

**In the Matter Of:**

**RASEKHNIA V. PHILIPS NORTH AMERICA**

22STCV22419

---

**SAMUEL CRIBBS**

*September 08, 2023*

---



**ESQUIRE**  
DEPOSITION SOLUTIONS

800.211.DEPO (3376)  
*EsquireSolutions.com*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES - SANTA MONICA COURTHOUSE

ESTATE OF JAKLIN RASEKHNIA, a  
Deceased Individual by and  
through Administrator JOSEPH  
KOHAN; MASOUD KOHAN, an  
Individual; JOSEPHINE  
KOHAN, an Individual; GEORGE  
KOHAN, an Individual; and  
JOSEPH KOHAN, an individual,

CASE NO.: 22STCV22419

Plaintiffs,

vs.

PHILIPS NORTH AMERICA, LLC, a  
Massachusetts limited  
liability company;  
RESPIRONICS, INC., a  
Pennsylvania unknown business  
entity; APGUARD MEDICAL, INC.,  
a California corporation;  
And DOES 1-50, inclusive,

Defendants.

~~~~~

REMOTE DEPOSITION OF

SAMUEL CRIBBS

September 8, 2023

11:37 a.m.

Blairsville, Pennsylvania

Karen Aligo, CSR No. 13418

APPEARANCES OF COUNSEL

For Plaintiffs:

CARPENTER & ZUCKERMAN  
BY: JOHN C. CARPENTER, ESQ.  
ALINA VULIC, ESQ.  
8827 West Olympic Boulevard  
Beverly Hills California 90211  
310-273-1230  
Carpenter@cz.law  
Avulic@cz.law  
(Present via videoconference)

For Defendant Apguard Medical, Inc.:

DUNBAR & ASSOCIATES  
BY: KEVIN T. DUNBAR, ESQ.  
100 Oceangate, Suite 640  
Long Beach California 90802  
(562) 491-7600  
kdunbar@kdunbarlaw.com  
(Present via videoconference)

For Defendant Philips North America:

FORWARD COUNSEL LLP  
BY: MICHAEL W. CASPINO, ESQ.  
4340 Von Karman Avenue, Suite 380  
Newport Beach, California 92660  
(949) 258-9359  
mcaspino@forwardcounsel.com  
(Present via videoconference)

INDEX OF EXAMINATION

WITNESS: SAMUEL CRIBBS

EXAMINATION

PAGE

Mr. Dunbar

5, 87

Mr. Caspino

47

Mr. Carpenter

51

INDEX TO EXHIBITS

| Exhibit   | Description                                                                | Page |
|-----------|----------------------------------------------------------------------------|------|
| Exhibit A | Notice of deposition<br>and request for production                         | 7    |
| Exhibit B | Letter 5/14/21                                                             | 34   |
| Exhibit C | Ansari prescription                                                        | 41   |
| Exhibit D | Declaration of Sam Cribbs,<br>in Support of Motion for<br>Summary Judgment | 42   |
| Exhibit E | Trilogy 100/200<br>Prescription for<br>Mechanical Ventilation              | 45   |

REMOTE DEPOSITION OF SAMUEL CRIBBS

September 8, 2023

SAMUEL CRIBBS,

having been first duly sworn, testifies as follows:

EXAMINATION

BY MR. DUNBAR:

Q. Could you please state and spell your name for the record.

A. Samuel Cribbs, S-a-m-u-e-l, C-r-i-b-b-s.

Q. And, Mr. Cribbs, have you ever had your deposition taken before?

A. I have.

Q. On approximately how many occasions?

A. Probably at least a dozen.

Q. All right. Do you feel comfortable with me foregoing the admonitions that somebody usually goes through at the beginning of a deposition?

(Simultaneous speakers.)

THE WITNESS: -- proceed, is fine with me.

BY MR. DUNBAR:

Q. There you go. All right. Mr. Cribbs, are you currently employed?

A. Yes.

1 Q. By who?

2 A. Philips Respironics.

3 Q. And what capacity are you employed?

4 A. I'm in the Quality Assurance Department.

5 I'm a vigilance reporting specialist.

6 Q. And what are your typical job duties in  
7 that capacity?

8 A. Reviewing complaints to determine if they  
9 need to be reported to any regulatory authorities.

10 Q. And do you also inspect Respironic devices  
11 that are the subject matter of a complaint?

12 A. Physically inspect?

13 Q. Yes.

14 A. No, I don't.

15 Q. And what kind of inspection do you do of  
16 the units in which there's been a complaint?

17 A. I just -- I just review the information  
18 available to me, which could include error logs,  
19 that sort of thing.

20 Q. So data that's taken from the individual  
21 machine?

22 A. Yes.

23 Q. And do you pull the logs yourself, or do  
24 you have somebody else do it for you?

25 A. Someone else pulls them.

1 Q. All right. I have to do some housekeeping  
2 stuff here for a second, Mr. Cribbs, if you could  
3 bear with me just a minute. I'm going to share the  
4 screen.

5 There we are.

6 Mr. Cribbs, I had served your attorney with  
7 a Notice of Taking Deposition today.

8 Have you seen this document that I have on  
9 the screen right now, which we're going to have as  
10 Exhibit A to your deposition?

11 A. Yes.

12 (Exhibit A marked for identification.)

13 BY MR. DUNBAR:

14 Q. All right. And did you have a chance to go  
15 through this document?

16 A. Yes.

17 Q. All right. And attached to this document  
18 was a Request for Production of Documents for you to  
19 have provided me, and are you producing any  
20 documents for your deposition here today?

21 MR. CASPINO: Counsel, his entire file is  
22 in the chat box. I dropped it in there a little  
23 while ago.

24 MR. DUNBAR: All right.

25 MR. CASPINO: And also, I'll represent and



1 confirm that the entirety of his file was attached  
2 to his declaration.

3 MR. DUNBAR: Well, thank you very much for  
4 that representation.

5 BY MR. DUNBAR:

6 Q. Mr. Cribbs, is the representation made by  
7 your attorney, Mr. Caspino, correct, that the  
8 entirety of your file was attached to your  
9 declaration in support of the motion for summary  
10 judgment?

11 A. I guess I should look.

12 (Pause during proceedings.)

13 THE WITNESS: Where did you drop it, Mike?

14 MR. CASPINO: In the chat box. You go down  
15 to the bottom.

16 THE WITNESS: Yeah, I'm not seeing it.

17 MR. CASPINO: I think you have to scroll  
18 down a little bit.

19 It's the PDF document that's in there.

20 MR. DUNBAR: It's a 3.87 megabyte document,  
21 sir.

22 THE WITNESS: For some reason, my computer  
23 is bringing up something on my computer. Let me  
24 see.

25 (Pause during proceedings.)

1 MR. CARPENTER: I'm sorry, what's in the  
2 chat is simply a copy of his declaration with the  
3 exhibits, is that it?

4 MR. CASPINO: Yeah, the Sam Cribbs  
5 declaration includes his entire file, everything  
6 that he had in his file. So we re-put out there the  
7 Cribbs dec with the exhibits.

8 MR. DUNBAR: Oh.

9 THE WITNESS: I see the file. It's  
10 2023.07.21?

11 MR. CASPINO: Yes. I can represent that  
12 you and I -- well, without waiving  
13 attorney-client privilege --

14 (Simultaneous speakers.)

15 MR. CASPINO: -- yesterday with everything.

16 THE WITNESS: Yes, he does -- he does have  
17 every document I have.

18 BY MR. DUNBAR:

19 Q. Okay. Just so that I'm thorough, let's go  
20 back to your Notice of Taking Deposition, and let's  
21 go to the Request for Production of Documents, it's  
22 going to be on page 4, starting with Item Number 1.

23 "All records, documents and writings,  
24 reviewed or to be reviewed by the witness in the  
25 preparation of his Declaration."

1           Are all of those documents attached both in  
2 the chat room and to your declaration in support of  
3 the motion for summary judgment?

4           A. Yes.

5           Q. Okay. Did you leave any records or  
6 documents or writings out of your file material,  
7 something you reviewed?

8           A. No. No.

9           Q. Let's go to Number 2: Any documents that  
10 would -- "records, documents and writings related in  
11 any way to the first contact" made to you by anyone  
12 concerning the review of any records in preparation  
13 of your declaration.

14           Did you produce those documents?

15           A. Yes.

16           Q. And those are part of your file?

17           A. Yes.

18           Q. Number 3, "All reports, working notes and  
19 other writings prepared by the witness or at the  
20 witnesses' request concerning this case."

21           Have you produced all of those documents?

22           A. Yes.

23           Q. Okay. And they are part of your working  
24 file?

25           A. Yes.

1 Q. Was anything removed from your working file  
2 before you prepared that declaration?

3 A. No.

4 Q. Do you have any photographs, motion  
5 pictures, videos, diagrams or other pictorial  
6 representation of the Trilogy 100 Unit at issue in  
7 this matter or any instrumentality involved in this  
8 case?

9 A. No.

10 Q. When this unit was provided to Philips  
11 Respironics, did they -- did someone at Philips  
12 Respironics photograph it when it came in?

13 A. No.

14 Q. Okay. Is that typical, that they don't  
15 photograph the unit to confirm what it is and the  
16 tests they perform?

17 A. Yes, that's typical, we don't photograph  
18 them.

19 Q. Okay. Number 5, "Any and all documentation  
20 regarding testing, test results, empirical studies,  
21 outside documentation provided by any governmental  
22 and/or private entity as it pertains to the Trilogy  
23 100 unit and/or any instrumentality involved in this  
24 case."

25 MR. CASPINO: We object on that -- on

1 proprietary and confidentiality grounds.

2 MR. DUNBAR: Okay. Thank you.

3 BY MR. DUNBAR:

4 Q. But you did do -- someone at Philips  
5 Respironics did testing on this particular unit at  
6 issue in this case, correct?

7 A. Yes.

8 MR. CASPINO: I'll object -- belated  
9 objection --

10 THE REPORTER: I'm sorry, who is that  
11 speaking? I can't really see --

12 MR. CASPINO: Mike Caspino, and I'm  
13 objecting on the vagueness on the term "testing."

14 BY MR. DUNBAR:

15 Q. Did you pull data -- well, you did not pull  
16 data from this machine. Someone else at Respironics  
17 did, correct?

18 A. Yes.

19 Q. And who was that individual who retrieved  
20 the data from this machine?

21 A. I couldn't tell you who it was.

22 Q. Is there any way to determine from the  
23 documents that you have produced who did that  
24 test -- who obtained that data?

25 A. I would actually have to go into our SAP

1 (phonetic), find its particular complaint and try to  
2 find it there.

3 Q. Okay. Number 6, "Any and all notes,  
4 telephone messages, email messages, and" "other  
5 items of correspondence between" you or anyone  
6 associated with your office and Philips -- and/or at  
7 Philips' attorneys --

8 MR. CASPINO: Object. Attorney-client  
9 privilege.

10 MR. DUNBAR: Thank you.

11 BY MR. DUNBAR:

12 Q. Number 7, "Any and all notes bills,"  
13 "financial records documenting the amount of time  
14 the witness or anyone associated" or "affiliated  
15 with the witnesses' office has charged" Philips or  
16 the Philips' attorneys for any work you've done to  
17 date.

18 MR. CASPINO: Object that would be  
19 employment -- confidential employment information.  
20 He's an employee of Philips.

21 MR. DUNBAR: Thank you.

22 BY MR. DUNBAR:

23 Q. And I would assume that would be the same  
24 for Number 8, any financial records of the witness  
25 from Philips because he's been an employee for

1 Philips, correct?

2 MR. CASPINO: Yes, he's a salaried employee  
3 for Philips.

4 BY MR. DUNBAR:

5 Q. Number 9, "A complete list of all cases  
6 involving the alleged failure of a Trilogy 100 unit  
7 in which" you have -- well, reviewed the data from a  
8 machine after a complaint has been made.

9 MR. CASPINO: Let me back up. I don't see  
10 that.

11 MR. DUNBAR: It's Number 9, "A complete  
12 list of all cases involving the alleged failure of a  
13 Trilogy 100 unit in which the witness has been  
14 retained to act as an expert consultant from  
15 January 1, 2010 to the present identifying by case  
16 name and the identity of the party (either Plaintiff  
17 or Defendant) who retained you."

18 MR. CASPINO: We're going to object because  
19 he's a salaried employee. He's not an expert  
20 consultant that's been retained by anybody. Just  
21 one of our employees.

22 BY MR. DUNBAR:

23 Q. Thank you. And that would be the same  
24 thing for Number 10, correct?

25 MR. CASPINO: Correct.

1 MR. DUNBAR: And Number 11?

2 MR. CASPINO: And Number 11.

3 MR. DUNBAR: And Number 12.

4 MR. CASPINO: And Number 12, and Number 13  
5 would be attorney-client privilege.

6 MR. DUNBAR: And Number 14 was a catch-all,  
7 which is covered by all of what you've already  
8 produced and the objections made by your counsel,  
9 agreed, Mr. Caspino?

10 MR. CASPINO: Agreed.

11 MR. DUNBAR: Great. Now we're done with  
12 the boring part.

13 BY MR. DUNBAR:

14 Q. All right. Now, sir, you've had an  
15 opportunity to pull the data from this machine.

16 Did you actually inspect the machine itself  
17 that's at issue in this case?

18 A. I did not.

19 Q. In your capacity as an employee in the  
20 Quality Assurance Division of Philips Respironics,  
21 who manufactured the Trilogy 100 Unit involved in  
22 this case?

23 A. We did, Philips Respironics.

24 Q. Did Apguard Medical, Incorporated, have any  
25 involvement in the manufacturing of the Trilogy



1 100 Unit at issue in this case?

2 A. No.

3 Q. Who designed the Trilogy 100 Unit in this  
4 case, sir?

5 A. Philips Respironics.

6 Q. And did Apguard Medical, Inc., have any  
7 involvement in the design of the Trilogy 100 Unit  
8 involved in this case?

9 A. No.

10 Q. Who wrote the instruction manual for the  
11 Trilogy 100 Unit involved in this case?

12 A. Philips Respironics.

13 Q. Did Apguard, Inc., have any involvement in  
14 the writing of the manual for the Trilogy 100 Unit  
15 involved in this case?

16 A. No.

17 Q. If any warnings were attached to the  
18 machine, who designed those warnings?

19 A. Philips Respironics.

20 Q. Okay. Did Apguard Medical, Inc., have any  
21 involvement in designing any of the warnings that  
22 were physically placed on the machine?

23 A. No.

24 Q. Does the Trilogy 100 Unit involved in this  
25 case have alarms that can trigger if certain events

1 occur?

2 A. Yeah.

3 Q. And who designed those warnings on the  
4 Trilogy 100 Unit involved in this case?

5 A. You mean the alarms?

6 Q. Yes. I apologize.

7 A. Philips Respironics.

8 Q. And --

9 MR. CARPENTER: Vague and ambiguous.  
10 Overbroad.

11 Are you excluding the prescription as part  
12 of the design?

13 THE WITNESS: Prescription is not --

14 THE REPORTER: I'm sorry, repeat your  
15 answer.

16 THE WITNESS: I said --

17 MR. CASPINO: It is part of the design --  
18 delivered to the patient, that's -- I just want to  
19 make sure you're excluding the prescription.

20 MR. DUNBAR: The prescription is written by  
21 a doctor, Counsel. I'm going over the basic: Who  
22 designed this machine.

23 MR. CARPENTER: Right.

24 MR. DUNBAR: I'll get to the prescription  
25 later.

1 MR. CARPENTER: All right.

2 BY MR. DUNBAR:

3 Q. So when this machine leaves the Philips  
4 Respironics factory, certain alarms are designed by  
5 Philips Respironics, correct?

6 A. Yes.

7 Q. Okay. And did Apguard Medical,  
8 Incorporated, have any involvement in designing  
9 those preset alarms on the Philips 100 -- the  
10 Trilogy 100 Unit when they left the factory in this  
11 case?

12 A. No --

13 MR. CASPINO: Objection. Lacks foundation  
14 regarding "preset alarm."

15 MR. CARPENTER: Join.

16 BY MR. DUNBAR:

17 Q. Well, are alarms set on this machine by the  
18 factory?

19 MR. CARPENTER: Vague, ambiguous.

20 THE WITNESS: Yeah, I mean, whoever sets  
21 the machine up is supposed to set up the alarms,  
22 whatever they need.

23 BY MR. DUNBAR:

24 Q. Okay. But those alarms that are to be set  
25 up are actually designed by Philips Respironics,

1 correct?

2 A. Yes.

3 Q. Okay. Did Apguard Medical have any  
4 involvement in setting up those alarms at the  
5 factory?

6 A. No.

7 MR. CARPENTER: Vague and ambiguous.

8 BY MR. DUNBAR:

9 Q. And it's only after the machine, the  
10 Trilogy 100 Unit in this case, leaves the factory,  
11 that someone can set or not set those alarms,  
12 correct?

13 A. Correct.

14 Q. After the machine -- the Trilogy 100 Unit  
15 in this case leaves the factory, can anyone add  
16 additional alarms to it?

17 MR. CARPENTER: Vague and ambiguous.  
18 Overbroad.

19 MR. CASPINO: I'll join.

20 BY MR. DUNBAR:

21 Q. You can still answer, sir.

22 A. Yes, I mean, the only alarm you can add to  
23 it would be an external remote alarm.

24 Q. And what would that be for?

25 A. Just to set an alarm in a different room to

1 make sure you hear -- something alarm is on the  
2 Trilogy.

3 Q. Do you know if that was done in this case?

4 A. I do not.

5 Q. Can you list for me the alarms that are set  
6 by the company before this unit, that's involved in  
7 this case, leaves the factory?

8 MR. CASPINO: Objection. Misstates prior  
9 testimony regarding alarms set by the company.

10 MR. CARPENTER: Vague and ambiguous. Join.  
11 BY MR. DUNBAR:

12 Q. Sir, you can still answer.

13 A. The alarms -- the alarms are available when  
14 it leaves our company.

15 Q. Okay. And what alarms are those?

16 A. There are several: apnea alarms, high  
17 pressure, low pressure, low-minute ventilation,  
18 disconnect, high respiratory rate, low respiratory  
19 rate.

20 Q. Are any of those alarms unable to be turned  
21 off?

22 MR. CARPENTER: Vague and ambiguous.

23 MR. CASPINO: Yeah. Lacks foundation and  
24 vague and ambiguous.

25 Do you understand the question, Sam?

1 THE WITNESS: Yes. Low pressure is one  
2 alarm that cannot be turned off.

3 BY MR. DUNBAR:

4 Q. So if a low-pressure alarm is triggered,  
5 what happens?

6 A. The device would alarm.

7 Q. Make a sound?

8 A. Yes.

9 Q. Would an example of a low-pressure alarm  
10 trigger be the hose disconnecting from the mask?

11 A. Yes.

12 Q. And Apguard Medical, Inc., cannot turn off  
13 that low-pressure alarm, correct?

14 MR. CARPENTER: Vague and ambiguous.

15 Is your question after the alarm is going  
16 off and it can't be turned off or -- I'm not  
17 understanding your question. Maybe you guys are  
18 just talking over my head.

19 Is that right?

20 BY MR. DUNBAR:

21 Q. Mr. Cribbs?

22 A. Yes.

23 Q. At any time before the alarm is triggered,  
24 can Apguard Medical, Inc., turn off the low-pressure  
25 alarm?

1           A. It can't be turned off. It can be  
2 silenced.

3           Q. What do you mean "it can be silenced"?

4           A. There's an alarm silence button on the  
5 device, you push the button, and it will silence the  
6 alarm.

7           Q. Can you silence that alarm in advance of it  
8 being triggered?

9           A. Well, if you hit "alarm silence," yes, it  
10 wouldn't sound. But it only stays active in that  
11 state for two minutes.

12          Q. What do you mean "active in that state"?  
13 Silenced?

14          A. Silenced, yes.

15          Q. So after -- so if somebody triggers the  
16 alarm, such as in a case where the hose falls off  
17 the mask, for some reason or another, the alarm  
18 would trigger and a sound would emit, correct?

19          A. Yes.

20               MR. CARPENTER: Vague and ambiguous.  
21 Overbroad. Lacks foundation.

22 BY MR. DUNBAR:

23          Q. And somebody could silence the alarm by  
24 pushing that alarm silence button, correct?

25          A. That's correct.

1 Q. And then after two minutes, it would  
2 reactivate and start making noise again, correct?

3 A. Correct.

4 Q. And other than hitting the alarm silence  
5 button, Apguard Medical, Inc., has no ability  
6 whatsoever to turn that low-pressure alarm off,  
7 correct?

8 A. Correct.

9 Q. So if the hose came off as alleged in this  
10 case, hose of the mask, that low-pressure alarm  
11 would trigger and emit a noise, correct?

12 A. Yes.

13 Q. And Apguard would have no ability to turn  
14 that off other than by pressing that silence off --  
15 that silence alarm, correct?

16 A. Yes.

17 Q. Does the circuit disconnect alarm --

18 MR. CARPENTER: Sorry. I think I was  
19 muted. Improper, incomplete hypothetical.

20 MR. DUNBAR: Wow, I haven't heard that in  
21 years.

22 MR. CARPENTER: Improper, incomplete  
23 hypothetical?

24 BY MR. DUNBAR:

25 Q. Sir, is the circuit disconnect alarm one



1 that could be turned off by the company setting the  
2 machine?

3 A. Yes.

4 Q. And let's say that circuit -- that circuit  
5 disconnect alarm was not turned off, what would  
6 trigger a circuit disconnect alarm?

7 A. A large leak in the patient's circuit.

8 Q. And what would be an example of a large  
9 leak in the patient's circuit?

10 A. The tubing coming off of the mask.

11 Q. Okay. And Philips has preprogrammed a  
12 fail-safe for that by the low-pressure alarm,  
13 correct?

14 MR. CASPINO: Objection. Lacks foundation,  
15 and vague and ambiguous.

16 MR. CARPENTER: Join.

17 BY MR. DUNBAR:

18 Q. Sir, you can answer.

19 MR. CASPINO: Do you understand what he  
20 means by "fail-safe"?

21 THE WITNESS: Yeah. If the apnea alarm is  
22 turned off, you still have something that might  
23 alarm --

24 BY MR. DUNBAR:

25 Q. Exactly.

1 A. -- low pressure.

2 In theory, yes.

3 Q. Are there any other internal alarms on this  
4 machine, other than the low-pressure alarm, that  
5 cannot be changed by anyone other than Philips  
6 Respironics at the factory?

7 A. Not that I'm aware of.

8 Q. Would that also include the  
9 low-inspiratory-pressure alarm?

10 THE REPORTER: The low, I'm sorry?

11 MR. DUNBAR: I-n-s-p-i-r --

12 THE REPORTER: Yes, I know.

13 BY MR. DUNBAR:

14 Q. Is that a preset alarm that nobody can turn  
15 off other than at the factory?

16 A. That is basically the low-pressure alarm.

17 Q. Okay. Do you know if the low-pressure  
