</p> <p>10 A. Okay.</p> <p>11 Q. And I'll do the same for you. When you're</p> <p>12 talking, I'll wait until you're finished before I</p> <p>13 ask another question. Do you understand that?</p> <p>14 A. Okay.</p> <p>15 Q. Is there any reason that you will not be</p> <p>16 able to truthfully and accurately answer my</p> <p>17 questions today?</p> <p>18 A. No.</p> <p>19 Q. Do you understand this case is about a man</p> <p>20 named Angel Cruz who died at the Cook County Jail</p> <p>21 on March 20th, 2016?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember Mr. Cruz?</p> <p>24 A. It's been like almost four years now or</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Uh-huh -- yes.</p> <p>2 Q. How long have you worked as a Certified</p> <p>3 Nurse at Cermak?</p> <p>4 A. 21 years.</p> <p>5 Q. I'm sorry?</p> <p>6 A. Almost 21 years now.</p> <p>7 Q. When did you graduate from nursing school?</p> <p>8 A. I graduate in 1996.</p> <p>9 Q. Where did you attend nursing school?</p> <p>10 A. I went to Kennedy King College, Chicago.</p> <p>11 Q. And what certifications do you currently</p> <p>12 hold?</p> <p>13 A. I have a Bachelor's in Science Economics</p> <p>14 from Chicago State, and I have an AND at Kennedy</p> <p>15 King, Associate's Degree in Nursing.</p> <p>16 Q. And are you licensed as a nurse?</p> <p>17 A. Yeah -- I mean yes.</p> <p>18 Q. What type of licensing do you have?</p> <p>19 A. I've got a Registered Nurse.</p> <p>20 Q. Are you current in your registration?</p> <p>21 A. Yeah, definitely. Almost due to renew.</p> <p>22 Q. What is your current assignment within</p> <p>23 Cermak?</p> <p>24 A. I provide healthcare to detainees.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q. Do you have a regular tier that you're 2 assigned to?</p> <p>3 A. Yeah, Two North in Cermak.</p> <p>4 Q. Two North, in Cermak?</p> <p>5 A. Right. That's a male acute section -- 6 acute psychotic specialized unit.</p> <p>7 Q. How long have you been assigned to 8 Two North?</p> <p>9 A. Pretty much my whole career.</p> <p>10 Q. And that's where you encountered Mr. Cruz?</p> <p>11 A. Right.</p> <p>12 Q. What shift do you currently work?</p> <p>13 A. Evenings, 3:00 to 11:30.</p> <p>14 Q. I'm sorry?</p> <p>15 A. 3:00 to 11:30.</p> <p>16 Q. How long have you worked evenings?</p> <p>17 A. Almost 21 years.</p> <p>18 Q. Do you know if you were working that same 19 shift when you encountered Mr. Cruz?</p> <p>20 A. Yes.</p> <p>21 Q. How do you know?</p> <p>22 A. Because I remember, you know, the 23 situations.</p> <p>24 Q. Have you reviewed any records about</p>	<p style="text-align: right;">Page 11</p> <p>1 of, oh, that just to brush yourself up about, you 2 know, what was taught. So the majority of that I 3 kept in my lockers -- my locker, I mean.</p> <p>4 Q. Those are notes about --</p> <p>5 A. About inservices.</p> <p>6 Q. Meaning training?</p> <p>7 A. Training.</p> <p>8 Q. Do you keep notes about patient care?</p> <p>9 A. No.</p> <p>10 Q. Do you recall that Mr. Cruz was placed in 11 full leather restraints?</p> <p>12 A. Yeah, yeah.</p> <p>13 Q. Have you received training about the use 14 of restraints?</p> <p>15 A. A long time ago.</p> <p>16 Q. When was that?</p> <p>17 A. I couldn't recall.</p> <p>18 Q. More than five years?</p> <p>19 A. Yeah.</p> <p>20 Q. More than 10 years?</p> <p>21 A. Yeah.</p> <p>22 Q. Are you classified as a restraint-trained 23 nurse?</p> <p>24 A. Yeah, you know, Cermak wasn't the only</p>
<p style="text-align: right;">Page 10</p> <p>1 Mr. Cruz to prepare for today's deposition?</p> <p>2 A. I couldn't even find the records.</p> <p>3 Q. Where did you look for them?</p> <p>4 A. Probably a long time ago, you know. I 5 think maybe -- I have lockers, you know, but I got 6 too many things in my lockers so I can't, you know, 7 find the documentation.</p> <p>8 Q. I just misunderstood the word. Did you 9 say locker?</p> <p>10 A. Yeah, at my work.</p> <p>11 Q. So at some point you had a paper copy of 12 Mr. Cruz's medical records?</p> <p>13 A. No. I had some documents. Sometimes 14 you want to refer to maybe you technically have the 15 documentation, you know, about all that stuff, but 16 I couldn't find none on him anyway.</p> <p>17 Q. Were the documents you were looking for 18 things you may have saved in 2016?</p> <p>19 A. You know, I didn't even know if I saved 20 anything.</p> <p>21 Q. Do you normally keep medical records of 22 detainees in your locker?</p> <p>23 A. No, no. Sometimes you make notes, you 24 know. You go to an inservice, and you got records</p>	<p style="text-align: right;">Page 12</p> <p>1 place I've worked in my career, so I got a couple 2 of trainings in other places other than Cermak.</p> <p>3 Q. Have you had training at Cermak --</p> <p>4 A. Yes.</p> <p>5 Q. Let me ask the whole question.</p> <p>6 A. Okay.</p> <p>7 Q. Have you had training at Cermak to make 8 you a restraint-trained nurse according to Cermak?</p> <p>9 A. Yes.</p> <p>10 Q. When was that training?</p> <p>11 A. I can't recall.</p> <p>12 Q. It was the one you referred to a long time 13 ago?</p> <p>14 A. Yeah, a long time ago.</p> <p>15 Q. Have you received training about 16 restraints at other jobs?</p> <p>17 A. Yeah, sure.</p> <p>18 Q. Which ones?</p> <p>19 A. I think at Jackson Park.</p> <p>20 Q. When was the last time you worked at 21 Jackson Park?</p> <p>22 A. 1999.</p> <p>23 Q. And that was before you worked at Cermak?</p> <p>24 A. Right.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Since you started at Cermak, have you had 2 any outside employment? 3 A. No. 4 MR. FLAXMAN: I'm going to show you what we 5 marked as Plaintiff's Exhibit A1. 6 (Whereupon, Deposition 7 Exhibit No. A1 was marked 8 for identification.) 9 BY MR. FLAXMAN: 10 Q. Do you recognize Exhibit A1 as a nursing 11 note that you authored on March 16th, 2016? 12 A. Yes. 13 Q. Is the text that's written under nursing 14 progress note text that you entered into a 15 computer? 16 A. Yes. 17 Q. Did you accurately make this note about 18 what you'd observed? 19 A. Yes. 20 Q. Let me ask you -- the first line under 21 nursing progress note says nursing progress note. 22 Do you see that? 23 A. Where? 24 Q. In bold letters, it says nursing progress</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. What was your understanding about what he 2 meant? 3 A. Mr. Cruz, like I said, was always -- 4 episodes, psychotic episodes -- which he 5 overexerted himself. I don't recall, you know, 6 because it's been a long time. I have a feeling he 7 asked me about taking the edge off because of this 8 hyperactivities that he's been through. 9 Q. The next line has the letter O. Does that 10 stand for objective? 11 A. Yes. 12 Q. What does objective mean in this context? 13 A. Objective means what I see, you know, from 14 the detainee or inmate. 15 Q. The first thing you wrote is affect is 16 inappropriate, right? 17 A. Right. 18 Q. What did you mean by affect? 19 A. Affect is what I observe him do. 20 Q. The next part of the sentence says mood is 21 abnormal. Do you see that? 22 A. Right. 23 Q. What does that mean? 24 A. The way I can see his feelings. It was</p>
<p style="text-align: right;">Page 14</p> <p>1 note. 2 A. Okay, yeah, I see that. 3 Q. Below that it says nursing progress note 4 again? 5 A. Right. 6 Q. And then to the right of that it says 7 S-PT. Can you tell us what that means? 8 MR. RAGEN: Do you mind if I? 9 MR. FLAXMAN: No, go ahead. 10 THE WITNESS: Oh, okay, yeah. S-O-A-P. 11 BY MR. FLAXMAN: 12 Q. I'm sorry? 13 A. SOAP. 14 Q. Does that stand for subjective? 15 A. The first one is subjective. 16 Q. So after the letter S means? 17 A. Objective. 18 Q. Well, the first line, what does subjective 19 mean? 20 A. Subjective means what the patient or 21 detainee tells you. 22 Q. And so you recorded what Mr. Cruz told you 23 here? 24 A. Right.</p>	<p style="text-align: right;">Page 16</p> <p>1 documentation about the mood. 2 Q. Did you make these observations based on 3 having a conversation with Mr. Cruz? 4 A. Right. 5 Q. The next line starts with the letter A. 6 What does the A stand for? 7 A. Assessment. 8 Q. And was it your assessment that Mr. Cruz 9 was no SOB or distress at this time? 10 A. No SOB means no shortness of breath. 11 That's what SOB stands for or distress at this 12 time. 13 Q. Why were you documenting that he had no 14 shortness of breath? 15 A. That's just trying to state his 16 physical -- you know -- the way I observed his 17 physical demeanor then. 18 Q. The next sentence says he was jumping up 19 and down on his bed. Do you see that? 20 A. Right. 21 Q. Was he jumping up and down on his bed 22 while you spoke to him? 23 A. No, no. He was doing that before my 24 approach to him.</p>

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1 Q. So he stopped doing it when you came to
 2 speak to him?
 3 A. Yeah, when I talk to him, you know.
 4 Q. At this time on Two North, would you speak
 5 to a patient by opening the door?
 6 A. No, you can talk to them through the crack
 7 of the doors.
 8 Q. Okay. And if you needed to open the door,
 9 is that something that a correctional officer would
 10 have to do?
 11 A. Definitely.
 12 Q. The next sentence states he was actively
 13 hallucinating. Do you see that?
 14 A. Right.
 15 Q. Do you remember what he told you that made
 16 you assess that he was actively hallucinating?
 17 A. I believe talking to him you could pretty
 18 much see. I'm observing him, and you can pretty
 19 much see he has active hallucinations.
 20 Q. And do you recall what those
 21 hallucinations were?
 22 A. No.
 23 Q. The next line starts with the letter P.
 24 Does that stand for plan?

