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**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*
05/17/2016
Clerk of the Court
BY: EDWARD SANTOS
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

AARON ABEL,

Plaintiff,

v.

1979 UNION STREET CORPORATION;
HO BET LEE, LAI FONG LEE, AND
LEO MING LEE, as co-trustees of the
Generation-Skipping Trust established
under the HOM HON PING AND KAI
TAI LEE REVOCABLE TRUST U/A
dated December 2, 1976, as amended May
10, 1989; MAY LEE; LEO M. LEE; LEO
Y. LEE; and DOES 1 to 50, inclusive,

Defendants.

CASE NO. CGC-15-543471

**TRANSCRIPT OF RECORDING OF
DEFENSE PHYSICAL EXAMINATION OF
APRIL 15, 2016 IN OPPOSITION TO
DEFENDANT'S MOTION TO COMPEL
PHYSICAL EXAMINATION AND FOR
SANCTIONS [C.R.C. 2.1040, subd. (b).]**

Date: May 24, 2016
Time: 9:30 a.m.
Dept.: 302
Judge: Hon. Harold E. Kahn

Action Filed: January 2, 2015
Trial Date: July 5, 2016

AND RELATED CROSS-ACTIONS

Pursuant to Rule 2.1040, subdivision (b) of the California Rules of Court, Plaintiff submits the following transcript of the audio recording submitted as Exhibit B to the Declaration of Gordon Lundy, M.D., which was filed in support of Defendant's motion to compel Plaintiff to attend a physical examination and for sanctions. The undersigned prepared the below transcript based on the audio recording of the April 15, 2016 physical examination.

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TRANSCRIPT

JOSEPH MAY [JM]: Okay, this is Joseph May. It's April 15th. This is the defense medical exam with Dr. Gordon Lundy. I'm recording the exam. Would you just state your name and confirm that you – I have consent.

GORDON LUNDY, M.D. [GL]: Gordon Lundy. We're consenting adults.

AARON ABEL [AA]: Aaron Abel. I consent.

JM: Thank you.

GL: I just need to check your ID just to confirm [unintelligible]

AA: Sure, I have my wallet right here.

GL: [unintelligible] Thank you. Great year, '85.

AA: A fine wine.

GL: The year I graduated med school. Actually, it was an internship so it was a [unintelligible] year.

GL: Alright, let me tell you what I do, and what we'll try to do today. I'm an orthopedic surgeon so I take care of people with broken bones, arthritis, sprains and strains, and things of that nature. In this setting I'm not asked to be your treating doctor but rather provide an opinion. So, essentially what I'll ask you to do is tell me what's happened leading to your – leading to your being here today, if there's been an event or series of events, accident, et cetera. Um, I don't expect you to remember every date, every meeting, things like that; hopefully records will be provided to me and that's where we'll get those from, but I want to get a framework of what's going on.

Sometimes there are things that are more recent or are not in the records [unintelligible], so what I'll ask you to do is kind of take me from the beginning, tell me what's happened in terms of symptoms you've had, testing, treatment, and then bring me up to the present time, we'll talk about what's going on now. And then we'll do an exam from an orthopedic perspective. As I said, if records are available, those should be provided to me, and any x-rays, imaging studies, things like that.

1 JM: And I'm just going to step in; we made a written response to the notice, indicating
2 that an oral history would not be given, and there's some law on that and –

3 GL: You can talk to the other lawyer about that but I always take a history.

4 JM: Okay, so, the history of the incident was gone into at the deposition, which you'll
5 have access to. The medical records will be provided to you. So this – the way we see it is this
6 isn't an opportunity to have another deposition. He will answer questions regarding current
7 condition, complaints, symptoms, things like that. He can answer questions about the mechanism
8 of injury. But the actual circumstances, events, and history of treatment we're not going to
9 answer here today.

10 GL: So I'm to assume that the other attorney anticipated everything that I would
11 anticipate and ask about.

12 JM: In fact, I have the written papers if you care to look at them –

13 GL: Well, no, no, I've got to talk to the other attorney because that's – I've done this for
14 years and I always take a history, so . . . we'll either go ahead or we'll be done shortly.

15 JM: Okay, thank you.

16 [Sound of door closing]

17 DATED: May 17, 2016

LAW OFFICE OF JOSEPH S. MAY

20 /s/ Joseph S. May

21 JOSEPH S. MAY, Attorney for
22 Plaintiff AARON ABEL

Aaron Abel v. 1979 Union Street Corp.
San Francisco Superior Court
Case No. CGC-15-543471

PROOF OF SERVICE

I, Joseph S. May, certify:

I am, and at all times mentioned herein was, an active member of the State Bar of California and not a party to the above-entitled cause. My business address is 1388 Sutter Street, Suite 810, San Francisco, California.

I served the attached **TRANSCRIPT OF RECORDING OF DEFENSE PHYSICAL EXAMINATION OF APRIL 15, 2016 IN OPPOSITION TO DEFENANT'S MOTION TO COMPEL PHYSICAL EXAMINATION AND FOR SANCTIONS [C.R.C. 2.1040, subd. (b).]** on May 17, 2016, by causing a copy thereof to be electronically served through File and Serve Express, on the following:

Mark R. Mittelman, Esq.
Law Offices of Mark R. Mittelman
575 Lennon Lane, Suite 150
Walnut Creek, CA 94598
Attorneys for Defendant
1979 Union Street Corporation

Thomas W. J. Purtell, Esq.
Law Offices of Thomas W. J. Purtell
534 Pacific Ave., Ste. 200
San Francisco, CA 94133
Attorney for Cross-Defendant
Giovanni Navarrete

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: May 17, 2016


JOSEPH S. MAY