18 alarm for this particular machine, the Trilogy  
19 100 Unit, was tested at the Philips Respironics  
20 factory when it was returned?

21 A. Yes, they would have tested everything.

22 Q. Okay. And do you have any documentation of  
23 that test indicating that it was operable at the  
24 time you -- your company tested it after it was  
25 returned to you by the plaintiffs' attorneys?

1           A. I -- that is something I don't think I  
2 have, but there would be a record of it.

3           Q. Okay. And do you think you could find that  
4 record?

5           A. I could try to.

6           Q. And what would that record be called if I  
7 asked for it?

8           A. Basically, a test report.

9           Q. Is there a specific item of the test report  
10 that I would request?

11          A. No, I mean, it's -- it's a report that  
12 shows everything was tested, and if it passed or it  
13 failed.

14          Q. The masks that we're talking about in this  
15 case where the hose came off, is that a vented mask?

16          A. I -- I don't know.

17          Q. Okay.

18          A. I've never seen the mask.

19          Q. Does the Trilogy 100 Unit generate oxygen  
20 on its own?

21          A. No.

22          Q. Does the Trilogy 100 Unit provide oxygen  
23 independent of any other device?

24          A. No.

25          Q. Does the Trilogy 100 Unit provide

1 lifesaving oxygen to patients who are using the  
2 device?

3 MR. CARPENTER: Vague and ambiguous.  
4 Overbroad.

5 THE WITNESS: These questions, I'm assuming  
6 you're referring to greater than 21 percent  
7 atmospheric oxygen?

8 BY MR. DUNBAR:

9 Q. Yes.

10 A. It would not.

11 Q. If a hose became disconnected at the mask  
12 for the Trilogy 100 Unit, as alleged in this case,  
13 would the patient still be able to breathe?

14 MR. CARPENTER: Vague and ambiguous.  
15 Overbroad. Calls for a medical conclusion. Lacks  
16 foundation.

17 MR. CASPINO: Join.

18 BY MR. DUNBAR:

19 Q. Sir, you can answer.

20 A. What was the question again, please?

21 Q. Sure. If the person's wearing a vented  
22 mask and the hose gets disconnected, can they still  
23 breathe?

24 MR. CARPENTER: Lacks foundation. Calls  
25 for speculation. Medical conclusion. Improper,

1 incomplete hypothetical.

2 MR. CASPINO: Join.

3 THE WITNESS: It depends if they have a  
4 spontaneous breathing drive.

5 BY MR. DUNBAR:

6 Q. Okay. And can they exhale?

7 MR. CARPENTER: Same objections.

8 MR. CASPINO: Same objection.

9 BY MR. DUNBAR:

10 Q. Excuse me, Mr. Cribbs, you were drowned out  
11 by the raising objections.

12 What was your answer?

13 A. Yes.

14 Q. Does the Trilogy unit, Trilogy 100 unit  
15 involved in this case, have any software to show a  
16 history of when an alarm was triggered?

17 A. Yes.

18 Q. And what is the name of that software?

19 A. It's just the internal event log that is  
20 logged in the machine itself.

21 Q. And did you have an opportunity to pull the  
22 internal event log for this Trilogy 100 Unit?

23 A. Yes. I didn't pull it, but I have it.

24 Q. Is it in your file material somewhere?

25 A. Yes.

1 Q. And can you direct me to it, please?

2 (Pause during proceedings.)

3 MR. CASPINO: Can you open that document?

4 MR. DUNBAR: You know, do you want to take  
5 a short five-minute break while he does that?

6 THE WITNESS: What do you want me to do?

7 BY MR. DUNBAR:

8 Q. I want you to find the internal event log  
9 that cataloged all of the alarm soundings on this  
10 Trilogy 100 Unit.

11 A. I have it. What do you want me to do with  
12 it?

13 Q. I want you to tell me where it is. What's  
14 it look like? I have your file. I'm just trying to  
15 figure out where it is, where is it.

16 A. It's a text document.

17 Q. Okay.

18 A. And it's entitled, "2C\_TV," do you see that  
19 one?

20 (Pause during proceedings.)

21 BY MR. DUNBAR:

22 Q. No, I don't. How far down is it, or what  
23 page of what is it? Because I've got a first set  
24 that's page 1 of 16. Is it within those documents?

25 A. I would say no.

1 Q. Okay. The next one has a date, time, and  
2 it's a TV113061760. That's the wrong one.

3 Okay. I've got -- the next one is created  
4 by DirectView v2.4.2, it's page 1 of 40. Is it  
5 within those?

6 A. No.

7 Q. Okay. The next document I have is your  
8 May 12th, 2021, letter with --

9 MR. CARPENTER: Did you say May 12th?

10 MR. DUNBAR: May 14th. Sorry.

11 BY MR. DUNBAR:

12 Q. May 14th, 2021, letter, it's Exhibit B to  
13 your declaration. It's pages 1 of 6. Are they in  
14 that?

15 A. No.

16 Q. Okay. I don't have it.

17 A. We have it, but you wouldn't want to print  
18 it out. It would probably be over a thousand pages.

19 Q. I want to print it out. Okay. So if I  
20 need to request it, sir, it's called the "Internal  
21 Event Log"?

22 A. Yes.

23 Q. And then you had a designation for it,  
24 what -- it was T2 underscore?

25 A. TC\_ -- or 2C\_TV113061760\_16120 -- or

1 7041737\_20220505142917.929\_X.

2 Q. Thank you very much.

3 MR. CARPENTER: Michael, is there a way we  
4 can have that sent to us by Dropbox or something  
5 like that? I don't mind the thousands of pages.

6 MR. CASPINO: Yeah, we can do that, but, I  
7 believe, Sam, why don't you talk about how there's a  
8 summary.

9 THE WITNESS: In the error log?

10 MR. CASPINO: Yeah.

11 THE WITNESS: It's actually just a piece at  
12 the end of the error log that gives a summary of  
13 every kind of alarm that's sounded on this device.

14 BY MR. DUNBAR:

15 Q. Okay. Thank you.

16 A. -- and how many times it sounded. It's all  
17 part of the log.

18 Q. Okay. And is that in the documents that  
19 you produced, sir?

20 A. I know I produced it.

21 MR. CASPINO: Yeah. May I just ask a  
22 question that might help?

23 You produced the relevant time period,  
24 correct?

25 THE WITNESS: No, I made available the



1 entire event log.

2 MR. CASPINO: Okay.

3 BY MR. DUNBAR:

4 Q. Yeah, because the event log I have, sir,  
5 starts at October 11, 2019, and goes through -- hang  
6 on.

7 It says 7/3/2020 5:35:24 p.m., that's pages  
8 1 through 16 of the prescription history, and then I  
9 have a series of other pages, 1 through 40.

10 Would it be in those documents, the  
11 summary?

12 A. No.

13 Q. All right. Well, I'll be requesting a  
14 summary as well because I can't -- I can't seem to  
15 find it.

16 A. It's not going to be the summary. It's  
17 going to be the entire event log, with the summary  
18 at the bottom of the event log. It's all part of  
19 one file.

20 Q. Got it. Okay. Thank you.

21 MR. CARPENTER: We don't have that log or  
22 we do have that log?

23 MR. DUNBAR: We don't.

24 MR. CASPINO: Sam, do you have the event  
25 log for the relevant time period of 7/3 and 7/4?

1 THE WITNESS: Only what's on that summary  
2 report, that's got the relevant time frame.

3 MR. CASPINO: And would that be, I believe,  
4 right after your letter?

5 THE WITNESS: Yes, it's part of it.

6 MR. CASPINO: Okay. So pages 2  
7 through 7 -- 6. Found it. 63 through 70 on the  
8 PDF.

9 MR. CARPENTER: The pages after the May 14,  
10 2021, letter?

11 MR. CASPINO: Yep.

12 That's the summary.

13 MR. DUNBAR: All right.

14 BY MR. DUNBAR:

15 Q. And this shows all of the alarms that get  
16 triggered and the events, correct?

17 A. Correct.

18 MR. DUNBAR: All right. Can we take a  
19 five-minute break so I can look this stuff over?

20 MR. CASPINO: Sure. Back in five minutes.

21 MR. DUNBAR: Back in five minutes. Thank  
22 you.

23 (Recess.)

24 BY MR. DUNBAR:

25 Q. Mr. Cribbs, we're back on the record, and

1 thank you for pointing out where the alarm data is  
2 located. I'm going to share my screen right now.

3 And this is going to be -- we're going to  
4 mark this as Exhibit B to your deposition. This is  
5 your May 14, 2021, letter.

6 (Exhibit B marked for identification.)

7 BY MR. DUNBAR:

8 Q. See your name at the bottom of it?

9 A. I do.

10 Q. And then it's -- page 1 through 6, and what  
11 we're showing from pages 2 through 6, that's the  
12 error log -- is that the summary of the error log  
13 we're talking about?

14 A. No, this is the summary of the errors that  
15 were logged on the day of the event.

16 Q. Thank you. So any alarms that would have  
17 triggered on the day of the event, would be included  
18 in this document, Exhibit B?

19 A. Yes.

20 Q. All right. And we've already established,  
21 sir, that if a low-pressure alarm sounded -- a  
22 low-pressure alarm would sound if the hose came off  
23 the mask, correct?

24 MR. CARPENTER: Vague and ambiguous.  
25 Overbroad. Lacks foundation. Calls for

1 speculation.

2 BY MR. DUNBAR:

3 Q. That's a true statement --

4 MR. CARPENTER: Also improper, incomplete  
5 hypothetical.

6 BY MR. DUNBAR:

7 Q. If the hose came off the mask, a  
8 low-pressure alarm would sound, correct?

9 MR. CASPINO: Same objections, and  
10 misstates his testimony.

11 BY MR. DUNBAR:

12 Q. Sir, you can answer.

13 A. In most cases, yes, it would.

14 Q. Okay. And can you show me where on  
15 Exhibit B there is a record that shows that the  
16 low-pressure alarm triggered?

17 A. I cannot.

18 Q. Upon your review of Exhibit B, does it show  
19 that any low-pressure alarm triggered on either  
20 July 3, 2020, or July 4, 2020?

21 A. You would have to scroll down through it,  
22 but I believe the answer is no.

23 Q. Why not?

24 A. Well, if it never went off, it never got  
25 logged.

1 Q. Based upon your review of your -- of the  
2 summary that's attached as Exhibit B to your  
3 deposition, do you believe that the hose got  
4 disconnected from this patient's mask?

5 MR. CARPENTER: Improper, incomplete  
6 hypothetical. Calls for speculation. Lacks  
7 foundation.

8 BY MR. DUNBAR:

9 Q. You can answer, sir.

10 A. I cannot tell that from this log. All I  
11 know is that -- if you scroll through here, I don't  
12 believe there are any instances where an alarm  
13 sounded.

14 Q. And if the hose came off the mask, the  
15 alarm should have sounded, correct?

16 MR. CASPINO: Same objections as before:  
17 Lacks foundation, incomplete hypothetical.

18 MR. CARPENTER: Overbroad. Vague and  
19 ambiguous. Lacks foundation. Calls for  
20 speculation. Expert opinion.

21 THE WITNESS: In most cases, it should  
22 alarm, yes.

23 BY MR. DUNBAR:

24 Q. What do you mean "in most cases"?

25 A. There are -- there are factors that can

1 cause that alarm not to sound.

2 Q. And what would those factors be?

3 A. Resistance within the tubing caused by,  
4 possibly, the way the tubing lands, it might be  
5 blocked by a blanket or a pillow or something, in  
6 that order.

7 Q. Do you have any information that this  
8 tubing was -- had any resistance in it?

9 MR. CARPENTER: Vague and ambiguous.  
10 Overbroad.

11 BY MR. DUNBAR:

12 Q. Sir?

13 A. I said I do not.

14 Q. Thank you. From your review of the data,  
15 was this patient using the Trilogy 100 Unit 24 hours  
16 a day, seven days a week?

17 A. I do not know that.

18 Q. Can you tell from the data how many hours a  
19 day the patient was using the Trilogy 100 Unit from  
20 July 1, 2020, to July 4, 2020?

21 A. The only way I could speculate or -- is by  
22 using the other report that we have.

23 Q. And that -- I'm sorry, sir, what report was  
24 that again?

25 A. I believe it's called the "Patient Data" or

1 "DirectView."

2 Q. Okay.

3 A. Must be things that you have there.

4 Q. Thank you. Now, if we go up to your  
5 letter, the first page of Exhibit B, if we go down  
6 to the fourth paragraph, it says, The device was  
7 powered on and off repeatedly from July 3, 2020, to  
8 July 4, 2020.

9 Do you see that, sir?

10 A. I do.

11 Q. What is the significance of that?

12 A. That's all that's in the log, that's what  
13 is stated.

14 Q. And if the device is located in the  
15 patient's residence, who would be the one turning on  
16 and off that device?

17 MR. CASPINO: Objection. Calls for  
18 speculation.

19 MR. CARPENTER: Join.

20 THE WITNESS: I don't know.

21 BY MR. DUNBAR:

22 Q. Do you attribute any significance, in your  
23 mind, as to it being repeatedly turned on and off?

24 A. I do not.

25 Q. The next sentence says, "At 14:34:54 Local

1 Time" -- is that California time or your time, sir?

2 A. That's the local time where the device was  
3 located.

4 Q. Okay. California. "Pressure support  
5 maximum pressure was changed from 17 CMH20 to  
6 18 CMH20," do you see that?

7 A. Yes.

8 Q. What's the significance of that statement,  
9 sir?

10 A. It's just, I saw it in the log. It was  
11 logged in there where someone had changed it.

12 Q. Do you know who changed it?

13 A. I do not.

14 Q. How is that change made?

15 A. By going into the menu on the device,  
16 getting to that particular setting and making your  
17 change.

18 Q. Is that in the clinician menu?

19 A. Yes.

20 Q. And that menu is specifically designed for  
21 only medical professionals, such as respiratory  
22 therapists, to make the changes, correct?

23 A. Correct.

24 Q. So if somebody who is not a medical  
25 professional makes that change, that would be an



1 improper use of the Trilogy 100 Unit, would it not?

2 MR. CARPENTER: Vague and ambiguous.  
3 Overbroad. Lacks foundation. Calls for  
4 speculation.

5 THE WITNESS: That's why there's a clinical  
6 menu on there.

7 BY MR. DUNBAR:

8 Q. Sir, that would be a correct statement,  
9 that it would be an improper use of the product,  
10 correct?

11 MR. CARPENTER: Same objections.

12 MR. CASPINO: Yeah, I'm going to object to  
13 that. Mr. Cribbs reads these reports, that's what  
14 he does, and I think you're asking him on issues  
15 that are beyond his scope of his knowledge and  
16 haven't been established here.

17 MR. CARPENTER: Lacks foundation. Calls  
18 for speculation.

19 BY MR. DUNBAR:

20 Q. If the unit is turned off, is the patient  
21 still able to exhale on their own?

22 MR. CASPINO: Objection. That calls for  
23 speculation, and it's an incomplete hypothetical.

24 MR. CARPENTER: Join.

25 ///

1 BY MR. DUNBAR:

2 Q. Sir?

3 A. Yes, they could still exhale.

4 Q. I mean, the fact that the unit is turned  
5 off for some period of time, that would mean that  
6 they're just on regular room air, correct?

7 MR. CASPINO: Same objections.  
8 Speculation.

9 MR. CARPENTER: Same objections.

10 THE WITNESS: They would be breathing  
11 through a mask, a tube, and pulling air through the  
12 ventilator, but, yes, it would just be room air.

13 BY MR. DUNBAR:

14 Q. All right. Let me stop sharing this. Hold  
15 on.

16 There we go.

17 All right, sir, we're going to go to -- I'm  
18 going to show you what is -- it's actually Exhibit C  
19 to your declaration, and we're going to make this as  
20 Exhibit C to your deposition.

21 (Exhibit C marked for identification.)

22 BY MR. DUNBAR:

23 Q. And you probably have a copy in front of  
24 you, but is what I have on the screen a duplicate of  
25 what you have as Exhibit C to your declaration?

1 A. Yes.

2 Q. All right. And, sir, you say that there  
3 are various settings that were prescribed by  
4 M. Ali Ansari, A-n-s-a-r-i, MD, do you see that?

5 A. I do.

6 Q. Okay. Where on this document, sir, is  
7 there any prescription for alarm settings?

8 A. I don't see any on there.

9 MR. CARPENTER: Vague and ambiguous.  
10 Overbroad.

11 BY MR. DUNBAR:

12 Q. Sir, if we go to -- if we go to page 3 of  
13 your declaration -- and I'm going to make pages 1,  
14 2, and 3 to your declaration Exhibit D to your  
15 deposition.

16 (Exhibit D marked for identification.)

17 BY MR. DUNBAR:

18 Q. And I apologize, I do not have it on my  
19 computer, but do you have a copy of your declaration  
20 in front of you, sir? I know it was dropped into  
21 the chat.

22 A. Which declaration are you speaking of?

23 Q. I am talking about the declaration -- here,  
24 it's part of the motion for summary judgment, and it  
25 should be -- Mr. Caspino was kind enough to put that

1 in the chat box for us all.

2 A. I have it in an e-mail.

3 Q. Great. If we go to the last page,  
4 Paragraph Number 8, it says, "I have reviewed the  
5 prescription that accompanied the Trilogy 100 Unit  
6 used by the decedent in this case and took note of  
7 the particular alarms that were to be set."

8 Where on that prescription, Exhibit C, were  
9 those particular alarms to be set?

10 A. I don't see them anywhere.

11 Q. So that would be a false statement,  
12 correct?

13 MR. CASPINO: Objection. Argumentative.  
14 Lacks foundation.

15 BY MR. DUNBAR:

16 Q. Sir?

17 A. I must have mistakenly said yes, but I  
18 don't see any alarm setting.

19 Q. Okay. The next sentence says, "From my  
20 review of the data for the Trilogy 100 Unit,  
21 however, I noted that none of the alarms listed in  
22 the prescription were set by the unit provider."

23 If there are no alarm settings in this  
24 prescription, how could that be a true statement?

25 MR. CASPINO: Same objections --

1 MR. CARPENTER: Assumes facts not in  
2 evidence. Vague and ambiguous. Mischaracterizes  
3 testimony.

4 MR. CASPINO: Same objections --

5 THE WITNESS: Once again, mistakenly, I  
6 would say, I miscorrectly answered it.

7 (Reporter clarification.)

8 THE WITNESS: I did not answer that  
9 correctly. It was a mistake on my part.

10 BY MR. DUNBAR:

11 Q. Okay. Sir, did you write paragraph 8, or  
12 did somebody else write it for you?

13 MR. CASPINO: Objection. Lacks foundation.  
14 Calls for speculation. May invade attorney-client  
15 privilege.

16 BY MR. DUNBAR:

17 Q. I'm not entitled to know what anybody tells  
18 their attorney, sir, but I'm entitled to know  
19 whether you wrote that statement or somebody else  
20 did. All it requires is a yes-or-no answer.

21 A. No.

22 Q. No, you did not write paragraph 8, correct?

23 A. That's correct.

24 Q. And yes or no, do you know who did?

25 A. I do not --

1 (Simultaneous speakers.)

2 MR. CASPINO: Objection. Calls for  
3 attorney-client privileged communications, so don't  
4 answer the question.

5 MR. DUNBAR: Well, he already did.

6 And a yes-or-no answer to that, sir, is not  
7 attorney-client, and you know it as well as I do.

8 MR. CASPINO: Why don't we stop --

9 THE REPORTER: I'm sorry, because of the  
10 objections, I did not hear his answer.

11 MR. CASPINO: Well, that's good, then,  
12 because he's not going to answer the question, then.

13 (Pause during proceedings.)

14 MR. CASPINO: I can't hear you, Counsel.

15 MR. DUNBAR: I'm talking to myself, trying  
16 to get another document up. Thank you.

17 BY MR. DUNBAR:

18 Q. All right. Sir, we're going to make as  
19 Exhibit E to your deposition, if I could figure out  
20 how to get it to go.

21 A document entitled, "Trilogy 100/200  
22 Prescription for Mechanical Ventilation."

23 (Exhibit E marked for identification.)

24 BY MR. DUNBAR:

25 Q. Do you see that document, sir?

1 A. I do.

2 Q. All right. And what is this document?

3 A. It looks like something that came out of  
4 the user manual.

5 Q. All right. And do you see anywhere on this  
6 document, the one that's come out of the user  
7 manual, written and designed by Philips Respironics,  
8 anyplace on it where a physician is to specify what  
9 specific alarms are to be set on the machine?

10 MR. CARPENTER: Vague and ambiguous.  
11 Overbroad.

12 THE WITNESS: I do not.

13 MR. DUNBAR: You know what, I think I am  
14 done for right now. I can do follow-ups after  
15 somebody else wants to go ahead.

16 Thank you for your time, sir.

17 MR. CARPENTER: Can we take five minutes?

18 MR. DUNBAR: Yes.

19 MR. CARPENTER: Okay. Great.

20 (Recess.)

21 MR. CASPINO: If you're ready to go back,  
22 we can go back on the record.

23 MR. DUNBAR: Yep.

24

25

EXAMINATION

BY MR. CASPINO:

Q. So, Mr. Cribbs, this is my Mike Caspino.  
I'm going to pull up your -- there we go.

Do you see the exhibit that we've been  
going through with -- yeah, I want to walk you  
through one thing to clear some things up.

There are alarms on the Trilogy 100 that  
you looked at the download for, correct?

A. Yes.

Q. And your job, sir, is -- tell me if I'm  
wrong on this -- your job is you read these reports,  
correct?

A. Yes.

Q. Okay. Now, let's look at the prescription.  
Okay?

Well, let me start with this baseline  
first.

All those alarms, and you had talked about  
a number of them -- circuit, disconnect,  
et cetera -- which alarms on this unit were set?

A. None.

Q. Okay. Now --

MR. DUNBAR: Objection. That misstates his  
testimony, Counsel. There were internal alarms set



1 by the company.

2 MR. CASPINO: Well, you can come back and  
3 talk to him about that, if you would like. There  
4 are no internal alarms set by the company. That's  
5 not what he said. He said one you can't turn off.  
6 That was the testimony, which is the truth.

7 BY MR. CASPINO:

8 Q. Now, let's take a look at -- I'm focused  
9 right here, on the prescription, and what it's doing  
10 is it's setting a range of pressure settings,  
11 correct?

12 A. Yes.

13 Q. And the unit DME provider will set those  
14 settings in the Trilogy unit, correct?

15 A. Yes.

16 Q. And then they'll go ahead and set an alarm,  
17 so -- and if it goes outside those settings, the  
18 alarm goes off, correct?

19 A. Yes.

20 Q. And in this instance, the settings were  
21 made with no alarms set, correct?