Page 18

1 A. Right.
 2 Q. And it states he was medicated with Haldol
 3 5 milligrams?
 4 A. IM.
 5 Q. IM means that he was given a shot?
 6 A. Right.
 7 Q. So would you have had to enter the cell to
 8 give him the shot?
 9 A. Intramuscularly.
 10 Q. Would you have had to enter the cell to
 11 give him that shot?
 12 A. Oh, yeah.
 13 Q. As a nurse, can you order medication?
 14 A. No.
 15 Q. So you're carrying out a doctor's order
 16 when you were giving him Haldol, right?
 17 A. Yeah.
 18 MR. RAGEN: Could we take a 45-second break?
 19 THE VIDEOGRAPHER: Off the record. The time is
 20 1:43 p.m.
 21 (A short break was taken.)
 22 THE VIDEOGRAPHER: We are back on the record.
 23 The time is 1:45 p.m.
 24

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1 BY MR. FLAXMAN:
 2 Q. Are there any answers you gave that you
 3 wanted to change?
 4 A. No.
 5 Q. In March of 2016 when you gave medication
 6 to a detainee, what were you required to do to
 7 record that?
 8 A. The doctor have to put in an order, and
 9 I supposed to -- first of all, we have to talk to
 10 the doctor about what the patient is doing, and he
 11 requires that we give him an IM shot.
 12 Q. And then after doing the shot, do you make
 13 a record of it on the computer?
 14 A. Right.
 15 Q. We're looking at a nursing note that
 16 includes that, correct?
 17 A. Right.
 18 Q. Is there any other record that you make in
 19 giving medication to a detainee?
 20 A. It should be on the computer, the
 21 medication orders.
 22 Q. Okay. And that's something you do every
 23 time you give medication, correct?
 24 A. Right.

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1 Q. Do you know which doctor ordered the
 2 Haldol?
 3 A. It's been a long time, sir. I don't
 4 recall.
 5 Q. Is a doctor usually present on a tier at
 6 10:00 p.m.?
 7 A. Sometimes, but not all the time.
 8 Q. And if a doctor is not present?
 9 A. We have to have a telephone order.
 10 Q. Exhibit No. 1 has a service date time of
 11 2201. Do you see that?
 12 A. Right.
 13 Q. And below that, there's a few other times,
 14 and one of them says the note was entered on 2203.
 15 Do you see that?
 16 A. Yeah.
 17 Q. I think you said your shift would have
 18 gone to 11:30, right?
 19 A. Right.
 20 Q. So this is about an hour and a half before
 21 the end of your shift?
 22 A. Pretty much.
 23 MR. FLAXMAN: Let me show you another exhibit.
 24 This one is marked as A2.

<p style="text-align: right;">Page 21</p> <p>1 (Whereupon, Deposition 2 Exhibit No. A2 was marked 3 for identification.) 4 BY MR. FLAXMAN: 5 Q. Do you recognize Exhibit A2 as your 6 nursing note dated 3-19-2016? 7 A. Yes. 8 Q. Do you recall making this note? 9 A. Yes. 10 Q. Did you make the note shortly after 11 interacting with Mr. Cruz? 12 A. Yes. 13 Q. And is this nursing note accurate? 14 A. Yes. 15 Q. The nursing note has a service date and 16 time of 2146. Do you see that? 17 A. Right. 18 Q. And the note was entered, it says, at 19 2151; right? 20 A. Where is that located? 21 Q. I'm sorry? 22 A. Where is that located? 23 Q. Underneath, there's a part that says sign 24 information on the left.</p>	<p style="text-align: right;">Page 23</p> <p>1 incoming nurse, you know, a run-through about what 2 went through on his prior shift. 3 Q. Okay. And what's a charge nurse? 4 A. A charge nurse is just the charge nurse in 5 charge of that unit precisely at that shift. 6 Q. Is the charge nurse over more than just a 7 single unit? 8 A. Possibly, you know. 9 Q. And you weren't the charge nurse, right? 10 A. I was the charge nurse. 11 Q. You were the charge nurse? 12 A. Right. 13 Q. Okay. So did the previous charge nurse 14 give you a nursing report on March 19th, 2016? 15 A. Yeah. 16 Q. And that was something in writing? 17 A. No -- yeah, pretty much. 18 Q. And did it include anything about 19 Mr. Cruz? 20 A. No, not that I can recall. 21 Q. Let me ask you about the progress note 22 that's down here. 23 A. Okay. 24 Q. This again uses the S-O-A-P format, right?</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. RAGEN: Do you mind if I? 2 MR. FLAXMAN: No, go ahead and show him where 3 I'm talking about. 4 THE WITNESS: Okay. Yes, I see. 5 BY MR. FLAXMAN: 6 Q. Do you know when you made these 7 observations of Mr. Cruz? 8 A. All I can tell you right now it's between 9 2100 and 2200. That's all. It's been a long time. 10 BY MR. FLAXMAN: 11 Q. That's understandable. This note at 2146 12 would have been about two hours before the end of 13 your shift, is that right? 14 A. Pretty much. 15 Q. Do you remember learning anything about 16 Mr. Cruz when you started your shift earlier on the 17 day of March 19th, 2016? 18 A. No. 19 Q. Was it common to communicate with the 20 personnel in the previous shift about detainees? 21 A. Yeah, if there's a problem before. We 22 have what we call nursing reports. 23 Q. What are nursing reports? 24 A. The previous charge nurse give the</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Right. 2 Q. So the first subjective, you recorded that 3 Mr. Cruz said I want to see my family; is that 4 right? 5 A. He did. 6 Q. And that's something he said to you? 7 A. Uh-huh. 8 Q. Is that a yes? 9 A. Yes. 10 Q. The objective, again you wrote affect is 11 inappropriate, mood is abnormal; correct? 12 A. Yes. 13 Q. Was that the same type of observation that 14 you made on March 16th? 15 A. Yes. 16 Q. I already forgot what A stands for. Help 17 me out, please. 18 A. That is the assessment. 19 Q. Assessment? 20 A. Right. 21 Q. You wrote patient was banging his head and 22 exhibiting labored breathing? 23 A. Yeah. 24 Q. Do you remember what he banged his head</p>

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1 on?

2 A. You know, we have like a thick door in

3 their cell. In the middle of the thick door is a

4 window which you can see through. He was banging

5 his head on that thick window attached to the door.

6 Q. How many times did he bang his head?

7 A. I can't recall.

8 Q. The last one here is P for plan. Do you

9 see that?

10 A. Right.

11 Q. It states that Dr. Paschos was notified

12 about the patient banging his head?

13 A. Yeah.

14 Q. Does that mean that you contacted

15 Dr. Paschos?

16 A. No, not me.

17 Q. Who contacted Dr. Paschos?

18 A. We have a mental health specialist. When

19 Mr. Cruz was exciting himself having the psychotic

20 episode -- this other psychotic episode -- I could

21 recall that he was jumping up from his bed for

22 maybe five seconds. He would lie on the floor for

23 another five seconds. He would get up, jump on the

24 bed for another five seconds. Then he came to the

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1 door and started banging his head. It was brought

2 to my attention by the mental health worker that

3 look at Mr. Cruz is banging his head. The one

4 thing in my profession is safety. You have to

5 protect the inmate -- your patient -- from

6 self-injury.

7 He happens to call the doctor,

8 Dr. Paschos, while talking to him describing the

9 episodes of the physical exertion that Mr. Cruz

10 was having. The doctor said give the phone to

11 Augustus, the charge nurse on the unit. Then when

12 they gave the notes to me, meanwhile he described

13 the situation to the doctor, and the doctor ordered

14 me that he has a p.r.n. -- give him his p.r.n.

15 which supposed to calm down his psychotic episode

16 and his anxiety or his breathing and exertion of

17 fast breathing, you know.

18 Q. You mentioned a mental health specialist?

19 A. Yeah, Jason. I forgot his last name.

20 Q. Is his last name Sprague?

21 A. Yeah.

22 Q. You were talking about Mr. Cruz jumping

23 off the bed and lying on the floor?

24 A. Lying on the floor, jumping from the bed

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1 to the floor, jumping back lying on the floor,

2 getting up, you know, creating hyperactivity, you

3 know. He was exciting himself.

4 Q. Was he hurting himself when he was jumping

5 on the floor, or was he landing on his feet?

6 A. He was landing on his feet.

7 Q. I just wanted to be sure that you're

8 describing how he was behaving on -- are you

9 describing how he was behaving on the 19th? The

10 reason I ask is because your note on March 16th

11 refers to jumping?

12 A. Yeah, he was pretty much doing the same

13 thing.

14 Q. So on March 19th he was also jumping?

15 A. Right.

16 Q. You said that you heard Jason talking on

17 the phone to Dr. Paschos?

18 A. Yeah, he immediately called the doctor,

19 especially after the jumping he started banging his

20 head.

21 Q. Did you hear Jason tell Dr. Paschos that

22 Mr. Cruz was exhibiting labored breathing?

23 A. No, that was my observation. You see

24 it's under O. I mean, it's under assessment --

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1 what I assessed.

2 Q. Did you tell Dr. Paschos that Mr. Cruz was

3 exhibiting labored breathing?

4 A. No.

5 Q. The concern was about him banging his

6 head, right?

7 A. Right, the concern was head injury.

8 Q. And you said that he had a p.r.n.?

9 A. Dr. "P" told me that the patient --

10 Mr. Cruz -- has a p.r.n., which means this

11 medication you give as necessary that was already

12 recorded -- you know -- already ordered by the doc.

13 Q. I see. And did you remember what that

14 medication was?

15 A. Not really.

16 Q. But you were the one that gave him that

17 medication?

18 A. Yeah, I have a feeling that it's an

19 antipsychotic and antianxiety medication.

20 Q. And you would have entered his cell to

21 give him the medication?

22 A. Pardon me?

23 Q. You would have entered his cell to give

24 him the medication?

Page 29

1 A. Yeah, sure.
 2 Q. And like we said before, a correctional
 3 officer had to open the door for you to go in?
 4 A. Right, right.
 5 Q. Do you know if anybody else talked on the
 6 phone to Dr. Paschos besides you and Jason?
 7 A. No.
 8 Q. Nobody else did?
 9 A. Not that I can recall.
 10 Q. Did you take any action in response to
 11 your assessment of labored breathing?
 12 A. Labored breathing is composed of two
 13 dynamics. It could be severe or nonsevere.
 14 Severity, we need a medical attention, a medical
 15 treatment right in the arm. What Mr. Cruz was
 16 exhibiting at this point was a nonsevere, which is
 17 fast breathing or breathing on exertion, which was
 18 a temporary labored breathing. He complained at no
 19 time of pain, no dizziness, apart from fast
 20 breathing which was temporary, you know. My job
 21 is to prevent him from further injuring himself.
 22 Q. After you gave him his p.r.n. medication,
 23 did you observe that his labored breathing changed?
 24 A. Right.

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1 Q. And did you make a note of that?
 2 A. No.
 3 Q. Why not?
 4 A. I can't recall.
 5 MR. FLAXMAN: This is a document we marked as
 6 Exhibit A3.
 7 (Whereupon, Deposition
 8 Exhibit No. A3 was marked
 9 for identification.)
 10 BY MR. FLAXMAN:
 11 Q. Do you recognize Plaintiff's Exhibit A3?
 12 A. Yes.
 13 Q. What is it?
 14 A. It's just when an inmate refuses
 15 medication by mouth.
 16 Q. Did you complete this form?
 17 A. Yeah.
 18 Q. And you completed it at about 2100 on
 19 March 19th, 2016?
 20 A. Yeah, yeah.
 21 Q. Next to that time, it says division/tier.
 22 Do you see that?
 23 A. Yeah, I see.
 24 Q. What did you write on that line?

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1 A. Division H, Two North.
 2 Q. Lower down in the middle, there's some
 3 more handwriting. I think the first word is
 4 refused?
 5 A. Right, refused Valium 5 milligrams.
 6 Q. Does it say and something else?
 7 A. And Risperdal 2 milligrams.
 8 Q. Were those both oral medications?
 9 A. Right oral.
 10 Q. Did you give Mr. Cruz a medication with a
 11 shot?
 12 A. No, he refused it so he didn't take it.
 13 These is a pass medication. According to the state
 14 law, you pass medication an hour before or an hour
 15 after. He already refused his medication.
 16 Psychotic behavior is starting.
 17 Q. So the medication that your note marked
 18 as Exhibit A2 is referring to is a different
 19 medication than what's on this handwritten form A3;
 20 right?
 21 A. Is the oral medication, yeah.
 22 Q. Did you write this on for patient's
 23 signature? Did you write refused to sign?
 24 A. Right.

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1 Q. Underneath that, it says witness to
 2 signature. Do you know whose signature that is?
 3 A. It must be an officer, because it would be
 4 the badge number right there.
 5 Q. Because of the badge number, you think
 6 it's an officer?
 7 A. It is.
 8 Q. And do you know which officer that was?
 9 A. No.
 10 Q. Is that your signature underneath there?
 11 A. Yeah, that's my signature.
 12 MR. RAGEN: Just for the record, at the very
 13 bottom underneath the signatures are listed;
 14 correct.
 15 THE WITNESS: Yeah, the one under.
 16 BY MR. FLAXMAN:
 17 Q. Did you ever take Mr. Cruz's vital signs?
 18 MR. RAGEN: Objection, speculation.
 19 THE WITNESS: I can't recall.
 20 BY MR. FLAXMAN:
 21 Q. As the nurse on the tier, what is your
 22 responsibility for taking vital signs of detainees?
 23 A. Vital signs are taken routinely by the
 24 PCA.