22 A. None of the user-settable alarms were  
23 active.

24 Q. And that one user-settable alarm includes  
25 circuit disconnect, correct?

1 A. Yes.

2 Q. And circuit disconnect is there for if the  
3 circuit of the air flow breaks, correct?

4 A. Yes.

5 Q. And none of those were set in this  
6 instance, correct?

7 A. None of these are settable.

8 Q. And if we look at your documentation, which  
9 shows the performance of the unit and we look at  
10 what occurred around that July 3rd, July 4th time  
11 period where there was a circuit disconnect --

12 Well, let me -- I got a better spot for it.  
13 Hang on.

14 Did we have a circuit disconnect around  
15 July 3rd and July 4th? I'll get there. I  
16 apologize.

17 I'll reask the question.

18 MR. DUNBAR: Mike, I think I already have  
19 that preloaded on my computer if you want me to find  
20 it.

21 MR. CASPINO: I got it. One second. Just  
22 no good with the computers, that's the problem.

23 BY MR. CASPINO:

24 Q. Okay. Did we have a circuit disconnect at  
25 some point?

1 A. Not that I could see in the log, no.

2 Q. Okay. Did you see at any time that any of  
3 the alarms -- strike that.

4 What was the performance -- can you tell  
5 what the performance of the patient was around that  
6 July 3rd, July 4th time frame?

7 A. The performance?

8 Q. Yeah. Are you able to tell whether the  
9 patient had any distress or any problems with the  
10 unit when you look at the flow?

11 A. Well --

12 Q. Go up to the flow. Does any of the flow  
13 data show you any issues regarding this unit around  
14 the July 3rd, July 4th time frame?

15 MR. CARPENTER: Lacks foundation.

16 BY MR. CASPINO:

17 Q. Do you recall that?

18 A. I don't -- I can't see here.

19 Q. Okay. I'm just trying to find July 3rd,  
20 July 4th.

21 Okay. Well, let me try it this way: Had  
22 there been a circuit disconnect -- okay? -- and had  
23 the settings been set according to prescription and  
24 alarms been set along with that, would those alarms  
25 have gone off?

1 A. Yes.

2 MR. CASPINO: That's all I have.

3 MR. CARPENTER: Let me do some follow-up.

4 I'm going to sign in with a different device real  
5 quickly. I need five minutes while I set up my new  
6 device. Give me five, thanks.

7 (Recess.)

8 MR. CARPENTER: Back on the record.

9  
10 EXAMINATION

11 BY MR. CARPENTER:

12 Q. Sir, can you see on the screen what I'm  
13 sharing right now?

14 MS. VULIC: Sam is muted.

15 MR. CARPENTER: I'm muted?

16 MR. DUNBAR: No, Sam.

17 MR. CASPINO: Mr. Cribbs, you're muted.

18 MR. CARPENTER: Mr. Cribbs, can you hear  
19 us?

20 MR. CASPINO: Hey, Sam, you're muted.

21 MR. CARPENTER: I don't think he can hear  
22 us.

23 MR. CASPINO: I'll call him.

24 MR. CARPENTER: Okay.

25 (Recess.)

1 MR. CARPENTER: All right.

2 BY MR. CARPENTER:

3 Q. So, Mr. Cribbs, can you see the screen, the  
4 report I have in front of you?

5 A. I do.

6 Q. And it says, "No Data Available" for  
7 "Alarms," correct?

8 A. Yep.

9 Q. Okay. And it says "LO2" on the Y-axis,  
10 what does that refer to?

11 A. That must be, I guess, low oxygen.

12 Q. Oh. So it's LO2. And so is this just for  
13 July the 4th of 2020, what's -- how do you read  
14 this -- this time period in this report, for this  
15 page, which is page 14 of 40?

16 A. It's July 4th, 2022, and it's time stamped  
17 on the bottom of each different waveform.

18 Q. Okay. And you can see here, like, there's  
19 "Patient Triggered Breaths," do you see that?

20 A. I see it.

21 Q. And there's on the -- the -- the Y-axis has  
22 0, that's zero breaths, right?

23 A. Yes.

24 Q. And then on the -- to 100, that's 100  
25 breaths?

1 A. That's in percentage.

2 Q. Okay. So what does that mean?

3 A. That's the percentage of patient-triggered  
4 breaths at whatever time.

5 Q. Versus -- versus what, ventilator-triggered  
6 breaths?

7 A. Yes.

8 Q. So you have here -- and then on the Y-axis  
9 (phonetic), it goes from 00 to 24, and so, I guess,  
10 00 is July 4th at midnight or 12:01 a.m.?

11 A. Yes.

12 Q. And then 24 would be July 4th, 11:59 p.m.?

13 A. Yes.

14 Q. Okay. And so from -- and how does this  
15 machine know what time it is?

16 A. It gets the time off of the ventilator.

17 Q. Off of what?

18 A. What's the question again?

19 Q. How does -- how is this machine time  
20 synchronized, how do we know it has the right time?

21 A. Well, the one time is set to UTC or  
22 Universal Time, and then the only time you can set  
23 is local time.

24 Q. Okay. So is it set to local time or UTC?

25 A. In this report you're looking at?

1 Q. Yes.

2 A. I would say it's probably coming off of the  
3 UTC.

4 Q. Okay. So zero -- zero hours on July 4th  
5 UTC, that's what, eight or nine hours ahead of us?

6 A. I'm not certain how far.

7 Q. Okay. So in real time, zero hours on this  
8 report is actually going to be July the 3rd in  
9 California, do you know?

10 A. Whatever the local time would correspond to  
11 this in UTC, that's what time it would be in  
12 California.

13 Q. Okay. And then so if you accept that this  
14 report is scheduled -- is UTC different than  
15 Greenwich Mean Time, or is it the same thing?

16 A. Same thing.

17 Q. Okay. If you set the Greenwich Mean Time,  
18 is it updated in the same way my phone is updated?  
19 Does anyone have to program in the time?

20 A. The time is programmed in according to  
21 Greenwich Mean Time when a device is manufactured.

22 Q. Okay. But it's not -- it's not like my  
23 coffee maker or my -- my VCR, I have to manually  
24 update it whenever there's a power outage or  
25 something like that, or I disconnect it, correct?

1 A. I don't -- I don't really know.

2 Q. Okay. So do you not -- if -- I imagine the  
3 product gets delivered to the patient not plugged  
4 in, right?

5 A. Yes.

6 Q. And so when you plug in the device, do you  
7 have to set the time somehow?

8 A. No, it's got a battery that the internal  
9 time is -- is -- you know, it has as a battery,  
10 backup.

11 Q. Okay. All right. Okay. So the questions  
12 were asked you about, did the person using this  
13 device go into some kind of distress, and you can  
14 see here under "Patient Triggered Breaths," is this  
15 where you might look to see if there was any  
16 distress?

17 A. Well, I mean, he was breathing quite a bit,  
18 I would say, on his own. I can't say if that  
19 indicates stress, but it's --

20 Q. When a patient's triggered breaths go down  
21 to zero, what does that mean?

22 A. They're not triggering any breaths at all.

23 Q. Does that mean they're breathing or not  
24 breathing?

25 A. That means they're not -- they're not



1 breathing on the device.

2 Q. So is that -- is that consistent with a  
3 disconnect?

4 A. Yes. You can see it in the "Leak," above  
5 there.

6 Q. Okay. And so on the same report, page 14  
7 of 40, you've got -- under Leaks, you've got this  
8 vertical line at or about between nine and ten  
9 hours, correct?

10 A. Yes.

11 Q. And that's consistent with a disconnect,  
12 you're saying?

13 A. Yes, something caused the leak to increase  
14 pretty dramatically.

15 Q. And there's the -- and the leak -- and  
16 then -- well, you got the minutes -- is it minute or  
17 minutia ventilation?

18 A. "Minute ventilation."

19 Q. Okay. And a minute ventilation, what is  
20 that measure? Liters per minute?

21 A. That's how many liters per minute the  
22 patient is breathing, so to speak.

23 Q. And it goes from an average of about  
24 ten to zero, just before ten hours, right?

25 A. Correct.

1 Q. What does that indicate?

2 A. That indicates they were not breathing on  
3 the machine.

4 Q. Also consistent with a disconnect?

5 A. Yes.

6 Q. And so -- so the reports do show a  
7 disconnect?

8 A. Potentially, yes.

9 Q. Correct?

10 A. Yes. Potentially it is a disconnect, it  
11 looks like.

12 Q. Okay. And then going back to --

13 And then up here where it says, "Alarms,"  
14 "No Data Available," earlier, you said that if the  
15 hose disconnects from the mask, then the alarm  
16 should go off, right?

17 A. In most cases, yes.

18 Q. And so here, this report shows a disconnect  
19 and no alarm, correct?

20 A. I would say yes.

21 Q. And in most cases, when there's a  
22 disconnect like this one, the alarm should go off,  
23 correct?

24 A. In most cases, yes.

25 Q. So there was -- you testified that there

1 was -- where is this?

2 How -- how -- when you have a -- when  
3 you're using this machine, is the alarm supposed to  
4 go off every time you take the mask off the patient?

5 A. Yes, in theory. If you take the mask off  
6 the patient, something should alarm, yes.

7 Q. So every time you clean the mask, the alarm  
8 is supposed to go off?

9 A. They should.

10 Q. Every time you take -- every time you take  
11 the patient to go to the bathroom or for whatever  
12 reason take the mask off the patient, the alarm  
13 should go off?

14 A. Yes.

15 Q. And if you had a patient who -- be off this  
16 machine for long enough to go to the bathroom, how  
17 is one supposed to turn off the alarm when they're  
18 going to the bathroom?

19 A. You would hit the alarm silence button.

20 Q. So you get two minutes to go to the  
21 bathroom, that's it?

22 A. Two minutes -- every time you hit that  
23 button, it resets it to two minutes.

24 Q. So you got to take the patient to the  
25 bathroom, and then leave the patient to go, and

1 then --

2 A. However you want to do it.

3 Q. Okay. There's no, like, remote control  
4 where you can turn it off remotely, the alarm?

5 A. No.

6 Q. Okay. Okay. You got this report here,  
7 "Patterns of Usage," what does this report show?

8 A. That's just showing how often the machine  
9 detected the patient breathing on the device.

10 That's all that is.

11 Q. So we go up to the last page, page 20 of  
12 40, and it shows on July 4th, 2020, which again is  
13 Greenwich Mean Time, the --

14 (Interruption in the proceedings.)

15 MS. VULIC: We can't hear you, John. I  
16 don't know if anybody else is getting that.

17 MR. CASPINO: Yeah, you broke up there for  
18 a second.

19 (Pause in the proceedings.)

20 MR. CASPINO: You're disconnected,  
21 Mr. Carpenter.

22 MR. CARPENTER: Can you hear me now?

23 MR. DUNBAR: You're good now.

24 MR. CARPENTER: Okay. My headphones, I  
25 guess, stopped working.

1 BY MR. CARPENTER:

2 Q. All right. You see on July 4, 2020, it's  
3 mostly green?

4 A. Yes.

5 Q. What does that indicate? What's going on  
6 here?

7 A. That the patient was using the device a  
8 long enough amount of time for that bar to be green.

9 Q. What's the threshold for the bar to be  
10 green versus red versus clear?

11 A. I don't know off the top of my head, but if  
12 it's red, that means whatever that designated time  
13 is, it was less than that.

14 Q. Okay. And what about clear, when there's  
15 no color at all, what does that indicate?

16 A. That means there was no one on the device  
17 breathing at that time.

18 Q. Okay. So at least from June 19th to  
19 July the 4th, it appears that this person was using  
20 the ventilator most all the time?

21 A. Well, it looks like, generally, almost the  
22 whole day, yes.

23 Q. Okay. All right. And night?

24 A. Yes.

25 Q. Okay. And what's this "Compliance

1 Summary"? What does that refer to?

2 A. That's just --

3 MR. CASPINO: Page 21 of 20.

4 MR. CARPENTER: This is page 21 of 40.

5 MR. DUNBAR: 40, thank you.

6 THE WITNESS: That's just telling you how  
7 many hours of usage on whatever day you're looking  
8 for.

9 BY MR. CARPENTER:

10 Q. Okay. So looking at -- and this -- this  
11 report only seems to go to July the 2nd for some  
12 reason, or is that for the July 4th? It looks like  
13 it goes to July 4th, right?

14 A. Yeah, it does.

15 Q. Okay. And then -- so it looks like, then,  
16 the height of the usage was approximately 18 hours a  
17 day; is that right?

18 A. Something in that area.

19 Q. Okay. And what does this page "Statistics"  
20 refer to?

21 MR. DUNBAR: What page, sir?

22 MR. CARPENTER: I'm sorry, this is next  
23 page, this is 22 of 40.

24 MR. DUNBAR: Thank you.

25 THE WITNESS: That's like an average of

1 things.

2 BY MR. CARPENTER:

3 Q. And this is for -- what is 6 -- is that  
4 for -- "6/7," does that mean June and July of 2020?

5 A. I would assume, but I don't know for  
6 certain.

7 Q. Okay. If you don't know, that's fine.

8 So I want to go back to the Exhibit C,  
9 which is the prescription.

10 Counsel, Mr. Caspino, asked you about  
11 the -- the settings on the lower part, P1, P2 and  
12 P3?

13 A. Yes.

14 Q. You see that?

15 A. Yes.

16 Q. And can you explain what this means, like  
17 P1, I-n-s-p, what is Insp --

18 A. This is for an entirely different device.  
19 This is for a cough-assist machine.

20 Q. So this is not -- okay. So how about,  
21 then -- so we're talking about the AVAPS?

22 A. That's a mode.

23 Q. That's for -- that's for the machine we're  
24 talking about in this case, correct?

25 A. Yes.

1 Q. And this is a -- this is a mode, you said?

2 A. Yes.

3 Q. And what is a mode?

4 A. There's several different modes you can set  
5 to use a ventilator for different situations.

6 Q. And this mode is one that's prescribed by  
7 the doctor?

8 A. Yes.

9 Q. And one of the things it says, "Hours of  
10 Use: 24/7," is that a mode?

11 A. No, that's just whatever that means on this  
12 particular prescription.

13 Q. Okay. And that's the directions for the  
14 patient to use this device all the time, right?

15 A. I don't know.

16 Q. Well, it's prescribed to be used 24 hours a  
17 day, seven days a week, right?

18 A. Well, it appears to be, yes.

19 Q. Okay. All right. And then you go into  
20 IPAP, what does IPAP stand for?

21 A. Inspiratory -- that's the inspiratory  
22 pressure.

23 Q. That's what IPAP stands for?

24 A. "Inspiratory Peak Airway Pressure," is what  
25 it stands for.



1 Q. Inspiratory Peak Airway Pressure.

2 So the peak airway pressure is 25 --

3 A. Yes.

4 Q. -- cm -- how do you read that?

5 A. Centimeters of water pressure.

6 Q. Centimeters of what?

7 A. Water pressure.

8 Q. And then how -- is that like a barometer?

9 Is that barometric device --

10 A. Yes.

11 Q. Yes?

12 A. It's a measurement. Similar to, say, PSI,  
13 but it's lower, way lower than PSI.

14 Q. It's the amount of pressure that  
15 25 centimeters of water applies on to a bladder or  
16 something like that?

17 A. Well, to set them, you would -- it's hard  
18 to explain.

19 Q. Is it equivalent to the weight of  
20 25 centimeters of water?

21 A. No, it's actually related to a pressure  
22 of -- the pressure required to generate  
23 25 centimeters of water pressure.

24 Q. And then there's an EPAP; what does EPAP  
25 stand for?

1 A. "Expiratory Peak Airway Pressure."

2 Q. And so IPAP is the amount of pressure that  
3 goes into the body?

4 A. Yeah.

5 Q. Yes?

6 A. Yes.

7 Q. And then EPAP is what?

8 A. That is the pressure at the end of their  
9 exhalation.

10 Q. And then has minimum of 5, that's 5 what?

11 A. Centimeters of water pressure.

12 Q. Okay. And then you have the "EPAP Max" is  
13 also 5, right?

14 A. Yes.

15 Q. Is that a normal setting?

16 A. Yes.

17 Q. Okay. And then it says "BUR," what's that?

18 A. I would say it's breath rate.

19 Q. And that's the setting on the machine?

20 A. Yes, breaths per minute.

21 Q. And then the "Vt," that's volume?

22 A. Yes, that's tidal volume.

23 Q. And that's for 385 milliliters?

24 A. Correct.

25 Q. Is that per breath or per second?

1 A. That's per breath.

2 Q. And then -- and then ltime, what does that  
3 mean?

4 A. That is "Itime," that says how -- how long  
5 it's going to take to give them the inspiratory  
6 pressure.

7 Q. Okay. So the 385 -- the vol- -- I'm sorry,  
8 Vt was not -- what is it again, Vt?

9 A. Tidal volume.

10 Q. And that's for each breath?

11 A. Yes.

12 Q. Okay. And then you've got these other --  
13 the other thing on the prescription, you've got the  
14 "Rise Time," what does that refer to?

15 A. That is just different settings on how fast  
16 the air is going to enter the lungs.

17 Q. The 385 milliliters?

18 A. Yes.

19 Q. So it takes three seconds for a  
20 385 milliliters to get in?

21 A. It's set for one second of Itime, but the  
22 flow for that rise time is variable to get that  
23 385 milliliters into the lung in a second.

24 Q. What does the "3" mean, then?

25 A. That's just -- it's a setting on the

1 machine.

2 Q. It's like 1 to 10 on your stereo?

3 A. Yes, basically.

4 Q. All right. And then what's AVAP?

5 A. That's the -- AVAPS rate is set to 5.

6 Q. Is that the same scale -- by the way, for  
7 the time, is that times 1 to 10, is that the range?

8 A. I'm not certain if it's 1 to 10, but it's  
9 numerical.

10 Q. Okay. And how about for "Rate," is that  
11 1 to 10?

12 A. No, that's -- that could be set pretty  
13 much, you know -- I'm not sure what the limit is on  
14 it, but it could be set from, say, zero to whatever  
15 the highest limits you can set.

16 Q. What does the "5" refer to? Does it refer  
17 to minutes or anything else?

18 A. Just a number of breaths.

19 Q. So five breaths?

20 A. Yes.

21 Q. Five breaths per minute?

22 A. Yes.

23 Q. And then "Trigger Type," what does trigger  
24 type mean?

25 A. That's just -- the -- the way you are --

1 the machine is sensing you want to breath, to  
2 trigger a breath.

3 Q. And those are by pressure?

4 A. Well, this one is done by a flow trigger,  
5 where they're going to have to generate 3 liters per  
6 minute out of that circuit to kick it into  
7 inspiratory pressure.

8 Q. And how does that work in real time? So  
9 the patient is able to breathe on their own, nothing  
10 happens?

11 A. No, if the patient is able to breathe on  
12 their own, they generate enough back pressure out of  
13 that circuit, it'll have the machine either give  
14 them a breath, or if they're not due a breath, they  
15 can take their own breath.

16 Q. So what does this mean, Flow at 3-liter per  
17 minute -- or, dash, 20 percent sensitivity, what  
18 does that mean?

19 A. That just means how much back pressure,  
20 whatever you want to call it, has to be generated  
21 before a breath is initiated.

22 Q. Okay. A breath is initiated by the  
23 machine?

24 A. Yes.

25 Q. Okay. And then counsel -- if I understand

1 counsel's, Mr. Dunbar's -- or Mr. Caspino's  
2 question, if the machine is set to these settings,  
3 there will be alarms associated with it?

4 A. No, not really.

5 You mean, that will automatically be  
6 associated with it?

7 Q. Yes, somehow.

8 A. No, not really.

9 Q. So how -- when you looked at the -- the  
10 reports of your file, did you see that the machine  
11 was set in conformity with this prescription?

12 A. I would assume it is. I don't know. I  
13 mean, it would be back to that other report you were  
14 showing before.

15 Q. Yeah, let's look at that. I mean, that's  
16 what I'm trying to find out, what was -- which one  
17 are you talking about?

18 A. The one that had the graphs in.

19 Q. Okay.

20 A. That report.

21 (Interruption in the proceedings.)

22 THE WITNESS: There.

23 BY MR. CARPENTER:

24 Q. This one?

25 A. Yeah, not this section --

1 MS. VULIC: Mr. Dunbar is off. I don't  
2 know if you want to pause.

3 MR. CARPENTER: Oh. Why don't we take five  
4 minutes --

5 MS. VULIC: Okay.

6 MR. CARPENTER: -- for Mr. Dunbar to show  
7 up.

8 MS. VULIC: Okay.

9 MR. CARPENTER: Thank you.

10 (Recess.)

11 MR. CARPENTER: I'm sorry, I keep -- it's  
12 been so long since I've done a deposition that's not  
13 video, I keep waiting for the videographer to read  
14 us in.

15 BY MR. CARPENTER:

16 Q. All right. So can you see the exhibit on  
17 the board, page 14 of 40?

18 A. Yes.

19 Q. Okay. So was this the chart you're talking  
20 about?

21 A. Yes.

22 Q. So what does this show you with respect to  
23 prescription?

24 A. The first one is "Breaths Per Minute,"  
25 that's how many breaths the patient was getting per

1 minute.

2 Q. 18.82?

3 A. That's -- that's the average, yes.

4 Q. Okay. And that's consistent with the  
5 prescription?

6 A. Well, the prescription was for 18 breaths  
7 per minute, so the patient is breathing slightly  
8 over that.

9 Q. Okay. And then here, I'm looking at  
10 this -- this data, and if you look here, there is  
11 this little blip at the 11 hour, do you see that?

12 A. Yes.

13 Q. What does that indicate?

14 MR. DUNBAR: That's of the ventilation  
15 graph, correct?

16 MR. CARPENTER: Yeah, I'm looking at the  
17 ventilation graph. It's also on the Patient  
18 Triggered Breaths graph, and it also correlates to  
19 the end of the Leak.

20 MR. DUNBAR: Got it. Thank you.

21 THE WITNESS: I would say that's just  
22 showing that they did something right there, but  
23 there was no more graph after that, so to speak.

24 BY MR. CARPENTER:

25 Q. The graph kind of ends, at least with



1 respect to the -- the Minute Ventilation and the  
2 Patient Triggered Breaths, it ends in about a little  
3 bit before ten hours, and so there's an hour where  
4 there's no information, right?

5 A. No information captured for minute  
6 ventilation and patient-triggered breaths  
7 percentage.

8 Q. Does that indicate that that's the time  
9 that the patient expired?

10 A. What's that -- what that is probably  
11 indicating to me is it correlates with that large  
12 leak above it, that they were -- probably  
13 disconnected from the ventilator right there.

14 Q. Okay. So that correlates to -- so the --  
15 right before the ten -- the ten hours, that's when  
16 the leak happened, right?

17 A. Yes.

18 Q. Okay. And we know that because the -- it  
19 correlates with the ventilation going down to zero  
20 and the leak going up to almost 200, right?

21 A. Yes.

22 Q. And it's normal to have a little bit of  
23 leakage because of the ventilated mask; is that  
24 right?

25 A. Yes.

1 Q. Okay. And what is a patient-triggered  
2 breath?

3 A. That's a spontaneous breath taken by the  
4 patient that wasn't delivered by the ventilator.

5 Q. Does that mean before the leak event --  
6 before the leak event, virtually all the breaths  
7 were being triggered -- not virtually all.

8 Let's say, between eight hours and nine --  
9 nine hours and 50 minutes, more or less, the  
10 majority of the breaths were being triggered by the  
11 ventilator?

12 A. Well, at times, I see a couple of blips up  
13 there at 50 percent.

14 Q. And so but that's -- when you have a  
15 lowering of patient-triggered breaths, that's  
16 consistent with the patient struggling; is that  
17 right?

18 A. That's just -- that just indicating that  
19 the ventilator is initiating the rest of the  
20 breaths.

21 Q. Okay. Is that consistent with sleeping?

22 A. I can't -- you know, assume.

23 Q. Okay.

24 A. I wasn't there.

25 Q. We've got this other "Breaths Per Minute."

1 BPM? I thought that -- good thing I'm not DJing  
2 anymore because I thought that was "beat per  
3 minute."

4 Breaths per minute. That's consistent even  
5 after the leakage. So how is that measured?

6 A. Just however many breaths the ventilator is  
7 trying to initiate.

8 Q. Okay. That's a static --

9 A. Yes.

10 Q. -- feature, whether it's connected or  
11 disconnected to the patient, right?

12 A. Yes.

13 Q. Okay. All right. All right. And so --  
14 but again, when you look at this page, it shows a  
15 leak and no alarm, right?

16 A. Yes.

17 Q. And you testified earlier, Mr. Dunbar was  
18 asking you questions, when there is a leak like  
19 this, the alarm should go off, and it's hardwired  
20 from the manufacturer, correct?

21 A. It should. It's in theory.

22 Q. And in practice, it should, right?

23 A. Not always.

24 Q. Not always, but the whole point of it --  
25 whole point of having these alarms, so they work in

1 practice, not just in theory, correct?

2 A. Well, with a low-pressure alarm or circuit  
3 disconnect alarm, if the circuit was to get -- hold  
4 enough back pressure, the device would not alarm.

5 Q. I get it. But the whole point of an alarm  
6 is for the alarm to work in practice, right?

7 A. I guess, in theory.

8 Q. Well, the theory, I guess, is for alarms to  
9 work in practice; otherwise, the alarms would be  
10 useless, right?

11 A. Well, our labeling states different things  
12 related to alarms. I mean, this is a known thing  
13 that can happen.

14 Q. I get it, it's a known thing that an alarm  
15 might not go off, but the point of having an alarm,  
16 the intent of an alarm is to let people know, right?

17 A. Yes.

18 Q. Okay. That's why you call them "alarms,"  
19 you set -- you have these alarms in the system so  
20 that people know, they are maybe in different rooms,  
21 that something wrong is happening, right?

22 A. Correct.

23 Q. Okay. And these alarms are designed to  
24 work in practice, yes?

25 A. Theoretically.

1 Q. Okay. Right. And here, it didn't go off,  
2 and you just don't know why, fair enough?

3 A. Correct.

4 Q. All right. This is a dumb question, I  
5 apologize for it, but is it your testimony now that  
6 your declaration is just plain incorrect, and there  
7 was nothing that Apguard should have done to set, as  
8 far as alarms, pursuant to the prescription?

9 A. Well, the prescription doesn't have any  
10 alarms listed --

11 THE REPORTER: I'm sorry, repeat. "Well,  
12 the prescription" --

13 MR. DUNBAR: Does not have any alarms as  
14 written.

15 MS. VULIC: He actually said "listed," not  
16 "as written."

17 THE REPORTER: That's why I need the  
18 witness to repeat what he said.

19 THE WITNESS: The prescription did not have  
20 any listing for alarms.

21 BY MR. CARPENTER:

22 Q. And it's not your testimony that, for  
23 instance, when you set -- if you set the alarm as  
24 prescribed -- like there's a -- there isn't any kind  
25 of an alarm that automatically gets set when you --

1 when you set these parameters?

2 A. I mean, I don't know what their policy is.

3 Q. I'm talking about -- I'm talking about the  
4 design of the machine, when you -- when you --  
5 when -- is this -- the machine has multiple uses,  
6 right?

7 A. Yes.

8 Q. Sometimes it's used for a CPAP, right?

9 A. Yes.

10 Q. And sometimes it's used as a ventilator,  
11 like this one, right?

12 A. Correct.

13 Q. And when it's used as a ventilator, then  
14 the alarm is more important, right, because --

15 A. Than CPAP, yes.

16 Q. Yeah. And so is there -- is there -- it  
17 would seem that a default mode, when you're using it  
18 as a ventilator, would be that the alarm would go  
19 on, no?

20 A. If you have it activated.

21 Q. So is it -- is it your testimony that when  
22 you have a usage hours per use 24/7, then that's  
23 supposed to inform the -- the -- the -- the company  
24 who is setting up the machine with an alarm somehow?

25 A. I mean, it's just clinical practice that

1 when you set up a ventilator, you put in your  
2 setting, you check your alarm set.

3 Q. So there's nothing in that prescription  
4 that expressly says that this ventilator should have  
5 the alarm set, correct?

6 A. No.

7 Q. But it's common practice for and common  
8 sense that if you're going to use it, a machine as a  
9 ventilator, you should set the alarms, fair enough?

10 A. Yes.

11 Q. And this does to be -- appear to be a  
12 prescription for a ventilator, yes?

13 A. Yes.

14 Q. That's clear, this is a prescription for  
15 usage of the machine as a ventilator, correct?

16 A. I would say yes.

17 Q. Okay. And then when you're setting up a  
18 ventilator, you should also set up certain alarms,  
19 fair?

20 A. Yes.

21 Q. Okay. And so going back to -- in your  
22 experience, when you are setting up this machine as  
23 a ventilator, which alarms should be set? Which  
24 ones would you expect to be set?

25 A. It would be the ones I would feel are

1 appropriate.

2 Q. Which are those? Can you identify those?

3 A. More on any of the --

4 Q. Let me go to July of -- is this the area  
5 where it shows the alarms?

6 A. Yeah, yes, these are the alarms you can  
7 set.

8 Q. Okay. And so if you're using this machine  
9 as a ventilator, I guess there's a high vte, what is  
10 that?

11 A. That's high tidal volume.

12 Q. And that's an alarm?

13 A. In this particular mode. You don't -- you  
14 don't set that alarm. It's already in volume  
15 control.

16 Q. Okay. So the high -- that means the  
17 machine is pumping too much pressure?

18 A. You're talking about the first one, high --  
19 high exhale tidal volume --

20 Q. Yes. The one that says, "high vte"?

21 A. That's exhale tidal volume, they have it  
22 turned off.

23 Q. And is that -- is that one that you expect  
24 to be off when you're using this machine as a  
25 ventilator?



1 A. I mean, I can't speculate on what I would  
2 set.

3 Q. I'm just saying, you -- how many of these  
4 machines have you inspected over your career?

5 A. Quite a few.

6 Q. Okay.

7 A. Not inspected, but I've looked at a lot of  
8 air lines, put it that way.

9 Q. And when you look -- typically, when you  
10 look at a -- a ventilator or the machine uses a  
11 ventilator, which alarms do you typically see that  
12 are set?

13 A. Low-minute ventilation --

14 Q. That's low vt- --

15 THE REPORTER: I'm sorry, Mr. Carpenter, I  
16 need the answer.

17 MR. CARPENTER: I didn't hear him either,  
18 that's why I was asking. He said --

19 THE WITNESS: -- low-minute ventilation.

20 BY MR. CARPENTER:

21 Q. And that's right here, where it says, "Low  
22 Minute Ventilation" and for -- this machine,  
23 low-minute ventilation was off, correct?

24 A. Correct.

25 Q. And that's one that you would expect that

1 would be on for a machine that's being used as  
2 ventilator, true?

3 A. Yes.

4 Q. Okay. Then you've got "High Minute  
5 Ventilation," is that one also you would expect to  
6 be activated for when something is being used as a  
7 ventilator?

8 A. Yes.

9 Q. Okay. And then here it says it's off,  
10 correct?

11 A. Yes.

12 Q. And so then we've got -- what about "Low  
13 Respiratory Rate," is that another one that you  
14 would expect to be set on when this machine is used  
15 as a ventilator?

16 A. Yes.

17 Q. Okay. And here it's listed as being off,  
18 correct?

19 A. Yes.

20 Q. Okay. And then you've got the "High  
21 Respiratory Rate," is that another -- another alarm  
22 that you expect to be on if used as a ventilator?

23 A. Yes.

24 Q. And here it's listed as off, correct?

25 A. That's correct.

1 Q. And then -- and then you've got this "Low  
2 SpO2," what's that?

3 A. That's the -- that's for an oxygen, if  
4 you're using it with an oxygen pulse oximeter, which  
5 --

6 Q. That would be like if your O2 rate went  
7 below 85 percent, then you would expect an alarm to  
8 go off?

9 A. Well, this "85" you're seeing, that's just  
10 a default it puts in there automatically. It was  
11 probably not even used.

12 Q. Okay. So here, it's -- it's your  
13 expectation that if the machine that was being used  
14 on this person was using the machine as a  
15 ventilator, the low-minute ventilation, the  
16 high-minute ventilation alarm, the low respiratory  
17 rate alarm, and the high respiratory alarm, all  
18 those alarms would be set as on, correct?

19 A. Yes.

20 Q. Okay. And here, based on your inspection,  
21 that all times all of those alarms were off,  
22 correct?

23 A. Yes.

24 Q. And it should have been on if you're using  
25 this machine as a ventilator, true?

1 A. That's in my opinion.

2 Q. Okay. And how is the -- in light of the  
3 fact that there's this other hardwired alarm that  
4 you talked about that can't be turned off by anyone,  
5 are these -- is the low-minute ventilation, the  
6 high-minute ventilation, the low respiratory rate or  
7 high respiratory rate somehow more sensitive or  
8 different than the other alarm that you said that  
9 can't be turned off?

10 A. They are different.

11 Q. How so?

12 A. Well, low-minute ventilation, you would set  
13 a parameter, that if the minute ventilation goes  
14 below this, it will alarm. These all have set  
15 parameters, and if it violates the parameter you  
16 set, the alarm goes off.

17 Q. Okay. And the -- what about, like, the low  
18 respiratory rate, that makes the -- so if you stop  
19 breathing, that's a low respiratory rate, the  
20 respiratory rate is zero, right?

21 A. Correct.

22 Q. And so when the low respiratory rate --  
23 when the low respiratory rate alarm is set, is it  
24 set -- what's the default respiratory rate?

25 A. That is also a value. Whoever sets the

1 alarms up, sets the parameters for that, too.

2 Q. Okay. So you don't know -- you don't know  
3 how -- you don't know what the low respiratory rate  
4 should be. You just know the low respiratory alarm  
5 should be on to use the machine as a ventilator,  
6 correct?

7 A. Correct.

8 Q. Okay.

9 A. That varies from patient to patient.

10 Q. And that would be the same for -- same for  
11 the high respiratory rate?

12 A. Yes.

13 Q. The same for the high-minute ventilation?

14 A. Yes.

15 Q. And same for low-minute ventilation?

16 A. Yes.

17 Q. All right. Okay. But is it fair to say  
18 that if you look at the -- page 6 of 40 -- no,  
19 that's not right.

20 If you look at page 14 of 40, when you have  
21 patient-triggered breaths in the area, as shown  
22 here, of zero at times starting at, you know, just  
23 past eight hours, that would certainly meet the  
24 criteria of low...

25 A. Low breaths per minute.

1 Q. Low breaths per minute alarm, yes?

2 A. Correct.

3 Q. So with -- no matter what, zero, zero is as  
4 low as it gets, right?

5 A. Yes.

6 Q. And if the alarm was set for the low  
7 respiratory rate, the alarm would have gone off at  
8 least by 8:15, more or less?

9 A. Yes.

10 Q. And that's Greenwich Mean Time?

11 A. Yes.

12 Q. Okay.

13 MR. CARPENTER: Okay. Can we take ten? I  
14 think I might be done.

15 MR. DUNBAR: Sure. Break.

16 (Recess.)

17 MR. CARPENTER: All right. So back on the  
18 record?

19 THE REPORTER: Yes.

20 BY MR. CARPENTER:

21 Q. Looking again at page 14 of 40 on the --  
22 the log, if I understand your testimony here, the --  
23 when this device is being used as a respiratory, the  
24 low respiratory rate alarm should be on, yes?

25 A. In my opinion, yes.

1 Q. And that alarm, based upon this report,  
2 should have then gone off at about 8:15 at first, at  
3 a minimum, correct?

4 A. Yes, yes.

5 Q. And then later on, when -- at about 10:00,  
6 when the leak happened, then the alarm -- the  
7 Philips alarm should have gone off because of this  
8 engagement, correct?

9 A. Which Philips alarm?

10 Q. The one -- the Philips alarm that you can't  
11 turn off.

12 A. In theory, it should have gone off.

13 Q. Okay. So the first -- the first alarm that  
14 should have gone off should have been programmed by  
15 Apguard, yes?

16 A. In my opinion, yes.

17 Q. And then the second alarm that should have  
18 gone off at -- at about 10:00, is just hardwired by  
19 Philips, yes?

20 A. Yes.

21 MR. CARPENTER: All right. I don't think I  
22 have any further questions.

23 MR. DUNBAR: I have a few follow-ups. Let  
24 me see if I can share.

25 MR. CARPENTER: Let me stop.

FURTHER EXAMINATION

BY MR. DUNBAR:

Q. Okay. So tell you what, let's go back to that --

MR. DUNBAR: Mr. Carpenter, maybe Alina can do this for me. Go to page 40 of 40 of the report.

MR. CARPENTER: I'll do it.

MR. DUNBAR: Thank you. Those were the alarms, the high vte and all that kind of stuff.

MR. CARPENTER: 14 of 40 or 40 of 40?

MR. DUNBAR: 40 of 40, first.

MR. CARPENTER: There you go.

MR. DUNBAR: There you go.

MR. CARPENTER: You want me to blow it up for you?

MR. DUNBAR: Just a little bit.

BY MR. DUNBAR:

Q. Mr. Cribbs, you see on the far right side, there are two columns, Low Inspiratory Pressure and High Inspiratory Pressure, correct?

A. Yes.

Q. Okay. Those are the alarms that are hardwired in the machine that cannot be changed by Apguard, correct?

A. Yes.



1 Q. And if the leak test -- if that leak rose,  
2 as we saw on page 14 of 40, those -- the low  
3 inspiratory pressure should have triggered and made  
4 a sound, correct?

5 A. Yes.

6 Q. And it should have been shown in the alarm  
7 data as well, correct?

8 A. Yes.

9 MR. DUNBAR: Thank you very much. I have  
10 nothing further.

11 MR. CARPENTER: I have nothing further.

12 MR. CASPINO: Nothing further.

13 MR. CARPENTER: All right.

14 MR. DUNBAR: Mr. Cribbs, thank you very  
15 much for your time. I apologize for taking up your  
16 Friday like this. Hopefully, you can go out and  
17 enjoy a beverage or two. I know the rest of us  
18 will, and the court reporter is going to rush to do  
19 something else at 3 o'clock.

20 MR. CARPENTER: So do we have the -- do you  
21 have the exhibits? All the exhibits?

22 MR. DUNBAR: I have all of my exhibits. I  
23 will upload them to her and also upload to all of  
24 you at the same time.

25 MR. CARPENTER: All right. Thank you.

1 (Deposition concluded at 2:18 p.m.)  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATION

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: September 23, 2023

*Karen Aligo*

KAREN ALIGO  
CSR No. 13418

1 DEPOSITION ERRATA SHEET

2 Assignment No. J10245354

3 Case Caption: Rasekhnia v. Philips North America

4 Witness: SAMUEL CRIBBS

5 Date: September 8, 2023

6

7 DECLARATION UNDER PENALTY OF PERJURY

8 I, the undersigned, hereby declare that I am  
9 the witness named in the within matter, that I have  
10 read the foregoing deposition and know the contents  
11 thereof, and I declare that the same is true to my  
12 own knowledge except as to those matters which are  
13 therein stated upon my information and belief, and  
14 as to those matters, I believe them to be true.

15 I declare under penalty of perjury that the  
16 foregoing is true and correct.

17  
18 Signed on the \_\_\_\_\_ day of \_\_\_\_\_,  
19 20\_\_\_\_, at \_\_\_\_\_, California.

20  
21 \_\_\_\_\_  
22 SAMUEL CRIBBS  
23  
24  
25

DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_  
SAMUEL CRIBBS

|                         |                   |                 |                   |                    |
|-------------------------|-------------------|-----------------|-------------------|--------------------|
|                         | 30:4,13           | 53:10           | 61:3              | <b>2:18</b>        |
| <b>Exhibits</b>         | 32:8,9            | <b>12th</b>     | 68:17             | 89:1               |
|                         | 34:10             | 30:8,9          | <b>200</b>        | <b>2C_TV</b>       |
| <b>10245354 Samuel.</b> | 37:20             | <b>13</b>       | 72:20             | 29:18              |
| <b>Cribbs.</b>          | 42:13             | 15:4            | <b>2010</b>       | <b>2C_</b>         |
| <b>EXHIBITA</b>         | 67:2,7,8,11       | <b>14</b>       | 14:15             | <b>TV113061760</b> |
| 4:4 7:10, 12            | <b>10</b>         | 15:6 33:9       | <b>2019</b>       | <b>_16120</b>      |
|                         | 14:24             | 34:5            | 32:5              | 30:25              |
| <b>10245354 Samuel.</b> | 67:2,7,8,11       | 52:15           | <b>2020</b>       | <b>2nd</b>         |
| <b>Cribbs.</b>          | <b>100</b>        | 56:6            | 35:20             | 61:11              |
| <b>EXHIBITC</b>         | 11:6,23           | 70:17           | 37:20             |                    |
| 4:6                     | 14:6,13           | 84:20           | 38:7,8            | <b>3</b>           |
| 41:18,20,21,25          | 15:21             | 85:21           | 52:13             |                    |
| 43:8 62:8               | 16:1,3,7,11,14,24 | 87:10           | 59:12             | <b>3</b>           |
| <b>10245354 Samuel.</b> | 17:4              | 88:2            | 60:2 62:4         | 10:18              |
| <b>Cribbs.</b>          | 18:9,10           | <b>14:34:54</b> | <b>2021</b>       | 35:20              |
| <b>EXHIBITD</b>         | 19:10,14          | 38:25           | 30:8,12           | 38:7               |
| 4:7                     | 25:19             | <b>14th</b>     | 33:10             | 42:12,14           |
| 42:14,16                | 26:19,22,25 27:12 | 30:10,12        | 34:5              | 66:24              |
| <b>10245354 Samuel.</b> | 28:14,22          | <b>16</b>       | <b>2022</b>       | 68:5               |
| <b>Cribbs.</b>          | 29:10             | 29:24           | 52:16             | 88:19              |
| <b>EXHIBITE</b>         | 37:15,19          | 32:8            | <b>2023</b>       | <b>3-liter</b>     |
| 4:9                     | 40:1              | <b>17</b>       | 5:2               | 68:16              |
| 45:19,23                | 43:5,20           | 39:5            | <b>2023.07.21</b> | <b>3.87</b>        |
|                         | 47:8              | <b>18</b>       | 9:10              | 8:20               |
|                         | 52:24             | 39:6            | <b>21</b>         | <b>385</b>         |
|                         |                   | 61:16           | 27:6              | 65:23              |
|                         |                   | 71:6            | 61:3,4            | 66:7,17,20,23      |
|                         | <b>100/200</b>    | <b>18.82</b>    | <b>22</b>         | <b>3rd</b>         |
| <b>0</b>                | 45:21             | 71:2            | 61:23             | 49:10,15           |
|                         | <b>10:00</b>      | <b>19th</b>     | <b>24</b>         | 50:6,14,19 54:8    |
| 0 52:22                 | <b>11</b>         | 60:18           | 37:15             |                    |
| <b>00</b>               | 15:1,2            |                 | 53:9,12           |                    |
| 53:9,10                 | 32:5              | <b>2</b>        | 63:16             | <b>4</b>           |
|                         | 71:11             |                 | <b>24/7</b>       |                    |
| <b>1</b>                | <b>11:59</b>      | <b>2</b>        | 63:10             | <b>4</b>           |
|                         | 53:12             | 10:9 33:6       | 77:22             | 9:22               |
| <b>1</b>                | <b>12</b>         | 34:11           | <b>25</b>         | 35:20              |
| 9:22                    | 15:3,4            | 42:14           | 64:2,15,20,23     | 37:20              |
| 14:15                   | <b>12:01</b>      | <b>20</b>       |                   | 38:8 60:2          |
| 29:24                   |                   | 59:11           |                   |                    |

|                |                    |                    |              |                |