<p style="text-align: right;">Page 33</p> <p>1 Q. What's a PCA?</p> <p>2 A. That's like a Certified Nursing Assistant.</p> <p>3 Q. Did you ever do 15-minute checks of</p> <p>4 Mr. Cruz?</p> <p>5 A. According to 15-minute checks, there are</p> <p>6 three tiers of observations to inmates. The</p> <p>7 officer do their own observations. Mental health</p> <p>8 workers do their own observations of each patient.</p> <p>9 Then we nurses do our own observations.</p> <p>10 Additionally to that, we have cameras. We look,</p> <p>11 and we watch each inmate what they're doing.</p> <p>12 MR. RAGEN: I think he was just foundationally</p> <p>13 asking if you were involved in any 15-minute</p> <p>14 checks.</p> <p>15 THE WITNESS: Yeah.</p> <p>16 MR. FLAXMAN: I'm going to give you what we've</p> <p>17 marked as Plaintiffs Exhibit A4.</p> <p>18 (Whereupon, Deposition</p> <p>19 Exhibit No. A4 was marked</p> <p>20 for identification.)</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. A4 is five pages. Do you recognize this</p> <p>23 form?</p> <p>24 A. Yeah.</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. Then is there another letter?</p> <p>2 A. Yeah, it says quiet.</p> <p>3 Q. It's a J, is that right?</p> <p>4 A. Yeah.</p> <p>5 Q. Is there an I and J in each one of the</p> <p>6 boxes that you completed?</p> <p>7 A. Right.</p> <p>8 Q. Do some of them have a third letter?</p> <p>9 A. The third letter, yeah, there is one.</p> <p>10 Q. Can you read which number that is?</p> <p>11 A. I think it's 1600 or something -- oh, I</p> <p>12 think it's the 1800 one, yeah.</p> <p>13 Q. Okay, and what's the third letter in 1800?</p> <p>14 A. I think it's R.</p> <p>15 Q. Are there any others that have a third</p> <p>16 letter?</p> <p>17 A. Yeah, there's one, 2145.</p> <p>18 Q. What's the third letter there?</p> <p>19 A. It's an S.</p> <p>20 Q. That's for medication?</p> <p>21 A. Right.</p> <p>22 Q. And R is for meals served?</p> <p>23 A. Yeah.</p> <p>24 Q. The first page of this exhibit, are you</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. And is this a form that you regularly use</p> <p>2 at Cermak?</p> <p>3 A. Yeah, for close observation.</p> <p>4 Q. Could you look through this and see if any</p> <p>5 of these forms were filled out by you.</p> <p>6 A. The one I see is the one on the 16th --</p> <p>7 the last one.</p> <p>8 Q. That's at the top of that page that says</p> <p>9 County 0145 -- the top left?</p> <p>10 A. Yeah.</p> <p>11 Q. So this is your handwriting on this form?</p> <p>12 A. The one from 1500 to like 2325.</p> <p>13 MR. RAGEN: Slow down. You're good.</p> <p>14 BY MR. FLAXMAN:</p> <p>15 Q. So this is your handwriting starting in</p> <p>16 the box that says 1500 going to the box that says</p> <p>17 2315?</p> <p>18 A. 2325, I think. 2315, right. You're</p> <p>19 right.</p> <p>20 Q. What did you write in these boxes?</p> <p>21 A. We follow what is written at the bottom</p> <p>22 in reference to what the inmate is doing.</p> <p>23 Q. Tell me what the letter is.</p> <p>24 A. I see I. I is lying down or sitting.</p>	<p style="text-align: right;">Page 36</p> <p>1 looking at that one that has at the top</p> <p>2 County 0141?</p> <p>3 A. Right.</p> <p>4 Q. This is for 3-19-16, right?</p> <p>5 A. Yeah.</p> <p>6 Q. You were on the third shift on that day.</p> <p>7 We looked at the note that was labeled A2?</p> <p>8 A. Yes, I was.</p> <p>9 Q. Did somebody else make these notes?</p> <p>10 A. Right.</p> <p>11 Q. Do you know who it was?</p> <p>12 A. No. That's why I said that it's a</p> <p>13 three-tier observation, mental health worker too</p> <p>14 they observe them, and then they write.</p> <p>15 Q. So the mental health worker could have</p> <p>16 made these observations?</p> <p>17 A. Yeah, right.</p> <p>18 Q. On that last page, are you back there on</p> <p>19 0145?</p> <p>20 A. Right.</p> <p>21 Q. There's a box at the bottom for</p> <p>22 signatures. I'm all the way at the bottom where</p> <p>23 it says signatures.</p> <p>24 A. Yeah, right.</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. Is that your signature above the line that 2 says signatures? 3 A. Right. 4 Q. Then is your signature at the same place 5 on the first page? 6 A. Yeah. 7 Q. Do you know why you signed this one on the 8 first page? 9 A. Well, I'm the charge nurse, so I have to 10 cover for all of our stops anyway even though I 11 didn't enter the -- 12 Q. Even though you didn't make any entry -- 13 A. I didn't make any entry. 14 Q. Let me strike the question. 15 A. Okay. 16 Q. Even though you didn't make any entry, you 17 signed this based on your responsibilities as the 18 charge nurse? 19 A. Right, right. 20 Q. As you sit here today, you don't know who 21 made the entries; correct? 22 A. No, I can't recall. 23 Q. Do correctional officers make entries? 24 A. No.</p>	<p style="text-align: right;">Page 39</p> <p>1 observed Mr. Cruz banging his head? 2 A. Yes. 3 Q. Did you tell Nurse "K" that you had 4 observed labored breathing by Mr. Cruz? 5 A. I can't recall. 6 Q. Did you find out that Mr. Cruz was taken 7 to a hospital and died the day after this happened? 8 A. I don't know when, you know, when they 9 told me about it. 10 Q. Okay. Sometime you learned that he died? 11 A. Maybe a couple of days after. 12 Q. Did you ever find out what he died from? 13 A. I don't know, no. 14 MR. FLAXMAN: Let me show you what we marked as 15 Plaintiff's Exhibit A5. 16 (Whereupon, Deposition 17 Exhibit No. A5 was marked 18 for identification.) 19 MR. RAGEN: Do you mind if I read it for a 20 second? 21 MR. FLAXMAN: Oh, sure. 22 MR. RAGEN: Okay. 23 BY MR. FLAXMAN: 24 Q. Do you see at the top this is an E-mail</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. So the note that we looked at that's 2 marked as Exhibit A2 was from 2146. That's when 3 the service date and time is, right? 4 A. A2? Which one? 5 Q. (Indicating.) 6 A. This one? 7 Q. So shortly after that time your shift 8 ended at about 11:30 p.m., right? 9 A. Yeah. 10 Q. Did you communicate with the charge nurse 11 on the next shift about Mr. Cruz? 12 A. Yes. 13 Q. And what did you tell them? 14 A. I can't recall. It's been a while, you 15 know, but I think I told her about what Mr. Cruz 16 was doing and that I gave him IM medication. 17 Q. Do you know who the charge nurse was on 18 the night shift? 19 A. I think it's Nurse "K". 20 Q. Do you know who Nurse "K" is? 21 A. Nurse "K" is the charge nurse, 22 Nurse Krzyzowski. She was a charge nurse for 23 the night shift, 11:00 to 7:00. 24 Q. Did you tell Nurse "K" that you had</p>	<p style="text-align: right;">Page 40</p> <p>1 from Cherri Krzyzowski? 2 A. Yes. 3 Q. Is that Nurse "K"? 4 A. Yes. 5 Q. Have you ever seen this E-mail from 6 Nurse "K" before? 7 A. No. 8 Q. Did you find out that she resigned from 9 Cermak in 2017? 10 A. I can't recall. 11 Q. Did you know that she stopped working at 12 the jail? 13 A. Pretty much, yeah. 14 Q. In this E-mail, Nurse "K" refers to 15 labored breathing in the patient's record, and says 16 that there was a failure to communicate that to 17 herself and other oncoming personnel? 18 A. I can't recall. 19 MR. RAGEN: I mean, you didn't ask your 20 question yet. You're talking about a document that 21 he has got nothing to do with. You're entitled to 22 ask, but go ahead. Ask the question. 23 BY MR. FLAXMAN: 24 Q. You can't recall if you communicated the</p>