|----------------|--------------------|--------------------|--------------|----------------|
| <b>40</b>      | <b>63</b>          | 42:4               | 64:1,2       | 85:1,6,7,      |
| 30:4 32:9      | 33:7               | <b>a.m.</b>        | 65:1         | 24 86:1,       |
| 52:15          |                    | 53:10              | <b>alarm</b> | 6,7,9,10,      |
| 56:7           | <b>7</b>           | <b>ability</b>     | 19:22,23,    | 13,17          |
| 59:12          |                    | 23:5,13            | 25 20:1      | 88:6           |
| 61:4,5,23      | <b>7</b>           | <b>accept</b>      | 21:2,4,6,    | <b>alarms</b>  |
| 70:17          | 13:12              | 54:13              | 9,13,15,     | 16:25          |
| 84:18,20       | 33:7               | <b>accompanied</b> | 23,25        | 17:5           |
| 85:21          | <b>7/3</b>         | 43:5               | 22:4,6,7,    | 18:4,17,       |
| 87:6,10,       | 32:25              | <b>act</b>         | 9,16,17,     | 21,24          |
| 11 88:2        | <b>7/3/2020</b>    | 14:14              | 23,24        | 19:4,11,       |
| <b>4th</b>     | 32:7               | <b>activated</b>   | 23:4,6,      | 16 20:5,       |
| 49:10,15       | <b>7/4</b>         | 77:20              | 10,15,17,    | 9,13,15,       |
| 50:6,14,       | 32:25              | 81:6               | 25 24:5,     | 16,20          |
| 20 52:13,      | <b>70</b>          | <b>active</b>      | 6,12,21,     | 25:3           |
| 16 53:10,      | 33:7               | 22:10,12           | 23 25:4,     | 33:15          |
| 12 54:4        | <b>7041737_</b>    | 48:23              | 9,16,18      | 34:16          |
| 59:12          | <b>20220505142</b> | <b>add</b>         | 28:16        | 43:7,9,21      |
| 60:19          | <b>917.929_X</b>   | 19:15,22           | 29:9         | 46:9           |
| 61:12,13       | 31:1               | <b>additional</b>  | 31:13        | 47:8,19,       |
| <b>5</b>       | <b>8</b>           | 19:16              | 34:1,21,     | 21,25          |
| 11:19          | 5:2 13:24          | <b>admonitions</b> | 22 35:8,     | 48:4,21,       |
| 65:10,13       | 43:4               | 5:18               | 16,19        | 22 50:3,       |
| 67:5,16        | 44:11,22           | <b>advance</b>     | 36:12,15,    | 24 52:7        |
| <b>50</b>      | <b>85</b>          | 22:7               | 22 37:1      | 57:13          |
| 73:9,13        | 82:7,9             | <b>affiliated</b>  | 42:7         | 69:3           |
| <b>5:35:24</b> | <b>8:15</b>        | 13:14              | 43:18,23     | 74:25          |
| 32:7           | 85:8 86:2          | <b>agreed</b>      | 48:16,18,    | 75:8,9,        |
| <b>6</b>       | <b>9</b>           | 15:9,10            | 24 57:15,    | 12,18,19,      |
| 13:3           | 14:5,11            | <b>ahead</b>       | 19,22        | 23 76:8,       |
| 30:13          | <b>A</b>           | 46:15              | 58:3,6,7,    | 10,13,20       |
| 33:7           | <b>A-N-S-A-R-I</b> | 48:16              | 12,17,19     | 78:9,18,       |
| 34:10,11       |                    | 54:5               | 59:4         | 23 79:5,6      |
| 62:3           |                    | <b>air</b>         | 74:15,19     | 80:11          |
| 84:18          |                    | 41:6,11,           | 75:2,3,4,    | 82:18,21       |
| <b>6/7</b>     |                    | 12 49:3            | 5,6,14,      | 84:1           |
| 62:4           |                    | 66:16              | 15,16        | 87:9,22        |
|                |                    | 80:8               | 76:23,25     | <b>Ali</b>     |
|                |                    | <b>airway</b>      | 77:14,18,    | 42:4           |
|                |                    | 63:24              | 24 78:2,5    | <b>Alina</b>   |
|                |                    |                    | 79:12,14     | 87:5           |
|                |                    |                    | 81:21        | <b>alleged</b> |
|                |                    |                    | 82:7,16,     | 14:6,12        |
|                |                    |                    | 17 83:3,     | 23:9           |
|                |                    |                    | 8,14,16,     | 27:12          |
|                |                    |                    | 23 84:4      |                |



|                  |                    |                    |                   |                |
|------------------|--------------------|--------------------|-------------------|----------------|
| <b>ambiguous</b> | 42:18              | <b>attorney-</b>   | 75:4              | <b>bit</b>     |
| 17:9             | 49:16              | <b>client</b>      | 78:21             | 8:18           |
| 18:19            | 76:5               | 9:13 13:8          | 85:17             | 55:17          |
| 19:7,17          | 88:15              | 15:5               | 87:3              | 72:3,22        |
| 20:10,22,        | <b>appears</b>     | 44:14              | <b>backup</b>     | 87:16          |
| 24 21:14         | 60:19              | 45:3,7             | 55:10             | <b>bladder</b> |
| 22:20            | 63:18              | <b>attorneys</b>   | <b>bar</b>        | 64:15          |
| 24:15            | <b>applies</b>     | 13:7,16            | 60:8,9            | <b>blanket</b> |
| 27:3,14          | 64:15              | 25:25              | <b>barometer</b>  | 37:5           |
| 34:24            | <b>approximate</b> | <b>attribute</b>   | 64:8              | <b>blip</b>    |
| 36:19            | <b>ly</b>          | 38:22              | <b>barometric</b> | 71:11          |
| 37:9 40:2        | 5:15               | <b>authorities</b> | 64:9              | <b>blips</b>   |
| 42:9 44:2        | 61:16              | 6:9                | <b>based</b>      | 73:12          |
| 46:10            | <b>amount</b>      | <b>automatical</b> | 36:1              | <b>blocked</b> |
| 13:13            | <b>area</b>        | <b>ly</b>          | 82:20             | 37:5           |
| 60:8             | 61:18              | 69:5               | 86:1              | <b>blow</b>    |
| 64:14            | 79:4               | 76:25              | <b>baseline</b>   | 87:14          |
| 65:2             | 84:21              | 82:10              | 47:17             | <b>board</b>   |
| <b>and/or</b>    | <b>Argumentati</b> | <b>AVAP</b>        | <b>basic</b>      | 70:17          |
| 11:22,23         | <b>ve</b>          | 67:4               | 17:21             | <b>body</b>    |
| 13:6             | <b>assume</b>      | <b>AVAPS</b>       | <b>basically</b>  | 65:3           |
| <b>Ansari</b>    | 13:23              | 62:21              | 25:16             | <b>boring</b>  |
| 42:4             | 62:5               | 67:5               | 26:8 67:3         | 15:12          |
| <b>anymore</b>   | 69:12              | <b>average</b>     | <b>bathroom</b>   | <b>bottom</b>  |
| 74:2             | 73:22              | 56:23              | 58:11,16,         | 8:15           |
| <b>anyplace</b>  | <b>Assumes</b>     | 61:25              | 18,21,25          | 32:18          |
| 46:8             | 44:1               | 71:3               | <b>battery</b>    | 34:8           |
| <b>Apguard</b>   | <b>assuming</b>    | <b>aware</b>       | 55:8,9            | 52:17          |
| 15:24            | 27:5               | 25:7               | <b>bear</b>       | <b>box</b>     |
| 16:6,13,         | <b>Assurance</b>   |                    | 7:3               | 7:22 8:14      |
| 20 18:7          | 6:4 15:20          | <b>B</b>           | <b>beat</b>       | 43:1           |
| 19:3             | <b>atmospheric</b> | <b>back</b>        | 74:2              | <b>BPM</b>     |
| 21:12,24         | 27:7               | 9:20 14:9          | <b>beginning</b>  | 74:1           |
| 23:5,13          | <b>attached</b>    | 33:20,21,          | 5:19              | <b>break</b>   |
| 76:7             | 7:17 8:1,          | 25 46:21,          | <b>belated</b>    | 29:5           |
| 86:15            | 8 10:1             | 22 48:2            | 12:8              | 33:19          |
| 87:24            | 16:17              | 51:8               | <b>beverage</b>   | 85:15          |
| <b>apnea</b>     | 36:2               | 57:12              | 88:17             | <b>breaks</b>  |
| 20:16            | <b>attorney</b>    | 62:8               | <b>bills</b>      | 49:3           |
| 24:21            | 7:6 8:7            | 68:12,19           | 13:12             | <b>breath</b>  |
| <b>apologize</b> | 44:18              | 69:13              |                   |                |
| 17:6             |                    |                    |                   |                |

|                  |                    |             |                |                    |
|------------------|--------------------|-------------|----------------|--------------------|
| 65:18,25         |                    | 30:9 31:3   | 20:3,7         | 46:21              |
| 66:1,10          | <b>C</b>           | 32:21       | 22:16          | 47:2,3             |
| 68:1,2,          |                    | 33:9        | 23:10          | 48:2,7             |
| 14,15,21,        |                    | 34:24       | 26:15          | 49:21,23           |
| 22 73:2,3        | <b>C-R-I-B-B-S</b> | 35:4        | 27:12          | 50:16              |
|                  | 5:11               | 36:5,18     | 28:15          | 51:2,17,           |
| <b>breathe</b>   | <b>California</b>  | 37:9        | 43:6           | 20,23              |
| 27:13,23         | 39:1,4             | 38:19       | 62:24          | 59:17,20           |
| 68:9,11          | 54:9,12            | 40:2,11,    |                | 61:3               |
| <b>breathing</b> | <b>call</b>        | 17,24       | <b>cases</b>   | 62:10              |
| 28:4             | 51:23              | 41:9 42:9   | 14:5,12        | 88:12              |
| 41:10            | 68:20              | 44:1        | 35:13          |                    |
| 55:17,23,        | 75:18              | 46:10,17,   | 36:21,24       | <b>Caspino's</b>   |
| 24 56:1,         |                    | 19 50:15    | 57:17,21,      | 69:1               |
| 22 57:2          | <b>called</b>      | 51:3,8,     | 24             | <b>cataloged</b>   |
| 59:9             | 26:6               | 11,15,18,   | <b>Caspino</b> | 29:9               |
| 60:17            | 30:20              | 21,24       | 7:21,25        | <b>catch-all</b>   |
| 71:7             | 37:25              | 52:1,2      | 8:7,14,17      | 15:6               |
| 83:19            | <b>calls</b>       | 59:21,22,   | 9:4,11,15      |                    |
| <b>breaths</b>   | 27:15,24           | 24 60:1     | 11:25          | <b>caused</b>      |
| 52:19,22,        | 34:25              | 61:4,9,22   | 12:8,12        | 37:3               |
| 25 53:4,6        | 36:6,19            | 62:2        | 13:8,18        | 56:13              |
| 55:14,20,        | 38:17              | 69:23       | 14:2,9,        | <b>centimeters</b> |
| 22 65:20         | 40:3,17,           | 70:3,6,9,   | 18,25          | 64:5,6,            |
| 67:18,19,        | 22 44:14           | 11,15       | 15:2,4,9,      | 15,20,23           |
| 21 70:24,        | 45:2               | 71:16,24    | 10 17:17       | 65:11              |
| 25 71:6,         | <b>capacity</b>    | 76:21       | 18:13          |                    |
| 18 72:2,6        | 6:3,7              | 80:15,17,   | 19:19          | <b>cetera</b>      |
| 73:6,10,         | 15:19              | 20 85:13,   | 20:8,23        | 47:21              |
| 15,20,25         |                    | 17,20       | 24:14,19       | <b>chance</b>      |
| 74:4,6           | <b>captured</b>    | 86:21,25    | 27:17          | 7:14               |
| 84:21,25         | 72:5               | 87:5,7,     | 28:2,8         |                    |
| 85:1             | <b>career</b>      | 10,12,14    | 29:3           | <b>change</b>      |
| <b>bringing</b>  | 80:4               | 88:11,13,   | 31:6,10,       | 39:14,17,          |
| 8:23             | <b>Carpenter</b>   | 20,25       | 21 32:2,       | 25                 |
| <b>broke</b>     | 9:1 17:9,          | <b>case</b> | 24 33:3,       | <b>changed</b>     |
| 59:17            | 23 18:1,           | 10:20       | 6,11,20        | 25:5               |
|                  | 15,19              | 11:8,24     | 35:9           | 39:5,11,           |
| <b>BUR</b>       | 19:7,17            | 12:6        | 36:16          | 12 87:23           |
| 65:17            | 20:10,22           | 14:15       | 38:17          |                    |
| <b>button</b>    | 21:14              | 15:17,22    | 40:12,22       | <b>charged</b>     |
| 22:4,5,24        | 22:20              | 16:1,4,8,   | 41:7           | 13:15              |
| 23:5             | 23:18,22           | 11,15,25    | 42:25          | <b>chart</b>       |
| 58:19,23         | 24:16              | 17:4        | 43:13,25       | 70:19              |
|                  | 27:3,14,           | 18:11       | 44:4,13        |                    |
|                  | 24 28:7            | 19:10,15    | 45:2,8,        | <b>chat</b>        |
|                  |                    |             | 11,14          | 7:22 8:14          |

|                    |                    |                   |                    |                 |
|--------------------|--------------------|-------------------|--------------------|-----------------|
| 9:2 10:2           | <b>common</b>      | <b>connected</b>  | 56:9,25            | <b>couple</b>   |
| 42:21              | 78:7               | 74:10             | 57:9,19,           | 73:12           |
| 43:1               | <b>communicati</b> | <b>consistent</b> | 23 62:24           | <b>court</b>    |
| <b>check</b>       | <b>ons</b>         | 56:2,11           | 65:24              | 88:18           |
| 78:2               | 45:3               | 57:4 71:4         | 71:15              | <b>covered</b>  |
| <b>circuit</b>     | <b>company</b>     | 73:16,21          | 74:20              | 15:7            |
| 23:17,25           | 20:6,9,14          | 74:4              | 75:1,22            | <b>CPAP</b>     |
| 24:4,6,7,          | 24:1               | <b>consultant</b> | 76:3               | 77:8,15         |
| 9 47:20            | 25:24              | 14:14,20          | 77:12              | <b>created</b>  |
| 48:25              | 48:1,4             | <b>contact</b>    | 78:5,15            | 30:3            |
| 49:2,3,            | 77:23              | 10:11             | 80:23,24           | <b>Cribbs</b>   |
| 11,14,24           | <b>complaint</b>   | <b>control</b>    | 81:10,18,          | 5:1,4,11,       |
| 50:22              | 6:11,16            | 59:3              | 24,25              | 12,23           |
| 68:6,13            | 13:1 14:8          | 79:15             | 82:18,22           | 7:2,6 8:6       |
| 75:2,3             | <b>complaints</b>  | <b>copy</b>       | 83:21              | 9:4,7           |
| <b>clarificati</b> | 6:8                | 9:2 41:23         | 84:6,7             | 21:21           |
| <b>on</b>          | <b>complete</b>    | 42:19             | 85:2               | 28:10           |
| 44:7               | 14:5,11            | <b>correct</b>    | 86:3,8             | 33:25           |
| <b>clean</b>       | <b>Compliance</b>  | 8:7 12:6,         | 87:20,24           | 40:13           |
| 58:7               | 60:25              | 17 14:1,          | 88:4,7             | 47:3            |
| <b>clear</b>       | <b>computer</b>    | 24,25             | <b>correctly</b>   | 51:17,18        |
| 47:7               | 8:22,23            | 18:5              | 44:9               | 52:3            |
| 60:10,14           | 42:19              | 19:1,12,          | <b>correlates</b>  | 87:18           |
| 78:14              | 49:19              | 13 21:13          | 71:18              | 88:14           |
| <b>clinical</b>    | <b>computers</b>   | 22:18,24,         | 72:11,14,          | <b>criteria</b> |
| 40:5               | 49:22              | 25 23:2,          | 19                 | 84:24           |
| 77:25              | <b>concluded</b>   | 3,7,8,11,         | <b>correspond</b>  |                 |
| <b>clinician</b>   | 89:1               | 15 24:13          | 54:10              |                 |
| 39:18              | <b>conclusion</b>  | 31:24             | <b>corresponde</b> | <b>D</b>        |
| <b>cm</b>          | 27:15,25           | 33:16,17          | <b>nce</b>         |                 |
| 64:4               | <b>confidentia</b> | 34:23             | 13:5               | <b>dash</b>     |
| <b>CMH20</b>       | <b>l</b>           | 35:8              | <b>cough-</b>      | 68:17           |
| 39:5,6             | 13:19              | 36:15             | <b>assist</b>      | <b>data</b>     |
| <b>coffee</b>      | <b>confidentia</b> | 39:22,23          | 62:19              | 6:20            |
| 54:23              | <b>lity</b>        | 40:8,10           | <b>counsel</b>     | 12:15,16,       |
| <b>color</b>       | 12:1               | 41:6              | 7:21 15:8          | 20,24           |
| 60:15              | <b>confirm</b>     | 43:12             | 17:21              | 14:7            |
| <b>columns</b>     | 8:1 11:15          | 44:22,23          | 45:14              | 15:15           |
| 87:19              | <b>conformity</b>  | 47:9,13           | 47:25              | 34:1            |
| <b>comfortable</b> | 69:11              | 48:11,14,         | 62:10              | 37:14,18,       |
| 5:17               |                    | 18,21,25          | 68:25              | 25 43:20        |
|                    |                    | 49:3,6            | <b>counsel's</b>   | 50:13           |
|                    |                    | 52:7              | 69:1               | 52:6            |
|                    |                    | 54:25             |                    | 57:14           |

|                    |                    |                    |                    |                    |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| 71:10              | <b>deposition</b>  | 60:7,16            | 50:9               | <b>dramaticall</b> |
| 88:7               | 5:1,13,19          | 62:18              | 55:13,16           | <b>y</b>           |
| <b>date</b>        | 7:7,10,20          | 63:14              | <b>Division</b>    | 56:14              |
| 13:17              | 9:20 34:4          | 64:9 75:4          | 15:20              | <b>drive</b>       |
| 30:1               | 36:3               | 85:23              | <b>DJING</b>       | 28:4               |
| <b>day</b>         | 41:20              | <b>devices</b>     | 74:1               | <b>drop</b>        |
| 34:15,17           | 42:15              | 6:10               | <b>DME</b>         | 8:13               |
| 37:16,19           | 45:19              | <b>diagrams</b>    | 48:13              | <b>Dropbox</b>     |
| 60:22              | 70:12              | 11:5               | <b>doctor</b>      | 31:4               |
| 61:7,17            | 89:1               | <b>direct</b>      | 17:21              | <b>dropped</b>     |
| 63:17              | <b>design</b>      | 29:1               | 63:7               | 7:22               |
| <b>days</b>        | 16:7               | <b>directions</b>  | <b>document</b>    | 42:20              |
| 37:16              | 17:12,17           | 63:13              | 7:8,15,17          | <b>drowned</b>     |
| 63:17              | 77:4               | <b>Directview</b>  | 8:19,20            | 28:10              |
| <b>dec</b>         | <b>designated</b>  | 30:4 38:1          | 9:17               | <b>due</b>         |
| 9:7                | 60:12              | <b>disconnect</b>  | 29:3,16            | 68:14              |
| <b>decedent</b>    | <b>designation</b> | 20:18              | 30:7               | <b>duly</b>        |
| 43:6               | 30:23              | 23:17,25           | 34:18              | 5:5                |
| <b>declaration</b> | <b>designed</b>    | 24:5,6             | 42:6               | <b>dumb</b>        |
| 8:2,9              | 16:3,18            | 47:20              | 45:16,21,          | 76:4               |
| 9:2,5,25           | 17:3,22            | 48:25              | 25 46:2,6          |                    |
| 10:2,13            | 18:4,25            | 49:2,11,           | <b>documentati</b> | <b>Dunbar</b>      |
| 11:2               | 39:20              | 14,24              | <b>on</b>          | 5:8,22             |
| 30:13              | 46:7               | 50:22              | 11:19,21           | 7:13,24            |
| 41:19,25           | 75:23              | 54:25              | 25:22              | 8:3,5,20           |
| 42:13,14,          | <b>designing</b>   | 56:3,11            | 49:8               | 9:8,18             |
| 19,22,23           | 16:21              | 57:4,7,            | <b>documenting</b> | 12:2,3,14          |
| 76:6               | 18:8               | 10,18,22           | 13:13              | 13:10,11,          |
| <b>default</b>     | <b>detected</b>    | 75:3               | <b>documents</b>   | 21,22              |
| 77:17              | 59:9               | <b>disconnecte</b> | 7:18,20            | 14:4,11,           |
| 82:10              | <b>determine</b>   | <b>d</b>           | 9:21,23            | 22 15:1,           |