<p style="text-align: right;">Page 41</p> <p>1 note of labored breathing to Nurse "K"?</p> <p>2 A. No, I can't recall.</p> <p>3 Q. Do you have any reason to dispute</p> <p>4 Nurse "K's" statement that you didn't communicate</p> <p>5 it to her?</p> <p>6 A. Like I said, it was communicated in the</p> <p>7 computer if she reads my note.</p> <p>8 Q. At this time -- in March of 2016 -- who</p> <p>9 was your manager?</p> <p>10 A. I think it was Madonna.</p> <p>11 Q. What's Madonna's last name?</p> <p>12 A. That's her last name -- Madonna.</p> <p>13 Q. Is it possible that her name is Madonna</p> <p>14 McKitis?</p> <p>15 A. Yeah, right, McKitis is her last name.</p> <p>16 MR. RAGEN: Objection, leading. I'm just</p> <p>17 kidding. It was totally appropriate. Withdraw the</p> <p>18 objection.</p> <p>19 BY MR. FLAXMAN:</p> <p>20 Q. When did you communicate with Madonna</p> <p>21 McKitis about issues that happened on your shifts?</p> <p>22 A. Sometimes.</p> <p>23 Q. When would you be responsible for</p> <p>24 communicating with her?</p>	<p style="text-align: right;">Page 43</p> <p>1 March of 2016?</p> <p>2 A. First floor.</p> <p>3 Q. What floor was 2-N located on?</p> <p>4 A. Repeat your question.</p> <p>5 Q. Was 2-N located on the second floor?</p> <p>6 A. Yeah -- yes.</p> <p>7 Q. Did you talk to any other personnel</p> <p>8 who were coming onto the shift after yours on</p> <p>9 March 19th, 2016 about Mr. Cruz?</p> <p>10 A. No, I can't recall that.</p> <p>11 Q. But you do recall talking to Nurse "K"?</p> <p>12 A. Right.</p> <p>13 Q. And do you recall talking to any</p> <p>14 correctional officers who were coming on the shift</p> <p>15 about Mr. Cruz?</p> <p>16 A. No.</p> <p>17 MR. FLAXMAN: I'm going to set up my computer</p> <p>18 to show a video, so it would be a good time to take</p> <p>19 a short break.</p> <p>20 THE VIDEOGRAPHER: Off the record. The time is</p> <p>21 2:18 p.m.</p> <p>22 (A short break was taken.)</p> <p>23 THE VIDEOGRAPHER: We are back on the record at</p> <p>24 2:23 p.m.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. You know, you have to understand that</p> <p>2 we have immediate supervisor apart from McKitis.</p> <p>3 McKitis is just a manager, you know, who is in</p> <p>4 charge of the unit. So immediate consent would be</p> <p>5 given to the immediate supervisor, the evening</p> <p>6 supervisor.</p> <p>7 Q. I'm sorry, the evening supervisor?</p> <p>8 A. Supervisor, right.</p> <p>9 Q. In March of 2016, who was that immediate</p> <p>10 supervisor?</p> <p>11 A. I can't recall.</p> <p>12 Q. Do you know who your immediate supervisor</p> <p>13 is now?</p> <p>14 A. Right, but we have a couple.</p> <p>15 Q. I'm sorry?</p> <p>16 A. We have a couple of evening supervisors.</p> <p>17 Q. So it would be a different person on</p> <p>18 different days?</p> <p>19 A. Yeah.</p> <p>20 Q. And how would you tell who your supervisor</p> <p>21 was on a given day?</p> <p>22 A. You can pretty much call the nursing</p> <p>23 office and find out who is in charge that evening.</p> <p>24 Q. Where was the nursing office located in</p>	<p style="text-align: right;">Page 44</p> <p>1 BY MR. FLAXMAN:</p> <p>2 Q. Can you see the screen in front of you?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recognize the area that's being</p> <p>5 shown on that screen?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. Two North.</p> <p>9 Q. And for the record, we're watching a video</p> <p>10 with the file name DIV8-Cermak-CAM 2.009 2 North</p> <p>11 Dayroom Rear_2016-03-19_18H00MIN00S000MS.G64.</p> <p>12 MR. RAGEN: Did he read that accurately?</p> <p>13 I mean, I want to make sure we run through that</p> <p>14 again.</p> <p>15 MR. FLAXMAN: Do you remember what I read?</p> <p>16 THE WITNESS: He has to repeat it before -- too</p> <p>17 many numbers.</p> <p>18 MR. RAGEN: I'll stipulate that if I have</p> <p>19 any -- as an attorney -- feelings that's not the</p> <p>20 file he's viewing, I will stop him. Continue.</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. Do you see that there's somebody seated at</p> <p>23 the desk in this picture?</p> <p>24 A. No, I didn't see.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q. Do you see somebody seated at the desk?</p> <p>2 A. Yeah, right.</p> <p>3 Q. Do you know who that is?</p> <p>4 A. That's the PCA.</p> <p>5 Q. Do you know her name?</p> <p>6 A. Ms. Lecorre.</p> <p>7 Q. Do you know how to spell that?</p> <p>8 A. L-e-c-o-r-r-e, Lecorre.</p> <p>9 Q. Is she seated at something called the</p> <p>10 nurses' station?</p> <p>11 A. Yeah -- yes.</p> <p>12 Q. Do you also work at the nurses' station</p> <p>13 when you're on shift?</p> <p>14 A. Yes.</p> <p>15 Q. What did you say Ms. Lecorre's title was?</p> <p>16 A. PCA.</p> <p>17 Q. What is a PCA?</p> <p>18 A. It's equivalent to a Certified Nursing</p> <p>19 Assistant.</p> <p>20 Q. Can a PCA take vital signs?</p> <p>21 A. Yes, they do.</p> <p>22 Q. Can they give medication?</p> <p>23 A. No.</p> <p>24 Q. Does an RN have to give medication?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Are you looking -- and I'm sorry, I don't</p> <p>2 know which direction I said. Are you looking to</p> <p>3 the left of where you're sitting in this picture or</p> <p>4 to the right?</p> <p>5 A. I'm looking to the left.</p> <p>6 Q. To the left, there's a standup stick on</p> <p>7 wheels that has something attached to it?</p> <p>8 A. Pardon me?</p> <p>9 Q. There's an apparatus that's on wheels?</p> <p>10 A. On my left, right?</p> <p>11 Q. Right. That's the medication cart?</p> <p>12 A. I don't know which one you're talking</p> <p>13 about, because there are two. One is vital signs</p> <p>14 equipment, and before that there's an old</p> <p>15 medication cart.</p> <p>16 MR. RAGEN: Do you mind if I --</p> <p>17 MR. FLAXMAN: Please.</p> <p>18 MR. RAGEN: I think he's saying, like do you</p> <p>19 see the one that has the yellow cooler that's to</p> <p>20 the left, that's the medication cart.</p> <p>21 MR. FLAXMAN: Okay.</p> <p>22 MR. RAGEN: And the one more proximal to him</p> <p>23 is what he's saying is the vital sign thing.</p> <p>24</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes.</p> <p>2 Q. We'll go back a sec because I think we</p> <p>3 just -- so the video is at six minutes, 0143. I'm</p> <p>4 going to zoom in. Up at the top there's somebody</p> <p>5 in a white lab coat. Do you recognize yourself</p> <p>6 walking into this screen?</p> <p>7 A. Yes.</p> <p>8 Q. And do you sit down at a computer at the</p> <p>9 nurses' station?</p> <p>10 A. Yes.</p> <p>11 Q. What's that computer for?</p> <p>12 A. The computer is a majority of our</p> <p>13 responsibilities.</p> <p>14 Q. Do you use that to make entries into</p> <p>15 medical charts?</p> <p>16 A. Right.</p> <p>17 Q. It looks like to your left there's a</p> <p>18 machine that's on wheels. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what that is?</p> <p>21 A. That's a medication cart. I mean, that</p> <p>22 used to be a medication cart.</p> <p>23 Q. That's not used anymore?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 48</p> <p>1 BY MR. FLAXMAN:</p> <p>2 Q. So the apparatus closest to you is the</p> <p>3 vital sign machine?</p> <p>4 A. Right.</p> <p>5 Q. And that's used to take vital signs of</p> <p>6 detainees?</p> <p>7 A. We use manual one, and then the machine</p> <p>8 like that.</p> <p>9 Q. Would that be wheeled into a patient's</p> <p>10 room to take vital signs?</p> <p>11 A. If you have to take that, yes. Excuse me,</p> <p>12 the timing on the video it's not military time.</p> <p>13 It's saying 6:01. I don't know.</p> <p>14 Q. This video purports to be at 6:01 p.m.</p> <p>15 A. Okay, because it says 06.</p> <p>16 Q. It's got a p.m. It's confusing because</p> <p>17 the file name at the top starts at 18.</p> <p>18 A. Right.</p> <p>19 Q. I'm going to skip ahead to 9:07:18. Can</p> <p>20 you see yourself there sitting at the same computer</p> <p>21 as before?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see there's two people talking on</p> <p>24 the left-hand side of the screen?</p>

<p style="text-align: right;">Page 49</p> <p>1 A. Yes.</p> <p>2 Q. One of them is in a beige short-sleeved</p> <p>3 shirt?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know who that is?</p> <p>6 A. No.</p> <p>7 Q. Then a man in a button-down shirt. Do you</p> <p>8 know who that is?</p> <p>9 A. No, it's too dark. I can't see.</p> <p>10 MR. RAGEN: I mean, it is dark. There might be</p> <p>11 a better angle later on, you know.</p> <p>12 BY MR. FLAXMAN:</p> <p>13 Q. We talked before about speaking to</p> <p>14 Dr. Paschos by phone?</p> <p>15 A. Right.</p> <p>16 Q. Do you know how many phones there are at</p> <p>17 the nurses' station?</p> <p>18 A. I think we have like four, five.</p> <p>19 Q. Okay. Did you see the officer who just</p> <p>20 walked to the nurses' station -- pausing it at</p> <p>21 9:08:19?</p> <p>22 A. Are you talking about the officer close to</p> <p>23 the door?</p> <p>24 MR. RAGEN: No, I think he's talking about the</p>	<p style="text-align: right;">Page 51</p> <p>1 BY MR. FLAXMAN:</p> <p>2 Q. And is he the officer -- no, it looks like</p> <p>3 there's an African-American and a white officer by</p> <p>4 the cell door?</p> <p>5 A. Uh-huh, the African-American that's</p> <p>6 walking right now.</p> <p>7 MR. RAGEN: That's Colier, right?</p> <p>8 THE WITNESS: That's Colier, right.</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. And do you know the name of the white</p> <p>11 officer who's near Officer Colier?</p> <p>12 A. No.</p> <p>13 Q. Now the first officer I asked about, did</p> <p>14 you see him pick up a telephone?</p> <p>15 A. No.</p> <p>16 Q. You didn't see that?</p> <p>17 A. Uh-uh.</p> <p>18 Q. Sir, are you able to see yourself here</p> <p>19 working at the computer? It's not too dark.</p> <p>20 A. Yes.</p> <p>21 Q. We're at 9:08 and 12 seconds. Here's that</p> <p>22 officer who walked up to the nurses' station again.</p> <p>23 A. Uh --</p> <p>24 MR. RAGEN: He hasn't asked the question yet.</p>
<p style="text-align: right;">Page 50</p> <p>1 one that's --</p> <p>2 THE WITNESS: The one at the counter?</p> <p>3 MR. RAGEN: Yeah, leaning over.</p> <p>4 THE WITNESS: Yeah, I see that.</p> <p>5 MR. RAGEN: And, Joel, if you ever find my</p> <p>6 talking not helpful, just tell me. Okay?</p> <p>7 BY MR. FLAXMAN:</p> <p>8 Q. I'm starting it at 9:08:06, and there's</p> <p>9 an officer walking towards the nurses' station.</p> <p>10 Do you see that?</p> <p>11 A. Yeah, I see that.</p> <p>12 Q. Do you know that officer's name?</p> <p>13 A. No.</p> <p>14 Q. Do you know who that officer was calling?</p> <p>15 A. Yeah, right.</p> <p>16 Q. I'm sorry?</p> <p>17 A. I see Officer Colier.</p> <p>18 Q. Who is that?</p> <p>19 A. Officer Colier is the one close to the</p> <p>20 door on the other side.</p> <p>21 THE REPORTER: Officer --</p> <p>22 MR. FLAXMAN: Can you spell that?</p> <p>23 THE WITNESS: C-o-l-i-e-r.</p> <p>24</p>	<p style="text-align: right;">Page 52</p> <p>1 Wait for the question.</p> <p>2 BY MR. FLAXMAN:</p> <p>3 Q. Do you know that officer's name?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you know the name of the woman</p> <p>6 he's talking to?</p> <p>7 A. Yeah, that's PCA Lecorre, I think.</p> <p>8 Q. Can you see that officer is talking on the</p> <p>9 phone now?</p> <p>10 A. I didn't see no phone, so I can't say.</p> <p>11 I have a feeling that he's talking to Lecorre.</p> <p>12 Q. Can you see yourself here at the computer?</p> <p>13 A. Yeah, I see myself.</p> <p>14 Q. What about 9:08 and 45 seconds? I see you</p> <p>15 picking up a phone. Do you see that?</p> <p>16 A. Okay.</p> <p>17 Q. Do you have any idea who you were calling?</p> <p>18 A. I can't see I'm picking up the phone.</p> <p>19 There are too many things around the area at that</p> <p>20 time.</p> <p>21 Q. You can't see that you're talking on the</p> <p>22 phone there?</p> <p>23 A. Are you talking about me?</p> <p>24 Q. Yes, sir.</p>