| 83:24              | 6:8 12:22          | 27:11,22           | 10:1,6,9,          | 3,6,11,13          |
| <b>Defendant</b>   | <b>device</b>      | 36:4               | 10,14,21           | 17:20,24           |
| 14:17              | 21:6 22:5          | 59:20              | 12:23              | 18:2,16,           |
| <b>delivered</b>   | 26:23              | 72:13              | 29:24              | 23 19:8,           |
| 17:18              | 27:2               | 74:11              | 31:18              | 20 20:11           |
| 55:3 73:4          | 31:13              | <b>disconnecti</b> | 32:10              | 21:3,20            |
| <b>Department</b>  | 38:6,14,           | <b>ng</b>          | <b>download</b>    | 22:22              |
| 6:4                | 16 39:2,           | 21:10              | 47:9               | 23:20,24           |
| <b>depends</b>     | 15 51:4,6          | <b>disconnects</b> | <b>dozen</b>       | 24:17,24           |
| 28:3               | 54:21              | 57:15              | 5:16               | 25:11,13           |
|                    | 55:6,13            | <b>distress</b>    |                    | 27:8,18            |
|                    | 56:1 59:9          |                    |                    | 28:5,9             |
|                    |                    |                    |                    | 29:4,7,21          |

|                      |                   |                    |                    |                      |
|----------------------|-------------------|--------------------|--------------------|----------------------|
| 30:10,11             | <b>earlier</b>    | 44:17,18           | <b>exhale</b>      | 78:4                 |
| 31:14                | 57:14             | 45:21              | 28:6               | <b>external</b>      |
| 32:3,23              | 74:17             | <b>entity</b>      | 40:21              | 19:23                |
| 33:13,14,            | <b>email</b>      | 11:22              | 41:3               |                      |
| 18,21,24             | 13:4              | <b>EPAP</b>        | 79:19,21           | <hr/> <b>F</b> <hr/> |
| 34:7                 |                   | 64:24              | <b>exhibit</b>     |                      |
| 35:2,6,11            | <b>emit</b>       | 65:7,12            | 7:10,12            |                      |
| 36:8,23              | 22:18             | <b>equivalent</b>  | 30:12              | <b>fact</b>          |
| 37:11                | 23:11             | 64:19              | 34:4,6,18          | 41:4 83:3            |
| 38:21                | <b>empirical</b>  | <b>error</b>       | 35:15,18           | <b>factors</b>       |
| 40:7,19              | 11:20             | 6:18               | 36:2 38:5          | 36:25                |
| 41:1,13,             | <b>employed</b>   | 31:9,12            | 41:18,20,          | 37:2                 |
| 22 42:11,            | 5:24 6:3          | 34:12              | 21,25              | <b>factory</b>       |
| 17 43:15             | <b>employee</b>   | <b>errors</b>      | 42:14,16           | 18:4,10,             |
| 44:10,16             | 13:20,25          | 34:14              | 43:8               | 18 19:5,             |
| 45:5,15,             | 14:2,19           | <b>established</b> | 45:19,23           | 10,15                |
| 17,24                | 15:19             | 34:20              | 47:5 62:8          | 20:7                 |
| 46:13,18,            | <b>employees</b>  | 40:16              | 70:16              | 25:6,15,             |
| 23 47:24             | 14:21             | <b>event</b>       | <b>exhibits</b>    | 20                   |
| 49:18                | <b>employment</b> | 28:19,22           | 9:3,7              | <b>facts</b>         |
| 51:16                | 13:19             | 29:8               | 88:21,22           | 44:1                 |
| 59:23                | <b>end</b>        | 30:21              | <b>expect</b>      |                      |
| 61:5,21,             | 31:12             | 32:1,4,            | 78:24              | <b>fail-safe</b>     |
| 24 70:1,6            | 65:8              | 17,18,24           | 79:23              | 24:12,20             |
| 71:14,20             | 71:19             | 34:15,17           | 80:25              | <b>failed</b>        |
| 74:17                | <b>ends</b>       | 73:5,6             | 81:5,14,           | 26:13                |
| 76:13                | 71:25             | <b>events</b>      | 22 82:7            | <b>failure</b>       |
| 85:15                | 72:2              | 16:25              | <b>expectation</b> | 14:6,12              |
| 86:23                | <b>engagement</b> | 33:16              | 82:13              | <b>fair</b>          |
| 87:2,5,8,            | 86:8              | <b>evidence</b>    | <b>experience</b>  | 76:2                 |
| 11,13,16,            | <b>enjoy</b>      | 44:2               | 78:22              | 78:9,19              |
| 17 88:9,             | 88:17             | <b>EXAMINATION</b> | <b>expert</b>      | 84:17                |
| 14,22                | <b>enter</b>      | 5:7 47:1           | 14:14,19           | <b>falls</b>         |
| <b>Dunbar's</b>      | 66:16             | 51:10              | 36:20              | 22:16                |
| 69:1                 | <b>entire</b>     | 87:1               | <b>Expiratory</b>  | <b>false</b>         |
| <b>duplicate</b>     | 7:21 9:5          | <b>excluding</b>   | 65:1               | 43:11                |
| 41:24                | 32:1,17           | 17:11,19           | <b>expired</b>     | <b>fast</b>          |
| <b>duties</b>        | <b>entirety</b>   | <b>Excuse</b>      | 72:9               | 66:15                |
| 6:6                  | 8:1,8             | 28:10              | <b>explain</b>     | <b>feature</b>       |
| <hr/> <b>E</b> <hr/> | <b>entitled</b>   | <b>exhalation</b>  | 62:16              | 74:10                |
| <b>e-mail</b>        | 29:18             | 65:9               | 64:18              | <b>feel</b>          |
| 43:2                 |                   |                    | <b>expressly</b>   | 5:17                 |

|                    |                   |                    |                    |                    |
|--------------------|-------------------|--------------------|--------------------|--------------------|
| 78:25              | <b>Found</b>      | 59:23              | <b>happened</b>    | <b>highest</b>     |
| <b>figure</b>      | 33:7              | 74:1               | 72:16              | 67:15              |
| 29:15              | <b>foundation</b> | <b>governmenta</b> | 86:6               | <b>history</b>     |
| 45:19              | 18:13             | <b>l</b>           | <b>happening</b>   | 28:16              |
| <b>file</b>        | 20:23             | 11:21              | 75:21              | 32:8               |
| 7:21 8:1,          | 22:21             | <b>graph</b>       | <b>hard</b>        | <b>hit</b>         |
| 8 9:5,6,9          | 24:14             | 71:15,17,          | 64:17              | 22:9               |
| 10:6,16,           | 27:16,24          | 18,23,25           | <b>hardwired</b>   | 58:19,22           |
| 24 11:1            | 34:25             | <b>graphs</b>      | 74:19              | <b>hitting</b>     |
| 28:24              | 36:7,17,          | 69:18              | 83:3               | 23:4               |
| 29:14              | 19 40:3,          | <b>Great</b>       | 86:18              | <b>hold</b>        |
| 32:19              | 17 43:14          | 15:11              | 87:23              | 41:14              |
| 69:10              | 44:13             | 43:3               | <b>head</b>        | 75:3               |
| <b>financial</b>   | 50:15             | 46:19              | 21:18              | <b>hose</b>        |
| 13:13,24           | <b>fourth</b>     | <b>greater</b>     | 60:11              | 21:10              |
| <b>find</b>        | 38:6              | 27:6               | <b>headphones</b>  | 22:16              |
| 13:1,2             | <b>frame</b>      | <b>green</b>       | 59:24              | 23:9,10            |
| 26:3 29:8          | 33:2              | 60:3,8,10          | <b>hear</b>        | 26:15              |
| 32:15              | 50:6,14           | <b>Greenwich</b>   | 20:1               | 27:11,22           |
| 49:19              | <b>Friday</b>     | 54:15,17,          | 45:10,14           | 34:22              |
| 50:19              | 88:16             | 21 59:13           | 51:18,21           | 35:7               |
| 69:16              | <b>front</b>      | 85:10              | 59:15,22           | 36:3,14            |
| <b>fine</b>        | 41:23             | <b>grounds</b>     | 80:17              | 57:15              |
| 5:21 62:7          | 42:20             | 12:1               | <b>heard</b>       | <b>hour</b>        |
| <b>five-minute</b> | 52:4              | <b>guess</b>       | 23:20              | 71:11              |
| 29:5               |                   | 8:11               | <b>height</b>      | 72:3               |
| 33:19              | <b>G</b>          | 52:11              | 61:16              | <b>hours</b>       |
| <b>flow</b>        |                   | 53:9               | <b>Hey</b>         | 37:15,18           |
| 49:3               | <b>generally</b>  | 59:25              | 51:20              | 54:4,5,7           |
| 50:10,12           | 60:21             | 75:7,8             | <b>high</b>        | 56:9,24            |
| 66:22              | <b>generate</b>   | 79:9               | 20:16,18           | 61:7,16            |
| 68:4,16            | 26:19             | <b>guys</b>        | 79:9,11,           | 63:9,16            |
| <b>focused</b>     | 64:22             | 21:17              | 16,18,19,          | 72:3,15            |
| 48:8               | 68:5,12           |                    | 20 81:4,           | 73:8,9             |
| <b>follow-up</b>   | <b>generated</b>  |                    | 20 82:17           | 77:22              |
| 51:3               | 68:20             | <b>H</b>           | 83:7               | 84:23              |
| <b>follow-ups</b>  | <b>give</b>       | <b>hang</b>        | 84:11              | <b>housekeepin</b> |
| 46:14              | 51:6 66:5         | 32:5               | 87:9,20            | <b>g</b>           |
| 86:23              | 68:13             | 49:13              | <b>high-minute</b> | 7:1                |
| <b>foregoing</b>   | <b>good</b>       | <b>happen</b>      | 82:16              | <b>hypothetica</b> |
| 5:18               | 45:11             | 75:13              | 83:6               | <b>l</b>           |
|                    | 49:22             |                    | 84:13              | 23:19,23           |
|                    |                   |                    |                    | 28:1 35:5          |

|                                                                          |                                                       |                                                                                |                                                                                    |                                                                                                                                                                |
|--------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 36:6,17<br>40:23                                                         | 40:23                                                 | 82:20                                                                          | 16:7,13,<br>21 18:8<br>19:4                                                        | <b>judgment</b><br>8:10 10:3<br>42:24                                                                                                                          |
| <b>I</b>                                                                 | <b>Incorporate</b><br>d<br>15:24<br>18:8              | <b>inspiratory</b><br>63:21,24<br>64:1 66:5<br>68:7<br>87:19,20<br>88:3        | <b>involving</b><br>14:6,12                                                        | <b>July</b><br>35:20<br>37:20<br>38:7,8<br>49:10,15<br>50:6,14,<br>19,20<br>52:13,16<br>53:10,12<br>54:4,8<br>59:12<br>60:2,19<br>61:11,12,<br>13 62:4<br>79:4 |
| <b>I-N-S-P</b><br>62:17                                                  | <b>incorrect</b><br>76:6                              | <b>instance</b><br>48:20<br>49:6<br>76:23                                      | <b>IPAP</b><br>63:20,23<br>65:2                                                    |                                                                                                                                                                |
| <b>I-N-S-P-I-R</b><br>25:11                                              | <b>increase</b><br>56:13                              | <b>instances</b><br>36:12                                                      | <b>issue</b><br>11:6 12:6<br>15:17<br>16:1                                         |                                                                                                                                                                |
| <b>identificat</b><br><b>ion</b><br>7:12 34:6<br>41:21<br>42:16<br>45:23 | <b>independent</b><br>26:23                           | <b>instruction</b><br>16:10                                                    | <b>issues</b><br>40:14<br>50:13                                                    |                                                                                                                                                                |
| <b>identify</b><br>79:2                                                  | <b>individual</b><br>6:20<br>12:19                    | <b>instrumenta</b><br><b>lity</b><br>11:7,23                                   | <b>item</b><br>9:22 26:9                                                           |                                                                                                                                                                |
| <b>identifying</b><br>14:15                                              | <b>inform</b><br>77:23                                | <b>intent</b><br>75:16                                                         | <b>items</b><br>13:5                                                               | <b>June</b><br>60:18<br>62:4                                                                                                                                   |
| <b>identity</b><br>14:16                                                 | <b>information</b><br>6:17<br>13:19<br>37:7<br>72:4,5 | <b>internal</b><br>25:3<br>28:19,22<br>29:8<br>30:20<br>47:25<br>48:4 55:8     | <b>Itime</b><br>66:4,21                                                            | <b>K</b>                                                                                                                                                       |
| <b>imagine</b><br>55:2                                                   |                                                       |                                                                                | <b>J</b>                                                                           | <b>kick</b><br>68:6                                                                                                                                            |
| <b>important</b><br>77:14                                                | <b>initiate</b><br>74:7                               | <b>interruptio</b><br><b>n</b><br>59:14<br>69:21                               | <b>January</b><br>14:15                                                            | <b>kind</b><br>6:15<br>31:13<br>42:25<br>55:13<br>71:25<br>76:24<br>87:9                                                                                       |
| <b>improper</b><br>23:19,22<br>27:25<br>35:4 36:5<br>40:1,9              | <b>initiated</b><br>68:21,22                          | <b>invade</b><br>44:14                                                         | <b>job</b><br>6:6<br>47:11,12                                                      |                                                                                                                                                                |
| <b>include</b><br>6:18 25:8                                              | <b>initiating</b><br>73:19                            | <b>involved</b><br>11:7,23<br>15:21<br>16:8,11,<br>15,24<br>17:4 20:6<br>28:15 | <b>John</b><br>59:15                                                               | <b>knowledge</b><br>40:15                                                                                                                                      |
| <b>included</b><br>34:17                                                 | <b>Insp</b><br>62:17                                  |                                                                                | <b>join</b><br>18:15<br>19:19<br>20:10<br>24:16<br>27:17<br>28:2<br>38:19<br>40:24 | <b>L</b>                                                                                                                                                       |
| <b>includes</b><br>9:5 48:24                                             | <b>inspect</b><br>6:10,12<br>15:16                    | <b>involvement</b><br>15:25                                                    |                                                                                    | <b>labeling</b><br>75:11                                                                                                                                       |
| <b>incomplete</b><br>23:19,22<br>28:1 35:4<br>36:5,17                    | <b>inspected</b><br>80:4,7                            |                                                                                |                                                                                    | <b>Lacks</b><br>18:13                                                                                                                                          |
|                                                                          | <b>inspection</b><br>6:15                             |                                                                                |                                                                                    |                                                                                                                                                                |

|                   |                |                    |                 |                 |
|-------------------|----------------|--------------------|-----------------|-----------------|
| 20:23             | 27:1           | 36:10              | 23 82:15        | 58:3,16         |
| 22:21             | <b>light</b>   | 38:12              | 83:5,12         | 59:8            |
| 24:14             | 83:2           | 39:10              | 84:15           | 62:19,23        |
| 27:15,24          |                | 50:1               | <b>low-</b>     | 65:19           |
| 34:25             | <b>limit</b>   | 85:22              | <b>pressure</b> | 67:1            |
| 36:6,17,          | 67:13          | <b>logged</b>      | 21:4,9,         | 68:1,13,        |
| 19 40:3,          | <b>limits</b>  | 28:20              | 13,24           | 23 69:2,        |
| 17 43:14          | 67:15          | 34:15              | 23:6,10         | 10 77:4,        |
| 44:13             | <b>lines</b>   | 35:25              | 24:12           | 5,24            |
| 50:15             | 80:8           | 39:11              | 25:4,16,        | 78:8,15,        |
| <b>lands</b>      | <b>list</b>    | <b>logs</b>        | 17 34:21,       | 22 79:8,        |
| 37:4              | 14:5,12        | 6:18,23            | 22 35:8,        | 17,24           |
| <b>large</b>      | 20:5           | <b>long</b>        | 16,19           | 80:10,22        |
| 24:7,8            | <b>listed</b>  | 58:16              | 75:2            | 81:1,14         |
| 72:11             | 43:21          | 60:8 66:4          | <b>lower</b>    | 82:13,14,       |
| <b>leak</b>       | 76:10,15       | 70:12              | 62:11           | 25 84:5         |
| 24:7,9            | 81:17,24       | <b>looked</b>      | 64:13           | 87:23           |
| 56:4,13,          | <b>listing</b> | 47:9 69:9          | <b>lowering</b> | <b>machines</b> |
| 15 71:19          | 76:20          | 80:7               | 73:15           | 80:4            |
| 72:12,16,         | <b>liters</b>  | <b>lot</b>         | <b>ltime</b>    | <b>made</b>     |
| 20 73:5,6         | 56:20,21       | 80:7               | 66:2            | 8:6 10:11       |
| 74:15,18          | 68:5           | <b>low</b>         | <b>lung</b>     | 14:8 15:8       |
| 86:6 88:1         | <b>L02</b>     | 20:17,18           | 66:23           | 31:25           |
| <b>leakage</b>    | 52:9,12        | 21:1               | <b>lungs</b>    | 39:14           |
| 72:23             | <b>local</b>   | 25:1,10            | 66:16           | 48:21           |
| 74:5              | 38:25          | 52:11              |                 | 88:3            |
| <b>Leaks</b>      | 39:2           | 80:14,21           | <b>majority</b> |                 |
| 56:7              | 53:23,24       | 81:12              | 73:10           |                 |
| <b>leave</b>      | 54:10          | 82:1,16            | <b>make</b>     |                 |
| 10:5              | <b>located</b> | 83:6,17,           | 17:19           |                 |
| 58:25             | 34:2           | 19,22,23           | 20:1 21:7       |                 |
| <b>leaves</b>     | 38:14          | 84:3,4,            | 39:22           |                 |
| 18:3              | 39:3           | 24,25              | 41:19           |                 |
| 19:10,15          | <b>log</b>     | 85:1,4,6,          | 42:13           |                 |
| 20:7,14           | 28:19,22       | 24 87:19           | 45:18           |                 |
| <b>left</b>       | 29:8           | 88:2               | <b>maker</b>    |                 |
| 18:10             | 30:21          | <b>low-</b>        | 54:23           |                 |
| <b>letter</b>     | 31:9,12,       | <b>inspiratory</b> | <b>makes</b>    |                 |
| 30:8,12           | 17 32:1,       | <b>-pressure</b>   | 39:25           |                 |
| 33:4,10           | 4,17,18,       | 25:9               | 83:18           |                 |
| 34:5 38:5         | 21,22,25       | <b>low-minute</b>  | <b>making</b>   |                 |
| <b>lifesaving</b> | 34:12          | 20:17              | 23:2            |                 |
|                   |                | 80:13,19,          | 39:16           |                 |



|                    |                    |                    |                    |                  |
|--------------------|--------------------|--------------------|--------------------|------------------|
| <b>manual</b>      | 6:11 11:7          | <b>Michael</b>     | 23 67:17           | <b>noise</b>     |
| 16:10,14           | 85:3               | 31:3               | 70:4 73:9          | 23:2,11          |
| 46:4,7             | <b>Max</b>         | <b>midnight</b>    | <b>minutia</b>     | <b>normal</b>    |
| <b>manually</b>    | 65:12              | 53:10              | 56:17              | 65:15            |
| 54:23              | <b>maximum</b>     | <b>Mike</b>        | <b>Mischaracte</b> | 72:22            |
| <b>manufacture</b> | 39:5               | 8:13               | <b>rizes</b>       | <b>note</b>      |
| <b>d</b>           | <b>MD</b>          | 12:12              | 44:2               | 43:6             |
| 15:21              | 42:4               | 47:3               | <b>miscorrectl</b> | <b>noted</b>     |
| 54:21              | <b>means</b>       | 49:18              | <b>y</b>           | 43:21            |
| <b>manufacture</b> | 24:20              | <b>milliliters</b> | 44:6               | <b>notes</b>     |
| <b>r</b>           | 55:25              | 65:23              | <b>misstates</b>   | 10:18            |
| 74:20              | 60:12,16           | 66:17,20,          | 20:8               | 13:3,12          |
| <b>manufacturi</b> | 62:16              | 23                 | 35:10              | <b>Notice</b>    |
| <b>ng</b>          | 63:11              | <b>mind</b>        | 47:24              | 7:7 9:20         |
| 15:25              | 68:19              | 31:5               | <b>mistake</b>     | <b>number</b>    |
| <b>mark</b>        | 79:16              | 38:23              | 44:9               | 9:22             |
| 34:4               | <b>measure</b>     | <b>minimum</b>     | <b>mistakenly</b>  | 10:9,18          |
| <b>marked</b>      | 56:20              | 65:10              | 43:17              | 11:19            |
| 7:12 34:6          | <b>measured</b>    | 86:3               | 44:5               | 13:3,12,         |
| 41:21              | 74:5               | <b>minute</b>      | <b>mode</b>        | 24 14:5,         |
| 42:16              | <b>measurement</b> | 7:3                | 62:22              | 11,24            |
| 45:23              | 64:12              | 56:16,18,          | 63:1,3,6,          | 15:1,2,3,        |
| <b>mask</b>        | <b>Mechanical</b>  | 19,20,21           | 10 77:17           | 4,6 43:4         |
| 21:10              | 45:22              | 65:20              | 79:13              | 47:20            |
| 22:17              | <b>medical</b>     | 67:21              | <b>modes</b>       | 67:18            |
| 23:10              | 15:24              | 68:6,17            | 63:4               | <b>numerical</b> |
| 24:10              | 16:6,20            | 70:24              | <b>motion</b>      | 67:9             |
| 26:15,18           | 18:7 19:3          | 71:1,7             | 8:9 10:3           |                  |
| 27:11,22           | 21:12,24           | 72:1,5             | 11:4               | <b>O</b>         |
| 34:23              | 23:5               | 73:25              | 42:24              |                  |
| 35:7               | 27:15,25           | 74:3,4             | <b>multiple</b>    | <b>O2</b>        |
| 36:4,14            | 39:21,24           | 80:22              | 77:5               | 82:6             |
| 41:11              | <b>meet</b>        | 81:4               | <b>muted</b>       | <b>object</b>    |
| 57:15              | 84:23              | 83:13              | 23:19              | 11:25            |
| 58:4,5,7,          | <b>megabyte</b>    | 84:25              | 51:14,15,          | 12:8             |
| 12 72:23           | 8:20               | 85:1               | 17,20              | 13:8,18          |
| <b>masks</b>       | <b>menu</b>        | <b>minutes</b>     |                    | 14:18            |
| 26:14              | 39:15,18,          | 22:11              | <b>N</b>           | 40:12            |
| <b>material</b>    | 20 40:6            | 23:1               | <b>night</b>       | <b>objecting</b> |
| 10:6               | <b>messages</b>    | 33:20,21           | 60:23              | 12:13            |
| 28:24              | 13:4               | 46:17              |                    | <b>objection</b> |
| <b>matter</b>      |                    | 51:5               |                    |                  |
|                    |                    | 56:16              |                    |                  |
|                    |                    | 58:20,22,          |                    |                  |

|                   |                      |                   |                   |                    |
|-------------------|----------------------|-------------------|-------------------|--------------------|
| 12:9              | <b>opportunity</b>   | 33:6,9            | 70:25             | <b>perform</b>     |
| 18:13             | 15:15                | 34:11             | 71:7,17           | 11:16              |
| 20:8              | 28:21                | 42:13             | 72:2,9            | <b>performance</b> |
| 24:14             | <b>order</b>         | <b>paragraph</b>  | 73:4,16           | 49:9               |
| 28:8              | 37:6                 | 38:6 43:4         | 74:11             | 50:4,5,7           |
| 38:17             |                      | 44:11,22          | 84:9              | <b>period</b>      |
| 40:22             | <b>outage</b>        | <b>parameter</b>  | <b>patient's</b>  | 31:23              |
| 43:13             | 54:24                | 83:13,15          | 24:7,9            | 32:25              |
| 44:13             | <b>Overbroad</b>     | <b>parameters</b> | 36:4              | 41:5               |
| 45:2              | 17:10                | 77:1              | 38:15             | 49:11              |
| 47:24             | 19:18                | 83:15             | 55:20             | 52:14              |
| <b>objections</b> | 22:21                | 84:1              | <b>patient-</b>   | <b>person</b>      |
| 15:8              | 27:4,15              | <b>part</b>       | <b>triggered</b>  | 55:12              |
| 28:7,11           | 34:25                | 10:16,23          | 53:3 72:6         | 60:19              |
| 35:9              | 36:18                | 15:12             | 73:1,15           | 82:14              |
| 36:16             | 37:10                | 17:11,17          | 84:21             | <b>person's</b>    |
| 40:11             | 40:3                 | 31:17             | <b>patients</b>   | 27:21              |
| 41:7,9            | 42:10                | 32:18             | 27:1              | <b>pertains</b>    |
| 43:25             | 46:11                | 33:5              | <b>Patterns</b>   | 11:22              |
| 44:4              | <b>oximeter</b>      | 42:24             | 59:7              | <b>Philips</b>     |
| 45:10             | 82:4                 | 44:9              | <b>pause</b>      | 6:2                |
| <b>obtained</b>   | <b>oxygen</b>        | 62:11             | 8:12,25           | 11:10,11           |
| 12:24             | 26:19,22             | <b>party</b>      | 29:2,20           | 12:4               |
| <b>occasions</b>  | 27:1,7               | 14:16             | 45:13             | 13:6,15,           |
| 5:15              | 52:11                | <b>passed</b>     | 59:19             | 20,25              |
| <b>occur</b>      | 82:3,4               | 26:12             | 70:2              | 14:1,3             |
| 17:1              | <hr/> <b>P</b> <hr/> | <b>past</b>       | <b>PDF</b>        | 15:20,23           |
| <b>occurred</b>   |                      | 84:23             | 8:19 33:8         | 16:5,12,           |
| 49:10             | <b>p.m.</b>          | <b>patient</b>    | <b>peak</b>       | 19 17:7            |
| <b>October</b>    | 32:7                 | 17:18             | 63:24             | 18:3,5,9,          |
| 32:5              | 53:12                | 27:13             | 64:1,2            | 25 24:11           |
| <b>office</b>     | 89:1                 | 37:15,19,         | 65:1              | 25:5,19            |
| 13:6,15           | <b>P1</b>            | 25 40:20          | <b>people</b>     | 46:7               |
| <b>open</b>       | 62:11,17             | 50:5,9            | 75:16,20          | 86:7,9,            |
| 29:3              | <b>P2</b>            | 52:19             | <b>percent</b>    | 10,19              |
| <b>operable</b>   | 62:11                | 55:3,14           | 27:6              | <b>Philips'</b>    |
| 25:23             | <b>P3</b>            | 56:22             | 68:17             | 13:7,16            |
| <b>opinion</b>    | 62:12                | 58:4,6,           | 73:13             | <b>phone</b>       |
| 36:20             | <b>pages</b>         | 11,12,15,         | 82:7              | 54:18              |
| 83:1              | 30:13,18             | 24,25             | <b>percentage</b> | <b>phonetic</b>    |
| 85:25             | 31:5                 | 59:9 60:7         | 53:1,3            | 13:1 53:9          |
| 86:16             | 32:7,9               | 63:14             | 72:7              | <b>photograph</b>  |
|                   |                      | 68:9,11           |                   |                    |

|                                              |                                                                                                                                                                                                 |                                                                                                                             |                                                                        |                                                           |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------|
| 11:12,15,<br>17                              | <b>power</b><br>54:24                                                                                                                                                                           | 78:3,12,<br>14                                                                                                              | 44:15                                                                  | <b>proprietary</b><br>12:1                                |
| <b>photographs</b><br>11:4                   | <b>powered</b><br>38:7                                                                                                                                                                          | <b>present</b><br>14:15                                                                                                     | <b>privileged</b><br>45:3                                              | <b>provide</b><br>26:22,25                                |
| <b>physically</b><br>6:12<br>16:22           | <b>practice</b><br>74:22<br>75:1,6,9,<br>24 77:25                                                                                                                                               | <b>preset alar<br/>m</b><br>18:14<br>25:14                                                                                  | <b>problem</b><br>49:22                                                | <b>provided</b><br>7:19<br>11:10,21                       |
| <b>physician</b><br>46:8                     | 78:7                                                                                                                                                                                            | <b>preset alar<br/>ms</b><br>18:9                                                                                           | <b>problems</b><br>50:9                                                | <b>provider</b><br>43:22<br>48:13                         |
| <b>pictorial</b><br>11:5                     | <b>preloaded</b><br>49:19                                                                                                                                                                       | <b>pressing</b><br>23:14                                                                                                    | <b>proceed</b><br>5:21                                                 | <b>PSI</b><br>64:12,13                                    |
| <b>pictures</b><br>11:5                      | <b>preparation</b><br>9:25<br>10:12                                                                                                                                                             | <b>pressure</b><br>20:17<br>21:1 25:1<br>39:4,5<br>48:10                                                                    | <b>proceedings</b><br>8:12,25<br>29:2,20<br>45:13<br>59:14,19<br>69:21 | <b>pull</b><br>6:23<br>12:15<br>15:15<br>28:21,23<br>47:4 |
| <b>piece</b><br>31:11                        | <b>prepared</b><br>10:19<br>11:2                                                                                                                                                                | 63:22,24<br>64:1,2,5,<br>7,14,21,<br>22,23<br>65:1,2,8,<br>11 66:6<br>68:3,7,<br>12,19<br>75:4<br>79:17<br>87:19,20<br>88:3 | <b>produce</b><br>10:14                                                | <b>pulling</b><br>41:11                                   |
| <b>plain</b><br>76:6                         | <b>preprogramm<br/>ed</b><br>24:11                                                                                                                                                              | <b>pretty</b><br>56:14<br>67:12                                                                                             | <b>produced</b><br>10:21<br>12:23<br>15:8<br>31:19,20,<br>23           | <b>pulls</b><br>6:25                                      |
| <b>Plaintiff</b><br>14:16                    | <b>prescribed</b><br>42:3<br>63:6,16<br>76:24                                                                                                                                                   | <b>print</b><br>30:17,19                                                                                                    | <b>producing</b><br>7:19                                               | <b>pulse</b><br>82:4                                      |
| <b>plaintiffs'</b><br>25:25                  | <b>prescriptio<br/>n</b><br>17:11,13,<br>19,20,24<br>32:8 42:7<br>43:5,8,<br>22,24<br>45:22<br>47:15<br>48:9<br>50:23<br>62:9<br>63:12<br>66:13<br>69:11<br>70:23<br>71:5,6<br>76:8,9,<br>12,19 | <b>prior</b><br>20:8                                                                                                        | <b>product</b><br>40:9 55:3                                            | <b>pumping</b><br>79:17                                   |
| <b>plug</b><br>55:6                          |                                                                                                                                                                                                 | <b>private</b><br>11:22                                                                                                     | <b>Production</b><br>7:18 9:21                                         | <b>pursuant</b><br>76:8                                   |
| <b>plugged</b><br>55:3                       |                                                                                                                                                                                                 | <b>privilege</b><br>9:13 13:9<br>15:5                                                                                       | <b>professiona<br/>l</b><br>39:25                                      | <b>push</b><br>22:5                                       |
| <b>point</b><br>49:25<br>74:24,25<br>75:5,15 |                                                                                                                                                                                                 |                                                                                                                             | <b>professiona<br/>ls</b><br>39:21                                     | <b>pushing</b><br>22:24                                   |
| <b>pointing</b><br>34:1                      |                                                                                                                                                                                                 |                                                                                                                             | <b>program</b><br>54:19                                                | <b>put</b><br>42:25<br>78:1 80:8                          |
| <b>policy</b><br>77:2                        |                                                                                                                                                                                                 |                                                                                                                             | <b>programmed</b><br>54:20<br>86:14                                    | <b>puts</b><br>82:10                                      |
| <b>possibly</b><br>37:4                      |                                                                                                                                                                                                 |                                                                                                                             |                                                                        |                                                           |
| <b>Potentially</b><br>57:8,10                |                                                                                                                                                                                                 |                                                                                                                             |                                                                        |                                                           |

|                  |                   |                   |                    |                    |
|------------------|-------------------|-------------------|--------------------|--------------------|
|                  | <b>reactivate</b> | <b>red</b>        | 57:18              | <b>resets</b>      |
| <b>Q</b>         | 23:2              | 60:10,12          | 59:6,7             | 58:23              |
|                  | <b>read</b>       | <b>refer</b>      | 61:11              | <b>residence</b>   |
| <b>Quality</b>   | 47:12             | 52:10             | 69:13,20           | 38:15              |
| 6:4 15:20        | 52:13             | 61:1,20           | 86:1 87:6          | <b>resistance</b>  |
| <b>question</b>  | 64:4              | 66:14             | <b>reported</b>    | 37:3,8             |
| 20:25            | 70:13             | 67:16             | 6:9                | <b>respect</b>     |
| 21:15,17         | <b>reads</b>      | <b>referring</b>  | <b>reporter</b>    | 70:22              |
| 27:20            | 40:13             | 27:6              | 12:10              | 72:1               |
| 31:22            | <b>ready</b>      | <b>regular</b>    | 17:14              | <b>respiratory</b> |
| 45:4,12          | 46:21             | 41:6              | 25:10,12           | 20:18              |
| 49:17            | <b>real</b>       | <b>regulatory</b> | 44:7 45:9          | 39:21              |