<p style="text-align: right;">Page 53</p> <p>1 A. No, I'm not talking -- oh, yeah. Okay.</p> <p>2 I see me with the phone now, right.</p> <p>3 Q. Do you know who you were talking to?</p> <p>4 A. No, no.</p> <p>5 Q. I'm skipping ahead to 9:17 p.m. Do you</p> <p>6 still see Officer Sprague standing back there? I'm</p> <p>7 sorry, do you see Jason Sprague walking over to the</p> <p>8 phone?</p> <p>9 A. Yes, I see him.</p> <p>10 Q. Do you see that he's talking on the phone</p> <p>11 now?</p> <p>12 A. Right.</p> <p>13 Q. I'm pausing it at 9:17:30. Do you know</p> <p>14 who Mr. Sprague was talking to?</p> <p>15 A. Probably. I'm not sure, maybe</p> <p>16 Dr. Paschos.</p> <p>17 Q. Okay. I'll skip ahead to about 9:20.</p> <p>18 So I'm at 9:20 and about 50 seconds. Do you see</p> <p>19 that Jason Sprague is still on the phone?</p> <p>20 A. Yes.</p> <p>21 Q. Did you see where you are in this picture?</p> <p>22 A. Pardon me?</p> <p>23 Q. Do you see where you are in this video?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 55</p> <p>1 anything that you said to Dr. Paschos?</p> <p>2 A. I can't recall, you know.</p> <p>3 Q. Do you recall anything else that</p> <p>4 Dr. Paschos said to you?</p> <p>5 A. Like I said, I think this is a situation</p> <p>6 when Mr. Sprague talked to Dr. Paschos, and they</p> <p>7 hand me the phone and Dr. Paschos give me that too,</p> <p>8 give me his p.r.n.</p> <p>9 Q. At this time where Jason Sprague gave the</p> <p>10 phone to you and you were talking to Dr. Paschos,</p> <p>11 had you observed Mr. Cruz?</p> <p>12 A. Like I said, we have a three-tier</p> <p>13 observation. You could see the officers walking</p> <p>14 around monitoring everybody. Where I'm sitting, I</p> <p>15 can see Mr. Cruz in his room.</p> <p>16 Q. Because from your chair at the nurses'</p> <p>17 station --</p> <p>18 A. From my chair, yeah because he was</p> <p>19 directly placed --</p> <p>20 Q. Let me just ask the whole question. From</p> <p>21 your chair at the nursing station, you were able to</p> <p>22 see through the window to his cell?</p> <p>23 A. Right.</p> <p>24 Q. That's because his cell is the one that we</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. Where are you?</p> <p>2 A. I don't know. I'm far away from the room</p> <p>3 there.</p> <p>4 Q. It looks to me that you're up in the top</p> <p>5 right looking at the television, is that right?</p> <p>6 A. Uh-huh, yes.</p> <p>7 Q. Do you see yourself there?</p> <p>8 A. Yeah, around there.</p> <p>9 Q. Do you remember what you were watching on</p> <p>10 TV?</p> <p>11 A. I don't know.</p> <p>12 MR. RAGEN: For the record, now it's 9:21 and</p> <p>13 12 seconds. He's not watching TV. He's walking</p> <p>14 back.</p> <p>15 BY MR. FLAXMAN:</p> <p>16 Q. That's my next question. Is that correct,</p> <p>17 you're walking back now?</p> <p>18 A. Yes.</p> <p>19 Q. Pausing it here at 9:21:22 seconds. Did</p> <p>20 you just pick up the phone?</p> <p>21 A. Yeah.</p> <p>22 Q. Were you talking to Dr. Paschos now?</p> <p>23 A. Yes.</p> <p>24 Q. Does watching the video help you remember</p>	<p style="text-align: right;">Page 56</p> <p>1 can see that's directly across?</p> <p>2 A. His cell was where Mr. Sprague and Colier</p> <p>3 walked into so --</p> <p>4 Q. Do you recall if you had observed Mr. Cruz</p> <p>5 before speaking on the phone to Dr. Paschos.</p> <p>6 MR. RAGEN: Could we have the record read back,</p> <p>7 please.</p> <p>8 (Record read as requested.)</p> <p>9 THE WITNESS: I believe that he must be banging</p> <p>10 his head around that time.</p> <p>11 BY MR. FLAXMAN:</p> <p>12 Q. And you were able to observe that from the</p> <p>13 nurses' station?</p> <p>14 A. I could. I heard the sounds and</p> <p>15 everything.</p> <p>16 Q. Were you able to observe that he had</p> <p>17 labored breathing from the nurses' station?</p> <p>18 A. Like I said, it was breathing on exertion</p> <p>19 due to all his physical hyperactivity. Labored</p> <p>20 breathing can be severe and nonsevere -- nonsevere</p> <p>21 in terms of fast breathing. I observed him,</p> <p>22 Mr. Cruz, no chest -- he complained to me about no</p> <p>23 chest pain. He has no shortness of breath.</p> <p>24 Mr. Cruz has no other signs and symptoms other</p>

<p style="text-align: right;">Page 57</p> <p>1 than fast breathing.</p> <p>2 Q. How did you observe that he had fast</p> <p>3 breathing?</p> <p>4 A. From where I'm sitting and with me walking</p> <p>5 around, after these physical activities that he was</p> <p>6 doing I could see him, you know, what I considered</p> <p>7 fast breathing.</p> <p>8 Q. In this picture, did you see Jason Sprague</p> <p>9 walking towards the cell?</p> <p>10 A. Yeah, I see.</p> <p>11 Q. Is that Mr. Cruz's cell?</p> <p>12 A. Yes, I believe so.</p> <p>13 Q. We'll speed up the time. We're at</p> <p>14 9:23 and 30 seconds. I just paused it about</p> <p>15 9:25:14 seconds. Do you see yourself taking notes</p> <p>16 on the table?</p> <p>17 A. I can see myself, but I don't know what</p> <p>18 about.</p> <p>19 Q. I'm sorry?</p> <p>20 A. I don't know what the notes is all about.</p> <p>21 Q. You don't know what the notes say?</p> <p>22 A. No, I can't recall.</p> <p>23 Q. Do you know what you did with those notes?</p> <p>24 A. I can't recall.</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. They're looking in Mr. Cruz's cell?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know if he was still banging his</p> <p>4 head at that point?</p> <p>5 A. He's drawing a lot of attention, so I</p> <p>6 believe maybe he was banging his head.</p> <p>7 Q. You just walked back to the nurses'</p> <p>8 station. Are you getting some medication for</p> <p>9 Mr. Cruz now?</p> <p>10 A. I must be getting maybe the IM syringe or</p> <p>11 something.</p> <p>12 MR. RAGEN: When you say IM, do you mean</p> <p>13 intramuscular?</p> <p>14 THE WITNESS: Intramuscular syringe.</p> <p>15 MR. FLAXMAN: Thank you.</p> <p>16 BY MR. FLAXMAN:</p> <p>17 Q. It looks like there's three officers by</p> <p>18 the cell door. Do you know those officers' names?</p> <p>19 A. No.</p> <p>20 MR. RAGEN: Well, one is Colier, you said?</p> <p>21 THE WITNESS: Right, I see Colier, right.</p> <p>22 MR. RAGEN: Again, if you want me to stop, I'll</p> <p>23 stop.</p> <p>24 MR. FLAXMAN: That's fine.</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Just pause it at about 9:25:36. Did you</p> <p>2 hang up the phone there?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who you're talking to right</p> <p>5 now?</p> <p>6 A. Probably the officers.</p> <p>7 Q. Any idea what you're talking to them</p> <p>8 about?</p> <p>9 A. Not yet.</p> <p>10 Q. Not yet?</p> <p>11 A. I can't recall now until I see some</p> <p>12 actions on the part of the officers.</p> <p>13 Q. Okay. Do you know what you're talking to</p> <p>14 Jason Sprague about?</p> <p>15 A. Yeah, I'm talking to everybody the way I</p> <p>16 look.</p> <p>17 MR. RAGEN: He's asking do you know what you're</p> <p>18 talking about.</p> <p>19 THE WITNESS: No, no.</p> <p>20 BY MR. FLAXMAN:</p> <p>21 Q. I'm skipping ahead. The video is now at</p> <p>22 about 9:40 and 55 seconds. Do you see those</p> <p>23 officers looking into a cell door?</p> <p>24 A. Uh-huh.</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MR. FLAXMAN:</p> <p>2 Q. The officer that has his hand on the door,</p> <p>3 that's Officer Colier?</p> <p>4 A. Yeah.</p> <p>5 Q. And there's a white officer who has a bald</p> <p>6 head. You don't know his name?</p> <p>7 A. Uh-uh.</p> <p>8 Q. Is that a no?</p> <p>9 A. No.</p> <p>10 Q. Do you know what he's holding?</p> <p>11 A. Can you repeat that, please?</p> <p>12 Q. The white officer with a bald head looks</p> <p>13 like he's holding a blanket. Do you know what that</p> <p>14 is?</p> <p>15 A. No.</p> <p>16 Q. Do you know what a safety smock is?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know what a safety blanket is?</p> <p>19 A. Yes.</p> <p>20 Q. What's a safety smock?</p> <p>21 A. A safety smock, when a patient proceeds</p> <p>22 danger to themselves, I would place them on close</p> <p>23 observation. And when you place them on close</p> <p>24 observation, they may have like instructions. We</p>