| 53:18            | 51:4 54:7         | 6:9               | 76:11,17           | 81:13,21           |
| 69:2 76:4        | 68:8              | <b>related</b>    | 80:15              | 82:16,17           |
| <b>questions</b> | <b>reask</b>      | 10:10             | 85:19              | 83:6,7,            |
| 27:5             | 49:17             | 64:21             | 88:18              | 18,19,20,          |
| 55:11            | <b>reason</b>     | 75:12             | <b>reporting</b>   | 22,23,24           |
| 74:18            | 8:22              | <b>relevant</b>   | 6:5                | 84:3,4,11          |
| 86:22            | 22:17             | 31:23             | <b>reports</b>     | 85:7,23,           |
| <b>quickly</b>   | 58:12             | 32:25             | 10:18              | 24                 |
| 51:5             | 61:12             | 33:2              | 40:13              | <b>Respironic</b>  |
|                  | <b>recall</b>     | <b>remote</b>     | 47:12              | 6:10               |
| <b>R</b>         | 50:17             | 5:1 19:23         | 57:6               | <b>Respironics</b> |
|                  | <b>Recess</b>     | 59:3              | 69:10              | 6:2                |
| <b>raising</b>   | 33:23             | <b>remotely</b>   | <b>represent</b>   | 11:11,12           |
| 28:11            | 46:20             | 59:4              | 7:25 9:11          | 12:5,16            |
| <b>range</b>     | 51:7,25           | <b>removed</b>    | <b>representat</b> | 15:20,23           |
| 48:10            | 70:10             | 11:1              | <b>ion</b>         | 16:5,12,           |
| 67:7             | 85:16             | <b>repeat</b>     | 8:4,6              | 19 17:7            |
| <b>rate</b>      | <b>record</b>     | 17:14             | 11:6               | 18:4,5,25          |
| 20:18,19         | 5:10              | 76:11,18          | <b>request</b>     | 25:6,19            |
| 65:18            | 26:2,4,6          | <b>repeatedly</b> | 7:18 9:21          | 46:7               |
| 67:5,10          | 33:25             | 38:7,23           | 10:20              | <b>rest</b>        |
| 81:13,21         | 35:15             | <b>report</b>     | 26:10              | 73:19              |
| 82:6,17          | 46:22             | 26:8,9,11         | 30:20              | 88:17              |
| 83:6,7,          | 51:8              | 33:2              | <b>requesting</b>  | <b>results</b>     |
| 18,19,20,        | 85:18             | 37:22,23          | 32:13              | 11:20              |
| 22,23,24         | <b>records</b>    | 52:4,14           | <b>required</b>    | <b>retained</b>    |
| 84:3,11          | 9:23              | 53:25             | 64:22              | 14:14,17,          |
| 85:7,24          | 10:5,10,          | 54:8,14           | <b>requires</b>    | 20                 |
| <b>re-put</b>    | 12 13:13,         | 56:6              | 44:20              | <b>retrieved</b>   |
| 9:6              | 24                |                   |                    | 12:19              |

|                    |                    |                  |                 |                    |
|--------------------|--------------------|------------------|-----------------|--------------------|
| <b>returned</b>    | <b>SAP</b>         | <b>set</b>       | 48:10           | 57:18              |
| 25:20,25           | 12:25              | 18:17,21,        | 65:15,19        | 59:12              |
| <b>review</b>      | <b>scale</b>       | 24 19:11,        | 66:25           | 74:14              |
| 6:17               | 67:6               | 25 20:5,9        | 77:24           | 79:5               |
| 10:12              | <b>scheduled</b>   | 29:23            | 78:2,17,        | <b>side</b>        |
| 35:18              | 54:14              | 43:7,9,22        | 22              | 87:18              |
| 36:1               | <b>scope</b>       | 46:9             | <b>settings</b> | <b>sign</b>        |
| 37:14              | 40:15              | 47:21,25         | 42:3,7          | 51:4               |
| 43:20              | <b>screen</b>      | 48:4,13,         | 43:23           | <b>significanc</b> |
| <b>reviewed</b>    | 7:4,9              | 16,21            | 48:10,14,       | <b>e</b>           |
| 9:24 10:7          | 34:2               | 49:5             | 17,20           | 38:11,22           |
| 14:7 43:4          | 41:24              | 50:23            | 50:23           | 39:8               |
| <b>Reviewing</b>   | 51:12              | 51:5             | 62:11           | <b>silence</b>     |
| 6:8                | 52:3               | 53:21,22,        | 66:15           | 22:4,5,7,          |
| <b>rise</b>        | <b>scroll</b>      | 24 54:17         | 69:2            | 9,23,24            |
| 66:14,22           | 8:17               | 55:7 63:4        | <b>share</b>    | 23:4,14,           |
| <b>room</b>        | 35:21              | 64:17            | 7:3 34:2        | 15 58:19           |
| 10:2               | 36:11              | 66:21            | 86:24           | <b>silenced</b>    |
| 19:25              | <b>seconds</b>     | 67:5,12,         | <b>sharing</b>  | 22:2,3,            |
| 41:6,12            | 66:19              | 14,15            | 41:14           | 13,14              |
| <b>rooms</b>       | <b>section</b>     | 69:2,11          | 51:13           | <b>Similar</b>     |
| 75:20              | 69:25              | 75:19            | <b>short</b>    | 64:12              |
| <b>rose</b>        | <b>sense</b>       | 76:7,23,         | 29:5            | <b>simply</b>      |
| 88:1               | 78:8               | 25 77:1          | <b>show</b>     | 9:2                |
| <b>rush</b>        | <b>sensing</b>     | 78:1,2,5,        | 28:15           | <b>simultaneou</b> |
| 88:18              | 68:1               | 9,18,23,         | 35:14,18        | <b>s</b>           |
| <b>S</b>           | <b>sensitive</b>   | 12 81:14         | 41:18           | 5:20 9:14          |
|                    | 83:7               | 82:18            | 50:13           | 45:1               |
| <b>S-A-M-U-E-L</b> | <b>sensitivity</b> | 83:12,14,        | 57:6 59:7       | <b>sir</b>         |
| 5:11               | 68:17              | 16,23,24         | 70:6,22         | 8:21               |
| <b>salaried</b>    | <b>sentence</b>    | 85:6             | <b>showing</b>  | 15:14              |
| 14:2,19            | 38:25              | <b>set along</b> | 34:11           | 16:4               |
| <b>Sam</b>         | 43:19              | 50:24            | 59:8            | 19:21              |
| 9:4 20:25          | <b>September</b>   | <b>sets</b>      | 69:14           | 20:12              |
| 31:7               | 5:2                | 18:20            | 71:22           | 23:25              |
| 32:24              | <b>series</b>      | 83:25            | <b>shown</b>    | 24:18              |
| 51:14,16,          | 32:9               | 84:1             | 84:21           | 27:19              |
| 20                 | <b>served</b>      | <b>settable</b>  | 88:6            | 30:20              |
| <b>Samuel</b>      | 7:6                | 49:7             | <b>shows</b>    | 31:19              |
| 5:1,4,11           |                    | <b>setting</b>   | 26:12           | 32:4               |
|                    |                    | 19:4 24:1        | 33:15           | 34:21              |
|                    |                    | 39:16            | 35:15           | 35:12              |
|                    |                    | 43:18            | 49:9            | 36:9               |

|                   |                    |                   |                    |                  |
|-------------------|--------------------|-------------------|--------------------|------------------|
| 37:12,23          | <b>speaking</b>    | 9:22              | <b>stuff</b>       | <b>talked</b>    |
| 38:9              | 12:11              | 84:22             | 7:2 33:19          | 47:19            |
| 39:1,9            | 42:22              | <b>starts</b>     | 87:9               | 83:4             |
| 40:8              | <b>specialist</b>  | 32:5              | <b>subject</b>     | <b>talking</b>   |
| 41:2,17           | 6:5                | <b>state</b>      | 6:11               | 21:18            |
| 42:2,6,           | <b>specific</b>    | 5:9               | <b>summary</b>     | 26:14            |
| 12,20             | 26:9 46:9          | 22:11,12          | 8:9 10:3           | 34:13            |
| 43:16             | <b>specificall</b> | <b>stated</b>     | 31:8,12            | 42:23            |
| 44:11,18          | <b>y</b>           | 38:13             | 32:11,14,          | 45:15            |
| 45:6,18,          | 39:20              | <b>statement</b>  | 16,17              | 62:21,24         |
| 25 46:16          | <b>speculate</b>   | 35:3 39:8         | 33:1,12            | 69:17            |
| 47:11             | 37:21              | 40:8              | 34:12,14           | 70:19            |
| 51:12             | 80:1               | 43:11,24          | 36:2               | 77:3             |
| 61:21             | <b>speculation</b> | 44:19             | 42:24              | 79:18            |
| <b>situations</b> | 27:25              | <b>states</b>     | 61:1               | <b>TC</b>        |
| 63:5              | 35:1               | 75:11             | <b>support</b>     | 30:25            |
| <b>sleeping</b>   | 36:6,20            | <b>static</b>     | 8:9 10:2           | <b>telephone</b> |
| 73:21             | 38:18              | 74:8              | 39:4               | 13:4             |
| <b>slightly</b>   | 40:4,18,           | <b>Statistics</b> | <b>supposed</b>    | <b>telling</b>   |
| 71:7              | 23 41:8            | 61:19             | 18:21              | 61:6             |
| <b>software</b>   | 44:14              | <b>stays</b>      | 58:3,8,17          | <b>tells</b>     |
| 28:15,18          | <b>spell</b>       | 22:10             | 77:23              | 44:17            |
| <b>sort</b>       | 5:9                | <b>stereo</b>     | <b>sworn</b>       | <b>ten</b>       |
| 6:19              | <b>Spo2</b>        | 67:2              | 5:5                | 56:8,24          |
| <b>sound</b>      | 82:2               | <b>stop</b>       | <b>synchronize</b> | 72:3,15          |
| 21:7              | <b>spontaneous</b> | 41:14             | <b>d</b>           | 85:13            |
| 22:10,18          | 28:4 73:3          | 45:8              | 53:20              | <b>term</b>      |
| 34:22             | <b>spot</b>        | 83:18             | <b>system</b>      | 12:13            |
| 35:8 37:1         | 49:12              | 86:25             | 75:19              | <b>test</b>      |
| 88:4              | <b>stamped</b>     | <b>stopped</b>    |                    | 11:20            |
| <b>sounded</b>    | 52:16              | 59:25             | <b>T</b>           | 12:24            |
| 31:13,16          | <b>stand</b>       | <b>stress</b>     | <b>T2</b>          | 25:23            |
| 34:21             | 63:20              | 55:19             | 30:24              | 26:8,9           |
| 36:13,15          | 64:25              | <b>strike</b>     | <b>takes</b>       | 88:1             |
| <b>soundings</b>  | <b>stands</b>      | 50:3              | 66:19              | <b>tested</b>    |
| 29:9              | 63:23,25           | <b>struggling</b> | <b>taking</b>      | 25:19,21,        |
| <b>speak</b>      | <b>start</b>       | 73:16             | 7:7 9:20           | 24 26:12         |
| 56:22             | 23:2               | <b>studies</b>    | 88:15              | <b>testified</b> |
| 71:23             | 47:17              | 11:20             | <b>talk</b>        | 57:25            |
| <b>speakers</b>   | <b>starting</b>    |                   | 31:7 48:3          | 74:17            |
| 5:20 9:14         |                    |                   |                    | <b>testifies</b> |
| 45:1              |                    |                   |                    | 5:5              |

|                    |                  |                   |                    |                    |
|--------------------|------------------|-------------------|--------------------|--------------------|
| <b>testimony</b>   | <b>thousands</b> | 82:21             | 28:14,22           | <b>type</b>        |
| 20:9               | 31:5             | 84:22             | 29:10              | 67:23,24           |
| 35:10              | <b>threshold</b> | <b>today</b>      | 37:15,19           | <b>typical</b>     |
| 44:3               | 60:9             | 7:7,20            | 40:1               | 6:6                |
| 47:25              | <b>tidal</b>     | <b>top</b>        | 43:5,20            | 11:14,17           |
| 48:6               | 65:22            | 60:11             | 45:21              | <b>typically</b>   |
| 76:5,22            | 66:9             | <b>trigger</b>    | 47:8               | 80:9,11            |
| 77:21              | 79:11,19,        | 16:25             | 48:14              |                    |
| 85:22              | 21               | 21:10             | <b>true</b>        |                    |
| <b>testing</b>     | <b>time</b>      | 22:18             | 35:3               | <b>U</b>           |
| 11:20              | 13:13            | 23:11             | 43:24              |                    |
| 12:5,13            | 21:23            | 24:6              | 81:2               | <b>unable</b>      |
| <b>tests</b>       | 25:24            | 67:23             | 82:25              | 20:20              |
| 11:16              | 30:1             | 68:2,4            | <b>truth</b>       | <b>underscore</b>  |
| <b>text</b>        | 31:23            | <b>triggered</b>  | 48:6               | 30:24              |
| 29:16              | 32:25            | 21:4,23           | <b>tube</b>        | <b>understand</b>  |
| <b>Theoretical</b> | 33:2             | 22:8              | 41:11              | 20:25              |
| <b>ly</b>          | 39:1,2           | 28:16             | <b>tubing</b>      | 24:19              |
| 75:25              | 41:5             | 33:16             | 24:10              | 68:25              |
| <b>theory</b>      | 46:16            | 34:17             | 37:3,4,8           | 85:22              |
| 25:2 58:5          | 49:10            | 35:16,19          | <b>turn</b>        | <b>understandi</b> |
| 74:21              | 50:2,6,14        | 52:19             | 21:12,24           | <b>ng</b>          |
| 75:1,7,8           | 52:14,16         | 55:14,20          | 23:6,13            | 21:17              |
| 86:12              | 53:4,15,         | 71:18             | 25:14              | <b>unit</b>        |
| <b>therapists</b>  | 16,19,20,        | 72:2              | 48:5               | 11:6,10,           |
| 39:22              | 21,22,23,        | 73:7,10           | 58:17              | 15,23              |
| <b>thing</b>       | 24 54:7,         | 88:3              | 59:4               | 12:5               |
| 6:19               | 10,11,15,        | <b>triggering</b> | 86:11              | 14:6,13            |
| 14:24              | 17,19,20,        | 55:22             | <b>turned</b>      | 15:21              |
| 47:7               | 21 55:7,9        | <b>triggers</b>   | 20:20              | 16:1,3,7,          |
| 54:15,16           | 58:4,7,          | 22:15             | 21:2,16            | 11,14,24           |
| 66:13              | 10,22            | <b>Trilogy</b>    | 22:1               | 17:4               |
| 74:1               | 59:13            | 11:6,22           | 24:1,5,22          | 18:10              |
| 75:12,14           | 60:8,12,         | 14:6,13           | 38:23              | 19:10,14           |
| <b>things</b>      | 17,20            | 15:21,25          | 40:20              | 20:6               |
| 38:3 47:7          | 63:14            | 16:3,7,           | 41:4               | 25:19              |
| 62:1 63:9          | 66:14,22         | 11,14,24          | 79:22              | 26:19,22,          |
| 75:11              | 67:7 68:8        | 17:4              | 83:4,9             | 25 27:12           |
| <b>thought</b>     | 72:8             | 18:10             | <b>turning</b>     | 28:14,22           |
| 74:1,2             | 85:10            | 19:10,14          | 38:15              | 29:10              |
| <b>thousand</b>    | 88:15,24         | 20:2              | <b>TV113061760</b> | 37:15,19           |
| 30:18              | <b>times</b>     | 25:18             | 30:2               | 40:1,20            |
|                    | 31:16            | 26:19,22,         |                    | 41:4               |
|                    | 67:7             | 25 27:12          |                    | 43:5,20,           |
|                    | 73:12            |                   |                    |                    |

|                  |                    |                    |                   |                  |
|------------------|--------------------|--------------------|-------------------|------------------|
| 22 47:21         | 22:20              | 77:10,13,          | 79:9,20           | 74:25            |
| 48:13,14         | 24:15              | 18 78:1,           | 87:9              | 75:6,9,24        |
| 49:9             | 27:3,14            | 4,9,12,            | <b>VULIC</b>      | <b>working</b>   |
| 50:10,13         | 34:24              | 15,18,23           | 51:14             | 10:18,23         |
| <b>units</b>     | 36:18              | 79:9,25            | 59:15             | 11:1             |
| 6:16             | 37:9 40:2          | 80:10,11           | 70:1,5,8          | 59:25            |
| <b>Universal</b> | 42:9 44:2          | 81:2,7,            | 76:15             | <b>Wow</b>       |
| 53:22            | 46:10              | 15,22              |                   | 23:20            |
| <b>update</b>    | <b>vagueness</b>   | 82:15,25           | <b>W</b>          | <b>write</b>     |
| 54:24            | 12:13              | 84:5               |                   | 44:11,12,        |
| <b>updated</b>   | <b>variable</b>    | <b>ventilator-</b> | <b>waiting</b>    | 22               |
| 54:18            | 66:22              | <b>triggered</b>   | 70:13             | <b>writing</b>   |
| <b>upload</b>    | <b>varies</b>      | <b>versus</b>      | <b>waiving</b>    | 16:14            |
| 88:23            | 84:9               | 53:5               | 9:12              | <b>writings</b>  |
| <b>usage</b>     | <b>VCR</b>         | 60:10              | <b>walk</b>       | 9:23             |
| 59:7             | 54:23              | <b>vertical</b>    | 47:6              | 10:6,10,         |
| 61:7,16          | <b>vented</b>      | 56:8               | <b>warnings</b>   | 19               |
| 77:22            | 26:15              | <b>video</b>       | 16:17,18,         | <b>written</b>   |
| 78:15            | 27:21              | 70:13              | 21 17:3           | 17:20            |
| <b>useless</b>   | <b>ventilated</b>  | <b>videos</b>      | <b>water</b>      | 46:7             |
| 75:10            | 72:23              | 11:5               | 64:5,7,           | 76:14,16         |
| <b>user</b>      | <b>ventilation</b> | <b>vigilance</b>   | 15,20,23          | <b>wrong</b>     |
| 46:4,6           | 20:17              | 6:5                | 65:11             | 30:2             |
| <b>user-</b>     | 45:22              | <b>violates</b>    | <b>waveform</b>   | 47:12            |
| <b>settable</b>  | 56:17,18,          | 83:15              | 52:17             | 75:21            |
| 48:22,24         | 19 71:14,          | <b>virtually</b>   | <b>wearing</b>    | <b>wrote</b>     |
| <b>UTC</b>       | 17 72:1,           | 73:6,7             | 27:21             | 16:10            |
| 53:21,24         | 6,19               | <b>vol-</b>        | <b>week</b>       | 44:19            |
| 54:3,5,          | 80:13,19,          | 66:7               | 37:16             |                  |
| 11,14            | 22,23              | <b>volume</b>      | 63:17             | <b>Y</b>         |
| <b>v</b>         | 81:5               | 65:21,22           | <b>weight</b>     | <b>Y-AXIS</b>    |
|                  | 82:15,16           | 66:9               | 64:19             | 52:9,21          |
|                  | 83:5,6,            | 79:11,14,          | <b>whatsoever</b> | 53:8             |
| <b>v2.4.2</b>    | 84:13,15           | 19,21              | 23:6              | <b>years</b>     |
| 30:4             | <b>ventilator</b>  | <b>Vt</b>          | <b>witnesses'</b> | 23:21            |
| <b>vague</b>     | 41:12              | 65:21              | 10:20             | <b>yes-or-no</b> |
| 17:9             | 53:16              | 66:8               | 13:15             | 44:20            |
| 18:19            | 60:20              | <b>vt-</b>         | <b>work</b>       | 45:6             |
| 19:7,17          | 63:5               | 80:14              | 13:16             | <b>yesterday</b> |
| 20:10,22,        | 72:13              | <b>vte</b>         | 68:8              | 9:15             |
| 24 21:14         | 73:4,11,           |                    |                   |                  |
|                  | 19 74:6            |                    |                   |                  |