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1 either place them in safety smocks or safety
 2 blanket. This is done when a patient has bed
 3 sheets they can use to hang themselves or do other
 4 things to hurt themselves. So the safety smock,
 5 you can't tear it like an ordinary bed sheet. So
 6 the doctor must have put that there -- safety smock
 7 and safety blanket -- just for his own safety.
 8 Q. So I'm back at 9:41:31. Do you see the
 9 white officer with the shaved head?
 10 A. Yes, I see.
 11 Q. He just put on rubber gloves. Do you see
 12 that?
 13 A. Yes.
 14 Q. Now he's picking something up. Is that a
 15 safety blanket?
 16 A. It looks like it.
 17 Q. I'm right about 9:42. Do you see yourself
 18 entering the cell?
 19 A. Yes.
 20 Q. And Jason Sprague is out there holding the
 21 door?
 22 A. Right.
 23 MR. RAGEN: Now it appears that Jason Sprague
 24 is in the room with you?

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1 THE WITNESS: Yes.
 2 BY MR. FLAXMAN:
 3 Q. Do you remember yourself speaking to
 4 Mr. Sprague when you were in Mr. Cruz's cell?
 5 A. No, I can't recall.
 6 Q. Was it at this time when you were in the
 7 cell that Mr. Cruz told you I want to see my
 8 family?
 9 A. I can't recall, but I believe it was maybe
 10 before then.
 11 Q. You think before you entered the cell he
 12 told you that?
 13 A. Yeah.
 14 Q. Could you hear him when you were sitting
 15 at the nurses' station?
 16 A. No, no, no. You remember there was a
 17 phone call. I was pretty close to his cell.
 18 Q. He may have told you that even earlier?
 19 A. Right.
 20 Q. I see. We are at 9:42:50 seconds. Do you
 21 see Jason Sprague exit the cell followed by you?
 22 A. Right. I want to mention a correction.
 23 Q. Please.
 24 A. I don't recall when he told me about his

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1 family. I can't recall.
 2 MR. RAGEN: Did you get that?
 3 THE REPORTER: Uh-huh.
 4 BY MR. FLAXMAN:
 5 Q. I just want to ask you about where you're
 6 going. Is that is a medical waste disposal?
 7 A. Right.
 8 Q. Is that where you would put a syringe
 9 after giving medication?
 10 A. Right.
 11 Q. After this -- after when you went into
 12 Mr. Cruz's cell, did you go into his cell again on
 13 this shift?
 14 A. No. What I observed after this was that
 15 Mr. Cruz was calm. He wasn't doing the activities
 16 no more. The medication took effect. I mean, he
 17 was calm.
 18 Q. And did you observe that from the nurses'
 19 station?
 20 A. We walk around, and I can see from the
 21 nurses' station too. Before I left the unit, we
 22 give him some warmth, which means we covered him
 23 with the safety blanket.
 24 Q. You said you gave him some warmth?

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1 A. I meant we gave him the blanket to give
 2 him some warmth --
 3 Q. I see. I understand.
 4 A. Because Mr. Cruz was naked, you know,
 5 while he was jumping out of his bed, you know,
 6 lying on the floor and all that.
 7 Q. And you gave him the blanket during this
 8 time that we just watched when you entered the
 9 cell?
 10 A. We made sure we put him in the safety
 11 smock, and while he was laying down we covered him
 12 with the safety blanket.
 13 Q. And that was during the time --
 14 A. After he was medicated.
 15 Q. I'm sorry, let me start the question.
 16 That was around the time that you
 17 medicated him -- after you medicated him?
 18 A. After I medicated him, right.
 19 Q. And you didn't return to his cell to put
 20 the blanket --
 21 A. No.
 22 Q. Let me ask the whole question.
 23 You didn't put the blanket on him later,
 24 correct?

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1 A. I don't recall.
 2 Q. Did you ever monitor Mr. Cruz by video?
 3 A. In the nurses' station we have cameras
 4 that we can see what they're doing.
 5 Q. Do you know if you ever used that to
 6 observe Mr. Cruz?
 7 A. Sometimes.
 8 Q. Do you know if on March 19, 2016 you used
 9 those video cameras to observe Mr. Cruz?
 10 A. I can't recall that time.
 11 MR. FLAXMAN: Right. Okay, I don't have any
 12 other questions.
 13 MR. RAGEN: Could we take a break?
 14 THE VIDEOGRAPHER: Off the record. The time is
 15 2:53 p.m.
 16 (A short break was taken.)
 17 THE VIDEOGRAPHER: We are going back on the
 18 record. The time is 2:56 p.m.
 19 EXAMINATION
 20 BY MR. RAGEN:
 21 Q. How long have you been a nurse that has
 22 cared for patients who may become involuntarily
 23 restrained?
 24 A. Over 21 years.

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1 Q. Okay. And as of March 2016, do you feel
 2 that you were competent to treat patients who were
 3 involuntarily restrained?
 4 A. Yes.
 5 Q. Can you tell me all the reasons why you
 6 feel you were competent to treat patients with
 7 restraints in March 2016?
 8 A. I observed other coworkers, you know,
 9 putting people on restraints. I placed over 2000
 10 patients on restraints in my career.
 11 Q. Would you say of all the nurses in the
 12 United States, are you on the top one percent in
 13 terms of how many times you placed a patient in
 14 restraints and seeing how many times people have
 15 been restrained by other people?
 16 A. Yes.
 17 MR. FLAXMAN: Objection, foundation.
 18 BY MR. RAGEN:
 19 Q. And so would you say you learned from
 20 other nurses and other mental health techs when you
 21 observed them employ restraints?
 22 A. Yes.
 23 Q. And from time to time are psychiatrists
 24 involved in the implementation of restraints?

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1 A. Yes.
 2 Q. Would you say you learned from
 3 psychiatrists in the implementation of restraints?
 4 A. Yes.
 5 Q. Also, when you cared for Mr. Cruz --
 6 particularly at any point in time when you were
 7 caring for Mr. Cruz, was he ever retrained?
 8 A. Not -- no.
 9 Q. We talked at some length about taking
 10 vitals on patients?
 11 A. Yes.
 12 Q. If a patient is non -- does not have any
 13 medical reason to have vitals taken, do vitals need
 14 to be taken?
 15 A. Yes.
 16 Q. They still need to be taken?
 17 A. Yes.
 18 Q. Counsel asked you a little bit about what
 19 a future healthcare practitioner who took care of
 20 Mr. Cruz could have known. Do you remember he was
 21 talking about Cherri Krzyzowski particularly?
 22 A. Repeat your question.
 23 Q. Do you remember he was talking to you
 24 about what Cherri Krzyzowski may or may not know?

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1 Do you remember that? Didn't he send you an E-mail
 2 which contained information about what Cherri
 3 Krzyzowski may or may not know?
 4 A. Oh, in this, yes.
 5 Q. Yeah. I mean, he asked you about what
 6 Cherri Krzyzowski may or may not know, right?
 7 MR. FLAXMAN: I object to the characterization
 8 of the question.
 9 MR. RAGEN: Well, we can go back in the
 10 transcript but --
 11 BY MR. RAGEN:
 12 Q. Did he ask you about what Cherri
 13 Krzyzowski's opinion was of the documentation of
 14 what Mr. Cruz was?
 15 A. Yes, he did.
 16 Q. Okay. And is in part -- this is Exhibit 2
 17 that Mr. Flaxman gave you. Do you remember that?
 18 A. Yes.
 19 Q. And does it say under the assessment
 20 patient was banging his head and exhibiting labored
 21 breathing? Does it say that?
 22 A. Yes.
 23 Q. This was entered at the latest 21:51 on
 24 March 9th, 2016?

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1 A. Yes.
 2 Q. So anyone who was caring for this patient
 3 who had occasion to look at the medical records
 4 would know that you saw that he exhibited labored
 5 breathing?
 6 MR. FLAXMAN: Objection, foundation.
 7 THE WITNESS: Yes.
 8 BY MR. RAGEN:
 9 Q. And you attributed his labored breathing
 10 to his hyperactivity?
 11 A. It was induced by his hyperactivity.
 12 MR. RAGEN: No further questions.
 13 MR. FLAXMAN: For the record, that was
 14 Exhibit A2.
 15 Counsel, any questions?
 16 MS. HAIDARI: I have no questions.
 17 FURTHER EXAMINATION
 18 BY MR. FLAXMAN:
 19 Q. When you come on a new shift, is it your
 20 practice to review the charts of the patients on
 21 the tier?
 22 A. Could you repeat your question.
 23 MR. FLAXMAN: Could you read it back, please.
 24 (Record read as requested.)

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1 THE WITNESS: Yes.
 2 BY MR. FLAXMAN:
 3 Q. You look at everything in every chart?
 4 A. Pretty much.
 5 Q. When I said chart, I was referring to
 6 extensive medical records of each person.
 7 A. Not extensive but --
 8 Q. What do you review?
 9 A. We review -- a majority of the time the
 10 charge nurse will give you the unit report. Some
 11 things always stand out, like some patients, the
 12 way they are behaving or --
 13 Q. I'm sorry, I misunderstood the last thing
 14 you said.
 15 A. I said some things stand out, you know,
 16 like what happened on the previous shift. Some
 17 nurse can tell you blah-blah-blah, you know, John
 18 Doe was doing this and all that, so it motivates
 19 you to look for all that.
 20 Q. But if you didn't learn something from the
 21 previous charge nurse, there wouldn't be any reason
 22 for you to look at nurse notes --
 23 A. No, I could sometimes, you know, on my own
 24 time.

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1 Q. You could?
 2 A. Yeah, on my own time.
 3 Q. You could, but you wouldn't do that
 4 automatically?
 5 A. I do that sometimes.
 6 Q. You look at every nursing note?
 7 A. Not every. I pick some patients and I
 8 look at what they are doing previously.
 9 Q. And how do you pick those?
 10 A. Just for my own -- since we work eight
 11 hours, it's pretty much you can always follow up on
 12 the problematic patients on the unit.
 13 Q. And that's based on the report you get
 14 from the charge nurse?
 15 A. Like I said, every eight hours we work
 16 with them. We know who are problematic, so
 17 sometimes we follow to see what they are doing.
 18 Q. My confused question at the beginning was
 19 do you look at the whole medical record of each
 20 patient on your tier. You don't do that, right?
 21 A. The only way I can look at all the
 22 complete medical records of the patient is maybe
 23 when I'm admitting them.
 24 Q. But when you're coming on a new shift, you

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1 wouldn't have time to look at everyone's complete
 2 records?
 3 A. At some point, unless you admit them. A
 4 majority of the time I see how they've been
 5 behaving before they come to the unit.
 6 Q. So if they're admitted from a different
 7 part of the jail you're talking about?
 8 A. Yeah, yeah, like maybe receiving or
 9 somewhere.
 10 Q. But for somebody who's not being admitted,
 11 things are different?
 12 A. Sometimes too I look at problematic
 13 patients on the unit.
 14 MR. FLAXMAN: Okay, I understand. Thank you.
 15 FURTHER EXAMINATION
 16 BY MR. RAGEN:
 17 Q. The only other thing that I would ask is
 18 if you decide to look at a medical record of a
 19 patient you're looking at, would one of the first
 20 things you look at be the most recent nurse's
 21 notes --
 22 MR. FLAXMAN: Objection --
 23 THE WITNESS: That's what I was telling him.
 24 MR. RAGEN: Let me finish the question.

<p style="text-align: right;">Page 73</p> <p>1 BY MR. RAGEN:</p> <p>2 Q. If you have occasion to look at a medical</p> <p>3 record, would some of the most likely things you'd</p> <p>4 look at be the most recent nurse's note and/or the</p> <p>5 psychiatrist's note?</p> <p>6 MR. FLAXMAN: Objection, leading.</p> <p>7 THE WITNESS: Yes, yes.</p> <p>8 MR. FLAXMAN: Thank you for your time.</p> <p>9 THE REPORTER: Signature?</p> <p>10 MR. RAGEN: We should reserve that too.</p> <p>11 THE VIDEOGRAPHER: Off the record at 3:03 p.m.</p> <p>12 (The deposition concluded</p> <p>13 at 3:03 p.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 75</p> <p>1 STATE OF ILLINOIS)</p> <p>2) SS:</p> <p>3 COUNTY OF C O O K)</p> <p>4 I, Frances S. Lucente, an Officer of the</p> <p>5 Court and a Notary Public of the State of Illinois,</p> <p>6 do hereby certify that heretofore, to-wit, on</p> <p>7 January 3, 2020, personally appeared before me, at</p> <p>8 2650 S. California, 11th Floor, Chicago, Illinois,</p> <p>9 AUGUSTUS ALABI, R.N., in a cause now pending and</p> <p>10 undetermined in the U.S. District Court, wherein</p> <p>11 LETICIA VARGAS, Administrator of the Estate of</p> <p>12 ANGEL CRUZ is the Plaintiff, and SHERIFF OF COOK</p> <p>13 COUNTY, COUNTY OF COOK, AUGUSTUS ALABI, AVIS</p> <p>14 CALHOUN, LORRAINE CHATMAN, ANITA JOHNSON, HELEN</p> <p>15 KANEL, CHERRI KRZYZOWSKI, ELIZABETH P. LASSEN,</p> <p>16 MANUEL MANALASTAS, DR. STEVE PASCHOS, JASON SPRAGUE</p> <p>17 and JARUWAN SUPASANGUAN are the Defendants.</p> <p>18 I further certify that the said witness</p> <p>19 was first duly sworn to testify the truth, the</p> <p>20 whole truth and nothing but the truth in the cause</p> <p>21 aforesaid; that the testimony then given by said</p> <p>22 witness was reported stenographically by me in the</p> <p>23 presence of the said witness, and afterwards</p> <p>24 reduced to digital format by Computer-Aided</p>
<p style="text-align: right;">Page 74</p> <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 LETICIA VARGAS,)</p> <p>Administrator of the)</p> <p>5 Estate of ANGEL CRUZ,)</p> <p>)</p> <p>6 Plaintiff,)</p> <p>vs.) No. 18 CV 1865</p> <p>7)</p> <p>8 SHERIFF OF COOK COUNTY,)</p> <p>9 COUNTY OF COOK, AUGUSTUS)</p> <p>ALABI, AVIS CALHOUN,)</p> <p>10 LORRAINE CHATMAN, ANITA)</p> <p>JOHNSON, HELEN KANEL,)</p> <p>11 CHERRI KRZYZOWSKI,)</p> <p>ELIZABETH P. LASSEN,)</p> <p>12 MANUEL MANALASTAS,)</p> <p>DR. STEVE PASCHOS,)</p> <p>13 JASON SPRAGUE and)</p> <p>JARUWAN SUPASANGUAN,)</p> <p>14)</p> <p>Defendants.)</p> <p>15 This is to certify that I have read the</p> <p>16 transcript of my deposition taken in the</p> <p>above-entitled cause by FRANCES S. LUCENTE,</p> <p>17 Certified Shorthand Reporter, on January 3, 2020,</p> <p>and that the foregoing transcript accurately states</p> <p>18 the questions asked and the answers given by me as</p> <p>they now appear.</p> <p>19</p> <p>20 AUGUSTUS ALABI, M.D.</p> <p>21 SUBSCRIBED AND SWORN TO</p> <p>22 Before me this _____, day</p> <p>23 of _____ 2020.</p> <p>24 _____</p> <p>Notary Public</p>	<p style="text-align: right;">Page 76</p> <p>1 Transcription, and the foregoing is a true and</p> <p>2 correct transcript of the testimony so given by</p> <p>3 said witness as aforesaid.</p> <p>4 I further certify that the signature to</p> <p>5 the foregoing deposition was not waived by counsel</p> <p>6 for the respective parties.</p> <p>7 I further certify that the taking of this</p> <p>8 deposition was pursuant to notice, and that there</p> <p>9 were present at the deposition the attorneys</p> <p>10 hereinbefore mentioned.</p> <p>11 I further certify that I am not counsel</p> <p>12 for nor in any way related to the parties to this</p> <p>13 suit, nor am I in any way interested in the outcome</p> <p>14 thereof.</p> <p>15 IN TESTIMONY WHEREOF: I have hereunto set</p> <p>16 my verified digital signature this 6th day of</p> <p>17 January, 2020.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Illinois Certified Shorthand Reporter</p> <p>24</p>

1 McCORKLE LITIGATION SERVICES, INC.
2 200 North LaSalle Street, Suite 2900
3 Chicago, Illinois 60601-2956
4 (312) 263-0052

5 January 6, 2020

6 COOK COUNTY STATE'S ATTORNEY,
7 ATTN: MR. WILLIAM R. RAGEN
8 302 Richard J. Daley Center
9 Chicago, Illinois 60602

10 IN RE: VARGAS vs. SHERIFF OF COOK COUNTY, ET AL

11 COURT NUMBER: 18 CV 1865

12 DATE TAKEN: 01/03/2020

13 DEPONENT: AUGUSTUS ALABI, R.N.

14 Dear Mr. Ragen:

15 Enclosed is the deposition transcript for the
16 aforementioned deponent in the above-entitled
17 cause. Also enclosed are additional signature
18 pages, if applicable, and errata sheets.

19 Per your agreement to secure signature, please
20 submit the transcript to the deponent for review
21 and signature. All changes or corrections must be
22 made on the errata sheets, not on the transcript
23 itself. All errata sheets should be signed and all
24 signature pages need to be signed and notarized.
25 After the deponent has completed the above, please
26 return all signature pages and errata sheets to me
27 at the above address, and I will handle
28 distribution to the respective parties.

29 If you have any questions, please call me at the
30 above phone number.

31 Sincerely,

32 Cindy Alicea Court Reporter:
33 Signature Department Frances S. Lucente, CSR
34 cc: Joel Flaxman, Esq.

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